

As Reported by the House Finance Committee

133rd General Assembly

Regular Session

2019-2020

Sub. H. B. No. 166

Representative Oelslager

Cosponsor: Representative Butler

A B I L L

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

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5751.02, 5903.12, 5910.01, 5910.02, 5910.031, 5910.032, 5910.04, 348
5910.05, 5910.06, 5910.07, and 5910.08 be amended; sections 125.66 349
(113.60), 125.661 (113.61), 1533.09 (1533.06), 4751.03 (4751.02), 350
4751.041 (4751.151), 4751.042 (4751.021), 4751.043 (4751.381), 351
4751.044 (4751.26), 4751.05 (4751.15), 4751.06 (4751.20), 4751.07 352
(4751.24), 4751.08 (4751.201), 4751.10 (4751.32), 4751.11 353
(4751.33), 4751.12 (4751.35), 4751.13 (4751.36), 4751.14 354
(4751.03), 5166.401 (5166.402), 5166.402 (5166.403), 5166.403 355
(5166.404), 5166.404 (5166.405), 5166.405 (5166.406), 5166.406 356
(5166.407), 5166.407 (5166.408), 5166.408 (5166.4010), 5166.409 357
(5166.4011), and 5167.121 (5167.051) be amended for the purpose of 358
adopting new section numbers as indicated in parentheses; and new 359
sections 1533.09, 3302.10, 4751.04, 4751.10, and 5164.37, and 360
sections 9.242, 113.62, 121.374, 122.26, 122.84, 124.91, 125.93, 361
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5167.243, 5167.244, 5167.28, 5167.29, 5167.35, 5167.36, 5501.91, 390
5709.51, 5709.54, 5739.082, 5741.07, 5747.26, 5747.461, and 391
5747.73 of the Revised Code be enacted to read as follows: 392

Sec. 9.242. (A) As used in this section: 393

(1) "State agency" has the meaning defined in section 1.60 of 394
the Revised Code. 395

(2) "State contract" means any contract for goods, services, 396
or construction that is paid for in whole or in part with state 397
funds. A state contract is considered to be awarded when it is 398
entered into or executed, regardless of whether the parties to the 399
contract have exchanged any money. 400

(3) "Participate" means to respond to any solicitation or 401
procurement issued by a state agency or be the recipient of an 402
award of a state contract, or to provide any goods or services to 403
any state agency. 404

(B) No vendor who has been debarred by any state agency shall 405
participate in any state contract during the period of debarment. 406
After the debarment period expires, the vendor may be eligible to 407
respond to any solicitation or procurement, provide goods or 408
services to, and be awarded contracts by state agencies if the 409

vendor is not otherwise listed on a list of debarred vendors 410
applicable to state contracts. 411

(C) State agencies shall exclude any vendor debarred under 412
sections 125.25, 153.02, or 5513.06 of the Revised Code, or any 413
other section of the Revised Code from participating in state 414
contracts. 415

Sec. 101.15. (A) As used in this section: 416

(1) "Caucus" means all of the members of either house of the 417
general assembly who are members of the same political party. 418

(2) "Committee" means any committee of either house of the 419
general assembly, a joint committee of both houses of the general 420
assembly, including a committee of conference, or a subcommittee 421
of any committee listed in division (A)(2) of this section. 422

(3) "Meeting" means any prearranged discussion of the public 423
business of a committee by a majority of its members. 424

(4) "Standing committee caucus" means all of the members of a 425
standing committee of either house of the general assembly who are 426
members of the same political party. 427

(B) Except as otherwise provided in division (F) of this 428
section, all meetings of any committee are declared to be public 429
meetings open to the public at all times. The secretary assigned 430
to the chairperson of the committee shall prepare, file, and 431
maintain the minutes of every regular or special meeting of a 432
committee. The committee, at its next regular or special meeting, 433
shall approve the minutes prepared, filed, and maintained by the 434
secretary, or, if the minutes prepared, filed, and maintained by 435
the secretary require correction before their approval, the 436
committee shall correct and approve the minutes at the next 437
following regular or special meeting. The committee shall make the 438
minutes available for public inspection not later than seven days 439

after the meeting the minutes reflect or not later than the 440
committee's next regular or special meeting, whichever occurs 441
first. 442

(C) Each committee shall establish a reasonable method 443
whereby any person may determine the time and place of all 444
regularly scheduled meetings and the time, place, and purpose of 445
all special meetings. No committee shall hold a regular or special 446
meeting unless it gives at least twenty-four hours' advance notice 447
to the news media that have requested notification. 448

The method established by each committee shall provide that, 449
upon request and payment of a reasonable fee, any person may 450
obtain reasonable advance notification of all meetings at which 451
any specific type of public business will be discussed. Provisions 452
for advance notification may include, but are not limited to, 453
mailing the agenda of meetings to all subscribers on a mailing 454
list or mailing notices in self-addressed stamped envelopes 455
provided by the person who desires advance notification. 456

(D) Any action of a committee relating to a bill or 457
resolution, or any other formal action of a committee, is invalid 458
unless taken in an open meeting of the committee. Any action of a 459
committee relating to a bill or resolution, or any other formal 460
action of a committee, taken in an open meeting is invalid if it 461
results from deliberations in a meeting not open to the public. 462

(E)(1) Any person may bring an action to enforce this 463
section. An action under this division shall be brought within two 464
years after the date of the alleged violation or threatened 465
violation. Upon proof of a violation or threatened violation of 466
this section in an action brought by any person, the court of 467
common pleas shall issue an injunction to compel the members of 468
the committee to comply with its provisions. 469

(2)(a) If the court of common pleas issues an injunction 470

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

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

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

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

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

(4) A member of a committee who knowingly violates an injunction issued under division (E)(1) of this section may be removed from office by an action brought in the court of common

pleas for that purpose by the prosecuting attorney of Franklin 502
county or by the attorney general. 503

(5) The remedies described in divisions (E)(1) to (4) of this 504
section shall be the exclusive remedies for a violation of this 505
section. 506

(F) This section does not apply to or affect either of the 507
following: 508

(1) All meetings of the joint legislative ethics committee 509
created under section 101.34 of the Revised Code other than a 510
meeting that is held for any of the following purposes: 511

(a) To consider the adoption, amendment, or rescission of any 512
rule that the joint legislative ethics committee is authorized to 513
adopt pursuant to division (B)(11) of section 101.34, division (E) 514
of section 101.78, division (B) of section 102.02, or division (E) 515
of section 121.68 of the Revised Code; 516

(b) To discuss and consider changes to any administrative 517
operation of the joint legislative ethics committee other than any 518
matter described in division (G) of section 121.22 of the Revised 519
Code; 520

(c) To discuss pending or proposed legislation. 521

(2) Meetings of a caucus; 522

(3) Meetings of a standing committee caucus. 523

(G) For purposes of division (F)(1)(a) of this section, an 524
advisory opinion, written opinion, or decision relative to a 525
complaint is not a rule. 526

Sec. 101.38. (A) As used in this section, "relative" means a 527
spouse, parent, parent-in-law, sibling, sibling-in-law, child, 528
child-in-law, grandparent, aunt, or uncle. 529

(B) There is hereby created the Ohio cystic fibrosis 530

legislative task force to study and make recommendations on issues 531
pertaining to the care and treatment of individuals with cystic 532
fibrosis. The task force shall study and make recommendations on 533
the following issues: 534

(1) Use of prescription drug and innovative therapies under 535
the program for medically handicapped children established under 536
section 3701.023 of the Revised Code and the program for adults 537
with cystic fibrosis administered by the department of health 538
under division (G) of that section; 539

(2) Screening of newborn children for the presence of genetic 540
disorders, as required under section 3701.501 of the Revised Code; 541

(3) Any other issues the task force considers appropriate. 542

(C) The task force shall consist of the following members, 543
each with the authority to vote on matters before the task force: 544

(1) Three members of the senate: two appointed by the 545
president of the senate from the majority party and one appointed 546
by the minority leader of the senate; 547

(2) Three members of the house of representatives: two 548
appointed by the speaker of the house of representatives from the 549
majority party and one appointed by the minority leader of the 550
house of representatives; 551

(3) Three members, at least two of whom have been diagnosed 552
with cystic fibrosis or are relatives of individuals who have been 553
diagnosed with cystic fibrosis, appointed by the president of the 554
senate; 555

(4) Three members, at least two of whom have been diagnosed 556
with cystic fibrosis or are relatives of individuals who have been 557
diagnosed with cystic fibrosis, appointed by the speaker of the 558
house of representatives. 559

~~Initial members shall be appointed not later than sixty days~~ 560

~~after the effective date of this section. Appointments to the task~~ 561
~~force shall be made within fifteen days after the commencement of~~ 562
~~the first regular session of each general assembly in the manner~~ 563
~~prescribed in this division.~~ 564

(D) ~~Each member~~ Members of the task force shall serve a 565
~~one-year term that ends on the same day of the same month as did~~ 566
~~the term that it succeeds. Members may be reappointed on the task~~ 567
~~force until the appointments are made in the first regular session~~ 568
~~of the following general assembly or, in the case of task force~~ 569
~~members who also are general assembly members when appointed,~~ 570
~~until they are no longer general assembly members.~~ 571

(E) A vacancy shall be filled in the same manner as the 572
original appointment. Any member appointed to fill a vacancy 573
occurring prior to the expiration date of the term for which the 574
member's predecessor was appointed shall hold office as a member 575
for the remainder of that term. 576

~~A member shall continue in office subsequent to the~~ 577
~~expiration date of the member's term until a successor takes~~ 578
~~office or until a period of sixty days has elapsed, whichever~~ 579
~~occurs first.~~ 580

(F) Members of the task force shall elect a chair ~~to serve a~~ 581
~~term of one year.~~ A vacancy of the chair position shall be filled 582
by election. 583

(G) Members of the task force shall receive no compensation, 584
except to the extent that serving as a member is part of the 585
individual's regular duties of employment and except for the 586
reimbursement of expenses that may be provided under division (H) 587
of this section. 588

(H) The task force may solicit and accept grants from public 589
and private sources. Grant funds may be used to reimburse members 590
for expenses incurred in the performance of official task force 591

duties and to pursue initiatives pertaining to the care and 592
treatment of individuals with cystic fibrosis. 593

(I) A majority of the members of the task force constitutes a 594
quorum for the conduct of task force meetings. 595

Sec. 102.021. (A)(1) For the twenty-four-month period 596
immediately following the end of the former state elected 597
officer's or staff member's service or public employment, except 598
as provided in division (B) or (D) of this section, each former 599
state elected officer or staff member who filed or was required to 600
file a disclosure statement under section 102.02 of the Revised 601
Code shall file, on or before the deadlines specified in division 602
(D) of this section, with the joint legislative ethics committee a 603
statement that shall include the information described in 604
divisions (A)(2), (3), (4), and (5) of this section, as 605
applicable. The statement shall be filed on a form and in the 606
manner specified by the joint legislative ethics committee. This 607
division does not apply to a state elected officer or staff member 608
who filed or was required to file a disclosure statement under 609
section 102.02 of the Revised Code, who leaves service or public 610
employment, and who takes another position as a state elected 611
officer or staff member who files or is required to file a 612
disclosure statement under that section. 613

No person shall fail to file, on or before the deadlines 614
specified in division (D) of this section, a statement that is 615
required by this division. 616

(2) The statement referred to in division (A)(1) of this 617
section shall describe the source of all income received, in the 618
former state elected officer's or staff member's own name or by 619
any other person for the person's use or benefit, and briefly 620
describe the nature of the services for which the income was 621
received if the source of the income was any of the following: 622

- (a) An executive agency lobbyist or a legislative agent; 623
- (b) The employer of an executive agency lobbyist or 624
legislative agent, except that this division does not apply if the 625
employer is any state agency or political subdivision of the 626
state; 627
- (c) Any entity, association, or business that, at any time 628
during the two immediately preceding calendar years, was awarded 629
one or more contracts by one or more state agencies that in the 630
aggregate had a value of one hundred thousand dollars or more, or 631
bid on one or more contracts to be awarded by one or more state 632
agencies that in the aggregate had a value of one hundred thousand 633
dollars or more. 634
- (3) If the former state elected officer or staff member 635
received no income as described in division (A)(2) of this 636
section, the statement referred to in division (A)(1) of this 637
section shall indicate that fact. 638
- (4) If the former state elected officer or staff member 639
directly or indirectly made, either separately or in combination 640
with another, any expenditure or gift for transportation, lodging, 641
or food or beverages to, at the request of, for the benefit of, or 642
on behalf of any public officer or employee, and if the former 643
state elected officer or staff member would be required to report 644
the expenditure or gift in a statement under sections 101.70 to 645
101.79 or sections 121.60 to 121.69 of the Revised Code, whichever 646
is applicable, if the former state elected officer or staff member 647
was a legislative agent or executive agency lobbyist at the time 648
the expenditure or gift was made, the statement referred to in 649
division (A)(1) of this section shall include all information 650
relative to that gift or expenditure that would be required in a 651
statement under sections 101.70 to 101.79 or sections 121.60 to 652
121.69 of the Revised Code if the former state elected officer or 653
staff member was a legislative agent or executive agency lobbyist 654

at the time the expenditure or gift was made. 655

(5) If the former state elected officer or staff member made 656
no expenditure or gift as described in division (A)(4) of this 657
section, the statement referred to in division (A)(1) of this 658
section shall indicate that fact. 659

(B) If, at any time during the twenty-four-month period 660
immediately following the end of the former state elected 661
officer's or staff member's service or public employment, a former 662
state elected officer or staff member who filed or was required to 663
file a disclosure statement under section 102.02 of the Revised 664
Code becomes a legislative agent or an executive agency lobbyist, 665
the former state elected officer or staff member shall comply with 666
all registration and filing requirements set forth in sections 667
101.70 to 101.79 or sections 121.60 to 121.69 of the Revised Code, 668
whichever is applicable, and, the former state elected officer or 669
staff member also shall file a statement under division (A)(1) of 670
this section except that the statement filed under division (A)(1) 671
of this section does not need to include information regarding any 672
income source, expenditure, or gift to the extent that that 673
information was included in any registration or statement filed 674
under sections 101.70 to 101.79 or sections 121.60 to 121.69 of 675
the Revised Code. 676

(C) Except as otherwise provided in this division, division 677
(A)(2) of this section applies to attorneys, physicians, and other 678
persons who engage in the practice of a profession and who, 679
pursuant to a section of the Revised Code, the common law of this 680
state, a code of ethics applicable to the profession, or 681
otherwise, generally are required not to reveal, disclose, or use 682
confidences of clients, patients, or other recipients of 683
professional services except under specified circumstances or 684
generally are required to maintain those types of confidences as 685
privileged communications except under specified circumstances. 686

Division (A)(2) of this section does not require an attorney, 687
physician, or other professional subject to a confidentiality 688
requirement as described in this division to disclose the name, 689
other identity, or address of a client, patient, or other 690
recipient of professional services if the disclosure would 691
threaten the client, patient, or other recipient of professional 692
services, would reveal details of the subject matter for which 693
legal, medical, or professional advice or other services were 694
sought, or would reveal an otherwise privileged communication 695
involving the client, patient, or other recipient of professional 696
services. Division (A)(2) of this section does not require an 697
attorney, physician, or other professional subject to a 698
confidentiality requirement as described in this division to 699
disclose in the brief description of the nature of services 700
required by division (A)(2) of this section any information 701
pertaining to specific professional services rendered for a 702
client, patient, or other recipient of professional services that 703
would reveal details of the subject matter for which legal, 704
medical, or professional advice was sought or would reveal an 705
otherwise privileged communication involving the client, patient, 706
or other recipient of professional services. 707

(D)(1) Each state elected officer or staff member who filed 708
or was required to file a disclosure statement under section 709
102.02 of the Revised Code and who leaves public service or public 710
employment shall file an initial statement under division (A)(1) 711
of this section not later than the day on which the former state 712
elected officer or staff member leaves public service or public 713
employment. The initial statement shall specify whether the person 714
will, or will not, receive any income from a source described in 715
division (A)(2)(a), (b), or (c) of this section. 716

If a person files an initial statement under this division 717
that states that the person will receive income from a source 718

described in division (A)(2)(a), (b), or (c) of this section, the 719
person is required to file statements under division (A)(2), (3), 720
(4), or (5) of this section at the times specified in division 721
(D)(2) of this section. 722

If a person files an initial statement under this division 723
that states that the person will not receive income from a source 724
described in division (A)(2)(a), (b), or (c) of this section, 725
except as otherwise provided in this division, the person is not 726
required to file statements under division (A)(2), (4), or (5) of 727
this section or to file subsequent statements under division 728
(A)(3) of this section. If a person files an initial statement 729
under this division that states that the person will not receive 730
income from a source described in division (A)(2)(a), (b), or (c) 731
of this section, and, subsequent to the filing of that initial 732
statement, the person receives any income from a source described 733
in division (A)(2)(a), (b), or (c) of this section, the person 734
within ten days shall file a statement under division (A)(2) of 735
this section that contains the information described in that 736
division, and the person thereafter shall file statements under 737
division (A)(2), (3), (4), or (5) of this section at the times 738
specified in division (D)(2) of this section. 739

(2) After the filing of the initial statement under division 740
(D)(1) of this section, each person required to file a statement 741
under division (A)(2), (3), (4), or (5) of this section shall file 742
it on or before the last calendar day of January, May, and 743
September. The statements described in divisions (A)(2), (3), and 744
(5) of this section shall relate to the sources of income the 745
person received in the immediately preceding filing period from 746
each source of income in each of the categories listed in division 747
(A)(2) of this section. The statement described in division (A)(4) 748
of this section shall include any information required to be 749
reported regarding expenditures and gifts of the type described in 750

division (A)(4) of this section occurring since the filing of the 751
immediately preceding statement. 752

If, pursuant to this division, a person files a statement 753
under division (A)(2) of this section, the person is required to 754
file statements under division (A)(4) of this section, and 755
subsequent statements under division (A)(2), (3), or (5) of this 756
section, at the times specified in this division. In addition, if, 757
subsequent to the filing of the statement under division (A)(2) of 758
this section, the person receives any income from a source 759
described in division (A)(2)(a), (b), or (c) of this section that 760
was not listed on the statement filed under division (A)(2) of 761
this section, the person within ten days shall file a statement 762
under division (A)(2) of this section that contains the 763
information described in that division regarding the new income 764
source. 765

If, pursuant to this division, a person files a statement 766
under division (A)(3) of this section, except as otherwise 767
provided in this division, the person thereafter is not required 768
to file statements under division (A)(2), (4), or (5) of this 769
section, or to file subsequent statements under division (A)(3) of 770
this section. If, subsequent to the filing of the statement under 771
division (A)(3) of this section, the person receives any income 772
from a source described in division (A)(2)(a), (b), or (c) of this 773
section, the person within ten days shall file a statement under 774
division (A)(2) of this section that contains the information 775
described in that division regarding the new income source, and 776
the person thereafter shall file statements under division (A)(4) 777
of this section, and subsequent statements under division (A)(2) 778
or (3) of this section, at the times specified in this division. 779

(3) No fee shall be required for filing ~~an initial a~~ 780
statement under ~~division (D)(1) of~~ this section. ~~The~~ 781
~~person filing a statement under division (D)(2) of this~~ 782

~~section that is required to be filed on or before the last~~ 783
~~calendar day of January, May, and September shall pay a ten dollar~~ 784
~~filing fee with each such statement not to exceed thirty dollars~~ 785
~~in any calendar year. The, except that the~~ joint legislative 786
ethics committee may charge late fees in the same manner as 787
specified in division (G) of section 101.72 of the Revised Code. 788

(E) Any state elected officer or staff member who filed or 789
was required to file a disclosure statement under section 102.02 790
of the Revised Code and who leaves public service or public 791
employment shall provide a forwarding address to the officer's or 792
staff member's last employer, and the employer shall provide the 793
person's name and address to the joint legislative ethics 794
committee. The former elected state officer or staff member shall 795
provide updated forwarding addresses as necessary to the joint 796
legislative ethics committee during the twenty-four-month period 797
during which division (A)(1) of this section applies. The public 798
agency or appointing authority that was the last employer of a 799
person required to file a statement under division (A)(2) of this 800
section shall furnish to the person a copy of the form needed to 801
complete the initial statement required under division (D)(1) of 802
this section. 803

(F) During the twenty-four-month period immediately following 804
the end of the former state elected officer's or staff member's 805
service or public employment, no person required to file a 806
statement under this section shall receive from a source described 807
in division (A)(2)(a), (b), or (c) of this section, and no source 808
described in division (A)(2)(a), (b), or (c) of this section shall 809
pay to that person, any compensation that is contingent in any way 810
upon the introduction, modification, passage, or defeat of any 811
legislation or the outcome of any executive agency decision. 812

(G) As used in this section "state elected officer or staff 813
member" means any elected officer of this state, any staff, as 814

defined in section 101.70 of the Revised Code, or any staff, as 815
defined in section 121.60 of the Revised Code. 816

Sec. 103.41. (A) As used in sections 103.41 to 103.415 of the 817
Revised Code: 818

(1) "JMOC" means the joint medicaid oversight committee 819
created under this section. 820

(2) "State and local government medicaid agency" means all of 821
the following: 822

(a) The department of medicaid; 823

(b) ~~The office of health transformation;~~ 824

~~(e)~~ Each state agency and political subdivision with which 825
the department of medicaid contracts under section 5162.35 of the 826
Revised Code to have the state agency or political subdivision 827
administer one or more components of the medicaid program, or one 828
or more aspects of a component, under the department's 829
supervision; 830

~~(d)~~(c) Each agency of a political subdivision that is 831
responsible for administering one or more components of the 832
medicaid program, or one or more aspects of a component, under the 833
supervision of the department or a state agency or political 834
subdivision described in division (A)(2)~~(e)~~(b) of this section. 835

(B) There is hereby created the joint medicaid oversight 836
committee. JMOC shall consist of the following members: 837

(1) Five members of the senate appointed by the president of 838
the senate, three of whom are members of the majority party and 839
two of whom are members of the minority party; 840

(2) Five members of the house of representatives appointed by 841
the speaker of the house of representatives, three of whom are 842
members of the majority party and two of whom are members of the 843

minority party. 844

(C) The term of each JMOC member shall begin on the day of 845
appointment to JMOC and end on the last day that the member serves 846
in the house (in the case of a member appointed by the speaker) or 847
senate (in the case of a member appointed by the president) during 848
the general assembly for which the member is appointed to JMOC. 849
The president and speaker shall make the initial appointments not 850
later than fifteen days after March 20, 2014. However, if this 851
section takes effect before January 1, 2014, the president and 852
speaker shall make the initial appointments during the period 853
beginning January 1, 2014, and ending January 15, 2014. The 854
president and speaker shall make subsequent appointments not later 855
than fifteen days after the commencement of the first regular 856
session of each general assembly. JMOC members may be reappointed. 857
A vacancy on JMOC shall be filled in the same manner as the 858
original appointment. 859

(D) In odd-numbered years, the speaker shall designate one of 860
the majority members from the house as the JMOC chairperson and 861
the president shall designate one of the minority members from the 862
senate as the JMOC ranking minority member. In even-numbered 863
years, the president shall designate one of the majority members 864
from the senate as the JMOC chairperson and the speaker shall 865
designate one of the minority members from the house as the JMOC 866
ranking minority member. 867

(E) In appointing members from the minority, and in 868
designating ranking minority members, the president and speaker 869
shall consult with the minority leader of their respective houses. 870

(F) JMOC shall meet at the call of the JMOC chairperson. The 871
chairperson shall call JMOC to meet not less often than once each 872
calendar month, unless the chairperson and ranking minority member 873
agree that the chairperson should not call JMOC to meet for a 874
particular month. 875

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

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

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

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

~~Sec. 103.416. JMOC on a quarterly basis shall monitor the actions of the department of medicaid under section 5167.04 of the Revised Code in preparing to implement inclusion of alcohol, drug addiction, and mental health services covered by medicaid in the care management system established under section 5167.03 of the Revised Code. When the inclusion of the If the department of medicaid includes alcohol, drug addiction, and mental health services in the care management system begins to be implemented established under section 5167.03 of the Revised Code, JMOC on a periodic basis shall monitor the department's inclusion of the services in the system.~~

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

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

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

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

The term of each member begins on the day of appointment to the committee and ends on expiration or other termination of the member's term as a member of the house of representatives ~~or~~, senate, or state board. The speaker and president shall make subsequent appointments not later than fifteen days after the commencement of the first regular session of each general assembly. The president of the state board shall make appointments

not later than fifteen days after the organizational meeting of 938
the state board under section 3301.04 of the Revised Code. Members 939
may be reappointed. A vacancy on the committee shall be filled in 940
the same manner as the original appointment. 941

In odd-numbered years, the speaker shall designate one of the 942
majority members from the house of representatives as chairperson 943
and the president of the senate shall designate one member from 944
the senate, who is not from the same political party as the 945
chairperson, as the ranking member. In even-numbered years, the 946
president shall designate one of the majority members from the 947
senate as the chairperson and the speaker shall designate one 948
member from the house of representatives, who is not from the same 949
political party as the chairperson, as the ranking member. 950

In appointing members from the minority, and in designating 951
ranking members who are from the minority, the president of the 952
senate and speaker shall consult with the minority leader of their 953
respective houses. 954

The committee shall meet at the call of the chairperson. The 955
committee shall meet not less often than once each calendar month, 956
unless the chairperson and ranking member agree that the 957
chairperson should not call the committee to meet for a particular 958
month. 959

Notwithstanding section 101.26 of the Revised Code, the 960
members, when engaged in their duties as members of the committee 961
on days when there is not a voting session of the member's house 962
of the general assembly, shall be paid at the per diem rate of one 963
hundred fifty dollars, and their necessary traveling expenses. 964
These amounts shall be paid from the funds appropriated for the 965
payment of expenses of legislative committees. 966

The chairperson, when authorized by the committee and the 967
president of the senate and speaker, may issue subpoenas and 968

subpoenas duces tecum in aid of the committee's performance of its 969
duties. A subpoena may require a witness in any part of the state 970
to appear before the committee at a time and place designated in 971
the subpoena to testify. A subpoena duces tecum may require 972
witnesses or other persons in any part of the state to produce 973
books, papers, records, and other tangible evidence before the 974
committee at a time and place designated in the subpoena duces 975
tecum. A subpoena or subpoena duces tecum shall be issued, served, 976
and returned, and has consequences, as specified in sections 977
101.41 to 101.45 of the Revised Code. 978

The chairperson may administer oaths to witnesses appearing 979
before the committee. 980

Sec. 107.036. (A) For each business incentive tax credit, the 981
main operating appropriations act shall contain a detailed 982
estimate of the total amount of credits that may be authorized in 983
each year, an estimate of the amount of credits expected to be 984
claimed in each year, and an estimate of the amount of credits 985
expected to remain outstanding at the end of the biennium. The 986
governor shall include such estimates in the state budget 987
submitted to the general assembly pursuant to section 107.03 of 988
the Revised Code. 989

(B) As used in this section, "business incentive tax credit" 990
means all of the following: 991

(1) The job creation tax credit under section 122.17 of the 992
Revised Code; 993

(2) The job retention tax credit under section 122.171 of the 994
Revised Code; 995

(3) The historic preservation tax credit under section 996
149.311 of the Revised Code; 997

(4) The motion picture tax credit under section 122.85 of the 998

Revised Code;	999
(5) The new markets tax credit under section 5725.33 of the Revised Code;	1000 1001
(6) The research and development credit under section 166.21 of the Revised Code;	1002 1003
(7) The small business investment credit under section 122.86 of the Revised Code;	1004 1005
(8) The rural growth investment credit under section 122.152 of the Revised Code;	1006 1007
<u>(9) The opportunity zone investment credit under section 122.84 of the Revised Code.</u>	1008 1009
Sec. 109.572. (A)(1) Upon receipt of a request pursuant to section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:	1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020
(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual	1021 1022 1023 1024 1025 1026 1027 1028

penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, or a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense;

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

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

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

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

2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 1061
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 1062
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 1063
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 1064
2925.22, 2925.23, or 3716.11 of the Revised Code; 1065

(b) An existing or former law of this state, any other state, 1066
or the United States that is substantially equivalent to any of 1067
the offenses listed in division (A)(2)(a) of this section. 1068

(3) On receipt of a request pursuant to section 173.27, 1069
173.38, 173.381, 3701.881, 5119.34, 5164.34, 5164.341, 5164.342, 1070
5123.081, or 5123.169 of the Revised Code, a completed form 1071
prescribed pursuant to division (C)(1) of this section, and a set 1072
of fingerprint impressions obtained in the manner described in 1073
division (C)(2) of this section, the superintendent of the bureau 1074
of criminal identification and investigation shall conduct a 1075
criminal records check of the person for whom the request is made. 1076
The superintendent shall conduct the criminal records check in the 1077
manner described in division (B) of this section to determine 1078
whether any information exists that indicates that the person who 1079
is the subject of the request previously has been convicted of, 1080
has pleaded guilty to, or (except in the case of a request 1081
pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised 1082
Code) has been found eligible for intervention in lieu of 1083
conviction for any of the following, regardless of the date of the 1084
conviction, the date of entry of the guilty plea, or (except in 1085
the case of a request pursuant to section 5164.34, 5164.341, or 1086
5164.342 of the Revised Code) the date the person was found 1087
eligible for intervention in lieu of conviction: 1088

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 1089
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 1090
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 1091
2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 1092

2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09,	1093
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32,	1094
2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04,	1095
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12,	1096
2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21,	1097
2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44,	1098
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51,	1099
2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123,	1100
2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12,	1101
2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35,	1102
2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161,	1103
2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04,	1104
2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14,	1105
2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56,	1106
2927.12, or 3716.11 of the Revised Code;	1107
(b) Felonious sexual penetration in violation of former	1108
section 2907.12 of the Revised Code;	1109
(c) A violation of section 2905.04 of the Revised Code as it	1110
existed prior to July 1, 1996;	1111
(d) A violation of section 2923.01, 2923.02, or 2923.03 of	1112
the Revised Code when the underlying offense that is the object of	1113
the conspiracy, attempt, or complicity is one of the offenses	1114
listed in divisions (A)(3)(a) to (c) of this section;	1115
(e) A violation of an existing or former municipal ordinance	1116
or law of this state, any other state, or the United States that	1117
is substantially equivalent to any of the offenses listed in	1118
divisions (A)(3)(a) to (d) of this section.	1119
(4) On receipt of a request pursuant to section 2151.86 of	1120
the Revised Code, a completed form prescribed pursuant to division	1121
(C)(1) of this section, and a set of fingerprint impressions	1122
obtained in the manner described in division (C)(2) of this	1123

section, the superintendent of the bureau of criminal 1124
identification and investigation shall conduct a criminal records 1125
check in the manner described in division (B) of this section to 1126
determine whether any information exists that indicates that the 1127
person who is the subject of the request previously has been 1128
convicted of or pleaded guilty to any of the following: 1129

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 1130
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 1131
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 1132
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 1133
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 1134
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 1135
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 1136
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 1137
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 1138
of the Revised Code, a violation of section 2905.04 of the Revised 1139
Code as it existed prior to July 1, 1996, a violation of section 1140
2919.23 of the Revised Code that would have been a violation of 1141
section 2905.04 of the Revised Code as it existed prior to July 1, 1142
1996, had the violation been committed prior to that date, a 1143
violation of section 2925.11 of the Revised Code that is not a 1144
minor drug possession offense, two or more OVI or OVUAC violations 1145
committed within the three years immediately preceding the 1146
submission of the application or petition that is the basis of the 1147
request, or felonious sexual penetration in violation of former 1148
section 2907.12 of the Revised Code; 1149

(b) A violation of an existing or former law of this state, 1150
any other state, or the United States that is substantially 1151
equivalent to any of the offenses listed in division (A)(4)(a) of 1152
this section. 1153

(5) Upon receipt of a request pursuant to section 5104.013 of 1154
the Revised Code, a completed form prescribed pursuant to division 1155

(C)(1) of this section, and a set of fingerprint impressions 1156
obtained in the manner described in division (C)(2) of this 1157
section, the superintendent of the bureau of criminal 1158
identification and investigation shall conduct a criminal records 1159
check in the manner described in division (B) of this section to 1160
determine whether any information exists that indicates that the 1161
person who is the subject of the request has been convicted of or 1162
pleaded guilty to any of the following: 1163

(a) A violation of section 2151.421, 2903.01, 2903.02, 1164
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 1165
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 1166
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 1167
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 1168
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 1169
2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 1170
2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 1171
2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 1172
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 1173
2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 1174
2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 1175
2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 1176
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the 1177
Revised Code, felonious sexual penetration in violation of former 1178
section 2907.12 of the Revised Code, a violation of section 1179
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 1180
violation of section 2919.23 of the Revised Code that would have 1181
been a violation of section 2905.04 of the Revised Code as it 1182
existed prior to July 1, 1996, had the violation been committed 1183
prior to that date, a violation of section 2925.11 of the Revised 1184
Code that is not a minor drug possession offense, a violation of 1185
section 2923.02 or 2923.03 of the Revised Code that relates to a 1186
crime specified in this division, or a second violation of section 1187
4511.19 of the Revised Code within five years of the date of 1188

application for licensure or certification. 1189

(b) A violation of an existing or former law of this state, 1190
any other state, or the United States that is substantially 1191
equivalent to any of the offenses or violations described in 1192
division (A)(5)(a) of this section. 1193

(6) Upon receipt of a request pursuant to section 5153.111 of 1194
the Revised Code, a completed form prescribed pursuant to division 1195
(C)(1) of this section, and a set of fingerprint impressions 1196
obtained in the manner described in division (C)(2) of this 1197
section, the superintendent of the bureau of criminal 1198
identification and investigation shall conduct a criminal records 1199
check in the manner described in division (B) of this section to 1200
determine whether any information exists that indicates that the 1201
person who is the subject of the request previously has been 1202
convicted of or pleaded guilty to any of the following: 1203

(a) A violation of section 2903.01, 2903.02, 2903.03, 1204
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1205
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1206
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1207
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 1208
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1209
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 1210
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 1211
felonious sexual penetration in violation of former section 1212
2907.12 of the Revised Code, a violation of section 2905.04 of the 1213
Revised Code as it existed prior to July 1, 1996, a violation of 1214
section 2919.23 of the Revised Code that would have been a 1215
violation of section 2905.04 of the Revised Code as it existed 1216
prior to July 1, 1996, had the violation been committed prior to 1217
that date, or a violation of section 2925.11 of the Revised Code 1218
that is not a minor drug possession offense; 1219

(b) A violation of an existing or former law of this state, 1220

any other state, or the United States that is substantially 1221
equivalent to any of the offenses listed in division (A)(6)(a) of 1222
this section. 1223

(7) On receipt of a request for a criminal records check from 1224
an individual pursuant to section 4749.03 or 4749.06 of the 1225
Revised Code, accompanied by a completed copy of the form 1226
prescribed in division (C)(1) of this section and a set of 1227
fingerprint impressions obtained in a manner described in division 1228
(C)(2) of this section, the superintendent of the bureau of 1229
criminal identification and investigation shall conduct a criminal 1230
records check in the manner described in division (B) of this 1231
section to determine whether any information exists indicating 1232
that the person who is the subject of the request has been 1233
convicted of or pleaded guilty to a felony in this state or in any 1234
other state. If the individual indicates that a firearm will be 1235
carried in the course of business, the superintendent shall 1236
require information from the federal bureau of investigation as 1237
described in division (B)(2) of this section. Subject to division 1238
(F) of this section, the superintendent shall report the findings 1239
of the criminal records check and any information the federal 1240
bureau of investigation provides to the director of public safety. 1241

(8) On receipt of a request pursuant to section 1321.37, 1242
1321.53, or 4763.05 of the Revised Code, a completed form 1243
prescribed pursuant to division (C)(1) of this section, and a set 1244
of fingerprint impressions obtained in the manner described in 1245
division (C)(2) of this section, the superintendent of the bureau 1246
of criminal identification and investigation shall conduct a 1247
criminal records check with respect to any person who has applied 1248
for a license, permit, or certification from the department of 1249
commerce or a division in the department. The superintendent shall 1250
conduct the criminal records check in the manner described in 1251
division (B) of this section to determine whether any information 1252

exists that indicates that the person who is the subject of the 1253
request previously has been convicted of or pleaded guilty to any 1254
of the following: a violation of section 2913.02, 2913.11, 1255
2913.31, 2913.51, or 2925.03 of the Revised Code; any other 1256
criminal offense involving theft, receiving stolen property, 1257
embezzlement, forgery, fraud, passing bad checks, money 1258
laundering, or drug trafficking, or any criminal offense involving 1259
money or securities, as set forth in Chapters 2909., 2911., 2913., 1260
2915., 2921., 2923., and 2925. of the Revised Code; or any 1261
existing or former law of this state, any other state, or the 1262
United States that is substantially equivalent to those offenses. 1263

(9) On receipt of a request for a criminal records check from 1264
the treasurer of state under section 113.041 of the Revised Code 1265
or from an individual under section 4701.08, 4715.101, 4717.061, 1266
4725.121, 4725.501, 4729.071, 4729.53, 4729.90, 4729.92, 4730.101, 1267
4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 1268
~~4731.296~~, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 1269
4747.051, 4751.20, 4751.201, 4751.202, 4751.21, 4753.061, 4755.70, 1270
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 1271
4762.06, 4774.031, 4774.06, 4776.021, 4778.04, 4778.07, 4779.091, 1272
or 4783.04 of the Revised Code, accompanied by a completed form 1273
prescribed under division (C)(1) of this section and a set of 1274
fingerprint impressions obtained in the manner described in 1275
division (C)(2) of this section, the superintendent of the bureau 1276
of criminal identification and investigation shall conduct a 1277
criminal records check in the manner described in division (B) of 1278
this section to determine whether any information exists that 1279
indicates that the person who is the subject of the request has 1280
been convicted of or pleaded guilty to any criminal offense in 1281
this state or any other state. Subject to division (F) of this 1282
section, the superintendent shall send the results of a check 1283
requested under section 113.041 of the Revised Code to the 1284
treasurer of state and shall send the results of a check requested 1285

under any of the other listed sections to the licensing board 1286
specified by the individual in the request. 1287

(10) On receipt of a request pursuant to section 124.74, 1288
1121.23, 1315.141, 1733.47, or 1761.26 of the Revised Code, a 1289
completed form prescribed pursuant to division (C)(1) of this 1290
section, and a set of fingerprint impressions obtained in the 1291
manner described in division (C)(2) of this section, the 1292
superintendent of the bureau of criminal identification and 1293
investigation shall conduct a criminal records check in the manner 1294
described in division (B) of this section to determine whether any 1295
information exists that indicates that the person who is the 1296
subject of the request previously has been convicted of or pleaded 1297
guilty to any criminal offense under any existing or former law of 1298
this state, any other state, or the United States. 1299

(11) On receipt of a request for a criminal records check 1300
from an appointing or licensing authority under section 3772.07 of 1301
the Revised Code, a completed form prescribed under division 1302
(C)(1) of this section, and a set of fingerprint impressions 1303
obtained in the manner prescribed in division (C)(2) of this 1304
section, the superintendent of the bureau of criminal 1305
identification and investigation shall conduct a criminal records 1306
check in the manner described in division (B) of this section to 1307
determine whether any information exists that indicates that the 1308
person who is the subject of the request previously has been 1309
convicted of or pleaded guilty or no contest to any offense under 1310
any existing or former law of this state, any other state, or the 1311
United States that is a disqualifying offense as defined in 1312
section 3772.07 of the Revised Code or substantially equivalent to 1313
such an offense. 1314

(12) On receipt of a request pursuant to section 2151.33 or 1315
2151.412 of the Revised Code, a completed form prescribed pursuant 1316
to division (C)(1) of this section, and a set of fingerprint 1317

impressions obtained in the manner described in division (C)(2) of 1318
this section, the superintendent of the bureau of criminal 1319
identification and investigation shall conduct a criminal records 1320
check with respect to any person for whom a criminal records check 1321
is required under that section. The superintendent shall conduct 1322
the criminal records check in the manner described in division (B) 1323
of this section to determine whether any information exists that 1324
indicates that the person who is the subject of the request 1325
previously has been convicted of or pleaded guilty to any of the 1326
following: 1327

(a) A violation of section 2903.01, 2903.02, 2903.03, 1328
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1329
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1330
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1331
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 1332
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 1333
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 1334
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 1335
2925.22, 2925.23, or 3716.11 of the Revised Code; 1336

(b) An existing or former law of this state, any other state, 1337
or the United States that is substantially equivalent to any of 1338
the offenses listed in division (A)(12)(a) of this section. 1339

(13) On receipt of a request pursuant to section 3796.12 of 1340
the Revised Code, a completed form prescribed pursuant to division 1341
(C)(1) of this section, and a set of fingerprint impressions 1342
obtained in a manner described in division (C)(2) of this section, 1343
the superintendent of the bureau of criminal identification and 1344
investigation shall conduct a criminal records check in the manner 1345
described in division (B) of this section to determine whether any 1346
information exists that indicates that the person who is the 1347
subject of the request previously has been convicted of or pleaded 1348
guilty to the following: 1349

(a) A disqualifying offense as specified in rules adopted 1350
under division (B)(2)(b) of section 3796.03 of the Revised Code if 1351
the person who is the subject of the request is an administrator 1352
or other person responsible for the daily operation of, or an 1353
owner or prospective owner, officer or prospective officer, or 1354
board member or prospective board member of, an entity seeking a 1355
license from the department of commerce under Chapter 3796. of the 1356
Revised Code; 1357

(b) A disqualifying offense as specified in rules adopted 1358
under division (B)(2)(b) of section 3796.04 of the Revised Code if 1359
the person who is the subject of the request is an administrator 1360
or other person responsible for the daily operation of, or an 1361
owner or prospective owner, officer or prospective officer, or 1362
board member or prospective board member of, an entity seeking a 1363
license from the state board of pharmacy under Chapter 3796. of 1364
the Revised Code. 1365

(14) On receipt of a request required by section 3796.13 of 1366
the Revised Code, a completed form prescribed pursuant to division 1367
(C)(1) of this section, and a set of fingerprint impressions 1368
obtained in a manner described in division (C)(2) of this section, 1369
the superintendent of the bureau of criminal identification and 1370
investigation shall conduct a criminal records check in the manner 1371
described in division (B) of this section to determine whether any 1372
information exists that indicates that the person who is the 1373
subject of the request previously has been convicted of or pleaded 1374
guilty to the following: 1375

(a) A disqualifying offense as specified in rules adopted 1376
under division (B)(8)(a) of section 3796.03 of the Revised Code if 1377
the person who is the subject of the request is seeking employment 1378
with an entity licensed by the department of commerce under 1379
Chapter 3796. of the Revised Code; 1380

(b) A disqualifying offense as specified in rules adopted 1381

under division (B)(14)(a) of section 3796.04 of the Revised Code 1382
if the person who is the subject of the request is seeking 1383
employment with an entity licensed by the state board of pharmacy 1384
under Chapter 3796. of the Revised Code. 1385

(15) On receipt of a request pursuant to section 4768.06 of 1386
the Revised Code, a completed form prescribed under division 1387
(C)(1) of this section, and a set of fingerprint impressions 1388
obtained in the manner described in division (C)(2) of this 1389
section, the superintendent of the bureau of criminal 1390
identification and investigation shall conduct a criminal records 1391
check in the manner described in division (B) of this section to 1392
determine whether any information exists indicating that the 1393
person who is the subject of the request has been convicted of or 1394
pleaded guilty to a felony in this state or in any other state. 1395

(16) On receipt of a request pursuant to division (B) of 1396
section 4764.07 of the Revised Code, a completed form prescribed 1397
under division (C)(1) of this section, and a set of fingerprint 1398
impressions obtained in the manner described in division (C)(2) of 1399
this section, the superintendent of the bureau of criminal 1400
identification and investigation shall conduct a criminal records 1401
check in the manner described in division (B) of this section to 1402
determine whether any information exists indicating that the 1403
person who is the subject of the request has been convicted of or 1404
pleaded guilty to any crime of moral turpitude, a felony, or an 1405
equivalent offense in any other state or the United States. 1406

(17) On receipt of a request for a criminal records check 1407
under section 147.022 of the Revised Code, a completed form 1408
prescribed under division (C)(1) of this section, and a set of 1409
fingerprint impressions obtained in the manner prescribed in 1410
division (C)(2) of this section, the superintendent of the bureau 1411
of criminal identification and investigation shall conduct a 1412
criminal records check in the manner described in division (B) of 1413

this section to determine whether any information exists that 1414
indicates that the person who is the subject of the request 1415
previously has been convicted of or pleaded guilty or no contest 1416
to any disqualifying offense, as defined in section 147.011 of the 1417
Revised Code, or to any offense under any existing or former law 1418
of this state, any other state, or the United States that is 1419
substantially equivalent to such a disqualifying offense. 1420

(B) Subject to division (F) of this section, the 1421
superintendent shall conduct any criminal records check to be 1422
conducted under this section as follows: 1423

(1) The superintendent shall review or cause to be reviewed 1424
any relevant information gathered and compiled by the bureau under 1425
division (A) of section 109.57 of the Revised Code that relates to 1426
the person who is the subject of the criminal records check, 1427
including, if the criminal records check was requested under 1428
section 113.041, 121.08, 124.74, 173.27, 173.38, 173.381, 1121.23, 1429
1315.141, 1321.37, 1321.53, 1733.47, 1761.26, 2151.86, 3301.32, 1430
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3772.07, 3796.12, 1431
3796.13, 4729.071, 4729.53, 4729.90, 4729.92, 4749.03, 4749.06, 1432
4763.05, 4764.07, 4768.06, 5104.013, 5164.34, 5164.341, 5164.342, 1433
5123.081, 5123.169, or 5153.111 of the Revised Code, any relevant 1434
information contained in records that have been sealed under 1435
section 2953.32 of the Revised Code; 1436

(2) If the request received by the superintendent asks for 1437
information from the federal bureau of investigation, the 1438
superintendent shall request from the federal bureau of 1439
investigation any information it has with respect to the person 1440
who is the subject of the criminal records check, including 1441
fingerprint-based checks of national crime information databases 1442
as described in 42 U.S.C. 671 if the request is made pursuant to 1443
section 2151.86 or 5104.013 of the Revised Code or if any other 1444
Revised Code section requires fingerprint-based checks of that 1445

nature, and shall review or cause to be reviewed any information 1446
the superintendent receives from that bureau. If a request under 1447
section 3319.39 of the Revised Code asks only for information from 1448
the federal bureau of investigation, the superintendent shall not 1449
conduct the review prescribed by division (B)(1) of this section. 1450

(3) The superintendent or the superintendent's designee may 1451
request criminal history records from other states or the federal 1452
government pursuant to the national crime prevention and privacy 1453
compact set forth in section 109.571 of the Revised Code. 1454

(4) The superintendent shall include in the results of the 1455
criminal records check a list or description of the offenses 1456
listed or described in division (A)(1), (2), (3), (4), (5), (6), 1457
(7), (8), (9), (10), (11), (12), (13), (14), (15), (16), or (17) 1458
of this section, whichever division requires the superintendent to 1459
conduct the criminal records check. The superintendent shall 1460
exclude from the results any information the dissemination of 1461
which is prohibited by federal law. 1462

(5) The superintendent shall send the results of the criminal 1463
records check to the person to whom it is to be sent not later 1464
than the following number of days after the date the 1465
superintendent receives the request for the criminal records 1466
check, the completed form prescribed under division (C)(1) of this 1467
section, and the set of fingerprint impressions obtained in the 1468
manner described in division (C)(2) of this section: 1469

(a) If the superintendent is required by division (A) of this 1470
section (other than division (A)(3) of this section) to conduct 1471
the criminal records check, thirty; 1472

(b) If the superintendent is required by division (A)(3) of 1473
this section to conduct the criminal records check, sixty. 1474

(C)(1) The superintendent shall prescribe a form to obtain 1475
the information necessary to conduct a criminal records check from 1476

any person for whom a criminal records check is to be conducted 1477
under this section. The form that the superintendent prescribes 1478
pursuant to this division may be in a tangible format, in an 1479
electronic format, or in both tangible and electronic formats. 1480

(2) The superintendent shall prescribe standard impression 1481
sheets to obtain the fingerprint impressions of any person for 1482
whom a criminal records check is to be conducted under this 1483
section. Any person for whom a records check is to be conducted 1484
under this section shall obtain the fingerprint impressions at a 1485
county sheriff's office, municipal police department, or any other 1486
entity with the ability to make fingerprint impressions on the 1487
standard impression sheets prescribed by the superintendent. The 1488
office, department, or entity may charge the person a reasonable 1489
fee for making the impressions. The standard impression sheets the 1490
superintendent prescribes pursuant to this division may be in a 1491
tangible format, in an electronic format, or in both tangible and 1492
electronic formats. 1493

(3) Subject to division (D) of this section, the 1494
superintendent shall prescribe and charge a reasonable fee for 1495
providing a criminal records check under this section. The person 1496
requesting the criminal records check shall pay the fee prescribed 1497
pursuant to this division. In the case of a request under section 1498
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 1499
2151.412, or 5164.34 of the Revised Code, the fee shall be paid in 1500
the manner specified in that section. 1501

(4) The superintendent of the bureau of criminal 1502
identification and investigation may prescribe methods of 1503
forwarding fingerprint impressions and information necessary to 1504
conduct a criminal records check, which methods shall include, but 1505
not be limited to, an electronic method. 1506

(D) The results of a criminal records check conducted under 1507
this section, other than a criminal records check specified in 1508

division (A)(7) of this section, are valid for the person who is 1509
the subject of the criminal records check for a period of one year 1510
from the date upon which the superintendent completes the criminal 1511
records check. If during that period the superintendent receives 1512
another request for a criminal records check to be conducted under 1513
this section for that person, the superintendent shall provide the 1514
results from the previous criminal records check of the person at 1515
a lower fee than the fee prescribed for the initial criminal 1516
records check. 1517

(E) When the superintendent receives a request for 1518
information from a registered private provider, the superintendent 1519
shall proceed as if the request was received from a school 1520
district board of education under section 3319.39 of the Revised 1521
Code. The superintendent shall apply division (A)(1)(c) of this 1522
section to any such request for an applicant who is a teacher. 1523

(F)(1) Subject to division (F)(2) of this section, all 1524
information regarding the results of a criminal records check 1525
conducted under this section that the superintendent reports or 1526
sends under division (A)(7) or (9) of this section to the director 1527
of public safety, the treasurer of state, or the person, board, or 1528
entity that made the request for the criminal records check shall 1529
relate to the conviction of the subject person, or the subject 1530
person's plea of guilty to, a criminal offense. 1531

(2) Division (F)(1) of this section does not limit, restrict, 1532
or preclude the superintendent's release of information that 1533
relates to the arrest of a person who is eighteen years of age or 1534
older, to an adjudication of a child as a delinquent child, or to 1535
a criminal conviction of a person under eighteen years of age in 1536
circumstances in which a release of that nature is authorized 1537
under division (E)(2), (3), or (4) of section 109.57 of the 1538
Revised Code pursuant to a rule adopted under division (E)(1) of 1539
that section. 1540

(G) As used in this section:	1541
(1) "Criminal records check" means any criminal records check conducted by the superintendent of the bureau of criminal identification and investigation in accordance with division (B) of this section.	1542 1543 1544 1545
(2) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.	1546 1547
(3) "OVI or OVUAC violation" means a violation of section 4511.19 of the Revised Code or a violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to section 4511.19 of the Revised Code.	1548 1549 1550 1551 1552
(4) "Registered private provider" means a nonpublic school or entity registered with the superintendent of public instruction under section 3310.41 of the Revised Code to participate in the autism scholarship program or section 3310.58 of the Revised Code to participate in the Jon Peterson special needs scholarship program.	1553 1554 1555 1556 1557 1558
Sec. 111.15. (A) As used in this section:	1559
(1) "Rule" includes any rule, regulation, bylaw, or standard having a general and uniform operation adopted by an agency under the authority of the laws governing the agency; any appendix to a rule; and any internal management rule. "Rule" does not include any guideline adopted pursuant to section 3301.0714 of the Revised Code, any order respecting the duties of employees, any finding, any determination of a question of law or fact in a matter presented to an agency, or any rule promulgated pursuant to Chapter 119. or division (C)(1) or (2) of section 5117.02 of the Revised Code. "Rule" includes any amendment or rescission of a rule.	1560 1561 1562 1563 1564 1565 1566 1567 1568 1569 1570

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

(3) "Internal management rule" means any rule, regulation, bylaw, or standard governing the day-to-day staff procedures and operations within an agency.

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

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

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

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

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

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

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

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

An emergency rule becomes invalid at the end of the one hundred twentieth day it is in effect. Prior to that date, the agency may file the emergency rule as a nonemergency rule in compliance with division (B)(1) of this section. The agency may not refile the emergency rule in compliance with division (B)(2) of this section so that, upon the emergency rule becoming invalid under such division, the emergency rule will continue in effect

without interruption for another one hundred twenty-day period. 1634

(3) An agency shall file a rule under division (B)(1) or (2) 1635
of this section in compliance with the following standards and 1636
procedures: 1637

(a) The rule shall be numbered in accordance with the 1638
numbering system devised by the director for the Ohio 1639
administrative code. 1640

(b) The rule shall be prepared and submitted in compliance 1641
with the rules of the legislative service commission. 1642

(c) The rule shall clearly state the date on which it is to 1643
be effective and the date on which it will expire, if known. 1644

(d) Each rule that amends or rescinds another rule shall 1645
clearly refer to the rule that is amended or rescinded. Each 1646
amendment shall fully restate the rule as amended. 1647

If the director of the legislative service commission or the 1648
director's designee gives an agency notice pursuant to section 1649
103.05 of the Revised Code that a rule filed by the agency is not 1650
in compliance with the rules of the legislative service 1651
commission, the agency shall within thirty days after receipt of 1652
the notice conform the rule to the rules of the commission as 1653
directed in the notice. 1654

(C) All rules filed pursuant to divisions (B)(1)(a) and (2) 1655
of this section shall be recorded by the secretary of state and 1656
the director under the title of the agency adopting the rule and 1657
shall be numbered according to the numbering system devised by the 1658
director. The secretary of state and the director shall preserve 1659
the rules in an accessible manner. Each such rule shall be a 1660
public record open to public inspection and may be transmitted to 1661
any law publishing company that wishes to reproduce it. 1662

(D) At least sixty-five days before a board, commission, 1663

department, division, or bureau of the government of the state 1664
files a rule under division (B)(1) of this section, it shall file 1665
the full text of the proposed rule in electronic form with the 1666
joint committee on agency rule review, and the proposed rule is 1667
subject to legislative review and invalidation under section 1668
106.021 of the Revised Code. If a state board, commission, 1669
department, division, or bureau makes a revision in a proposed 1670
rule after it is filed with the joint committee, the state board, 1671
commission, department, division, or bureau shall promptly file 1672
the full text of the proposed rule in its revised form in 1673
electronic form with the joint committee. A state board, 1674
commission, department, division, or bureau shall also file the 1675
rule summary and fiscal analysis prepared under section 106.024 of 1676
the Revised Code in electronic form along with a proposed rule, 1677
and along with a proposed rule in revised form, that is filed 1678
under this division. If a proposed rule has an adverse impact on 1679
businesses, the state board, commission, department, division, or 1680
bureau also shall file the business impact analysis, any 1681
recommendations received from the common sense initiative office, 1682
and the associated memorandum of response, if any, in electronic 1683
form along with the proposed rule, or the proposed rule in revised 1684
form, that is filed under this division. 1685

A proposed rule that is subject to legislative review under 1686
this division may not be adopted and filed in final form under 1687
division (B)(1) of this section unless the proposed rule has been 1688
filed with the joint committee on agency rule review under this 1689
division and the time for the joint committee to review the 1690
proposed rule has expired without recommendation of a concurrent 1691
resolution to invalidate the proposed rule. 1692

As used in this division, "commission" includes the public 1693
utilities commission when adopting rules under a federal or state 1694
statute. 1695

This division does not apply to any of the following:	1696
(1) A proposed rule of an emergency nature;	1697
(2) A rule proposed under section 1121.05, 1121.06, 1349.33, 1707.201, 1733.412, 4123.29, 4123.34, 4123.341, 4123.342, 4123.40, 4123.411, 4123.44, or 4123.442 of the Revised Code;	1698 1699 1700
(3) A rule proposed by an agency other than a board, commission, department, division, or bureau of the government of the state;	1701 1702 1703
(4) A proposed internal management rule of a board, commission, department, division, or bureau of the government of the state;	1704 1705 1706
(5) Any proposed rule that must be adopted verbatim by an agency pursuant to federal law or rule, to become effective within sixty days of adoption, in order to continue the operation of a federally reimbursed program in this state, so long as the proposed rule contains both of the following:	1707 1708 1709 1710 1711
(a) A statement that it is proposed for the purpose of complying with a federal law or rule;	1712 1713
(b) A citation to the federal law or rule that requires verbatim compliance.	1714 1715
(6) An initial rule proposed by the director of health to impose safety standards and quality-of-care standards with respect to a health service specified in section 3702.11 of the Revised Code, or an initial rule proposed by the director to impose quality standards on a <u>health care</u> facility listed <u>as defined</u> in division (A)(4) of section 3702.30 of the Revised Code, if section 3702.12 of the Revised Code requires that the rule be adopted under this section;	1716 1717 1718 1719 1720 1721 1722 1723
(7) A rule of the state lottery commission pertaining to instant game rules.	1724 1725

If a rule is exempt from legislative review under division 1726
(D)(5) of this section, and if the federal law or rule pursuant to 1727
which the rule was adopted expires, is repealed or rescinded, or 1728
otherwise terminates, the rule is thereafter subject to 1729
legislative review under division (D) of this section. 1730

Whenever a state board, commission, department, division, or 1731
bureau files a proposed rule or a proposed rule in revised form 1732
under division (D) of this section, it shall also file the full 1733
text of the same proposed rule or proposed rule in revised form in 1734
electronic form with the secretary of state and the director of 1735
the legislative service commission. A state board, commission, 1736
department, division, or bureau shall file the rule summary and 1737
fiscal analysis prepared under section 106.024 of the Revised Code 1738
in electronic form along with a proposed rule or proposed rule in 1739
revised form that is filed with the secretary of state or the 1740
director of the legislative service commission. 1741

Sec. 111.28. (A) There is hereby created in the state 1742
treasury the help America vote act (HAVA) fund. All moneys 1743
received by the secretary of state from the United States election 1744
assistance commission shall be credited to the fund. The secretary 1745
of state shall use the moneys credited to the fund for activities 1746
conducted pursuant to the "Help America Vote Act of 2002," Pub. L. 1747
No. 107-252, 116 Stat. 1666. All investment earnings of the fund 1748
shall be credited to the fund. 1749

~~(B) There is hereby created in the state treasury the 1750
election reform/health and human services fund. All moneys 1751
received by the secretary of state from the United States 1752
department of health and human services shall be credited to the 1753
fund. The secretary of state shall use the moneys credited to the 1754
fund for activities conducted pursuant to grants awarded to the 1755
state under Title II, Subtitle D, Sections 261 to 265 of the Help 1756~~

~~America Vote Act of 2002 to assure access for individuals with~~ 1757
~~disabilities. All investment earnings of the fund shall be~~ 1758
~~credited to the fund.~~ 1759

~~(C)~~ There is hereby created in the state treasury the 1760
miscellaneous federal grants fund. All moneys the secretary of 1761
state receives as grants from federal sources that are not 1762
otherwise designated shall be credited to the fund. The secretary 1763
of state shall use the moneys credited to the fund for the 1764
purposes and activities required by the applicable federal grant 1765
agreements. All investment earnings of the fund shall be credited 1766
to the fund. 1767

Sec. 113.50. As used in sections 113.50 to 113.56 of the 1768
Revised Code: 1769

~~(A) "ABLE account" means an individual account opened in~~ 1770
~~accordance with the program or a similar ABLE account program~~ 1771
~~established by another state in accordance with section 529A of~~ 1772
~~the Internal Revenue Code.~~ 1773

~~(B)~~ "Account owner" means a designated beneficiary or any 1774
other person authorized to be the owner of ~~an ABLE~~ a STABLE 1775
account under federal law. 1776

~~(C)~~(B) "Designated beneficiary" means an eligible individual 1777
whose qualified disability expenses may be paid from ~~an ABLE~~ a 1778
STABLE account. 1779

~~(D)~~(C) "Eligible individual," "member of the family," 1780
"qualified disability expenses," and "qualified ABLE program" have 1781
the same meanings as in section 529A of the Internal Revenue Code. 1782

~~(E)~~(D) "Financial organization" means an insurance company, 1783
bank, or other financial institution or a broker-dealer registered 1784
with the securities and exchange commission. 1785

~~(F)~~(E) "Management contract" means a contract between the 1786

treasurer of state and a program manager under division (B) of 1787
section 113.52 of the Revised Code. 1788

~~(G)~~(F) "Maximum account value" means the dollar amount 1789
calculated by the Ohio tuition trust authority pursuant to 1790
sections 3334.01 to 3334.21 of the Revised Code as the maximum 1791
amount that may be necessary to pay for the qualified higher 1792
education expenses of a beneficiary under those sections, 1793
consistent with the maximum contributions permitted under section 1794
529 of the Internal Revenue Code. 1795

~~(H)~~(G) "Program" means the ~~ABLE~~ STABLE account program 1796
established under sections 113.50 to 113.56 of the Revised Code. 1797

~~(I)~~(H) "Program account" means an individual account opened 1798
in accordance with the program. 1799

~~(J)~~(I) "Program manager" means a financial organization 1800
selected by the treasurer of state to be a depository and manager 1801
of the program under section 113.52 of the Revised Code. 1802

~~(K)~~(J) "Secretary" means the secretary of the treasury of the 1803
United States. 1804

(K) "STABLE account" means an individual account opened in 1805
accordance with the program or a similar program established by 1806
another state in accordance with section 529A of the Internal 1807
Revenue Code. 1808

(L) "Internal Revenue Code" has the same meaning as in 1809
section 5747.01 of the Revised Code. 1810

Sec. 113.51. (A) The treasurer of state shall implement and 1811
administer a program under the terms and conditions established 1812
under sections 113.50 to 113.56 of the Revised Code. For that 1813
purpose, the treasurer shall do all of the following: 1814

(1) Develop and implement the program in a manner consistent 1815
with the provisions of sections 113.50 to 113.56 of the Revised 1816

Code;	1817
(2) Engage the services of consultants on a contract basis	1818
for rendering professional and technical assistance and advice;	1819
(3) Seek rulings and other guidance from the secretary and	1820
the internal revenue service relating to the program;	1821
(4) Make modifications to the program as necessary for	1822
participants in the program to qualify for the federal income tax	1823
benefits or treatment provided under section 529A of the Internal	1824
Revenue Code or rules adopted thereunder;	1825
(5) Impose and collect administrative fees and service	1826
charges in connection with any agreement or transaction relating	1827
to the program;	1828
(6) Develop marketing plans and promotional materials to	1829
publicize the program;	1830
(7) Establish the procedures by which funds held in program	1831
accounts shall be disbursed;	1832
(8) Administer the issuance of interests by the Ohio ABLE	1833
<u>STABLE</u> savings program trust fund to designated beneficiaries;	1834
(9) Establish the procedures by which funds held in program	1835
accounts shall be allocated to pay for administrative costs;	1836
(10) Take any other action necessary to implement and	1837
administer the program;	1838
(11) Adopt rules in accordance with Chapter 119. of the	1839
Revised Code necessary to implement and administer the program;	1840
(12) Notify the secretary when a program account has been	1841
opened for a designated beneficiary and submit other reports	1842
concerning the program as required by the secretary or under	1843
section 529A of the Internal Revenue Code.	1844
(B) The treasurer of state may enter into agreements with	1845

other states or agencies of, subdivisions of, or residents of 1846
those states related to the program or a similar ~~ABLE-account~~ 1847
program established by another state in accordance with section 1848
529A of the Internal Revenue Code. 1849

Sec. 113.53. (A) A designated beneficiary, or a trustee or 1850
guardian of a designated beneficiary who lacks capacity to enter 1851
into an agreement, may apply, on forms prescribed by the treasurer 1852
of state, to open a program account. A beneficiary may have only 1853
one ~~ABLE~~ STABLE account. The treasurer of state may impose a 1854
nonrefundable application fee. The application shall require the 1855
applicant to provide the following information: 1856

(1) The name, address, social security number, and birth date 1857
of the designated beneficiary; 1858

(2) The name, address, and social security number of the 1859
designated beneficiary's trustee or guardian, if applicable; 1860

(3) Certification by the applicant that the applicant 1861
understands the maximum account value and the consequences under 1862
division (C) of this section for excess contributions and 1863
understands how program account values exceeding the amount 1864
designated under section 103 of the "Stephen Beck, Jr., ABLE Act 1865
of 2014," 26 U.S.C. 529A note, may affect the applicant's 1866
resources for determining the applicant's eligibility for the 1867
supplemental security income program; 1868

(4) Any additional information required by the treasurer of 1869
state. 1870

(B)(1) To qualify for a program account, a designated 1871
beneficiary must be an eligible individual at the time the program 1872
account is opened. Before opening a program account, the treasurer 1873
of state or program manager shall enter into an agreement with the 1874
account owner that discloses the requirements and restrictions on 1875

contributions and withdrawals from the program account. 1876

(2) Any person may make contributions to a program account 1877
after the account is opened, subject to the limitations imposed by 1878
section 529A of the Internal Revenue Code and any rules adopted by 1879
the secretary. 1880

(C) Contributions to a program account shall be made in cash. 1881
The treasurer of state or program manager shall reject or promptly 1882
withdraw a contribution to a program account if that contribution 1883
would exceed the annual limits prescribed in subsection (b)(2)(B) 1884
of section 529A of the Internal Revenue Code. The treasurer or 1885
program manager shall reject or promptly withdraw a contribution 1886
if the value of the program account equals or exceeds the maximum 1887
account value or the designated beneficiary is not an eligible 1888
individual in the current calendar year. 1889

(D)(1) To the extent authorized by federal law, and in 1890
accordance with rules adopted by the treasurer of state, an 1891
account owner may change the designated beneficiary of a program 1892
account to another individual. 1893

(2) No account owner may use an interest in an ~~an ABLE~~ a STABLE 1894
account as security for a loan. Any pledge of an interest in an 1895
account shall be void and of no force and effect. 1896

(E)(1) A distribution from a program account to any 1897
individual or for the benefit of any individual during a calendar 1898
year shall be reported to the internal revenue service and the 1899
designated beneficiary or the distributee to the extent required 1900
under state or federal law. 1901

(2) Statements shall be provided to each account owner of a 1902
program account at least four times each year within thirty days 1903
after the end of the quarterly period to which a statement 1904
relates. The statement shall identify the contributions made 1905
during the preceding quarter, the total contributions made to the 1906

account through the last day of that quarter, the value of the 1907
account on the last day of that quarter, distributions made during 1908
that quarter, and any other information that the treasurer of 1909
state requires to be reported to the account owner. 1910

(3) Statements and information relating to program accounts 1911
shall be prepared and filed to the extent required under sections 1912
113.50 to 113.56 of the Revised Code and any other state or 1913
federal law. 1914

(F) The program shall provide separate accounting for each 1915
designated beneficiary. An annual fee may be imposed upon the 1916
account owner for the maintenance of a program account. 1917

(G) Money in ~~an ABLE~~ a STABLE account shall be exempt from 1918
attachment, execution, or garnishment as provided in section 1919
2329.66 of the Revised Code, and is subject to claims made under 1920
the medicaid estate recovery program instituted pursuant to 1921
section 5162.21 of the Revised Code, in accordance with subsection 1922
(f) of section 529A of the Internal Revenue Code and subject to 1923
any limitations imposed by the secretary. 1924

(H)(1) Notwithstanding any other provision of state law, all 1925
of the following shall be disregarded for the purposes of 1926
determining an individual's eligibility for a means-tested public 1927
assistance program funded only with state, local, or state and 1928
local funds and the amount of assistance or benefits the 1929
individual is eligible to receive under the program: 1930

(a) Any amount in ~~an ABLE~~ a STABLE account, including 1931
earnings on the account; 1932

(b) Any contributions to ~~an ABLE~~ a STABLE account; 1933

(c) Any distribution from ~~an ABLE~~ a STABLE account for 1934
qualified disability expenses. 1935

(2) Division (H)(1) of this section applies only to an 1936

individual who is either of the following: 1937

(a) The designated beneficiary of the ABLE STABLE account; 1938

(b) An individual whose eligibility for the means-tested 1939
program is conditioned on the ABLE STABLE account's designated 1940
beneficiary disclosing the designated beneficiary's income, 1941
resources, or both to the entity administering the means-tested 1942
public assistance program. 1943

Sec. 113.55. (A) The Ohio ABLE STABLE savings program trust 1944
fund is hereby created, which shall be in the custody of the 1945
treasurer of state but shall not be part of the state treasury. 1946
The fund shall be used if the treasurer of state elects to accept 1947
deposits from contributors rather than have deposits sent directly 1948
to a program manager. The fund shall consist of any moneys 1949
deposited by contributors in accordance with sections 113.50 to 1950
113.56 of the Revised Code that are not deposited directly with 1951
the program manager. Money shall be disbursed from the fund upon 1952
an order of the treasurer. All interest from the money in the fund 1953
shall be credited to the Ohio ABLE STABLE savings expense fund. 1954

(B)(1) The Ohio ABLE STABLE savings expense fund is hereby 1955
created in the state treasury. The fund shall consist of money 1956
received from program managers, governmental or private grants, or 1957
appropriations for the program. 1958

(2) All expenses incurred by the treasurer of state in 1959
developing and administering the ABLE STABLE account program and 1960
all expenses and reimbursements allowed for the ABLE STABLE 1961
account program advisory board created under section 113.56 of the 1962
Revised Code shall be payable from the Ohio ABLE STABLE savings 1963
expense fund. 1964

Sec. 113.56. (A) There is hereby created the ABLE STABLE 1965
account program advisory board, consisting of nine members, 1966

composed of the following:	1967
(1) The director of developmental disabilities or the director's designee;	1968 1969
(2) One member of the house of representatives appointed by the speaker of the house of representatives;	1970 1971
(3) One member of the senate appointed by the president of the senate;	1972 1973
(4) One member appointed by the governor who is a representative of an intellectual or developmental disability advocacy organization;	1974 1975 1976
(5) One member appointed by the governor who is a representative of a service provider for individuals with disabilities;	1977 1978 1979
(6) One member appointed by the governor who is the parent of a child with a disability and who has significant experience with disability issues;	1980 1981 1982
(7) One member appointed by the governor who is a person with a disability and who has significant experience with disability issues;	1983 1984 1985
(8) Two members appointed by the governor who have significant experience in finance, accounting, investment management, or other areas that may assist the board in carrying out its duties.	1986 1987 1988 1989
(B) Terms of office of the appointed members described in divisions (A)(4) to (8) of this section are for four years, which shall end on the thirty-first day of December. Terms of office of the appointed members described in divisions (A)(2) and (3) of this section shall be for the term of the general assembly. Any member may be reappointed, provided the member continues to meet all other eligibility requirements. Vacancies shall be filled in	1990 1991 1992 1993 1994 1995 1996

the manner provided for original appointments. Any such member 1997
appointed to fill a vacancy before the expiration of the term for 1998
which the predecessor was appointed shall hold office as a member 1999
for the remainder of that term. Appointed members of the board 2000
serve at the pleasure of the member's appointing authority and may 2001
be removed only by that authority. 2002

~~(C) The member described in division (A)(1) of this section 2003
shall call the first meeting of the ABLE account program advisory 2004
board, which shall occur not later than sixty days after the 2005
effective date of the enactment of this section. At the board's 2006
first meeting, members of the board shall elect a chairperson. If 2007
a vacancy occurs in the office of chairperson, members shall elect 2008
a new chairperson. The board shall meet at least four times each 2009
year or more frequently at the call of the chairperson. The board 2010
is a public body for purposes of section 121.22 of the Revised 2011
Code. 2012~~

(D) A vacancy on the board does not impair the right of the 2013
other members to exercise all the functions of the board. The 2014
presence of a majority of the members of the board constitutes a 2015
quorum for the conduct of business of the board. The concurrence 2016
of at least a majority of the members of the board is necessary 2017
for any action to be taken by the board. On request to the 2018
treasurer of state, each member of the board shall be reimbursed 2019
for the actual and necessary travel expenses incurred in the 2020
performance of the member's official duties. 2021

(E)(1) The board shall do all of the following: 2022

(a) Review the work of the treasurer of state related to the 2023
program; 2024

(b) Advise the treasurer on the program as requested by the 2025
treasurer; 2026

(c) Make recommendations to the treasurer for the improvement 2027

of the program; 2028

(d) On or before the thirty-first day of December of each 2029
year, in consultation with the treasurer of state, prepare a 2030
report of the board's activities and recommendations and deliver 2031
that report to the governor, speaker of the house of 2032
representatives, and president of the senate. 2033

(2) The board may prepare reports of the board's activities 2034
and recommendations in addition to the report described in 2035
division (E)(1)(d) of this section. The board shall deliver such a 2036
report to the governor, speaker of the house of representatives, 2037
and president of the senate. 2038

(F) The treasurer of state shall provide the board with the 2039
resources necessary to conduct its business. The board may accept 2040
uncompensated assistance from individuals, research organizations, 2041
and other state agencies. 2042

Sec. ~~125.66~~ 113.60. (A) As used in this section and ~~section~~ 2043
~~125.661~~ sections 113.61 and 113.62 of the Revised Code: 2044

(1) "~~Social service~~ Service intermediary" means a ~~nonprofit~~ 2045
~~organization exempt from federal income taxation under section~~ 2046
~~501(c)(3) of the "Internal Revenue Code of 1986," as amended, or a~~ 2047
~~wholly owned subsidiary of a nonprofit organization, that delivers~~ 2048
~~or contracts for the delivery of social services, raises capital~~ 2049
~~to finance the delivery of social services, and provides ongoing~~ 2050
~~project management and investor relations for these activities~~ 2051
person or entity that enters into a pay for success contract with 2052
the treasurer of state under this section and sections 113.61 and 2053
113.62 of the Revised Code. The service intermediary may act as 2054
the service provider that delivers the services specified in the 2055
contract or may contract with a separate service provider to 2056
deliver those services. 2057

(2) "State agency" ~~has~~ and "political subdivision" have the 2058
same ~~meaning~~ meanings as in section 9.23 of the Revised Code. 2059

(B) ~~There is hereby established~~ The treasurer of state shall 2060
administer the pay for success contracting program. Under the 2061
program, the ~~director of administrative services~~ treasurer of 2062
state may enter into ~~multi-year contracts~~ a pay for success 2063
contract with ~~social~~ a service intermediaries to achieve certain 2064
~~social goals in this state~~ intermediary for the delivery of 2065
specified services that benefit the state, a political 2066
subdivision, or a group of political subdivisions, such as 2067
programs addressing education, public health, criminal justice, or 2068
natural resource management. The treasurer of state may enter into 2069
a pay for success contract under any of the following 2070
circumstances: 2071

(1) Upon receiving an appropriation from the general assembly 2072
for the purpose of entering into a pay for success contract; 2073

(2) Upon receiving federal grant moneys for the purpose of 2074
entering into a pay for success contract; 2075

(3) At the request of a state agency, a political 2076
subdivision, or a group of state agencies or political 2077
subdivisions that the treasurer of state enter into a pay for 2078
success contract on behalf of the requesting state agency, 2079
political subdivision, or group. The requesting state agency, 2080
political subdivision, or group shall deposit the cost of the 2081
contract with the treasurer of state in the appropriate fund 2082
established in section 113.62 of the Revised Code. 2083

(C) ~~A contract entered into under the program shall include~~ 2084
~~provisions that do all of the following:~~ 2085

~~(1) Require the department of administrative services, in~~ 2086
~~consultation with an agency of this state that administers~~ 2087
~~programs or services related to the contract's subject matter, to~~ 2088

~~specify performance targets to be met by the social service
intermediary;~~ 2089
2090

~~(2) Specify the process or methodology that an independent
evaluator contracted by the department of administrative services
under section 125.661 of the Revised Code must use to evaluate the
social service intermediary's progress toward meeting each
performance target;~~ 2091
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~~(3) Require the department of administrative services to pay
the social service intermediary in installments at times
determined by the director of administrative services that are
specified in the contract and are consistent with applicable state
law;~~ 2096
2097
2098
2099
2100

~~(4) Require the installment payments to the social service
intermediary to be based on the social service intermediary's
progress toward achieving each performance target, as determined
by the independent evaluator contracted by the department of
administrative services under section 125.661 of the Revised Code;~~ 2101
2102
2103
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~~(5) Specify the maximum amount a social service intermediary
may earn for its progress toward achieving performance targets
specified under division (C)(1) of this section;~~ 2106
2107
2108

~~(6) Require the department of administrative services to
ensure, in accordance with applicable state and federal laws, that
the social service intermediary has access to any data in the
possession of a state agency, including historical data, that the
social service intermediary requests for the purpose of performing
contractual duties. The treasurer of state shall adopt rules in
accordance with Chapter 119. of the Revised Code to administer the
pay for success contracting program, including rules concerning
all of the following:~~ 2109
2110
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~~(1) The procedure for a state agency, political subdivision,
or group of state agencies or political subdivisions to request~~ 2118
2119

the treasurer of state to enter into a pay for success contract 2120
and to deposit the cost of the contract with the treasurer of 2121
state; 2122

(2) The types of services that are appropriate for a service 2123
provider to provide under a pay for success contract; 2124

(3) The processes by which the treasurer of state may award 2125
and administer a pay for success contract; 2126

(4) A requirement that for not less than seventy-five per 2127
cent of the pay for success contracts entered into under this 2128
section, the performance targets specified in the contract require 2129
that, based on available regional or national data, the 2130
improvement in the status of this state or the relevant area of 2131
this state with respect to the issue the contract is meant to 2132
address be greater than the average improvement in status with 2133
respect to that issue in other geographical areas during the 2134
period of the contract; 2135

(5) A process to ensure that any regional or national data 2136
used to determine whether a service provider has met its 2137
performance targets under a pay for success contract are 2138
scientifically valid. 2139

Sec. ~~125.661~~ 113.61. If (A) A pay for success contract 2140
entered into under section 113.60 of the Revised Code shall 2141
include provisions that do all of the following: 2142

(1) Require the treasurer of state, in consultation with the 2143
requesting state agency, political subdivision, or group of state 2144
agencies or political subdivisions, to specify performance targets 2145
to be met by the service provider. If scientifically valid 2146
regional or national data are available to compare the status of 2147
this state or the relevant area of this state with respect to the 2148
issue the contract is meant to address against the status of other 2149

geographical areas with respect to that issue, the performance 2150
targets shall require the improvement in the status of this state 2151
or the relevant area of this state with respect to that issue to 2152
be greater than the average improvement in status with respect to 2153
that issue in other geographical areas during the period of the 2154
contract. 2155

(2) Specify the process or methodology that an independent 2156
evaluator contracted by the treasurer of state under division (B) 2157
of this section must use to evaluate the service provider's 2158
progress toward meeting each performance target; 2159

(3) Require the treasurer of state to pay the service 2160
intermediary in installments at times determined by the treasurer 2161
that are specified in the contract and are consistent with 2162
applicable state law; 2163

(4) Require the installment payments to the service 2164
intermediary to be based on the service provider's progress toward 2165
achieving each performance target, as determined by the 2166
independent evaluator; 2167

(5) Specify the maximum amount a service intermediary may 2168
earn for the service provider's progress toward achieving the 2169
performance targets; 2170

(6) Require a state agency, political subdivision, or group 2171
that requested the treasurer of state to enter into the contract 2172
to ensure, in accordance with applicable laws, that the service 2173
intermediary has access to any data in the possession of the state 2174
agency, political subdivision, or group, including historical 2175
data, that the service intermediary requests for the purpose of 2176
fulfilling the contract. 2177

(B) When the ~~director of administrative services~~ treasurer of 2178
state contracts with a ~~social~~ service intermediary under section 2179
~~125.66~~ 113.60 of the Revised Code, the ~~director~~ treasurer also 2180

shall contract with a person or government entity, other than a 2181
state agency, a political subdivision, or a group of state 2182
agencies or political subdivisions that requested the treasurer to 2183
enter into the contract, to evaluate the ~~social~~ service 2184
intermediary's provider's progress toward meeting each performance 2185
target specified in the contract ~~pursuant to division (C)(1) of~~ 2186
~~section 125.66 of the Revised Code.~~ The ~~director~~ treasurer shall 2187
choose an evaluator that is independent from the ~~social~~ service 2188
intermediary and the service provider, ensuring that ~~both parties~~ 2189
~~do~~ the evaluator does not have common owners or administrators, 2190
managers, or employees with the service intermediary or the 2191
service provider. 2192

Sec. 113.62. (A) There is in the state treasury the state pay 2193
for success contract fund. The fund shall consist of any moneys 2194
transferred to the treasurer of state by state agencies for the 2195
purpose of making payments to service intermediaries under pay for 2196
success contracts the treasurer of state enters into on behalf of 2197
the state agencies and any moneys appropriated to the fund. Any 2198
investment earnings on the fund shall be credited to it. The 2199
treasurer shall use the moneys in the fund for the purpose of 2200
making those payments to service intermediaries, provided that the 2201
treasurer may use any investment earnings on the fund to pay the 2202
costs of administering the pay for success contracting program. 2203
When the term of a pay for success contract expires, the treasurer 2204
of state shall transfer any remaining unencumbered funds received 2205
from a state agency or group of state agencies for the purpose of 2206
making payments under the contract to that agency or group. 2207

(B) There is in the state treasury the federal pay for 2208
success contract fund. The fund shall consist of any moneys the 2209
treasurer receives from federal agencies pursuant to grant 2210
agreements that require the treasurer to enter into pay for 2211
success contracts. Any investment earnings on the fund shall be 2212

credited to it. The treasurer shall use the moneys in the fund for 2213
the purpose of making payments to service intermediaries under pay 2214
for success contracts the treasurer enters into pursuant to those 2215
grant agreements, provided that the treasurer may use any 2216
investment earnings on the fund to pay the costs of administering 2217
the pay for success contracting program. When the term of a pay 2218
for success contract expires, the treasurer of state shall 2219
transfer any remaining unencumbered funds received from a federal 2220
agency pursuant to a grant agreement that required the treasurer 2221
of state to enter into the contract in accordance with the grant 2222
agreement. 2223

(C) There is in the state treasury the local government pay 2224
for success contract fund. The fund shall consist of any moneys 2225
paid to the treasurer of state by political subdivisions for the 2226
purpose of making payments to service intermediaries under pay for 2227
success contracts the treasurer enters into on behalf of the 2228
political subdivisions. Any investment earnings on the fund shall 2229
be credited to it. The treasurer shall use the moneys in the fund 2230
for the purpose of making those payments to service 2231
intermediaries, provided that the treasurer may use any investment 2232
earnings on the fund to pay the costs of administering the pay for 2233
success contracting program. When the term of a pay for success 2234
contract expires, the treasurer of state shall transfer any 2235
remaining unencumbered funds received from a political subdivision 2236
or group of political subdivisions for the purpose of making 2237
payments under the contract to that political subdivision or 2238
group. 2239

Sec. 117.13. (A) The total costs of audits of state agencies, 2240
both direct and indirect, shall be recovered by the auditor of 2241
state in the following manner: 2242

(1) The total costs of all audits of state agencies, both 2243

direct and indirect, shall be paid to the auditor of state on 2244
statements rendered by the auditor of state. Money so received by 2245
the auditor of state shall be paid into the state treasury to the 2246
credit of the public audit expense fund--intrastate, which is 2247
hereby created, and shall be used to pay costs related to such 2248
audits. The costs of audits of a state agency shall be charged to 2249
the state agency being audited, unless otherwise determined by the 2250
auditor of state. The costs of any assistant auditor, employee, or 2251
expert employed pursuant to section 117.09 of the Revised Code 2252
called upon to testify in any legal proceedings in regard to any 2253
audit, or called upon to review or discuss any matter related to 2254
any audit, may be charged to the state agency to which the audit 2255
relates. 2256

(2) The auditor of state shall ~~establish by rule~~ determine 2257
and publish annually rates to be charged to state agencies for 2258
recovering the costs of audits of state agencies. The rates shall 2259
take into consideration federal cost recovery guidelines 2260

(B) As used in this division, "government auditing standards" 2261
means the government auditing standards published by the 2262
comptroller general of the United States general accounting 2263
office. 2264

(1) Except as provided in divisions (B)(2) and (3) of this 2265
section, any costs of an audit of a private institution, 2266
association, board, or corporation receiving public money for its 2267
use shall be charged to the public office providing the public 2268
money in the same manner as costs of an audit of the public 2269
office. 2270

(2) If an audit of a private child placing agency or private 2271
noncustodial agency receiving public money from a public children 2272
services agency for providing child welfare or child protection 2273
services sets forth that money has been illegally expended, 2274
converted, misappropriated, or is unaccounted for, the costs of 2275

the audit shall be charged to the agency being audited in the same 2276
manner as costs of an audit of a public office, unless the 2277
findings are inconsequential, as defined by government auditing 2278
standards. 2279

(3) If such an audit does not set forth that money has been 2280
illegally expended, converted, misappropriated, or is unaccounted 2281
for or sets forth findings that are inconsequential, as defined by 2282
government auditing standards, the costs of the audit shall be 2283
charged as follows: 2284

(a) One-third of the costs to the agency being audited; 2285

(b) One-third of the costs to the public children services 2286
agency that provided the public money to the agency being audited; 2287

(c) One-third of the costs to the department of job and 2288
family services. 2289

(C) The total costs of audits of local public offices, both 2290
direct and indirect, shall be recovered by the auditor of state in 2291
the following manner: 2292

~~(1) The total amount of compensation paid assistant auditors 2293
of state, their expenses, the cost of employees assigned to assist 2294
the assistant auditors of state, the cost of experts employed 2295
pursuant to section 117.09 of the Revised Code, and the cost of 2296
typing, reviewing, and copying reports shall be borne by the 2297
public office to which such assistant auditors of state are so 2298
assigned. Assistant auditors of state shall be compensated by the 2299
taxing district or other public office audited for activities 2300
undertaken pursuant to division (B) of section 117.18 and section 2301
117.24 of the Revised Code. costs of all audits of local public 2302
offices, both direct and indirect, shall be paid to the auditor of 2303
state on statements rendered by the auditor of state. Money so 2304
received by the auditor of state shall be paid into the state 2305
treasury to the credit of the public audit expense fund-local 2306~~

government, which is hereby created, and shall be used to pay 2307
costs related to such audits. The costs of audits of a local 2308
public office shall be charged to the local public office being 2309
audited, unless otherwise determined by the auditor of state. The 2310
charges billed to the local public office for the cost of audits 2311
performed shall be offset subject to the availability of resources 2312
from the local government audit support fund, the general revenue 2313
fund, or other state sources provided to the auditor of state for 2314
such purposes. The auditor of state shall establish the manner in 2315
which the offset shall be determined. The costs of any assistant 2316
auditor, employee, or expert employed pursuant to section 117.09 2317
of the Revised Code called upon to testify in any legal 2318
proceedings in regard to any audit, or called upon to review or 2319
discuss any matter related to any audit, may be charged to the 2320
public office to which the audit relates. 2321

~~(2) The auditor of state shall certify the amount of such~~ 2322
~~compensation, expenses, cost of experts, reviewing, copying, and~~ 2323
~~typing to the fiscal officer of the local public office audited.~~ 2324
The fiscal officer of the local public office shall forthwith draw 2325
a warrant upon the general fund or other appropriate funds of the 2326
local public office to the order of the auditor of state; 2327
provided, that the auditor of state is authorized to negotiate 2328
with any local public office and, upon agreement between the 2329
auditor of state and the local public office, may adopt a schedule 2330
for payment of the amount due under this section. Money so 2331
received by the auditor of state shall be paid into the state 2332
treasury to the credit of the public audit expense fund local 2333
government, which is hereby created, and shall be used to pay the 2334
compensation, expense, cost of experts and employees, reviewing, 2335
copying, and typing of reports. 2336

~~(3) At the conclusion of each audit, or analysis and report~~ 2337
made pursuant to section 117.24 of the Revised Code, ~~the auditor~~ 2338

~~of state shall furnish the fiscal officer of the local public~~ 2339
~~office audited a statement showing~~ may allocate the total cost of 2340
the audit, or of the audit and the analysis and report, ~~and the~~ 2341
~~percentage of the total cost chargeable to each fund audited. The~~ 2342
~~fiscal officer may distribute such total cost to each fund audited~~ 2343
~~in accordance with its percentage of the total cost~~ to appropriate 2344
funds using a methodology that follows guidance provided by the 2345
auditor of state. 2346

~~(4)~~(3) The auditor of state shall provide each local public 2347
office a statement or certification of the amount due from the 2348
public office for services performed by the auditor of state under 2349
this or any other section of the Revised Code, as well as the date 2350
upon which payment is due to the auditor of state. The auditor of 2351
state is authorized to negotiate with any local public office and, 2352
upon agreement between the auditor of state and the local public 2353
office, may adopt a schedule for payment of the amount due under 2354
this section. Any local public office that does not pay the amount 2355
due to the auditor of state by that date may be assessed by the 2356
auditor of state for interest from the date upon which the payment 2357
is due at the rate per annum prescribed by section 5703.47 of the 2358
Revised Code. All interest charges assessed by the auditor of 2359
state may be collected in the same manner as audit costs pursuant 2360
to division (D) of this section. 2361

~~(5)~~(4) The auditor of state shall ~~establish by rule~~ determine 2362
and publish annually rates to be charged to local public offices 2363
for recovering the costs of audits of local public offices. 2364

(D) If the auditor of state fails to receive payment for any 2365
amount due, including, but not limited to, fines, fees, and costs, 2366
from a public office for services performed under this or any 2367
other section of the Revised Code, the auditor of state may seek 2368
payment through the office of budget and management. (Amounts due 2369
include any amount due to an independent public accountant with 2370

whom the auditor has contracted to perform services, all costs and 2371
fees associated with participation in the uniform accounting 2372
network, and all costs associated with the auditor's provision of 2373
local government services.) Upon certification by the auditor of 2374
state to the director of budget and management of any such amount 2375
due, the director shall withhold from the public office any amount 2376
available, up to and including the amount certified as due, from 2377
any funds under the director's control that belong to or are 2378
lawfully payable or due to the public office. The director shall 2379
promptly pay the amount withheld to the auditor of state. If the 2380
director determines that no funds due and payable to the public 2381
office are available or that insufficient amounts of such funds 2382
are available to cover the amount due, the director shall withhold 2383
and pay to the auditor of state the amounts available and, in the 2384
case of a local public office, certify the remaining amount to the 2385
county auditor of the county in which the local public office is 2386
located. The county auditor shall withhold from the local public 2387
office any amount available, up to and including the amount 2388
certified as due, from any funds under the county auditor's 2389
control and belonging to or lawfully payable or due to the local 2390
public office. The county auditor shall promptly pay any such 2391
amount withheld to the auditor of state. 2392

Sec. 120.04. (A) The state public defender shall serve at the 2393
pleasure of the Ohio public defender commission and shall be an 2394
attorney with a minimum of four years of experience in the 2395
practice of law and be admitted to the practice of law in this 2396
state at least one year prior to appointment. 2397

(B) The state public defender shall do all of the following: 2398

(1) Maintain a central office in Columbus. The central office 2399
shall be provided with a library of adequate size, considering the 2400
needs of the office and the accessibility of other libraries, and 2401

other necessary facilities and equipment. 2402

(2) Appoint assistant state public defenders, all of whom 2403
shall be attorneys admitted to the practice of law in this state, 2404
and other personnel necessary for the operation of the state 2405
public defender office. Assistant state public defenders shall be 2406
appointed on a full-time basis. The state public defender, 2407
assistant state public defenders, and employees appointed by the 2408
state public defender shall not engage in the private practice of 2409
law. 2410

(3) Supervise the compliance of county public defender 2411
offices, joint county public defender offices, and county 2412
appointed counsel systems with standards established by rules of 2413
the Ohio public defender commission pursuant to division (B) of 2414
section 120.03 of the Revised Code; 2415

(4) Keep and maintain financial records of all cases handled 2416
and develop records for use in the calculation of direct and 2417
indirect costs, in the operation of the office, and report 2418
periodically, but not less than annually, to the commission on all 2419
relevant data on the operations of the office, costs, projected 2420
needs, and recommendations for legislation or amendments to court 2421
rules, as may be appropriate to improve the criminal justice 2422
system; 2423

(5) Collect all moneys due the state for reimbursement for 2424
legal services under this chapter and under section 2941.51 of the 2425
Revised Code and institute any actions in court on behalf of the 2426
state for the collection of such sums that the state public 2427
defender considers advisable. Except as provided otherwise in 2428
division (D) of section 120.06 of the Revised Code, all moneys 2429
collected by the state public defender under this chapter and 2430
section 2941.51 of the Revised Code shall be deposited in the 2431
state treasury to the credit of the client payment fund, which is 2432
hereby created. All moneys credited to the fund shall be used by 2433

the state public defender to appoint assistant state public 2434
defenders and to provide other personnel, equipment, and 2435
facilities necessary for the operation of the state public 2436
defender office, to reimburse counties for the operation of county 2437
public defender offices, joint county public defender offices, and 2438
county appointed counsel systems pursuant to sections 120.18, 2439
120.28, and 120.33 of the Revised Code, or to provide assistance 2440
to counties in the operation of county indigent defense systems. 2441

(6) With respect to funds appropriated to the commission to 2442
pay criminal costs, perform the duties imposed by sections 2949.19 2443
and 2949.201 of the Revised Code; 2444

(7) Establish standards and guidelines for the reimbursement, 2445
pursuant to sections 120.18, 120.28, 120.33, 2941.51, and 2949.19 2446
of the Revised Code, of counties for the operation of county 2447
public defender offices, joint county public defender offices, and 2448
county appointed counsel systems and for other costs related to 2449
felony prosecutions; 2450

(8) Establish maximum amounts that the state will reimburse 2451
the counties pursuant to sections 120.18, 120.28, 120.33, and 2452
2941.51 of the Revised Code; 2453

(9) Establish maximum amounts that the state will reimburse 2454
the counties pursuant to section 120.33 of the Revised Code for 2455
each specific type of legal service performed by a county 2456
appointed counsel system; 2457

(10) Administer sections 120.18, 120.28, 120.33, 2941.51, and 2458
2949.19 of the Revised Code and make reimbursements pursuant to 2459
those sections; 2460

(11) Administer the program established pursuant to sections 2461
120.51 to 120.55 of the Revised Code for the charitable public 2462
purpose of providing financial assistance to legal aid societies. 2463
Neither the state public defender nor any of the state public 2464

defender's employees who is responsible in any way for the 2465
administration of that program and who performs those 2466
administrative responsibilities in good faith is in any manner 2467
liable if a legal aid society that is provided financial 2468
assistance under the program uses the financial assistance other 2469
than in accordance with sections 120.51 to 120.55 of the Revised 2470
Code or fails to comply with the requirements of those sections. 2471

(12) Establish an office for the handling of appeal and 2472
postconviction matters; 2473

(13) Provide technical aid and assistance to county public 2474
defender offices, joint county public defender offices, and other 2475
local counsel providing legal representation to indigent persons, 2476
including representation and assistance on appeals. 2477

(C) The state public defender may do any of the following: 2478

(1) In providing legal representation, conduct 2479
investigations, obtain expert testimony, take depositions, use 2480
other discovery methods, order transcripts, and make all other 2481
preparations which are appropriate and necessary to an adequate 2482
defense or the prosecution of appeals and other legal proceedings; 2483

(2) Seek, solicit, and apply for grants for the operation of 2484
programs for the defense of indigent persons from any public or 2485
private source, and may receive donations, grants, awards, and 2486
similar funds from any lawful source. Such funds shall be 2487
deposited in the state treasury to the credit of the public 2488
defender gifts and grants fund, which is hereby created. 2489

(3) Make all the necessary arrangements to coordinate the 2490
services of the office with any federal, county, or private 2491
programs established to provide legal representation to indigent 2492
persons and others, and to obtain and provide all funds allowable 2493
under any such programs; 2494

(4) Consult and cooperate with professional groups concerned 2495

with the causes of criminal conduct, the reduction of crime, the 2496
rehabilitation and correction of persons convicted of crime, the 2497
administration of criminal justice, and the administration and 2498
operation of the state public defender's office; 2499

(5) Accept the services of volunteer workers and consultants 2500
at no compensation other than reimbursement for actual and 2501
necessary expenses; 2502

(6) Prescribe any forms that are necessary for the uniform 2503
operation of this chapter; 2504

(7) Contract with a county public defender commission or a 2505
joint county public defender commission to provide all or any part 2506
of the services that a county public defender or joint county 2507
public defender is required or permitted to provide by this 2508
chapter, or contract with a board of county commissioners of a 2509
county that is not served by a county public defender commission 2510
or a joint county public defender commission for the provision of 2511
services in accordance with section 120.33 of the Revised Code. 2512
All money received by the state public defender pursuant to such a 2513
contract shall be credited to either the ~~multi-county~~ multicounty: 2514
county share fund or, if received as a result of a contract with 2515
Trumbull county, the Trumbull county: county share fund. 2516

(8) Authorize persons employed as criminal investigators to 2517
attend the Ohio peace officer training academy or any other peace 2518
officer training school for training; 2519

(9) Procure a policy or policies of malpractice insurance 2520
that provide coverage for the state public defender and assistant 2521
state public defenders in connection with malpractice claims that 2522
may arise from their actions or omissions related to 2523
responsibilities derived pursuant to this chapter; 2524

(10) Enter into agreements to license, lease, sell, and 2525
market for sale intellectual property owned by the office and 2526

receive payments from those agreements for use in the operation of 2527
the office and programs for the defense of indigent persons. All 2528
funds received by the state public defender pursuant to such 2529
agreements shall be deposited in the state treasury to the credit 2530
of the public defender gifts and grants fund. 2531

(D) No person employed by the state public defender as a 2532
criminal investigator shall attend the Ohio peace officer training 2533
academy or any other peace officer training school unless 2534
authorized to do so by the state public defender. 2535

Sec. 120.06. (A)(1) The state public defender, when 2536
designated by the court or requested by a county public defender 2537
or joint county public defender, may provide legal representation 2538
in all courts throughout the state to indigent adults and 2539
juveniles who are charged with the commission of an offense or act 2540
for which the penalty or any possible adjudication includes the 2541
potential loss of liberty. 2542

(2) The state public defender may provide legal 2543
representation to any indigent person who, while incarcerated in 2544
any state correctional institution, is charged with a felony 2545
offense, for which the penalty or any possible adjudication that 2546
may be imposed by a court upon conviction includes the potential 2547
loss of liberty. 2548

(3) The state public defender may provide legal 2549
representation to any person incarcerated in any correctional 2550
institution of the state, in any matter in which the person 2551
asserts the person is unlawfully imprisoned or detained. 2552

(4) The state public defender, in any case in which the state 2553
public defender has provided legal representation or is requested 2554
to do so by a county public defender or joint county public 2555
defender, may provide legal representation on appeal. 2556

(5) The state public defender, when designated by the court 2557
or requested by a county public defender, joint county public 2558
defender, or the director of rehabilitation and correction, shall 2559
provide legal representation in parole and probation revocation 2560
matters or matters relating to the revocation of community control 2561
or post-release control under a community control sanction or 2562
post-release control sanction, unless the state public defender 2563
finds that the alleged parole or probation violator or alleged 2564
violator of a community control sanction or post-release control 2565
sanction has the financial capacity to retain the alleged 2566
violator's own counsel. 2567

(6) If the state public defender contracts with a county 2568
public defender commission, a joint county public defender 2569
commission, or a board of county commissioners for the provision 2570
of services, under authority of division (C)(7) of section 120.04 2571
of the Revised Code, the state public defender shall provide legal 2572
representation in accordance with the contract. 2573

(B) The state public defender shall not be required to 2574
prosecute any appeal, postconviction remedy, or other proceeding 2575
pursuant to division (A)(3), (4), or (5) of this section, unless 2576
the state public defender first is satisfied that there is 2577
arguable merit to the proceeding. 2578

(C) A court may appoint counsel or allow an indigent person 2579
to select the indigent's own personal counsel to assist the state 2580
public defender as co-counsel when the interests of justice so 2581
require. When co-counsel is appointed to assist the state public 2582
defender, the co-counsel shall receive any compensation that the 2583
court may approve, not to exceed the amounts provided for in 2584
section 2941.51 of the Revised Code. 2585

(D)(1) When the state public defender is designated by the 2586
court or requested by a county public defender or joint county 2587
public defender to provide legal representation for an indigent 2588

person in any case, other than pursuant to a contract entered into 2589
under authority of division (C)(7) of section 120.04 of the 2590
Revised Code, the state public defender shall send to the county 2591
in which the case is filed a bill detailing the actual cost of the 2592
representation that separately itemizes legal fees and expenses. 2593
The county, upon receipt of an itemized bill from the state public 2594
defender pursuant to this division, shall pay the state public 2595
defender ~~each of the following amounts:~~ 2596

~~(a) For the amount identified as legal fees in the itemized 2597
bill, one hundred per cent of the amount identified as legal fees 2598
less the state reimbursement rate as calculated by the state 2599
public defender pursuant to section 120.34 of the Revised Code for 2600
the month the case terminated, as set forth and expenses in the 2601
itemized bill:~~ 2602

~~(b) For the amount identified as expenses in the itemized 2603
bill, one hundred per cent. 2604~~

(2) Upon payment of the itemized bill under division (D)(1) 2605
of this section, the county may submit the cost of the legal fees 2606
and expenses, ~~excluding legal fees~~, to the state public defender 2607
for reimbursement pursuant to section 120.33 of the Revised Code. 2608

(3) When the state public defender provides investigation or 2609
mitigation services to private appointed counsel or to a county or 2610
joint county public defender as approved by the appointing court, 2611
other than pursuant to a contract entered into under authority of 2612
division (C)(7) of section 120.04 of the Revised Code, the state 2613
public defender shall send to the county in which the case is 2614
filed a bill itemizing the actual cost of the services provided. 2615
The county, upon receipt of an itemized bill from the state public 2616
defender pursuant to this division, shall pay one hundred per cent 2617
of the amount as set forth in the itemized bill. Upon payment of 2618
the itemized bill received pursuant to this division, the county 2619
may submit the cost of the investigation and mitigation services 2620

to the state public defender for reimbursement pursuant to section 2621
120.33 of the Revised Code. 2622

(4) There is hereby created in the state treasury the county 2623
representation fund for the deposit of moneys received from 2624
counties under this division. All moneys credited to the fund 2625
shall be used by the state public defender to provide legal 2626
representation for indigent persons when designated by the court 2627
or requested by a county or joint county public defender or to 2628
provide investigation or mitigation services, including 2629
investigation or mitigation services to private appointed counsel 2630
or a county or joint county public defender, as approved by the 2631
court. 2632

(E)(1) Notwithstanding any contrary provision of sections 2633
109.02, 109.07, 109.361 to 109.366, and 120.03 of the Revised Code 2634
that pertains to representation by the attorney general, an 2635
assistant attorney general, or special counsel of an officer or 2636
employee, as defined in section 109.36 of the Revised Code, or of 2637
an entity of state government, the state public defender may elect 2638
to contract with, and to have the state pay pursuant to division 2639
(E)(2) of this section for the services of, private legal counsel 2640
to represent the Ohio public defender commission, the state public 2641
defender, assistant state public defenders, other employees of the 2642
commission or the state public defender, and attorneys described 2643
in division (C) of section 120.41 of the Revised Code in a 2644
malpractice or other civil action or proceeding that arises from 2645
alleged actions or omissions related to responsibilities derived 2646
pursuant to this chapter, or in a civil action that is based upon 2647
alleged violations of the constitution or statutes of the United 2648
States, including section 1983 of Title 42 of the United States 2649
Code, 93 Stat. 1284 (1979), 42 U.S.C.A. 1983, as amended, and that 2650
arises from alleged actions or omissions related to 2651
responsibilities derived pursuant to this chapter, if the state 2652

public defender determines, in good faith, that the defendant in 2653
the civil action or proceeding did not act manifestly outside the 2654
scope of the defendant's employment or official responsibilities, 2655
with malicious purpose, in bad faith, or in a wanton or reckless 2656
manner. If the state public defender elects not to contract 2657
pursuant to this division for private legal counsel in a civil 2658
action or proceeding, then, in accordance with sections 109.02, 2659
109.07, 109.361 to 109.366, and 120.03 of the Revised Code, the 2660
attorney general shall represent or provide for the representation 2661
of the Ohio public defender commission, the state public defender, 2662
assistant state public defenders, other employees of the 2663
commission or the state public defender, or attorneys described in 2664
division (C) of section 120.41 of the Revised Code in the civil 2665
action or proceeding. 2666

(2)(a) Subject to division (E)(2)(b) of this section, payment 2667
from the state treasury for the services of private legal counsel 2668
with whom the state public defender has contracted pursuant to 2669
division (E)(1) of this section shall be accomplished only through 2670
the following procedure: 2671

(i) The private legal counsel shall file with the attorney 2672
general a copy of the contract; a request for an award of legal 2673
fees, court costs, and expenses earned or incurred in connection 2674
with the defense of the Ohio public defender commission, the state 2675
public defender, an assistant state public defender, an employee, 2676
or an attorney in a specified civil action or proceeding; a 2677
written itemization of those fees, costs, and expenses, including 2678
the signature of the state public defender and the state public 2679
defender's attestation that the fees, costs, and expenses were 2680
earned or incurred pursuant to division (E)(1) of this section to 2681
the best of the state public defender's knowledge and information; 2682
a written statement whether the fees, costs, and expenses are for 2683
all legal services to be rendered in connection with that defense, 2684

are only for legal services rendered to the date of the request 2685
and additional legal services likely will have to be provided in 2686
connection with that defense, or are for the final legal services 2687
rendered in connection with that defense; a written statement 2688
indicating whether the private legal counsel previously submitted 2689
a request for an award under division (E)(2) of this section in 2690
connection with that defense and, if so, the date and the amount 2691
of each award granted; and, if the fees, costs, and expenses are 2692
for all legal services to be rendered in connection with that 2693
defense or are for the final legal services rendered in connection 2694
with that defense, a certified copy of any judgment entry in the 2695
civil action or proceeding or a signed copy of any settlement 2696
agreement entered into between the parties to the civil action or 2697
proceeding. 2698

(ii) Upon receipt of a request for an award of legal fees, 2699
court costs, and expenses and the requisite supportive 2700
documentation described in division (E)(2)(a)(i) of this section, 2701
the attorney general shall review the request and documentation; 2702
determine whether any of the limitations specified in division 2703
(E)(2)(b) of this section apply to the request; and, if an award 2704
of legal fees, court costs, or expenses is permissible after 2705
applying the limitations, prepare a document awarding legal fees, 2706
court costs, or expenses to the private legal counsel. The 2707
document shall name the private legal counsel as the recipient of 2708
the award; specify the total amount of the award as determined by 2709
the attorney general; itemize the portions of the award that 2710
represent legal fees, court costs, and expenses; specify any 2711
limitation applied pursuant to division (E)(2)(b) of this section 2712
to reduce the amount of the award sought by the private legal 2713
counsel; state that the award is payable from the state treasury 2714
pursuant to division (E)(2)(a)(iii) of this section; and be 2715
approved by the inclusion of the signatures of the attorney 2716
general, the state public defender, and the private legal counsel. 2717

(iii) The attorney general shall forward a copy of the document prepared pursuant to division (E)(2)(a)(ii) of this section to the director of budget and management. The award of legal fees, court costs, or expenses shall be paid out of the state public defender's appropriations, to the extent there is a sufficient available balance in those appropriations. If the state public defender does not have a sufficient available balance in the state public defender's appropriations to pay the entire award of legal fees, court costs, or expenses, the director shall make application for a transfer of appropriations out of the emergency purposes account or any other appropriation for emergencies or contingencies in an amount equal to the portion of the award that exceeds the sufficient available balance in the state public defender's appropriations. A transfer of appropriations out of the emergency purposes account or any other appropriation for emergencies or contingencies shall be authorized if there are sufficient moneys greater than the sum total of then pending emergency purposes account requests, or requests for releases from the other appropriation. If a transfer of appropriations out of the emergency purposes account or other appropriation for emergencies or contingencies is made to pay an amount equal to the portion of the award that exceeds the sufficient available balance in the state public defender's appropriations, the director shall cause the payment to be made to the private legal counsel. If sufficient moneys do not exist in the emergency purposes account or other appropriation for emergencies or contingencies to pay an amount equal to the portion of the award that exceeds the sufficient available balance in the state public defender's appropriations, the private legal counsel shall request the general assembly to make an appropriation sufficient to pay an amount equal to the portion of the award that exceeds the sufficient available balance in the state public defender's appropriations, and no payment in that amount shall be made until

the appropriation has been made. The private legal counsel shall 2751
make the request during the current biennium and during each 2752
succeeding biennium until a sufficient appropriation is made. 2753

(b) An award of legal fees, court costs, and expenses 2754
pursuant to division (E) of this section is subject to the 2755
following limitations: 2756

(i) The maximum award or maximum aggregate of a series of 2757
awards of legal fees, court costs, and expenses to the private 2758
legal counsel in connection with the defense of the Ohio public 2759
defender commission, the state public defender, an assistant state 2760
public defender, an employee, or an attorney in a specified civil 2761
action or proceeding shall not exceed fifty thousand dollars. 2762

(ii) The private legal counsel shall not be awarded legal 2763
fees, court costs, or expenses to the extent the fees, costs, or 2764
expenses are covered by a policy of malpractice or other 2765
insurance. 2766

(iii) The private legal counsel shall be awarded legal fees 2767
and expenses only to the extent that the fees and expenses are 2768
reasonable in light of the legal services rendered by the private 2769
legal counsel in connection with the defense of the Ohio public 2770
defender commission, the state public defender, an assistant state 2771
public defender, an employee, or an attorney in a specified civil 2772
action or proceeding. 2773

(c) If, pursuant to division (E)(2)(a) of this section, the 2774
attorney general denies a request for an award of legal fees, 2775
court costs, or expenses to private legal counsel because of the 2776
application of a limitation specified in division (E)(2)(b) of 2777
this section, the attorney general shall notify the private legal 2778
counsel in writing of the denial and of the limitation applied. 2779

(d) If, pursuant to division (E)(2)(c) of this section, a 2780
private legal counsel receives a denial of an award notification 2781

or if a private legal counsel refuses to approve a document under 2782
division (E)(2)(a)(ii) of this section because of the proposed 2783
application of a limitation specified in division (E)(2)(b) of 2784
this section, the private legal counsel may commence a civil 2785
action against the attorney general in the court of claims to 2786
prove the private legal counsel's entitlement to the award sought, 2787
to prove that division (E)(2)(b) of this section does not prohibit 2788
or otherwise limit the award sought, and to recover a judgment for 2789
the amount of the award sought. A civil action under division 2790
(E)(2)(d) of this section shall be commenced no later than two 2791
years after receipt of a denial of award notification or, if the 2792
private legal counsel refused to approve a document under division 2793
(E)(2)(a)(ii) of this section because of the proposed application 2794
of a limitation specified in division (E)(2)(b) of this section, 2795
no later than two years after the refusal. Any judgment of the 2796
court of claims in favor of the private legal counsel shall be 2797
paid from the state treasury in accordance with division (E)(2)(a) 2798
of this section. 2799

(F) If a court appoints the office of the state public 2800
defender to represent a petitioner in a postconviction relief 2801
proceeding under section 2953.21 of the Revised Code, the 2802
petitioner has received a sentence of death, and the proceeding 2803
relates to that sentence, all of the attorneys who represent the 2804
petitioner in the proceeding pursuant to the appointment, whether 2805
an assistant state public defender, the state public defender, or 2806
another attorney, shall be certified under Rule 20 of the Rules of 2807
Superintendence for the Courts of Ohio to represent indigent 2808
defendants charged with or convicted of an offense for which the 2809
death penalty can be or has been imposed. 2810

(G)(1) The state public defender may conduct a legal 2811
assistance referral service for children committed to the 2812
department of youth services relative to conditions of confinement 2813

claims. If the legal assistance referral service receives a 2814
request for assistance from a child confined in a facility 2815
operated, or contracted for, by the department of youth services 2816
and the state public defender determines that the child has a 2817
conditions of confinement claim that has merit, the state public 2818
defender may refer the child to a private attorney. If no private 2819
attorney who the child has been referred to by the state public 2820
defender accepts the case within a reasonable time, the state 2821
public defender may prepare, as appropriate, pro se pleadings in 2822
the form of a complaint regarding the conditions of confinement at 2823
the facility where the child is confined with a motion for 2824
appointment of counsel and other applicable pleadings necessary 2825
for sufficient pro se representation. 2826

(2) Division (G)(1) of this section does not authorize the 2827
state public defender to represent a child committed to the 2828
department of youth services in general civil matters arising 2829
solely out of state law. 2830

(3) The state public defender shall not undertake the 2831
representation of a child in court based on a conditions of 2832
confinement claim arising under this division. 2833

(H) A child's right to representation or services under this 2834
section is not affected by the child, or another person on behalf 2835
of the child, previously having paid for similar representation or 2836
services or having waived legal representation. 2837

(I) The state public defender shall have reasonable access to 2838
any child committed to the department of youth services, 2839
department of youth services institution, and department of youth 2840
services record as needed to implement this section. 2841

(J) As used in this section: 2842

(1) "Community control sanction" has the same meaning as in 2843
section 2929.01 of the Revised Code. 2844

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

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

Sec. 120.18. (A) The county public defender commission's report to the board of county commissioners shall be audited by the county auditor. The board of county commissioners, after review and approval of the audited report, may then certify it to the state public defender for reimbursement. If a request for the reimbursement of any operating expenditure incurred by a county public defender office is not received by the state public defender within sixty days after the end of the calendar month in which the expenditure is incurred, the state public defender shall not pay the requested reimbursement, unless the county has requested, and the state public defender has granted, an extension of the sixty-day time limit. Each request for reimbursement shall include a certification by the county public defender that the persons provided representation by the county public defender's office during the period covered by the report were indigent and, for each person provided representation during that period, a financial disclosure form completed by the person on a form prescribed by the state public defender. The state public defender shall also review the report and, in accordance with the standards, guidelines, and maximums established pursuant to divisions (B)(7) and (8) of section 120.04 of the Revised Code, prepare a voucher for ~~fifty per cent of~~ up to the total cost of each county public defender's office for the period of time covered by the certified report and a voucher for ~~fifty per cent of~~ the costs and expenses that are reimbursable under section 120.35 of the Revised Code, if any, ~~or, if the amount of money~~

~~appropriated by the general assembly to reimburse counties for the~~ 2877
~~operation of county public defender offices, joint county public~~ 2878
~~defender offices, and county appointed counsel systems is not~~ 2879
~~sufficient to pay fifty per cent of the total cost of all of the~~ 2880
~~offices and systems, for the lesser amount required by section~~ 2881
~~120.34 of the Revised Code. For the purposes of this section,~~ 2882
"total cost" means total expenses minus costs and expenses 2883
reimbursable under section 120.35 of the Revised Code and any 2884
funds received by the county public defender commission pursuant 2885
to a contract, except a contract entered into with a municipal 2886
corporation pursuant to division (E) of section 120.14 of the 2887
Revised Code, gift, or grant. 2888

(B) If the county public defender fails to maintain the 2889
standards for the conduct of the office established by rules of 2890
the Ohio public defender commission pursuant to divisions (B) and 2891
(C) of section 120.03 or the standards established by the state 2892
public defender pursuant to division (B)(7) of section 120.04 of 2893
the Revised Code, the Ohio public defender commission shall notify 2894
the county public defender commission and the board of county 2895
commissioners of the county that the county public defender has 2896
failed to comply with its rules or the standards of the state 2897
public defender. Unless the county public defender commission or 2898
the county public defender corrects the conduct of the county 2899
public defender's office to comply with the rules and standards 2900
within ninety days after the date of the notice, the state public 2901
defender may deny payment of all or part of the county's 2902
reimbursement from the state provided for in division (A) of this 2903
section. 2904

Sec. 120.28. (A) The joint county public defender 2905
commission's report to the joint board of county commissioners 2906
shall be audited by the fiscal officer of the district. The joint 2907
board of county commissioners, after review and approval of the 2908

audited report, may then certify it to the state public defender 2909
for reimbursement. If a request for the reimbursement of any 2910
operating expenditure incurred by a joint county public defender 2911
office is not received by the state public defender within sixty 2912
days after the end of the calendar month in which the expenditure 2913
is incurred, the state public defender shall not pay the requested 2914
reimbursement, unless the joint board of county commissioners has 2915
requested, and the state public defender has granted, an extension 2916
of the sixty-day time limit. Each request for reimbursement shall 2917
include a certification by the joint county public defender that 2918
all persons provided representation by the joint county public 2919
defender's office during the period covered by the request were 2920
indigent and, for each person provided representation during that 2921
period, a financial disclosure form completed by the person on a 2922
form prescribed by the state public defender. The state public 2923
defender shall also review the report and, in accordance with the 2924
standards, guidelines, and maximums established pursuant to 2925
divisions (B)(7) and (8) of section 120.04 of the Revised Code, 2926
prepare a voucher for ~~fifty per cent of~~ up to the total cost of 2927
each joint county public defender's office for the period of time 2928
covered by the certified report and a voucher for ~~fifty per cent~~ 2929
~~of~~ the costs and expenses that are reimbursable under section 2930
120.35 of the Revised Code, ~~if any, or, if the amount of money~~ 2931
~~appropriated by the general assembly to reimburse counties for the~~ 2932
~~operation of county public defender offices, joint county public~~ 2933
~~defender offices, and county appointed counsel systems is not~~ 2934
~~sufficient to pay fifty per cent of the total cost of all of the~~ 2935
~~offices and systems, for the lesser amount required by section~~ 2936
~~120.34 of the Revised Code.~~ For purposes of this section, "total 2937
cost" means total expenses minus costs and expenses reimbursable 2938
under section 120.35 of the Revised Code and any funds received by 2939
the joint county public defender commission pursuant to a 2940
contract, except a contract entered into with a municipal 2941

corporation pursuant to division (E) of section 120.24 of the Revised Code, gift, or grant. Each county in the district shall be entitled to a share of such state reimbursement in proportion to the percentage of the total cost it has agreed to pay.

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

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

for counsel appointed to represent indigent persons charged with 2974
violations of the ordinances of the municipal corporation. 2975

(1) In a county that adopts a resolution to pay counsel, an 2976
indigent person shall have the right to do either of the 2977
following: 2978

(a) To select the person's own personal counsel to represent 2979
the person in any proceeding included within the provisions of the 2980
resolution; 2981

(b) To request the court to appoint counsel to represent the 2982
person in such a proceeding. 2983

(2) The court having jurisdiction over the proceeding in a 2984
county that adopts a resolution to pay counsel shall, after 2985
determining that the person is indigent and entitled to legal 2986
representation under this section, do either of the following: 2987

(a) By signed journal entry recorded on its docket, enter the 2988
name of the lawyer selected by the indigent person as counsel of 2989
record; 2990

(b) Appoint counsel for the indigent person if the person has 2991
requested the court to appoint counsel and, by signed journal 2992
entry recorded on its dockets, enter the name of the lawyer 2993
appointed for the indigent person as counsel of record. 2994

(3) The board of county commissioners shall establish a 2995
schedule of fees by case or on an hourly basis to be paid to 2996
counsel for legal services provided pursuant to a resolution 2997
adopted under this section. Prior to establishing the schedule, 2998
the board of county commissioners shall request the bar 2999
association or associations of the county to submit a proposed 3000
schedule for cases other than capital cases. The schedule 3001
submitted shall be subject to the review, amendment, and approval 3002
of the board of county commissioners, except with respect to 3003
capital cases. With respect to capital cases, the schedule shall 3004

provide for fees by case or on an hourly basis to be paid to 3005
counsel in the amount or at the rate set by the capital case 3006
attorney fee council pursuant to division (D) of this section, and 3007
the board of county commissioners shall approve that amount or 3008
rate. 3009

(4) Counsel selected by the indigent person or appointed by 3010
the court at the request of an indigent person in a county that 3011
adopts a resolution to pay counsel, except for counsel appointed 3012
to represent a person charged with any violation of an ordinance 3013
of a municipal corporation that has not contracted with the county 3014
commissioners for the payment of appointed counsel, shall be paid 3015
by the county and shall receive the compensation and expenses the 3016
court approves. With respect to capital cases, the court shall 3017
approve compensation and expenses in accordance with the amount or 3018
at the rate set by the capital case attorney fee council pursuant 3019
to division (D) of this section. Each request for payment shall 3020
include a financial disclosure form completed by the indigent 3021
person on a form prescribed by the state public defender. 3022
Compensation and expenses shall not exceed the amounts fixed by 3023
the board of county commissioners in the schedule adopted pursuant 3024
to division (A)(3) of this section. No court shall approve 3025
compensation and expenses that exceed the amount fixed pursuant to 3026
division (A)(3) of this section. 3027

The fees and expenses approved by the court shall not be 3028
taxed as part of the costs and shall be paid by the county. 3029
However, if the person represented has, or may reasonably be 3030
expected to have, the means to meet some part of the cost of the 3031
services rendered to the person, the person shall pay the county 3032
an amount that the person reasonably can be expected to pay. 3033
Pursuant to section 120.04 of the Revised Code, the county shall 3034
pay to the state public defender a percentage of the payment 3035
received from the person in an amount proportionate to the 3036

percentage of the costs of the person's case that were paid to the 3037
county by the state public defender pursuant to this section. The 3038
money paid to the state public defender shall be credited to the 3039
client payment fund created pursuant to division (B)(5) of section 3040
120.04 of the Revised Code. 3041

The county auditor shall draw a warrant on the county 3042
treasurer for the payment of counsel in the amount fixed by the 3043
court, plus the expenses the court fixes and certifies to the 3044
auditor. The county auditor shall report periodically, but not 3045
less than annually, to the board of county commissioners and to 3046
the state public defender the amounts paid out pursuant to the 3047
approval of the court. The board of county commissioners, after 3048
review and approval of the auditor's report, or the county 3049
auditor, with permission from and notice to the board of county 3050
commissioners, may then certify it to the state public defender 3051
for reimbursement. The state public defender may pay a requested 3052
reimbursement only if the request for reimbursement includes a 3053
financial disclosure form completed by the indigent person on a 3054
form prescribed by the state public defender or if the court 3055
certifies by electronic signature as prescribed by the state 3056
public defender that a financial disclosure form has been 3057
completed by the indigent person and is available for inspection. 3058
If a request for the reimbursement of the cost of counsel in any 3059
case is not received by the state public defender within ninety 3060
days after the end of the calendar month in which the case is 3061
finally disposed of by the court, unless the county has requested 3062
and the state public defender has granted an extension of the 3063
ninety-day limit, the state public defender shall not pay the 3064
requested reimbursement. The state public defender shall also 3065
review the report and, in accordance with the standards, 3066
guidelines, and maximums established pursuant to divisions (B)(7) 3067
and (8) of section 120.04 of the Revised Code, prepare a voucher 3068
for ~~fifty per cent of~~ up to the total cost of each county 3069

appointed counsel system in the period of time covered by the 3070
certified report and a voucher for ~~fifty per cent~~ of the costs and 3071
expenses that are reimbursable under section 120.35 of the Revised 3072
Code, if any, ~~or, if the amount of money appropriated by the~~ 3073
~~general assembly to reimburse counties for the operation of county~~ 3074
~~public defender offices, joint county public defender offices, and~~ 3075
~~county appointed counsel systems is not sufficient to pay fifty~~ 3076
~~per cent of the total cost of all of the offices and systems other~~ 3077
~~than costs and expenses that are reimbursable under section 120.35~~ 3078
~~of the Revised Code, for the lesser amount required by section~~ 3079
~~120.34 of the Revised Code.~~ 3080

(5) If any county appointed counsel system fails to maintain 3081
the standards for the conduct of the system established by the 3082
rules of the Ohio public defender commission pursuant to divisions 3083
(B) and (C) of section 120.03 or the standards established by the 3084
state public defender pursuant to division (B)(7) of section 3085
120.04 of the Revised Code, the Ohio public defender commission 3086
shall notify the board of county commissioners of the county that 3087
the county appointed counsel system has failed to comply with its 3088
rules or the standards of the state public defender. Unless the 3089
board of county commissioners corrects the conduct of its 3090
appointed counsel system to comply with the rules and standards 3091
within ninety days after the date of the notice, the state public 3092
defender may deny all or part of the county's reimbursement from 3093
the state provided for in division (A)(4) of this section. 3094

(B) In lieu of using a county public defender or joint county 3095
public defender to represent indigent persons in the proceedings 3096
set forth in division (A) of section 120.16 of the Revised Code, 3097
and in lieu of adopting the resolution and following the procedure 3098
described in division (A) of this section, the board of county 3099
commissioners of any county may contract with the state public 3100
defender for the state public defender's legal representation of 3101

indigent persons. A contract entered into pursuant to this 3102
division may provide for payment for the services provided on a 3103
per case, hourly, or fixed contract basis. 3104

(C) If a court appoints an attorney pursuant to this section 3105
to represent a petitioner in a postconviction relief proceeding 3106
under section 2953.21 of the Revised Code, the petitioner has 3107
received a sentence of death, and the proceeding relates to that 3108
sentence, the attorney who represents the petitioner in the 3109
proceeding pursuant to the appointment shall be certified under 3110
Rule 20 of the Rules of Superintendence for the Courts of Ohio to 3111
represent indigent defendants charged with or convicted of an 3112
offense for which the death penalty can be or has been imposed. 3113

(D)(1) There is hereby created the capital case attorney fee 3114
council, appointed as described in division (D)(2) of this 3115
section. The council shall set an amount by case, or a rate on an 3116
hourly basis, to be paid under this section to counsel in a 3117
capital case. 3118

(2) The capital case attorney fee council shall consist of 3119
five members, all of whom shall be active judges serving on one of 3120
the district courts of appeals in this state. Terms for council 3121
members shall be the lesser of three years or until the member 3122
ceases to be an active judge of a district court of appeals. The 3123
initial terms shall commence ninety days after September 28, 2016. 3124
The chief justice of the supreme court shall appoint the members 3125
of the council, and shall make all of the appointments not later 3126
than sixty days after September 28, 2016. When any vacancy occurs, 3127
the chief justice shall appoint an active judge of a district 3128
court of appeals in this state to fill the vacancy for the 3129
unexpired term, in the same manner as prescribed in this division. 3130
The chief justice shall designate a chairperson from the appointed 3131
members of the council. Members of the council shall receive no 3132
additional compensation for their service as a member, but may be 3133

reimbursed for expenses reasonably incurred in service to the 3134
council, to be paid by the supreme court. The supreme court may 3135
provide administrative support to the council. 3136

(3) The capital case attorney fee council initially shall 3137
meet not later than one hundred twenty days after September 28, 3138
2016. Thereafter, the council shall meet not less than annually. 3139

(4) Upon setting the amount or rate described in division 3140
(D)(1) of this section, the chairperson of the capital case 3141
attorney fee council promptly shall provide written notice to the 3142
state public defender of the amount or rate so set. The amount or 3143
rate so set shall become effective ninety days after the date on 3144
which the chairperson provides that written notice to the state 3145
public defender. The council shall specify that effective date in 3146
the written notice provided to the state public defender. All 3147
amounts or rates set by the council shall be final, subject to 3148
modification as described in division (D)(5) of this section, and 3149
not subject to appeal. 3150

(5) The capital case attorney fee council may modify an 3151
amount or rate set as described in division (D)(4) of this 3152
section. The provisions of that division apply with respect to any 3153
such modification of an amount or rate. 3154

Sec. 120.34. The total amount of money paid to all counties 3155
in any fiscal year pursuant to sections 120.18, 120.28, ~~and~~ 3156
120.33, and 120.35 of the Revised Code for the reimbursement of a 3157
~~percentage of~~ the counties' cost of operating county public 3158
defender offices, joint county public defender offices, and county 3159
appointed counsel systems, and the counties' costs and expenses of 3160
conducting the defense in capital cases, shall not exceed the 3161
total amount appropriated for that fiscal year by the general 3162
assembly for the reimbursement of the counties for the operation 3163
of the offices and systems. ~~If the amount appropriated by the~~ 3164

~~general assembly in any fiscal year is insufficient to pay fifty 3165
per cent of the total cost in the fiscal year of all county public 3166
defender offices, all joint county public defender offices, and 3167
all county appointed counsel systems, the amount of money paid in 3168
that fiscal year pursuant to sections 120.18, 120.28, and 120.33 3169
of the Revised Code to each county for the fiscal year shall be 3170
reduced proportionately so that each county is paid an equal 3171
percentage of its total cost in the fiscal year for operating its 3172
county public defender system, its joint county public defender 3173
system, and its county appointed counsel system. 3174~~

~~The total amount of money paid to all counties in any fiscal 3175
year pursuant to section 120.35 of the Revised Code for the 3176
reimbursement of a percentage of the counties' costs and expenses 3177
of conducting the defense in capital cases shall not exceed the 3178
total amount appropriated for that fiscal year by the general 3179
assembly for the reimbursement of the counties for conducting the 3180
defense in capital cases. If the amount appropriated by the 3181
general assembly in any fiscal year is insufficient to pay fifty 3182
per cent of the counties' total costs and expenses of conducting 3183
the defense in capital cases in the fiscal year, the amount of 3184
money paid in that fiscal year pursuant to section 120.35 of the 3185
Revised Code to each county for the fiscal year shall be reduced 3186
proportionately so that each county is paid an equal percentage of 3187
its costs and expenses of conducting the defense in capital cases 3188
in the fiscal year. 3189~~

~~If any county receives an amount of money pursuant to section 3190
120.18, 120.28, 120.33, or 120.35 of the Revised Code that is in 3191
excess of the amount of reimbursement it is entitled to receive 3192
pursuant to this section, the state public defender shall request 3193
the board of county commissioners to return the excess payment and 3194
the board of county commissioners, upon receipt of the request, 3195
shall direct the appropriate county officer to return the excess 3196~~

payment to the state. 3197

Within thirty days of the end of each fiscal quarter, the 3198
state public defender shall provide to the office of budget and 3199
management and the ~~legislative budget office of the~~ legislative 3200
service commission an estimate of the amount of money that will be 3201
required for the balance of the fiscal year to make the payments 3202
required by sections 120.18, 120.28, 120.33, and 120.35 of the 3203
Revised Code. 3204

Sec. 120.35. The state public defender shall, pursuant to 3205
section 120.18, 120.28, 120.33, or 2941.51 of the Revised Code, 3206
reimburse ~~fifty per cent of up to the total of~~ all costs and 3207
expenses of conducting the defense in capital cases. ~~If~~ 3208
~~appropriations are insufficient to pay fifty per cent of such~~ 3209
~~costs and expenses, the state public defender shall reimburse such~~ 3210
~~costs and expenses as provided in section 120.34 of the Revised~~ 3211
~~Code.~~ 3212

Sec. 120.52. There is hereby established in the state 3213
treasury the legal aid fund, which shall be for the charitable 3214
public purpose of providing financial assistance to legal aid 3215
societies that provide civil legal services to indigents. The fund 3216
shall contain all funds credited to it by the treasurer of state 3217
pursuant to sections 1901.26, 1907.24, 2303.201, 3953.231, 3218
4705.09, and 4705.10 of the Revised Code. 3219

The treasurer of state may invest moneys contained in the 3220
legal aid fund in any manner authorized by the Revised Code for 3221
the investment of state moneys. However, no such investment shall 3222
interfere with any apportionment, allocation, or payment of moneys 3223
as required by section 120.53 of the Revised Code. 3224

The state public defender, through the Ohio ~~legal assistance~~ 3225
access to justice foundation, shall administer the payment of 3226

moneys out of the fund. Four and one-half per cent of the moneys 3227
in the fund shall be reserved for the actual, reasonable costs of 3228
administering sections 120.51 to 120.55 and sections 1901.26, 3229
1907.24, 2303.201, 3953.231, 4705.09, and 4705.10 of the Revised 3230
Code. Moneys that are reserved for administrative costs but that 3231
are not used for actual, reasonable administrative costs shall be 3232
set aside for use in the manner described in division (A) of 3233
section 120.521 of the Revised Code. The remainder of the moneys 3234
in the legal aid fund shall be distributed in accordance with 3235
section 120.53 of the Revised Code. The Ohio ~~legal assistance~~ 3236
access to justice foundation shall establish, in accordance with 3237
Chapter 119. of the Revised Code, rules governing the 3238
administration of the legal aid fund, including the programs 3239
established under sections 1901.26, 1907.24, 2303.201, 4705.09, 3240
and 4705.10 of the Revised Code regarding interest on 3241
interest-bearing trust accounts of an attorney, law firm, or legal 3242
professional association. 3243

Sec. 120.521. (A) The state public defender shall establish a 3244
charitable, tax exempt foundation, named the Ohio ~~legal assistance~~ 3245
access to justice foundation, to actively solicit and accept 3246
gifts, bequests, donations, and contributions for use in providing 3247
financial assistance to legal aid societies, enhancing or 3248
improving the delivery of civil legal services to indigents, and 3249
operating the foundation. The Ohio ~~legal assistance~~ access to 3250
justice foundation shall deposit all gifts, bequests, donations, 3251
and contributions accepted by it into the ~~legal assistance~~ access 3252
to justice foundation fund established under this section. If the 3253
state public defender, pursuant to section 120.52 of the Revised 3254
Code as it existed prior to June 30, 1995, established a 3255
charitable, tax exempt foundation named the Ohio ~~legal assistance~~ 3256
access to justice foundation and if that foundation is in 3257
existence on the day before June 30, 1995, that foundation shall 3258

continue in existence and shall serve as the Ohio ~~legal assistance~~ 3259
access to justice foundation described in this section. 3260

There is hereby established the ~~legal assistance~~ access to 3261
justice foundation fund, which shall be under the custody and 3262
control of the Ohio ~~legal assistance~~ access to justice foundation. 3263
The fund shall contain all moneys distributed to the Ohio ~~legal~~ 3264
~~assistance~~ access to justice foundation pursuant to section 120.53 3265
of the Revised Code and all gifts, bequests, donations, and 3266
contributions accepted by the Ohio ~~legal assistance~~ access to 3267
justice foundation under this section. 3268

The Ohio ~~legal assistance~~ access to justice foundation shall 3269
distribute or use all moneys in the ~~legal assistance~~ access to 3270
justice foundation fund for the charitable public purpose of 3271
providing financial assistance to legal aid societies that provide 3272
civil legal services to indigents, enhancing or improving the 3273
delivery of civil legal services to indigents, and operating the 3274
foundation. The Ohio ~~legal assistance~~ access to justice foundation 3275
shall establish rules governing the administration of the ~~legal~~ 3276
~~assistance~~ access to justice foundation fund. 3277

The Ohio ~~legal assistance~~ access to justice foundation shall 3278
include, in the annual report it is required to make to the 3279
governor, the general assembly, and the supreme court pursuant to 3280
division (G)(2) of section 120.53 of the Revised Code, an audited 3281
financial statement on the distribution and use of the ~~legal~~ 3282
~~assistance~~ access to justice foundation fund. No information 3283
contained in the statement shall identify or enable the 3284
identification of any person served by a legal aid society or in 3285
any way breach confidentiality. 3286

Membership on the board of the Ohio ~~legal assistance~~ access 3287
to justice foundation does not constitute holding another public 3288
office and does not constitute grounds for resignation from the 3289
senate or house of representatives under section 101.26 of the 3290

Revised Code.	3291
(B) A foundation is tax exempt for purposes of this section	3292
if the foundation is exempt from federal income taxation under	3293
subsection 501(a) of the "Internal Revenue Code of 1986," 100	3294
Stat. 2085, 26 U.S.C. 501(a), as amended, and if the foundation	3295
has received from the internal revenue service a determination	3296
letter that is in effect stating that the foundation is exempt	3297
from federal income taxation under that subsection.	3298
Sec. 120.53. (A) A legal aid society that operates within the	3299
state may apply to the Ohio legal assistance <u>access to justice</u>	3300
foundation for financial assistance from the legal aid fund	3301
established by section 120.52 of the Revised Code to be used for	3302
the funding of the society during the calendar year following the	3303
calendar year in which application is made.	3304
(B) An application for financial assistance made under	3305
division (A) of this section shall be submitted by the first day	3306
of November of the calendar year preceding the calendar year for	3307
which financial assistance is desired and shall include all of the	3308
following:	3309
(1) Evidence that the applicant is incorporated in this state	3310
as a nonprofit corporation;	3311
(2) A list of the trustees of the applicant;	3312
(3) The proposed budget of the applicant for these funds for	3313
the following calendar year;	3314
(4) A summary of the services to be offered by the applicant	3315
in the following calendar year;	3316
(5) A specific description of the territory or constituency	3317
served by the applicant;	3318
(6) An estimate of the number of persons to be served by the	3319
applicant during the following calendar year;	3320

(7) A general description of the additional sources of the applicant's funding; 3321
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(8) The amount of the applicant's total budget for the calendar year in which the application is filed that it will expend in that calendar year for legal services in each of the counties it serves; 3323
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(9) A specific description of any services, programs, training, and legal technical assistance to be delivered by the applicant or by another person pursuant to a contract with the applicant, including, but not limited to, by private attorneys or through reduced fee plans, judicare panels, organized pro bono programs, and mediation programs. 3327
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(C) The Ohio ~~legal assistance~~ access to justice foundation shall determine whether each applicant that filed an application for financial assistance under division (A) of this section in a calendar year is eligible for financial assistance under this section. To be eligible for such financial assistance, an applicant shall satisfy the criteria for being a legal aid society and shall be in compliance with the provisions of sections 120.51 to 120.55 of the Revised Code and with the rules and requirements the foundation establishes pursuant to section 120.52 of the Revised Code. The Ohio ~~legal assistance~~ access to justice foundation then, on or before the fifteenth day of December of the calendar year in which the application is filed, shall notify each such applicant, in writing, whether it is eligible for financial assistance under this section, and if it is eligible, estimate the amount that will be available for that applicant for each six-month distribution period, as determined under division (D) of this section. 3333
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(D) The Ohio ~~legal assistance~~ access to justice foundation shall allocate moneys contained in the legal aid fund monthly for distribution to applicants that filed their applications in the 3350
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previous calendar year and are determined to be eligible 3353
applicants. 3354

All moneys contained in the fund on the first day of each 3355
month shall be allocated, after deduction of the costs of 3356
administering sections 120.51 to 120.55 and sections 1901.26, 3357
1907.24, 2303.201, 3953.231, 4705.09, and 4705.10 of the Revised 3358
Code that are authorized by section 120.52 of the Revised Code, 3359
according to this section and shall be distributed accordingly not 3360
later than the last day of the month following the month the 3361
moneys were received. In making the allocations under this 3362
section, the moneys in the fund that were generated pursuant to 3363
sections 1901.26, 1907.24, 2303.201, 3953.231, 4705.09, and 3364
4705.10 of the Revised Code shall be apportioned as follows: 3365

(1) After deduction of the amount authorized and used for 3366
actual, reasonable administrative costs under section 120.52 of 3367
the Revised Code: 3368

(a) Five per cent of the moneys remaining in the fund shall 3369
be reserved for use in the manner described in division (A) of 3370
section 120.521 of the Revised Code or for distribution to legal 3371
aid societies that provide assistance to special population groups 3372
of their eligible clients, engage in special projects that have a 3373
substantial impact on their local service area or on significant 3374
segments of the state's poverty population, or provide legal 3375
training or support to other legal aid societies in the state; 3376

(b) After deduction of the amount described in division 3377
(D)(1)(a) of this section, one and three-quarters per cent of the 3378
moneys remaining in the fund shall be apportioned among entities 3379
that received financial assistance from the legal aid fund prior 3380
to July 1, 1993, but that, on and after July 1, 1993, no longer 3381
qualify as a legal aid society that is eligible for financial 3382
assistance under this section. 3383

(c) After deduction of the amounts described in divisions 3384
(D)(1)(a) and (b) of this section, fifteen per cent of the moneys 3385
remaining in the fund shall be placed in the ~~legal assistance~~ 3386
access to justice foundation fund for use in the manner described 3387
in division (A) of section 120.521 of the Revised Code. 3388

(2) After deduction of the actual, reasonable administrative 3389
costs under section 120.52 of the Revised Code and after deduction 3390
of the amounts identified in divisions (D)(1)(a), (b), and (c) of 3391
this section, the remaining moneys shall be apportioned among the 3392
counties that are served by eligible legal aid societies that have 3393
applied for financial assistance under this section so that each 3394
such county is apportioned a portion of those moneys, based upon 3395
the ratio of the number of indigents who reside in that county to 3396
the total number of indigents who reside in all counties of this 3397
state that are served by eligible legal aid societies that have 3398
applied for financial assistance under this section. Subject to 3399
division (E) of this section, the moneys apportioned to a county 3400
under this division then shall be allocated to the eligible legal 3401
aid society that serves the county and that has applied for 3402
financial assistance under this section. For purposes of this 3403
division, the source of data identifying the number of indigent 3404
persons who reside in a county shall be selected by the Ohio ~~legal~~ 3405
~~assistance~~ access to justice foundation from the best available 3406
figures maintained by the United States census bureau. 3407

(E) If the Ohio ~~legal assistance~~ access to justice 3408
foundation, in attempting to make an allocation of moneys under 3409
division (D)(2) of this section, determines that a county that has 3410
been apportioned money under that division is served by more than 3411
one eligible legal aid society that has applied for financial 3412
assistance under this section, the Ohio ~~legal assistance~~ access to 3413
justice foundation shall allocate the moneys that have been 3414
apportioned to that county under division (D)(2) of this section 3415

among all eligible legal aid societies that serve that county and 3416
that have applied for financial assistance under this section on a 3417
pro rata basis, so that each such eligible society is allocated a 3418
portion based upon the amount of its total budget expended in the 3419
prior calendar year for legal services in that county as compared 3420
to the total amount expended in the prior calendar year for legal 3421
services in that county by all eligible legal aid societies that 3422
serve that county and that have applied for financial assistance 3423
under this section. 3424

(F) Moneys allocated to eligible applicants under this 3425
section shall be paid monthly beginning the calendar year 3426
following the calendar year in which the application is filed. 3427

(G)(1) A legal aid society that receives financial assistance 3428
in any calendar year under this section shall file an annual 3429
report with the Ohio ~~legal assistance~~ access to justice foundation 3430
detailing the number and types of cases handled, and the amount 3431
and types of legal training, legal technical assistance, and other 3432
service provided, by means of that financial assistance. No 3433
information contained in the report shall identify or enable the 3434
identification of any person served by the legal aid society or in 3435
any way breach client confidentiality. 3436

(2) The Ohio ~~legal assistance~~ access to justice foundation 3437
shall make an annual report to the governor, the general assembly, 3438
and the supreme court on the distribution and use of the legal aid 3439
fund. The foundation also shall include in the annual report an 3440
audited financial statement of all gifts, bequests, donations, 3441
contributions, and other moneys the foundation receives. No 3442
information contained in the report shall identify or enable the 3443
identification of any person served by a legal aid society, or in 3444
any way breach confidentiality. 3445

(H) A legal aid society may enter into agreements for the 3446
provision of services, programs, training, or legal technical 3447

assistance for the legal aid society or to indigent persons. 3448

Sec. 121.083. (A) The superintendent of industrial compliance 3449
in the department of commerce shall do all of the following: 3450
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~~(A)~~(1) Administer and enforce the general laws of this state 3452
pertaining to buildings, pressure piping, boilers, bedding, 3453
upholstered furniture, and stuffed toys, steam engineering, 3454
elevators, plumbing, licensed occupations regulated by the 3455
department, and travel agents, as they apply to plans review, 3456
inspection, code enforcement, testing, licensing, registration, 3457
and certification. 3458

~~(B)~~(2) Exercise the powers and perform the duties delegated 3459
to the superintendent by the director of commerce under Chapters 3460
4109., 4111., and 4115. of the Revised Code. 3461

~~(C)~~(3) Collect and collate statistics as are necessary. 3462

~~(D)~~(4) Examine and license persons who desire to act as steam 3463
engineers, to operate steam boilers, and to act as inspectors of 3464
steam boilers, provide for the scope, conduct, and time of such 3465
examinations, provide for, regulate, and enforce the renewal and 3466
revocation of such licenses, inspect and examine steam boilers and 3467
make, publish, and enforce rules and orders for the construction, 3468
installation, inspection, and operation of steam boilers, and do, 3469
require, and enforce all things necessary to make such 3470
examination, inspection, and requirement efficient. 3471

~~(E)~~(5) Rent and furnish offices as needed in cities in this 3472
state for the conduct of its affairs. 3473

~~(F)~~(6) Oversee a chief of construction and compliance, a 3474
chief of operations and maintenance, a chief of licensing and 3475
certification, a chief of worker protection, and other designees 3476
appointed by the director to perform the duties described in this 3477

section. 3478

~~(G)~~(7) Enforce the rules the board of building standards 3479
adopts pursuant to division (A)(2) of section 4104.43 of the 3480
Revised Code under the circumstances described in division (D) of 3481
that section. 3482

~~(H)~~(8) Accept submissions, establish a fee for submissions, 3483
and review submissions of certified welding and brazing procedure 3484
specifications, procedure qualification records, and performance 3485
qualification records for building services piping as required by 3486
section 4104.44 of the Revised Code. 3487

(B) The superintendent may enter into a contract with a 3488
municipal corporation, township, or county building department 3489
certified by the board of building standards pursuant to division 3490
(E) of section 3781.10 of the Revised Code, or a municipal or 3491
county health district, to do any of the following on behalf of 3492
the building department or health district: 3493

(1) Exercise enforcement authority pursuant to section 3494
3781.03 of the Revised Code; 3495

(2) Accept and approve plans and specifications, and make 3496
inspections, pursuant to section 3791.04 of the Revised Code; 3497

(3) Enforce the rules adopted pursuant to division (A)(2) of 3498
section 4104.43 of the Revised Code. 3499

Sec. 121.22. (A) This section shall be liberally construed to 3500
require public officials to take official action and to conduct 3501
all deliberations upon official business only in open meetings 3502
unless the subject matter is specifically excepted by law. 3503

(B) As used in this section: 3504

(1) "Public body" means any of the following: 3505

(a) Any board, commission, committee, council, or similar 3506

decision-making body of a state agency, institution, or authority, 3507
and any legislative authority or board, commission, committee, 3508
council, agency, authority, or similar decision-making body of any 3509
county, township, municipal corporation, school district, or other 3510
political subdivision or local public institution; 3511

(b) Any committee or subcommittee of a body described in 3512
division (B)(1)(a) of this section; 3513

(c) A court of jurisdiction of a sanitary district organized 3514
wholly for the purpose of providing a water supply for domestic, 3515
municipal, and public use when meeting for the purpose of the 3516
appointment, removal, or reappointment of a member of the board of 3517
directors of such a district pursuant to section 6115.10 of the 3518
Revised Code, if applicable, or for any other matter related to 3519
such a district other than litigation involving the district. As 3520
used in division (B)(1)(c) of this section, "court of 3521
jurisdiction" has the same meaning as "court" in section 6115.01 3522
of the Revised Code. 3523

(2) "Meeting" means any prearranged discussion of the public 3524
business of the public body by a majority of its members. 3525

(3) "Regulated individual" means either of the following: 3526

(a) A student in a state or local public educational 3527
institution; 3528

(b) A person who is, voluntarily or involuntarily, an inmate, 3529
patient, or resident of a state or local institution because of 3530
criminal behavior, mental illness, an intellectual disability, 3531
disease, disability, age, or other condition requiring custodial 3532
care. 3533

(4) "Public office" has the same meaning as in section 3534
149.011 of the Revised Code. 3535

(C) All meetings of any public body are declared to be public 3536

meetings open to the public at all times. A member of a public 3537
body shall be present in person at a meeting open to the public to 3538
be considered present or to vote at the meeting and for purposes 3539
of determining whether a quorum is present at the meeting. 3540

The minutes of a regular or special meeting of any public 3541
body shall be promptly prepared, filed, and maintained and shall 3542
be open to public inspection. The minutes need only reflect the 3543
general subject matter of discussions in executive sessions 3544
authorized under division (G) or (J) of this section. 3545

(D) This section does not apply to any of the following: 3546

(1) A grand jury; 3547

(2) An audit conference conducted by the auditor of state or 3548
independent certified public accountants with officials of the 3549
public office that is the subject of the audit; 3550

(3) The adult parole authority when its hearings are 3551
conducted at a correctional institution for the sole purpose of 3552
interviewing inmates to determine parole or pardon and the 3553
department of rehabilitation and correction when its hearings are 3554
conducted at a correctional institution for the sole purpose of 3555
making determinations under section 2967.271 of the Revised Code 3556
regarding the release or maintained incarceration of an offender 3557
to whom that section applies; 3558

(4) The organized crime investigations commission established 3559
under section 177.01 of the Revised Code; 3560

(5) Meetings of a child fatality review board established 3561
under section 307.621 of the Revised Code, meetings related to a 3562
review conducted pursuant to guidelines established by the 3563
director of health under section 3701.70 of the Revised Code, and 3564
meetings conducted pursuant to sections 5153.171 to 5153.173 of 3565
the Revised Code; 3566

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

(7) The board of nursing when determining whether to suspend a license or certificate without a prior hearing pursuant to division (B) of section 4723.281 of the Revised Code;

(8) The state board of pharmacy when ~~determining~~ utilizing a telephone conference call to do either of the following:

(a) Make a determination of whether to suspend a license, certificate, or registration without a prior hearing pursuant to division (D) of section 4729.16 Chapters 3719., 3796., 4729., and 4752. of the Revised Code;

(b) Make a determination pursuant to division (A) or (B) of section 3719.45 of the Revised Code.

(9) The state chiropractic board when determining whether to suspend a license without a hearing pursuant to section 4734.37 of the Revised Code;

(10) The executive committee of the emergency response commission when determining whether to issue an enforcement order or request that a civil action, civil penalty action, or criminal action be brought to enforce Chapter 3750. of the Revised Code;

(11) The board of directors of the nonprofit corporation formed under section 187.01 of the Revised Code or any committee thereof, and the board of directors of any subsidiary of that corporation or a committee thereof;

(12) An audit conference conducted by the audit staff of the department of job and family services with officials of the public office that is the subject of that audit under section 5101.37 of the Revised Code;

(13) The occupational therapy section of the occupational 3597
therapy, physical therapy, and athletic trainers board when 3598
determining whether to suspend a license or limited permit without 3599
a hearing pursuant to division (D) of section 4755.11 of the 3600
Revised Code; 3601

(14) The physical therapy section of the occupational 3602
therapy, physical therapy, and athletic trainers board when 3603
determining whether to suspend a license without a hearing 3604
pursuant to division (E) of section 4755.47 of the Revised Code; 3605

(15) The athletic trainers section of the occupational 3606
therapy, physical therapy, and athletic trainers board when 3607
determining whether to suspend a license without a hearing 3608
pursuant to division (D) of section 4755.64 of the Revised Code; 3609

(16) Meetings of the pregnancy-associated mortality review 3610
board established under section 3738.01 of the Revised Code. 3611

(E) The controlling board, the tax credit authority, or the 3612
minority development financing advisory board, when meeting to 3613
consider granting assistance pursuant to Chapter 122. or 166. of 3614
the Revised Code, in order to protect the interest of the 3615
applicant or the possible investment of public funds, by unanimous 3616
vote of all board or authority members present, may close the 3617
meeting during consideration of the following information 3618
confidentially received by the authority or board from the 3619
applicant: 3620

(1) Marketing plans; 3621

(2) Specific business strategy; 3622

(3) Production techniques and trade secrets; 3623

(4) Financial projections; 3624

(5) Personal financial statements of the applicant or members 3625
of the applicant's immediate family, including, but not limited 3626

to, tax records or other similar information not open to public 3627
inspection. 3628

The vote by the authority or board to accept or reject the 3629
application, as well as all proceedings of the authority or board 3630
not subject to this division, shall be open to the public and 3631
governed by this section. 3632

(F) Every public body, by rule, shall establish a reasonable 3633
method whereby any person may determine the time and place of all 3634
regularly scheduled meetings and the time, place, and purpose of 3635
all special meetings. A public body shall not hold a special 3636
meeting unless it gives at least twenty-four hours' advance notice 3637
to the news media that have requested notification, except in the 3638
event of an emergency requiring immediate official action. In the 3639
event of an emergency, the member or members calling the meeting 3640
shall notify the news media that have requested notification 3641
immediately of the time, place, and purpose of the meeting. 3642

The rule shall provide that any person, upon request and 3643
payment of a reasonable fee, may obtain reasonable advance 3644
notification of all meetings at which any specific type of public 3645
business is to be discussed. Provisions for advance notification 3646
may include, but are not limited to, mailing the agenda of 3647
meetings to all subscribers on a mailing list or mailing notices 3648
in self-addressed, stamped envelopes provided by the person. 3649

(G) Except as provided in divisions (G)(8) and (J) of this 3650
section, the members of a public body may hold an executive 3651
session only after a majority of a quorum of the public body 3652
determines, by a roll call vote, to hold an executive session and 3653
only at a regular or special meeting for the sole purpose of the 3654
consideration of any of the following matters: 3655

(1) To consider the appointment, employment, dismissal, 3656
discipline, promotion, demotion, or compensation of a public 3657

employee or official, or the investigation of charges or 3658
complaints against a public employee, official, licensee, or 3659
regulated individual, unless the public employee, official, 3660
licensee, or regulated individual requests a public hearing. 3661
Except as otherwise provided by law, no public body shall hold an 3662
executive session for the discipline of an elected official for 3663
conduct related to the performance of the elected official's 3664
official duties or for the elected official's removal from office. 3665
If a public body holds an executive session pursuant to division 3666
(G)(1) of this section, the motion and vote to hold that executive 3667
session shall state which one or more of the approved purposes 3668
listed in division (G)(1) of this section are the purposes for 3669
which the executive session is to be held, but need not include 3670
the name of any person to be considered at the meeting. 3671

(2) To consider the purchase of property for public purposes, 3672
the sale of property at competitive bidding, or the sale or other 3673
disposition of unneeded, obsolete, or unfit-for-use property in 3674
accordance with section 505.10 of the Revised Code, if premature 3675
disclosure of information would give an unfair competitive or 3676
bargaining advantage to a person whose personal, private interest 3677
is adverse to the general public interest. No member of a public 3678
body shall use division (G)(2) of this section as a subterfuge for 3679
providing covert information to prospective buyers or sellers. A 3680
purchase or sale of public property is void if the seller or buyer 3681
of the public property has received covert information from a 3682
member of a public body that has not been disclosed to the general 3683
public in sufficient time for other prospective buyers and sellers 3684
to prepare and submit offers. 3685

If the minutes of the public body show that all meetings and 3686
deliberations of the public body have been conducted in compliance 3687
with this section, any instrument executed by the public body 3688
purporting to convey, lease, or otherwise dispose of any right, 3689

title, or interest in any public property shall be conclusively 3690
presumed to have been executed in compliance with this section 3691
insofar as title or other interest of any bona fide purchasers, 3692
lessees, or transferees of the property is concerned. 3693

(3) Conferences with an attorney for the public body 3694
concerning disputes involving the public body that are the subject 3695
of pending or imminent court action; 3696

(4) Preparing for, conducting, or reviewing negotiations or 3697
bargaining sessions with public employees concerning their 3698
compensation or other terms and conditions of their employment; 3699

(5) Matters required to be kept confidential by federal law 3700
or regulations or state statutes; 3701

(6) Details relative to the security arrangements and 3702
emergency response protocols for a public body or a public office, 3703
if disclosure of the matters discussed could reasonably be 3704
expected to jeopardize the security of the public body or public 3705
office; 3706

(7) In the case of a county hospital operated pursuant to 3707
Chapter 339. of the Revised Code, a joint township hospital 3708
operated pursuant to Chapter 513. of the Revised Code, or a 3709
municipal hospital operated pursuant to Chapter 749. of the 3710
Revised Code, to consider trade secrets, as defined in section 3711
1333.61 of the Revised Code; 3712

(8) To consider confidential information related to the 3713
marketing plans, specific business strategy, production 3714
techniques, trade secrets, or personal financial statements of an 3715
applicant for economic development assistance, or to negotiations 3716
with other political subdivisions respecting requests for economic 3717
development assistance, provided that both of the following 3718
conditions apply: 3719

(a) The information is directly related to a request for 3720

economic development assistance that is to be provided or 3721
administered under any provision of Chapter 715., 725., 1724., or 3722
1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 3723
5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of 3724
the Revised Code, or that involves public infrastructure 3725
improvements or the extension of utility services that are 3726
directly related to an economic development project. 3727

(b) A unanimous quorum of the public body determines, by a 3728
roll call vote, that the executive session is necessary to protect 3729
the interests of the applicant or the possible investment or 3730
expenditure of public funds to be made in connection with the 3731
economic development project. 3732

If a public body holds an executive session to consider any 3733
of the matters listed in divisions (G)(2) to (8) of this section, 3734
the motion and vote to hold that executive session shall state 3735
which one or more of the approved matters listed in those 3736
divisions are to be considered at the executive session. 3737

A public body specified in division (B)(1)(c) of this section 3738
shall not hold an executive session when meeting for the purposes 3739
specified in that division. 3740

(H) A resolution, rule, or formal action of any kind is 3741
invalid unless adopted in an open meeting of the public body. A 3742
resolution, rule, or formal action adopted in an open meeting that 3743
results from deliberations in a meeting not open to the public is 3744
invalid unless the deliberations were for a purpose specifically 3745
authorized in division (G) or (J) of this section and conducted at 3746
an executive session held in compliance with this section. A 3747
resolution, rule, or formal action adopted in an open meeting is 3748
invalid if the public body that adopted the resolution, rule, or 3749
formal action violated division (F) of this section. 3750

(I)(1) Any person may bring an action to enforce this 3751

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

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

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

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

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

court. 3784

(3) Irreparable harm and prejudice to the party that sought 3785
the injunction shall be conclusively and irrebuttably presumed 3786
upon proof of a violation or threatened violation of this section. 3787

(4) A member of a public body who knowingly violates an 3788
injunction issued pursuant to division (I)(1) of this section may 3789
be removed from office by an action brought in the court of common 3790
pleas for that purpose by the prosecuting attorney or the attorney 3791
general. 3792

(J)(1) Pursuant to division (C) of section 5901.09 of the 3793
Revised Code, a veterans service commission shall hold an 3794
executive session for one or more of the following purposes unless 3795
an applicant requests a public hearing: 3796

(a) Interviewing an applicant for financial assistance under 3797
sections 5901.01 to 5901.15 of the Revised Code; 3798

(b) Discussing applications, statements, and other documents 3799
described in division (B) of section 5901.09 of the Revised Code; 3800

(c) Reviewing matters relating to an applicant's request for 3801
financial assistance under sections 5901.01 to 5901.15 of the 3802
Revised Code. 3803

(2) A veterans service commission shall not exclude an 3804
applicant for, recipient of, or former recipient of financial 3805
assistance under sections 5901.01 to 5901.15 of the Revised Code, 3806
and shall not exclude representatives selected by the applicant, 3807
recipient, or former recipient, from a meeting that the commission 3808
conducts as an executive session that pertains to the applicant's, 3809
recipient's, or former recipient's application for financial 3810
assistance. 3811

(3) A veterans service commission shall vote on the grant or 3812
denial of financial assistance under sections 5901.01 to 5901.15 3813

of the Revised Code only in an open meeting of the commission. The 3814
minutes of the meeting shall indicate the name, address, and 3815
occupation of the applicant, whether the assistance was granted or 3816
denied, the amount of the assistance if assistance is granted, and 3817
the votes for and against the granting of assistance. 3818

Sec. 121.37. (A)(1) There is hereby created the Ohio family 3819
and children first cabinet council. The council shall be composed 3820
of the superintendent of public instruction, the executive 3821
director of the opportunities for Ohioans with disabilities 3822
agency, the medicaid director, and the directors of youth 3823
services, job and family services, mental health and addiction 3824
services, health, developmental disabilities, aging, 3825
rehabilitation and correction, and budget and management. The 3826
chairperson of the council shall be the governor or the governor's 3827
designee and shall establish procedures for the council's internal 3828
control and management. 3829

The purpose of the cabinet council is to help families 3830
seeking government services. This section shall not be interpreted 3831
or applied to usurp the role of parents, but solely to streamline 3832
and coordinate existing government services for families seeking 3833
assistance for their children. 3834

(2) In seeking to fulfill its purpose, the council may do any 3835
of the following: 3836

(a) Advise and make recommendations to the governor and 3837
general assembly regarding the provision of services to children; 3838

(b) Advise and assess local governments on the coordination 3839
of service delivery to children; 3840

(c) Hold meetings at such times and places as may be 3841
prescribed by the council's procedures and maintain records of the 3842
meetings, except that records identifying individual children are 3843

confidential and shall be disclosed only as provided by law; 3844

(d) Develop programs and projects, including pilot projects, 3845
to encourage coordinated efforts at the state and local level to 3846
improve the state's social service delivery system; 3847

(e) Enter into contracts with and administer grants to county 3848
family and children first councils, as well as other county or 3849
multicounty organizations to plan and coordinate service delivery 3850
between state agencies and local service providers for families 3851
and children; 3852

(f) Enter into contracts with and apply for grants from 3853
federal agencies or private organizations; 3854

(g) Enter into interagency agreements to encourage 3855
coordinated efforts at the state and local level to improve the 3856
state's social service delivery system. The agreements may include 3857
provisions regarding the receipt, transfer, and expenditure of 3858
funds; 3859

(h) Identify public and private funding sources for services 3860
provided to alleged or adjudicated unruly children and children 3861
who are at risk of being alleged or adjudicated unruly children, 3862
including regulations governing access to and use of the services; 3863

(i) Collect information provided by local communities 3864
regarding successful programs for prevention, intervention, and 3865
treatment of unruly behavior, including evaluations of the 3866
programs; 3867

(j) Identify and disseminate publications regarding alleged 3868
or adjudicated unruly children and children who are at risk of 3869
being alleged or adjudicated unruly children and regarding 3870
programs serving those types of children; 3871

(k) Maintain an inventory of strategic planning facilitators 3872
for use by government or nonprofit entities that serve alleged or 3873

adjudicated unruly children or children who are at risk of being 3874
alleged or adjudicated unruly children. 3875

(3) The cabinet council shall provide for the following: 3876

(a) Reviews of service and treatment plans for children for 3877
which such reviews are requested; 3878

(b) Assistance as the council determines to be necessary to 3879
meet the needs of children referred by county family and children 3880
first councils; 3881

(c) Monitoring and supervision of a statewide, comprehensive, 3882
coordinated, multi-disciplinary, interagency system for infants 3883
and toddlers with developmental disabilities or delays and their 3884
families, as established pursuant to federal grants received and 3885
administered by the department of health for early intervention 3886
services under the "Individuals with Disabilities Education Act of 3887
2004," 118 Stat. 2744, 20 U.S.C.A. 1400, as amended. 3888

(4) The cabinet council shall develop and implement the 3889
following: 3890

(a) An interagency process to select the indicators that will 3891
be used to measure progress toward increasing child well-being in 3892
the state and to update the indicators on an annual basis. The 3893
indicators shall focus on expectant parents and newborns thriving; 3894
infants and toddlers thriving; children being ready for school; 3895
children and youth succeeding in school; youth choosing healthy 3896
behaviors; and youth successfully transitioning into adulthood. 3897

(b) An interagency system to offer guidance and monitor 3898
progress toward increasing child well-being in the state and in 3899
each county; 3900

(c) An annual plan that identifies state-level agency efforts 3901
taken to ensure progress towards increasing child well-being in 3902
the state. 3903

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

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

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

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

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

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

(e) The executive director of the public children services agency;	3935 3936
(f) The superintendent of the county board of developmental disabilities or, if the superintendent serves as superintendent of more than one county board of developmental disabilities, the superintendent's designee;	3937 3938 3939 3940
(g) The superintendent of the city, exempted village, or local school district with the largest number of pupils residing in the county, as determined by the department of education, which shall notify each board of county commissioners of its determination at least biennially;	3941 3942 3943 3944 3945
(h) A school superintendent representing all other school districts with territory in the county, as designated at a biennial meeting of the superintendents of those districts;	3946 3947 3948
(i) A representative of the municipal corporation with the largest population in the county;	3949 3950
(j) The president of the board of county commissioners or an individual designated by the board;	3951 3952
(k) A representative of the regional office of the department of youth services <u>or an individual designated by the department;</u>	3953 3954
(l) A representative of the county's head start agencies, as defined in section 3301.32 of the Revised Code;	3955 3956
(m) A representative of the county's early intervention collaborative established pursuant to the federal early intervention program operated under the "Individuals with Disabilities Education Act of 2004";	3957 3958 3959 3960
(n) A representative of a local nonprofit entity that funds, advocates, or provides services to children and families.	3961 3962
Notwithstanding any other provision of law, the public members of a county council are not prohibited from serving on the	3963 3964

council and making decisions regarding the duties of the council, 3965
including those involving the funding of joint projects and those 3966
outlined in the county's service coordination mechanism 3967
implemented pursuant to division (C) of this section. 3968

The cabinet council shall establish a state appeals process 3969
to resolve disputes among the members of a county council 3970
concerning whether reasonable responsibilities as members are 3971
being shared. The appeals process may be accessed only by a 3972
majority vote of the council members who are required to serve on 3973
the council. Upon appeal, the cabinet council may order that state 3974
funds for services to children and families be redirected to a 3975
county's board of county commissioners. 3976

The county's juvenile court judge senior in service or 3977
another judge of the juvenile court designated by the 3978
administrative judge or, where there is no administrative judge, 3979
by the judge senior in service shall serve as the judicial advisor 3980
to the county family and children first council. The judge may 3981
advise the county council on the court's utilization of resources, 3982
services, or programs provided by the entities represented by the 3983
members of the county council and how those resources, services, 3984
or programs assist the court in its administration of justice. 3985
Service of a judge as a judicial advisor pursuant to this section 3986
is a judicial function. 3987

(2) The purpose of the county council is to streamline and 3988
coordinate existing government services for families seeking 3989
services for their children. In seeking to fulfill its purpose, a 3990
county council shall provide for the following: 3991

(a) Referrals to the cabinet council of those children for 3992
whom the county council cannot provide adequate services; 3993

(b) Development and implementation of a process that annually 3994
evaluates and prioritizes services, fills service gaps where 3995

possible, and invents new approaches to achieve better results for 3996
families and children; 3997

(c) Participation in the development of a countywide, 3998
comprehensive, coordinated, multi-disciplinary, interagency system 3999
for infants and toddlers with developmental disabilities or delays 4000
and their families, as established pursuant to federal grants 4001
received and administered by the department of health for early 4002
intervention services under the "Individuals with Disabilities 4003
Education Act of 2004"; 4004

(d) Maintenance of an accountability system to monitor the 4005
county council's progress in achieving results for families and 4006
children; 4007

(e) Establishment of a mechanism to ensure ongoing input from 4008
a broad representation of families who are receiving services 4009
within the county system. 4010

(3) A county council shall develop and implement the 4011
following: 4012

(a) An interagency process to establish local indicators and 4013
monitor the county's progress toward increasing child well-being 4014
in the county; 4015

(b) An interagency process to identify local priorities to 4016
increase child well-being. The local priorities shall focus on 4017
expectant parents and newborns thriving; infants and toddlers 4018
thriving; children being ready for school; children and youth 4019
succeeding in school; youth choosing healthy behaviors; and youth 4020
successfully transitioning into adulthood and take into account 4021
the indicators established by the cabinet council under division 4022
(A)(4)(a) of this section. 4023

(c) An annual plan that identifies the county's interagency 4024
efforts to increase child well-being in the county. 4025

On an annual basis, the county council shall submit a report 4026
on the status of efforts by the county to increase child 4027
well-being in the county to the county's board of county 4028
commissioners and the cabinet council. This report shall be made 4029
available to any other person on request. 4030

(4)(a) Except as provided in division (B)(4)(b) of this 4031
section, a county council shall comply with the policies, 4032
procedures, and activities prescribed by the rules or interagency 4033
agreements of a state department participating on the cabinet 4034
council whenever the county council performs a function subject to 4035
those rules or agreements. 4036

(b) On application of a county council, the cabinet council 4037
may grant an exemption from any rules or interagency agreements of 4038
a state department participating on the council if an exemption is 4039
necessary for the council to implement an alternative program or 4040
approach for service delivery to families and children. The 4041
application shall describe the proposed program or approach and 4042
specify the rules or interagency agreements from which an 4043
exemption is necessary. The cabinet council shall approve or 4044
disapprove the application in accordance with standards and 4045
procedures it shall adopt. If an application is approved, the 4046
exemption is effective only while the program or approach is being 4047
implemented, including a reasonable period during which the 4048
program or approach is being evaluated for effectiveness. 4049

(5)(a) Each county council shall designate an administrative 4050
agent for the council from among the following public entities: 4051
the board of alcohol, drug addiction, and mental health services, 4052
including a board of alcohol and drug addiction or a community 4053
mental health board if the county is served by separate boards; 4054
the board of county commissioners; any board of health of the 4055
county's city and general health districts; the county department 4056
of job and family services; the county agency responsible for the 4057

administration of children services pursuant to section 5153.15 of 4058
the Revised Code; the county board of developmental disabilities; 4059
any of the county's boards of education or governing boards of 4060
educational service centers; or the county's juvenile court. Any 4061
of the foregoing public entities, other than the board of county 4062
commissioners, may decline to serve as the council's 4063
administrative agent. 4064

A county council's administrative agent shall serve as the 4065
council's appointing authority for any employees of the council. 4066
The council shall file an annual budget with its administrative 4067
agent, with copies filed with the county auditor and with the 4068
board of county commissioners, unless the board is serving as the 4069
council's administrative agent. The council's administrative agent 4070
shall ensure that all expenditures are handled in accordance with 4071
policies, procedures, and activities prescribed by state 4072
departments in rules or interagency agreements that are applicable 4073
to the council's functions. 4074

The administrative agent of a county council shall send 4075
notice of a member's absence if a member listed in division (B)(1) 4076
of this section has been absent from either three consecutive 4077
meetings of the county council or a county council subcommittee, 4078
or from one-quarter of such meetings in a calendar year, whichever 4079
is less. The notice shall be sent to the board of county 4080
commissioners that establishes the county council and, for the 4081
members listed in divisions (B)(1)(b), (c), (e), and (l) of this 4082
section, to the governing board overseeing the respective entity; 4083
for the member listed in division (B)(1)(f) of this section, to 4084
the county board of developmental disabilities that employs the 4085
superintendent; for a member listed in division (B)(1)(g) or (h) 4086
of this section, to the school board that employs the 4087
superintendent; for the member listed in division (B)(1)(i) of 4088
this section, to the mayor of the municipal corporation; for the 4089

member listed in division (B)(1)(k) of this section, to the 4090
director of youth services; and for the member listed in division 4091
(B)(1)(n) of this section, to that member's board of trustees. 4092

The administrative agent for a county council may do any of 4093
the following on behalf of the council: 4094

(i) Enter into agreements or administer contracts with public 4095
or private entities to fulfill specific council business. Such 4096
agreements and contracts are exempt from the competitive bidding 4097
requirements of section 307.86 of the Revised Code if they have 4098
been approved by the county council and they are for the purchase 4099
of family and child welfare or child protection services or other 4100
social or job and family services for families and children. The 4101
approval of the county council is not required to exempt 4102
agreements or contracts entered into under section 5139.34, 4103
5139.41, or 5139.43 of the Revised Code from the competitive 4104
bidding requirements of section 307.86 of the Revised Code. 4105

(ii) As determined by the council, provide financial 4106
stipends, reimbursements, or both, to family representatives for 4107
expenses related to council activity; 4108

(iii) Receive by gift, grant, devise, or bequest any moneys, 4109
lands, or other property for the purposes for which the council is 4110
established. The agent shall hold, apply, and dispose of the 4111
moneys, lands, or other property according to the terms of the 4112
gift, grant, devise, or bequest. Any interest or earnings shall be 4113
treated in the same manner and are subject to the same terms as 4114
the gift, grant, devise, or bequest from which it accrues. 4115

(b)(i) If the county council designates the board of county 4116
commissioners as its administrative agent, the board may, by 4117
resolution, delegate any of its powers and duties as 4118
administrative agent to an executive committee the board 4119
establishes from the membership of the county council. The board 4120

shall name to the executive committee at least the individuals 4121
described in divisions (B)(1)(b) to (h) of this section and may 4122
appoint the president of the board or another individual as the 4123
chair of the executive committee. The executive committee must 4124
include at least one family county council representative who does 4125
not have a family member employed by an agency represented on the 4126
council. 4127

(ii) The executive committee may, with the approval of the 4128
board, hire an executive director to assist the county council in 4129
administering its powers and duties. The executive director shall 4130
serve in the unclassified civil service at the pleasure of the 4131
executive committee. The executive director may, with the approval 4132
of the executive committee, hire other employees as necessary to 4133
properly conduct the county council's business. 4134

(iii) The board may require the executive committee to submit 4135
an annual budget to the board for approval and may amend or repeal 4136
the resolution that delegated to the executive committee its 4137
authority as the county council's administrative agent. 4138

(6) Two or more county councils may enter into an agreement 4139
to administer their county councils jointly by creating a regional 4140
family and children first council. A regional council possesses 4141
the same duties and authority possessed by a county council, 4142
except that the duties and authority apply regionally rather than 4143
to individual counties. Prior to entering into an agreement to 4144
create a regional council, the members of each county council to 4145
be part of the regional council shall meet to determine whether 4146
all or part of the members of each county council will serve as 4147
members of the regional council. 4148

(7) A board of county commissioners may approve a resolution 4149
by a majority vote of the board's members that requires the county 4150
council to submit a statement to the board each time the council 4151
proposes to enter into an agreement, adopt a plan, or make a 4152

decision, other than a decision pursuant to section 121.38 of the Revised Code, that requires the expenditure of funds for two or more families. The statement shall describe the proposed agreement, plan, or decision.

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

An agreement, plan, or decision for which a statement is required to be submitted to the board shall be implemented only if it is approved by the board.

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

Each mechanism shall include all of the following: 4185

(1) A procedure for an agency, including a juvenile court, or 4186
a family voluntarily seeking service coordination, to refer the 4187
child and family to the county council for service coordination in 4188
accordance with the mechanism; 4189

(2) A procedure ensuring that a family and all appropriate 4190
staff from involved agencies, including a representative from the 4191
appropriate school district, are notified of and invited to 4192
participate in all family service coordination plan meetings; 4193

(3) A procedure that permits a family to initiate a meeting 4194
to develop or review the family's service coordination plan and 4195
allows the family to invite a family advocate, mentor, or support 4196
person of the family's choice to participate in any such meeting; 4197

(4) A procedure for ensuring that a family service 4198
coordination plan meeting is conducted for each child who receives 4199
service coordination under the mechanism and for whom an emergency 4200
out-of-home placement has been made or for whom a nonemergency 4201
out-of-home placement is being considered. The meeting shall be 4202
conducted within ten days of an emergency out-of-home placement. 4203
The meeting shall be conducted before a nonemergency out-of-home 4204
placement. The family service coordination plan shall outline how 4205
the county council members will jointly pay for services, where 4206
applicable, and provide services in the least restrictive 4207
environment. 4208

(5) A procedure for monitoring the progress and tracking the 4209
outcomes of each service coordination plan requested in the county 4210
including monitoring and tracking children in out-of-home 4211
placements to assure continued progress, appropriateness of 4212
placement, and continuity of care after discharge from placement 4213
with appropriate arrangements for housing, treatment, and 4214
education; 4215

(6) A procedure for protecting the confidentiality of all 4216
personal family information disclosed during service coordination 4217
meetings or contained in the comprehensive family service 4218
coordination plan; 4219

(7) A procedure for assessing the needs and strengths of any 4220
child or family that has been referred to the council for service 4221
coordination, including a child whose parent or custodian is 4222
voluntarily seeking services, and for ensuring that parents and 4223
custodians are afforded the opportunity to participate; 4224

(8) A procedure for development of a family service 4225
coordination plan described in division (D) of this section; 4226

(9) A local dispute resolution process to serve as the 4227
process that must be used first to resolve disputes among the 4228
agencies represented on the county council concerning the 4229
provision of services to children, including children who are 4230
abused, neglected, dependent, unruly, alleged unruly, or 4231
delinquent children and under the jurisdiction of the juvenile 4232
court and children whose parents or custodians are voluntarily 4233
seeking services. The local dispute resolution process shall 4234
comply with sections 121.38, 121.381, and 121.382 of the Revised 4235
Code. The local dispute resolution process shall be used to 4236
resolve disputes between a child's parents or custodians and the 4237
county council regarding service coordination. The county council 4238
shall inform the parents or custodians of their right to use the 4239
dispute resolution process. Parents or custodians shall use 4240
existing local agency grievance procedures to address disputes not 4241
involving service coordination. The dispute resolution process is 4242
in addition to and does not replace other rights or procedures 4243
that parents or custodians may have under other sections of the 4244
Revised Code. 4245

The cabinet council shall adopt rules in accordance with 4246
Chapter 119. of the Revised Code establishing an administrative 4247

review process to address problems that arise concerning the 4248
operation of a local dispute resolution process. 4249

Nothing in division (C)(4) of this section shall be 4250
interpreted as overriding or affecting decisions of a juvenile 4251
court regarding an out-of-home placement, long-term placement, or 4252
emergency out-of-home placement. 4253

(D) Each county shall develop a family service coordination 4254
plan that does all of the following: 4255

(1) Designates service responsibilities among the various 4256
state and local agencies that provide services to children and 4257
their families, including children who are abused, neglected, 4258
dependent, unruly, or delinquent children and under the 4259
jurisdiction of the juvenile court and children whose parents or 4260
custodians are voluntarily seeking services; 4261

(2) Designates an individual, approved by the family, to 4262
track the progress of the family service coordination plan, 4263
schedule reviews as necessary, and facilitate the family service 4264
coordination plan meeting process; 4265

(3) Ensures that assistance and services to be provided are 4266
responsive to the strengths and needs of the family, as well as 4267
the family's culture, race, and ethnic group, by allowing the 4268
family to offer information and suggestions and participate in 4269
decisions. Identified assistance and services shall be provided in 4270
the least restrictive environment possible. 4271

(4) Includes a process for dealing with a child who is 4272
alleged to be an unruly child. The process shall include methods 4273
to divert the child from the juvenile court system; 4274

(5) Includes timelines for completion of goals specified in 4275
the plan with regular reviews scheduled to monitor progress toward 4276
those goals; 4277

(6) Includes a plan for dealing with short-term crisis situations and safety concerns.	4278 4279
(E)(1) The process provided for under division (D)(4) of this section may include, but is not limited to, the following:	4280 4281
(a) Designation of the person or agency to conduct the assessment of the child and the child's family as described in division (C)(7) of this section and designation of the instrument or instruments to be used to conduct the assessment;	4282 4283 4284 4285
(b) An emphasis on the personal responsibilities of the child and the parental responsibilities of the parents, guardian, or custodian of the child;	4286 4287 4288
(c) Involvement of local law enforcement agencies and officials.	4289 4290
(2) The method to divert a child from the juvenile court system that must be included in the service coordination process may include, but is not limited to, the following:	4291 4292 4293
(a) The preparation of a complaint under section 2151.27 of the Revised Code alleging that the child is an unruly child and notifying the child and the parents, guardian, or custodian that the complaint has been prepared to encourage the child and the parents, guardian, or custodian to comply with other methods to divert the child from the juvenile court system;	4294 4295 4296 4297 4298 4299
(b) Conducting a meeting with the child, the parents, guardian, or custodian, and other interested parties to determine the appropriate methods to divert the child from the juvenile court system;	4300 4301 4302 4303
(c) A method to provide to the child and the child's family a short-term respite from a short-term crisis situation involving a confrontation between the child and the parents, guardian, or custodian;	4304 4305 4306 4307

(d) A program to provide a mentor to the child or the 4308
parents, guardian, or custodian; 4309

(e) A program to provide parenting education to the parents, 4310
guardian, or custodian; 4311

(f) An alternative school program for children who are truant 4312
from school, repeatedly disruptive in school, or suspended or 4313
expelled from school; 4314

(g) Other appropriate measures, including, but not limited 4315
to, any alternative methods to divert a child from the juvenile 4316
court system that are identified by the Ohio family and children 4317
first cabinet council. 4318

(F) Each county may review and revise the service 4319
coordination process described in division (D) of this section 4320
based on the availability of funds under Title IV-A of the "Social 4321
Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, as amended, 4322
or to the extent resources are available from any other federal, 4323
state, or local funds. 4324

Sec. 121.374. (A) It is the intent of this state and the 4325
general assembly that custody relinquishment for the sole purpose 4326
of gaining access to child-specific services for multi-system 4327
children and youth shall cease. 4328

(B) The Ohio family and children first council shall develop 4329
a comprehensive multi-system youth action plan that does the 4330
following: 4331

(1) Defines and establishes shared responsibility between 4332
county and state child-serving systems for providing and funding 4333
multi-system youth services; 4334

(2) Provides recommendations for flexible spending at the 4335
state level within the cabinet council; 4336

(3) Defines the model and process by which the flexible 4337

spending may be accessed to pay for services for multi-system youth; 4338
4339

(4) Identifies strategies to assist with reducing custody relinquishment for the sole purpose of gaining access to services for multi-system children and youth; 4340
4341
4342

(5) Implements the full final recommendations of the joint legislative committee for multi-system youth. 4343
4344

(C) Not later than December 31, 2019, the cabinet council shall submit its final action plan to the general assembly. 4345
4346

Sec. 122.075. (A) As used in this section: 4347

(1) "Alternative fuel" has the same meaning as in section 125.831 of the Revised Code. 4348
4349

(2) "Biodiesel" means a mono-alkyl ester combustible liquid fuel that is derived from vegetable oils or animal fats, or any combination of those reagents, and that meets American society for testing and materials specification D6751-03a for biodiesel fuel (B100) blend stock distillate fuels. 4350
4351
4352
4353
4354

(3) "Diesel fuel" and "gasoline" have the same meanings as in section 5735.01 of the Revised Code. 4355
4356

(4) "Ethanol" has the same meaning as in section 5733.46 of the Revised Code. 4357
4358

(5) "Blended biodiesel" means diesel fuel containing at least twenty per cent biodiesel by volume. 4359
4360

(6) "Blended gasoline" means gasoline containing at least eighty-five per cent ethanol by volume. 4361
4362

(7) "Incremental cost" means either of the following: 4363

(a) The difference in cost between blended gasoline and gasoline containing ten per cent or less ethanol at the time that the blended gasoline is purchased; 4364
4365
4366

(b) The difference in cost between blended biodiesel and 4367
diesel fuel containing two per cent or less biodiesel at the time 4368
that the blended biodiesel is purchased. 4369

(B) For the purpose of improving the air quality in this 4370
state, the director of development services shall establish an 4371
alternative fuel transportation program under which the director 4372
may make grants and loans to businesses, nonprofit organizations, 4373
public school systems, or local governments for the purchase and 4374
installation of alternative fuel refueling or distribution 4375
facilities and terminals, for the purchase and use of alternative 4376
fuel, to pay the cost of fleet conversion, and to pay the costs of 4377
educational and promotional materials and activities intended for 4378
prospective alternative fuel consumers, fuel marketers, and others 4379
in order to increase the availability and use of alternative fuel. 4380

(C) The director, in consultation with the director of 4381
agriculture, shall adopt rules in accordance with Chapter 119. of 4382
the Revised Code that are necessary for the administration of the 4383
alternative fuel transportation program. The rules shall establish 4384
at least all of the following: 4385

(1) An application form and procedures governing the 4386
application process for receiving funds under the program; 4387

(2) A procedure for prioritizing the award of grants and 4388
loans under the program. The procedures shall give preference to 4389
all of the following: 4390

(a) Publicly accessible refueling facilities; 4391

(b) Entities applying to the program that have secured 4392
funding from other sources, including, but not limited to, private 4393
or federal incentives; 4394

(c) Entities that have presented compelling evidence of 4395
demand in the market in which the facilities or terminals will be 4396
located; 4397

(d) Entities that have committed to utilizing purchased or 4398
installed facilities or terminals for the greatest number of 4399
years; 4400

(e) Entities that will be purchasing or installing facilities 4401
or terminals for any type of alternative fuel. 4402

(3) A requirement that the maximum incentive for the purchase 4403
and installation of an alternative fuel refueling or distribution 4404
facility or terminal be eighty per cent of the cost of the 4405
facility or terminal, except that at least twenty per cent of the 4406
total cost of the facility or terminal shall be incurred by the 4407
recipient and not compensated for by any other source; 4408

(4) A requirement that the maximum incentive for the purchase 4409
of alternative fuel be eighty per cent of the cost of the fuel or, 4410
in the case of blended biodiesel or blended gasoline, eighty per 4411
cent of the incremental cost of the blended biodiesel or blended 4412
gasoline; 4413

(5) Any other criteria, procedures, or guidelines that the 4414
director determines are necessary to administer the program, 4415
including fees, charges, interest rates, and payment schedules. 4416

(D) An applicant for a grant or loan under this section that 4417
sells motor vehicle fuel at retail shall agree that if the 4418
applicant receives funding, the applicant will report to the 4419
director the gallon or gallon equivalent amounts of alternative 4420
fuel the applicant sells at retail in this state for a period of 4421
three years after the project is completed. 4422

The director shall enter into a written confidentiality 4423
agreement with the applicant regarding the gallon or gallon 4424
equivalent amounts sold as described in this division, and upon 4425
execution of the agreement this information is not a public 4426
record. 4427

(E) There is hereby created in the state treasury the 4428

alternative fuel transportation fund. The fund shall consist of 4429
money transferred to the fund under division (B) of section 4430
125.836 ~~and under division (B)(2) of section 3706.27~~ of the 4431
Revised Code, money that is appropriated to it by the general 4432
assembly, money as may be specified by the general assembly from 4433
the advanced energy fund created by section 4928.61 of the Revised 4434
Code, and all money received from the repayment of loans made from 4435
the fund or in the event of a default on any such loan. Money in 4436
the fund shall be used to make grants and loans under the 4437
alternative fuel transportation program and by the director in the 4438
administration of that program. 4439

Sec. 122.26. The rural industrial park loan fund is hereby 4440
created in the state treasury for the purposes of the program 4441
established under section 122.24 of the Revised Code. The director 4442
of development services shall deposit money received for the 4443
purposes of that section to the credit of the fund. 4444

Sec. 122.175. (A) As used in this section: 4445

(1) "Capital investment project" means a plan of investment 4446
at a project site for the acquisition, construction, renovation, 4447
expansion, replacement, or repair of a computer data center or of 4448
computer data center equipment, but does not include any of the 4449
following: 4450

(a) Project costs paid before a date determined by the tax 4451
credit authority for each capital investment project; 4452

(b) Payments made to a related member as defined in section 4453
5733.042 of the Revised Code or to a consolidated elected taxpayer 4454
or a combined taxpayer as defined in section 5751.01 of the 4455
Revised Code. 4456

(2) "Computer data center" means a facility used or to be 4457
used primarily to house computer data center equipment used or to 4458

be used in conducting one or more computer data center businesses, 4459
as determined by the tax credit authority. 4460

(3) "Computer data center business" means, as may be further 4461
determined by the tax credit authority, a business that provides 4462
electronic information services as defined in division (Y)(1)(c) 4463
of section 5739.01 of the Revised Code, or that leases a facility 4464
to one or more such businesses. "Computer data center business" 4465
does not include providing electronic publishing as defined in 4466
~~division (LLL)~~ of that section. 4467

(4) "Computer data center equipment" means tangible personal 4468
property used or to be used for any of the following: 4469

(a) To conduct a computer data center business, including 4470
equipment cooling systems to manage the performance of computer 4471
data center equipment; 4472

(b) To generate, transform, transmit, distribute, or manage 4473
electricity necessary to operate the tangible personal property 4474
used or to be used in conducting a computer data center business; 4475

(c) As building and construction materials sold to 4476
construction contractors for incorporation into a computer data 4477
center. 4478

(5) "Eligible computer data center" means a computer data 4479
center that satisfies all of the following requirements: 4480

(a) One or more taxpayers operating a computer data center 4481
business at the project site will, in the aggregate, make payments 4482
for a capital investment project of at least one hundred million 4483
dollars at the project site during one of the following cumulative 4484
periods: 4485

(i) For projects beginning in 2013, six consecutive calendar 4486
years; 4487

(ii) For projects beginning in 2014, four consecutive 4488

calendar years; 4489

(iii) For projects beginning in or after 2015, three 4490
consecutive calendar years. 4491

(b) One or more taxpayers operating a computer data center 4492
business at the project site will, in the aggregate, pay annual 4493
compensation that is subject to the withholding obligation imposed 4494
under section 5747.06 of the Revised Code of at least one million 4495
five hundred thousand dollars to employees employed at the project 4496
site for each year of the agreement beginning on or after the 4497
first day of the twenty-fifth month after the agreement was 4498
entered into under this section. 4499

(6) "Person" has the same meaning as in section 5701.01 of 4500
the Revised Code. 4501

(7) "Project site," "related member," and "tax credit 4502
authority" have the same meanings as in sections 122.17 and 4503
122.171 of the Revised Code. 4504

(8) "Taxpayer" means any person subject to the taxes imposed 4505
under Chapters 5739. and 5741. of the Revised Code. 4506

(B) The tax credit authority may completely or partially 4507
exempt from the taxes levied under Chapters 5739. and 5741. of the 4508
Revised Code the sale, storage, use, or other consumption of 4509
computer data center equipment used or to be used at an eligible 4510
computer data center. Any such exemption shall extend to charges 4511
for the delivery, installation, or repair of the computer data 4512
center equipment subject to the exemption under this section. 4513

(C) A taxpayer that proposes a capital improvement project 4514
for an eligible computer data center in this state may apply to 4515
the tax credit authority to enter into an agreement under this 4516
section authorizing a complete or partial exemption from the taxes 4517
imposed under Chapters 5739. and 5741. of the Revised Code on 4518
computer data center equipment purchased by the applicant or any 4519

other taxpayer that operates a computer data center business at 4520
the project site and used or to be used at the eligible computer 4521
data center. The director of development services shall prescribe 4522
the form of the application. After receipt of an application, the 4523
authority shall forward copies of the application to the director 4524
of budget and management and the tax commissioner, each of whom 4525
shall review the application to determine the economic impact that 4526
the proposed eligible computer data center would have on the state 4527
and any affected political subdivisions and submit to the 4528
authority a summary of their determinations. The authority shall 4529
also forward a copy of the application to the director of 4530
development services who shall review the application to determine 4531
the economic impact that the proposed eligible computer data 4532
center would have on the state and the affected political 4533
subdivisions and shall submit a summary of their determinations 4534
and recommendations to the authority. 4535

(D) Upon review and consideration of such determinations and 4536
recommendations, the tax credit authority may enter into an 4537
agreement with the applicant and any other taxpayer that operates 4538
a computer data center business at the project site for a complete 4539
or partial exemption from the taxes imposed under Chapters 5739. 4540
and 5741. of the Revised Code on computer data center equipment 4541
used or to be used at an eligible computer data center if the 4542
authority determines all of the following: 4543

(1) The capital investment project for the eligible computer 4544
data center will increase payroll and the amount of income taxes 4545
to be withheld from employee compensation pursuant to section 4546
5747.06 of the Revised Code. 4547

(2) The applicant is economically sound and has the ability 4548
to complete or effect the completion of the proposed capital 4549
investment project. 4550

(3) The applicant intends to and has the ability to maintain 4551

operations at the project site for the term of the agreement. 4552

(4) Receiving the exemption is a major factor in the 4553
applicant's decision to begin, continue with, or complete the 4554
capital investment project. 4555

(E) An agreement entered into under this section shall 4556
include all of the following: 4557

(1) A detailed description of the capital investment project 4558
that is the subject of the agreement, including the amount of the 4559
investment, the period over which the investment has been or is 4560
being made, the annual compensation to be paid by each taxpayer 4561
subject to the agreement to its employees at the project site, and 4562
the anticipated amount of income taxes to be withheld from 4563
employee compensation pursuant to section 5747.06 of the Revised 4564
Code. 4565

(2) The percentage of the exemption from the taxes imposed 4566
under Chapters 5739. and 5741. of the Revised Code for the 4567
computer data center equipment used or to be used at the eligible 4568
computer data center, the length of time the computer data center 4569
equipment will be exempted, and the first date on which the 4570
exemption applies. 4571

(3) A requirement that the computer data center remain an 4572
eligible computer data center during the term of the agreement and 4573
that the applicant maintain operations at the eligible computer 4574
data center during that term. An applicant does not violate the 4575
requirement described in division (E)(3) of this section if the 4576
applicant ceases operations at the eligible computer data center 4577
during the term of the agreement but resumes those operations 4578
within eighteen months after the date of cessation. The agreement 4579
shall provide that, in such a case, the applicant and any other 4580
taxpayer that operates a computer data center business at the 4581
project site shall not claim the tax exemption authorized in the 4582

agreement for any purchase of computer data center equipment made 4583
during the period in which the applicant did not maintain 4584
operations at the eligible computer data center. 4585

(4) A requirement that, for each year of the term of the 4586
agreement beginning on or after the first day of the twenty-fifth 4587
month after the date the agreement was entered into, one or more 4588
taxpayers operating a computer data center business at the project 4589
site will, in the aggregate, pay annual compensation that is 4590
subject to the withholding obligation imposed under section 4591
5747.06 of the Revised Code of at least one million five hundred 4592
thousand dollars to employees at the eligible computer data 4593
center. 4594

(5) A requirement that each taxpayer subject to the agreement 4595
annually report to the director of development services 4596
employment, tax withholding, capital investment, and other 4597
information required by the director to perform the director's 4598
duties under this section. 4599

(6) A requirement that the director of development services 4600
annually review the annual reports of each taxpayer subject to the 4601
agreement to verify the information reported under division (E)(5) 4602
of this section and compliance with the agreement. Upon 4603
verification, the director shall issue a certificate to each such 4604
taxpayer stating that the information has been verified and that 4605
the taxpayer remains eligible for the exemption specified in the 4606
agreement. 4607

(7) A provision providing that the taxpayers subject to the 4608
agreement may not relocate a substantial number of employment 4609
positions from elsewhere in this state to the project site unless 4610
the director of development services determines that the 4611
appropriate taxpayer notified the legislative authority of the 4612
county, township, or municipal corporation from which the 4613
employment positions would be relocated. For purposes of this 4614

paragraph, the movement of an employment position from one 4615
political subdivision to another political subdivision shall be 4616
considered a relocation of an employment position unless the 4617
movement is confined to the project site. The transfer of an 4618
employment position from one political subdivision to another 4619
political subdivision shall not be considered a relocation of an 4620
employment position if the employment position in the first 4621
political subdivision is replaced by another employment position. 4622

(8) A waiver by each taxpayer subject to the agreement of any 4623
limitations periods relating to assessments or adjustments 4624
resulting from the taxpayer's failure to comply with the 4625
agreement. 4626

(F) The term of an agreement under this section shall be 4627
determined by the tax credit authority, and the amount of the 4628
exemption shall not exceed one hundred per cent of such taxes that 4629
would otherwise be owed in respect to the exempted computer data 4630
center equipment. 4631

(G) If any taxpayer subject to an agreement under this 4632
section fails to meet or comply with any condition or requirement 4633
set forth in the agreement, the tax credit authority may amend the 4634
agreement to reduce the percentage of the exemption or term during 4635
which the exemption applies to the computer data center equipment 4636
used or to be used by the noncompliant taxpayer at an eligible 4637
computer data center. The reduction of the percentage or term may 4638
take effect in the current calendar year. 4639

(H) Financial statements and other information submitted to 4640
the department of development services or the tax credit authority 4641
by an applicant for or recipient of an exemption under this 4642
section, and any information taken for any purpose from such 4643
statements or information, are not public records subject to 4644
section 149.43 of the Revised Code. However, the chairperson of 4645
the authority may make use of the statements and other information 4646

for purposes of issuing public reports or in connection with court 4647
proceedings concerning tax exemption agreements under this 4648
section. Upon the request of the tax commissioner, the chairperson 4649
of the authority shall provide to the tax commissioner any 4650
statement or other information submitted by an applicant for or 4651
recipient of an exemption under this section. The tax commissioner 4652
shall preserve the confidentiality of the statement or other 4653
information. 4654

(I) The tax commissioner shall issue a direct payment permit 4655
under section 5739.031 of the Revised Code to each taxpayer 4656
subject to an agreement under this section. Such direct payment 4657
permit shall authorize the taxpayer to pay any sales and use taxes 4658
due on purchases of computer data center equipment used or to be 4659
used in an eligible computer data center and to pay any sales and 4660
use taxes due on purchases of tangible personal property or 4661
taxable services other than computer data center equipment used or 4662
to be used in an eligible computer data center directly to the tax 4663
commissioner. Each such taxpayer shall pay pursuant to such direct 4664
payment permit all sales tax levied on such purchases under 4665
sections 5739.02, 5739.021, 5739.023, and 5739.026 of the Revised 4666
Code and all use tax levied on such purchases under sections 4667
5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code, 4668
consistent with the terms of the agreement entered into under this 4669
section. 4670

During the term of an agreement under this section each 4671
taxpayer subject to the agreement shall submit to the tax 4672
commissioner a return that shows the amount of computer data 4673
center equipment purchased for use at the eligible computer data 4674
center, the amount of tangible personal property and taxable 4675
services other than computer data center equipment purchased for 4676
use at the eligible computer data center, the amount of tax under 4677
Chapter 5739. or 5741. of the Revised Code that would be due in 4678

the absence of the agreement under this section, the exemption 4679
percentage for computer data center equipment specified in the 4680
agreement, and the amount of tax due under Chapter 5739. or 5741. 4681
of the Revised Code as a result of the agreement under this 4682
section. Each such taxpayer shall pay the tax shown on the return 4683
to be due in the manner and at the times as may be further 4684
prescribed by the tax commissioner. Each such taxpayer shall 4685
include a copy of the director of development services' 4686
certificate of verification issued under division (E)(6) of this 4687
section. Failure to submit a copy of the certificate with the 4688
return does not invalidate the claim for exemption if the taxpayer 4689
submits a copy of the certificate to the tax commissioner within 4690
the time prescribed by section 5703.0510 of the Revised Code. 4691

(J) If the director of development services determines that 4692
one or more taxpayers received an exemption from taxes due on the 4693
purchase of computer data center equipment purchased for use at a 4694
computer data center that no longer complies with the requirement 4695
under division (E)(3) of this section, the director shall notify 4696
the tax credit authority and, if applicable, the taxpayer that 4697
applied to enter the agreement for the exemption under division 4698
(C) of this section of the noncompliance. After receiving such a 4699
notice, and after giving each taxpayer subject to the agreement an 4700
opportunity to explain the noncompliance, the authority may 4701
terminate the agreement and require each such taxpayer to pay to 4702
the state all or a portion of the taxes that would have been owed 4703
in regards to the exempt equipment in previous years, all as 4704
determined under rules adopted pursuant to division (K) of this 4705
section. In determining the portion of the taxes that would have 4706
been owed on the previously exempted equipment to be paid to this 4707
state by a taxpayer, the authority shall consider the effect of 4708
market conditions on the eligible computer data center, whether 4709
the taxpayer continues to maintain other operations in this state, 4710
and, with respect to agreements involving multiple taxpayers, the 4711

taxpayer's level of responsibility for the noncompliance. After 4712
making the determination, the authority shall certify to the tax 4713
commissioner the amount to be paid by each taxpayer subject to the 4714
agreement. The tax commissioner shall make an assessment for that 4715
amount against each such taxpayer under Chapter 5739. or 5741. of 4716
the Revised Code. The time limitations on assessments under those 4717
chapters do not apply to an assessment under this division, but 4718
the tax commissioner shall make the assessment within one year 4719
after the date the authority certifies to the tax commissioner the 4720
amount to be paid by the taxpayer. 4721

(K) The director of development services, after consultation 4722
with the tax commissioner and in accordance with Chapter 119. of 4723
the Revised Code, shall adopt rules necessary to implement this 4724
section. The rules may provide for recipients of tax exemptions 4725
under this section to be charged fees to cover administrative 4726
costs incurred in the administration of this section. The fees 4727
collected shall be credited to the tax incentives operating fund 4728
created in section 122.174 of the Revised Code. At the time the 4729
director gives public notice under division (A) of section 119.03 4730
of the Revised Code of the adoption of the rules, the director 4731
shall submit copies of the proposed rules to the chairpersons of 4732
the standing committees on economic development in the senate and 4733
the house of representatives. 4734

(L) On or before the first day of August of each year, the 4735
director of development services shall submit a report to the 4736
governor, the president of the senate, and the speaker of the 4737
house of representatives on the tax exemption authorized under 4738
this section. The report shall include information on the number 4739
of agreements that were entered into under this section during the 4740
preceding calendar year, a description of the eligible computer 4741
data center that is the subject of each such agreement, and an 4742
update on the status of eligible computer data centers under 4743

agreements entered into before the preceding calendar year. 4744

(M) A taxpayer may be made a party to an existing agreement 4745
entered into under this section by the tax credit authority and 4746
another taxpayer or group of taxpayers. In such a case, the 4747
taxpayer shall be entitled to all benefits and bound by all 4748
obligations contained in the agreement and all requirements 4749
described in this section. When an agreement includes multiple 4750
taxpayers, each taxpayer shall be entitled to a direct payment 4751
permit as authorized in division (I) of this section. 4752

Sec. 122.84. (A) As used in this section: 4753

(1) "Ohio qualified opportunity fund" means a qualified 4754
opportunity fund that holds one hundred per cent of its invested 4755
assets in qualified opportunity zone property situated in an Ohio 4756
opportunity zone. 4757

In the case of qualified opportunity zone property that is 4758
qualified opportunity zone stock or qualified opportunity zone 4759
partnership interest, the stock or interest is situated in an Ohio 4760
opportunity zone only if, during all of the qualified opportunity 4761
fund's holding period for such stock or interest, all of the use 4762
of the corporation's or partnership's tangible property was in an 4763
Ohio opportunity zone. In the case of qualified opportunity zone 4764
property that is qualified opportunity zone business property, the 4765
property is situated in an Ohio opportunity zone only if, during 4766
all of the fund's holding period for such property, all of the use 4767
of the property was in an Ohio opportunity zone. 4768

All terms used in division (A) of this section have the same 4769
meaning as in 26 U.S.C. 1400Z-2, except that "all" shall be 4770
substituted for "substantially all" wherever "substantially all" 4771
appears in the definition of those terms or in the definition of 4772
terms used in those terms. 4773

(2) "Ohio opportunity zone" means a qualified opportunity zone designated in this state under 26 U.S.C. 1400Z-1 before, on, or after the effective date of the enactment of this section by H.B. 166 of the 133rd general assembly. 4774
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(3) "Taxpayer" and "taxable year" have the same meanings as in section 5747.01 of the Revised Code. 4778
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(4) "Qualifying taxable year" means a taxpayer's taxable year that includes the first day of a calendar year during which an Ohio qualified opportunity fund in which the taxpayer invests makes an investment in a project located in an Ohio opportunity zone. 4780
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(B) A taxpayer that invests in one or more Ohio qualified opportunity funds may apply to the director of development services for a nonrefundable credit against the tax levied under section 5747.02 of the Revised Code. The application shall be made on forms prescribed by the director on or after the first day of January and on or before the first day of February of each year. The credit shall equal ten per cent of the amount of the taxpayer's investment in the fund that the fund invested during the preceding calendar year in projects located in Ohio opportunity zones. 4785
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The taxpayer shall include the following information with the taxpayer's application: 4795
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(1) The amount of the taxpayer's investment in Ohio qualified opportunity funds during the taxpayer's qualifying taxable year, arranged according to the amount invested in each such fund if the taxpayer invested in more than one such fund; 4797
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(2) A statement from an employee or officer of each Ohio qualified opportunity fund identified by the taxpayer under division (B)(1) of this section certifying the amount of the taxpayer's investment in the fund and the amount of that 4801
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investment the fund invested in projects located in Ohio 4805
opportunity zones during the preceding calendar year. The 4806
statement shall describe each project funded by the investment and 4807
state each project's location and the portion of the taxpayer's 4808
investment invested in each such project. Unless the fund 4809
demonstrates otherwise to the director's satisfaction, the amount 4810
of a taxpayer's investment that the fund invested in a project 4811
located in an Ohio opportunity zone equals the same proportion of 4812
the amount of the fund's investment in the project as the 4813
taxpayer's investment in the fund bears to the total investment by 4814
all investors in that fund on the date the fund makes the 4815
investment in the project. 4816

The director shall review applications in the order in which 4817
applications are received. 4818

(C)(1) Subject to division (C)(2) of this section, if the 4819
director determines that the applicant qualifies for a credit 4820
under this section, the director shall issue, within sixty days 4821
after the receipt of a complete application under division (B) of 4822
this section, a tax credit certificate to the taxpayer identified 4823
with a unique number and listing the amount of credit the director 4824
determines the taxpayer is eligible to claim. 4825

(2) The director shall not issue certificates in a total 4826
amount that would cause the tax credits claimed in any fiscal 4827
biennium to exceed fifty million dollars. The director shall not 4828
issue certificates to a single applicant in an amount that would 4829
cause the tax credits claimed in any fiscal biennium by that 4830
applicant, and any person to whom the applicant transfers the 4831
certificate under division (E) of this section, to exceed one 4832
million dollars. 4833

The director may not issue a certificate under this section 4834
on the basis of any investment for which a small business 4835
investment certificate has been issued under section 122.86 of the 4836

Revised Code. 4837

(3) The credit may be claimed for the taxpayer's qualifying taxable year or the next ensuing taxable year. The taxpayer shall claim the credit in the order prescribed by section 5747.98 of the Revised Code. Any unused amount may be carried forward for the following five taxable years. If the certificate is issued to a pass-through entity for an investment by the entity, any taxpayer that is a direct or indirect investor in the pass-through entity on the last day of the entity's qualifying taxable year may claim the taxpayer's proportionate or distributive share of the credit against the taxpayer's aggregate amount of tax levied under that section. 4838
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(D) A taxpayer claiming a credit under this section shall submit a copy of the certificate with the taxpayer's return or report. 4849
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(E) A taxpayer that holds an unclaimed certificate under this section may notify the tax commissioner, in writing, that the taxpayer is transferring the right to claim the credit stated on the certificate. The taxpayer shall identify in that notification the certificate's number and the name and the tax identification number of the transferee. Pursuant to division (D) of this section, the transferee may claim the credit stated on the certificate, subject to the limitations of this section. A transferee may not transfer the right to claim the credit to any other person. 4852
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(F) On or before the first day of August each year, the director of development services shall submit a report to the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives on the tax credit program authorized under this section. The report shall include the following information: 4862
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(1) The number of projects funded by investments for which a tax credit application was submitted under this section during the preceding year, the Ohio opportunity zone in which each such project is located, the number of projects funded by investments for which certificates were allocated during the preceding year, a description of each such project, and the composition of an Ohio qualified opportunity fund's investments in each project funded by investments for which a tax credit application was submitted under this section; 4868
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(2) The number of taxpayers that invested in an Ohio qualified opportunity fund and applied for a tax credit based on the fund's investment in a project during the preceding year, the name of the fund in which each such investment was made, the number of taxpayers allocated a credit for such investments under this section, and the dollar amount of those credits; 4877
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(3) A map that shows the location of each Ohio opportunity zone and that indicates which zones include existing or pending projects that are, or will be, funded by tax credit-eligible investments. 4883
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Sec. 122.85. (A) As used in this section and in sections 5726.55, 5733.59, 5747.66, and 5751.54 of the Revised Code: 4887
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(1) "Tax credit-eligible production" means a motion picture production certified by the director of development services under ~~division (B) of~~ this section as qualifying the motion picture company for a tax credit under section 5726.55, 5733.59, 5747.66, or 5751.54 of the Revised Code before July 1, 2019. 4889
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(2) "Certificate owner" means a motion picture company to which a tax credit certificate is issued or a person to which the company has transferred under division ~~(H)~~(G) of this section the authority to claim all or a part of the tax credit authorized by that certificate. 4894
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(3) "Motion picture company" means an individual, 4899
corporation, partnership, limited liability company, or other form 4900
of business association producing a motion picture. 4901

(4) "Eligible production expenditures" means expenditures 4902
made after June 30, 2009, for goods or services purchased and 4903
consumed in this state by a motion picture company directly for 4904
the production of a tax credit-eligible production. 4905

"Eligible production expenditures" includes, but is not 4906
limited to, expenditures for cast and crew wages, accommodations, 4907
costs of set construction and operations, editing and related 4908
services, photography, sound synchronization, lighting, wardrobe, 4909
makeup and accessories, film processing, transfer, sound mixing, 4910
special and visual effects, music, location fees, and the purchase 4911
or rental of facilities and equipment. 4912

(5) "Motion picture" means entertainment content created in 4913
whole or in part within this state for distribution or exhibition 4914
to the general public, including, but not limited to, 4915
feature-length films; documentaries; long-form, specials, 4916
miniseries, series, and interstitial television programming; 4917
interactive web sites; sound recordings; videos; music videos; 4918
interactive television; interactive games; video games; 4919
commercials; any format of digital media; and any trailer, pilot, 4920
video teaser, or demo created primarily to stimulate the sale, 4921
marketing, promotion, or exploitation of future investment in 4922
either a product or a motion picture by any means and media in any 4923
digital media format, film, or videotape, provided the motion 4924
picture qualifies as a motion picture. "Motion picture" does not 4925
include any television program created primarily as news, weather, 4926
or financial market reports, a production featuring current events 4927
or sporting events, an awards show or other gala event, a 4928
production whose sole purpose is fundraising, a long-form 4929
production that primarily markets a product or service or in-house 4930

corporate advertising or other similar productions, a production 4931
for purposes of political advocacy, or any production for which 4932
records are required to be maintained under 18 U.S.C. 2257 with 4933
respect to sexually explicit content. 4934

~~(B) For the purpose of encouraging and developing a strong 4935
film industry in this state, the director of development services 4936
may certify a motion picture produced by a motion picture company 4937
as a tax credit eligible production. In the case of a television 4938
series, the director may certify the production of each episode of 4939
the series as a separate tax credit eligible production. A motion 4940
picture company shall apply for certification of a motion picture 4941
as a tax credit eligible production on a form and in the manner 4942
prescribed by the director. Each application shall include the 4943
following information: 4944~~

~~(1) The name and telephone number of the motion picture 4945
production company; 4946~~

~~(2) The name and telephone number of the company's contact 4947
person; 4948~~

~~(3) A list of the first preproduction date through the last 4949
production date in Ohio; 4950~~

~~(4) The Ohio production office address and telephone number; 4951~~

~~(5) The total production budget of the motion picture; 4952~~

~~(6) The total budgeted eligible production expenditures and 4953
the percentage that amount is of the total production budget of 4954
the motion picture; 4955~~

~~(7) The total percentage of the motion picture being shot in 4956
Ohio; 4957~~

~~(8) The level of employment of cast and crew who reside in 4958
Ohio; 4959~~

~~(9) A synopsis of the script; 4960~~

~~(10) The shooting script;~~ 4961

~~(11) A creative elements list that includes the names of the principal cast and crew and the producer and director;~~ 4962
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~~(12) Documentation of financial ability to undertake and complete the motion picture, including documentation that shows that the company has secured funding equal to at least fifty per cent of the total production budget of the motion picture;~~ 4964
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~~(13) Estimated value of the tax credit based upon total budgeted eligible production expenditures;~~ 4968
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~~(14) Any other information considered necessary by the director.~~ 4970
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~~Within ninety days after certification of a motion picture as a tax credit eligible production, and any time thereafter upon the request of the director of development services, the motion picture company shall present to the director sufficient evidence of reviewable progress. If the motion picture company fails to present sufficient evidence, the director may rescind the certification. Upon rescission, the director shall notify the applicant that the certification has been rescinded. Nothing in this section prohibits an applicant whose tax credit eligible production certification has been rescinded from submitting a subsequent application for certification.~~ 4972
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~~(C)(1) A motion picture company whose motion picture has been certified as a tax credit-eligible production before July 1, 2019, may apply to the director of development services ~~on or after July 1, 2009,~~ for a refundable credit against the tax imposed by section 5726.02, 5733.06, 5747.02, or 5751.02 of the Revised Code. The director in consultation with the tax commissioner shall prescribe the form and manner of the application and the information or documentation required to be submitted with the application.~~ 4983
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The credit is determined as follows: 4992

(a) If the total budgeted eligible production expenditures 4993
stated in the application submitted under ~~division (B)~~ of this 4994
section or the actual eligible production expenditures as finally 4995
determined under ~~division (D)~~ of this section, whichever is least, 4996
is less than or equal to three hundred thousand dollars, no credit 4997
is allowed; 4998

(b) If the total budgeted eligible production expenditures 4999
stated in the application submitted under ~~division (B)~~ of this 5000
section or the actual eligible production expenditures as finally 5001
determined under ~~division (D)~~ of this section, whichever is least, 5002
is greater than three hundred thousand dollars, the credit equals 5003
thirty per cent of the least of such budgeted or actual eligible 5004
expenditure amounts. 5005

(2) Except as provided in division ~~(C)~~(B)(4) of this section, 5006
if the director of development services approves a motion picture 5007
company's application for a credit, the director shall issue a tax 5008
credit certificate to the company. The director in consultation 5009
with the tax commissioner shall prescribe the form and manner of 5010
issuing certificates. The director shall assign a unique 5011
identifying number to each tax credit certificate and shall record 5012
the certificate in a register devised and maintained by the 5013
director for that purpose. The certificate shall state the amount 5014
of the eligible production expenditures on which the credit is 5015
based and the amount of the credit. Upon the issuance of a 5016
certificate, the director shall certify to the tax commissioner 5017
the name of the applicant, the amount of eligible production 5018
expenditures shown on the certificate, and any other information 5019
required by the rules adopted to administer this section. 5020

(3) The amount of eligible production expenditures for which 5021
a tax credit may be claimed is subject to inspection and 5022
examination by the tax commissioner or employees of the 5023

commissioner under section 5703.19 of the Revised Code and any 5024
other applicable law. Once the eligible production expenditures 5025
are finally determined under section 5703.19 of the Revised Code 5026
and ~~division (D)~~ of this section, the credit amount is not subject 5027
to adjustment unless the director determines an error was 5028
committed in the computation of the credit amount. 5029

(4) No tax credit certificate may be issued before the 5030
completion of the tax credit-eligible production. Not more than 5031
forty million dollars of tax credit may be allowed per fiscal year 5032
beginning July 1, 2016, and before July 1, 2019, provided that, 5033
for any fiscal year in which the amount of tax credits allowed 5034
under this section is less than that maximum annual amount, the 5035
amount not allowed for that fiscal year shall be added to the 5036
maximum annual amount that may be allowed for the following fiscal 5037
year. 5038

(5) In approving applications for tax credits under this 5039
section, the director shall give priority to tax-credit eligible 5040
productions that are television series or miniseries. 5041

~~(D)~~(C) A motion picture company whose motion picture has been 5042
certified as a tax credit-eligible production shall engage, at the 5043
company's expense, an independent certified public accountant to 5044
examine the company's production expenditures to identify the 5045
expenditures that qualify as eligible production expenditures. The 5046
certified public accountant shall issue a report to the company 5047
and to the director of development services certifying the 5048
company's eligible production expenditures and any other 5049
information required by the director. Upon receiving and examining 5050
the report, the director may disallow any expenditure the director 5051
determines is not an eligible production expenditure. If the 5052
director disallows an expenditure, the director shall issue a 5053
written notice to the motion picture production company stating 5054
that the expenditure is disallowed and the reason for the 5055

disallowance. Upon examination of the report and disallowance of 5056
any expenditures, the director shall determine finally the lesser 5057
of the total budgeted eligible production expenditures stated in 5058
the application submitted under ~~division (B)~~ of this section or 5059
the actual eligible production expenditures for the purpose of 5060
computing the amount of the credit. 5061

~~(E)~~(D) No credit shall be allowed under section 5726.55, 5062
5733.59, 5747.66, or 5751.54 of the Revised Code unless the 5063
director has reviewed the report and made the determination 5064
prescribed by division ~~(D)~~(C) of this section. 5065

~~(F)~~(E) This state reserves the right to refuse the use of 5066
this state's name in the credits of any tax credit-eligible motion 5067
picture production. 5068

~~(G)~~(F)(1) The director of development services in 5069
consultation with the tax commissioner shall adopt rules for the 5070
administration of this section, including rules setting forth and 5071
governing the criteria for determining whether a motion picture 5072
production is a tax credit-eligible production; activities that 5073
constitute the production of a motion picture; reporting 5074
sufficient evidence of reviewable progress; expenditures that 5075
qualify as eligible production expenditures; a competitive process 5076
for approving credits; consideration of geographic distribution of 5077
credits; and implementation of the program described in division 5078
~~(I)~~(H) of this section. The rules shall be adopted under Chapter 5079
119. of the Revised Code. 5080

(2) To cover the administrative costs of the program, the 5081
director shall require each applicant to pay an application fee 5082
equal to the lesser of ten thousand dollars or one per cent of the 5083
estimated value of the tax credit as stated in the application. 5084
The fees collected shall be credited to the tax incentives 5085
operating fund created in section 122.174 of the Revised Code. All 5086
grants, gifts, fees, and contributions made to the director for 5087

marketing and promotion of the motion picture industry within this 5088
state shall also be credited to the fund. 5089

~~(H)~~(G)(1) After the director of development services makes 5090
the determination required under division ~~(D)~~(C) of this section, 5091
a motion picture company to which a tax credit certificate is 5092
issued may transfer the authority to claim all or a portion of the 5093
amount of the tax credit the motion picture company is authorized 5094
to claim pursuant to that certificate under section 5726.55, 5095
5733.59, 5747.66, or 5751.54 of the Revised Code to one or more 5096
other persons. Within thirty days after a transfer under this 5097
division, the motion picture company shall submit the following 5098
information to the director, on a form prescribed by the director: 5099

(a) Information necessary for the director to identify the 5100
certificate that is the basis for the transfer; 5101

(b) The portion or amount of the tax credit transferred to 5102
each transferee; 5103

(c) The portion or amount of the tax credit that the motion 5104
picture company retains the authority to claim; 5105

(d) The tax identification number of each transferee; 5106

(e) The date of the transfer; 5107

(f) Any other information required by the director; 5108

(g) Any information required by the tax commissioner. 5109

The director shall deliver a copy of any submission received 5110
under division ~~(H)~~(G)(1) of this section to the tax commissioner. 5111

(2) A transferee may not claim a credit under section 5112
5726.55, 5733.59, 5747.66, or 5751.54 of the Revised Code unless 5113
and until the transferring motion picture company complies with 5114
division ~~(H)~~(G)(1) of this section. A transferee may claim the 5115
transferred amount of any credit or portion of a credit for the 5116
same taxable year or tax period for which the transferring motion 5117

picture company was authorized to claim the credit or portion of a 5118
credit pursuant to the certificate. A motion picture company shall 5119
make no transfer under division ~~(H)~~(G)(1) of this section after 5120
the last day of the tax period or taxable year for which the 5121
motion picture company is required to claim the credit pursuant to 5122
the certificate. 5123

A motion picture company may make not more than one transfer 5124
under division ~~(H)~~(G)(1) of this section for each tax credit 5125
certificate, but pursuant to that transaction, may allocate the 5126
authority to claim a portion of the credit to more than one 5127
transferee. A motion picture company may not authorize more than 5128
one transferee to claim the same portion of a credit. 5129

~~(I)~~(H) The director of development services shall establish a 5130
program for the training of Ohio residents who are or wish to be 5131
employed in the film or multimedia industry. Under the program, 5132
the director shall: 5133

(1) Certify individuals as film and multimedia trainees. In 5134
order to receive such a certification, an individual must be an 5135
Ohio resident, have participated in relevant on-the-job training 5136
or have completed a relevant training course approved by the 5137
director, and have met any other requirements established by the 5138
director. 5139

(2) Accept applications from motion picture companies that 5140
intend to hire and provide on-the-job training to one or more 5141
certified film and multimedia trainees who will be employed in the 5142
company's tax credit-eligible production. 5143

(3) Upon completion of a tax-credit eligible production, and 5144
upon the receipt of any salary information and other documentation 5145
required by the director, authorize a reimbursement payment to 5146
each motion picture company whose application was approved under 5147
division ~~(I)~~(H)(2) of this section. The payment shall equal fifty 5148

per cent of the salaries paid to film and multimedia trainees 5149
employed in the production. 5150

Sec. 122.86. (A) As used in this section and section 5747.81 5151
of the Revised Code: 5152

(1) "Small business enterprise" means a corporation, 5153
pass-through entity, or other person satisfying all of the 5154
following: 5155

(a) At the time of a qualifying investment, the enterprise 5156
meets all of the following requirements: 5157

(i) Has no outstanding tax or other liabilities owed to the 5158
state; 5159

(ii) Is in good standing with the secretary of state, if the 5160
enterprise is required to be registered with the secretary; 5161

(iii) Is current with any court-ordered payments; 5162

(iv) Is not engaged in any illegal activity. 5163

(b) At the time of a qualifying investment, the enterprise's 5164
assets according to generally accepted accounting principles do 5165
not exceed fifty million dollars, or its annual sales do not 5166
exceed ten million dollars. When making this determination, the 5167
assets and annual sales of all of the enterprise's related or 5168
affiliated entities shall be included in the calculation. 5169

(c) ~~The~~ At the time of a qualifying investment and for the 5170
two-year period immediately preceding the qualifying investment, 5171
the enterprise employs at least fifty full-time equivalent 5172
employees in this state for whom the enterprise is required to 5173
withhold income tax under section 5747.06 of the Revised Code, or 5174
more than one-half the enterprise's total number of full-time 5175
equivalent employees employed anywhere in the United States are 5176
employed in this state and are subject to that withholding 5177
requirement. 5178

(d) The enterprise, within six months after an eligible investor's qualifying investment is made, ~~invests in or~~ incurs cost for one or more of the following ~~in an amount at least equal to the amount of the qualifying investment:~~

(i) Tangible personal property, other than motor vehicles operated on public roads and highways, used in business and physically located in this state from the time of its acquisition by the enterprise until the end of the investor's holding period, including the installation of such tangible personal property;

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

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

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

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

~~newly hired or retained employees.~~ 5210

(2) "Qualifying investment" means an investment of money made 5211
on or after July 1, ~~2011~~ 2019, to acquire capital stock or other 5212
equity interest in a small business enterprise. "Qualifying 5213
investment" does not include either of the following: 5214

(a) Any investment of money an eligible investor derives, 5215
directly or indirectly, from a grant or loan from the federal 5216
government or the state or a political subdivision, including the 5217
third frontier program under Chapter 184. of the Revised Code; 5218

(b) Any investment of money which is the basis of a tax 5219
credit granted under any other section of the Revised Code. 5220

(3) "Eligible investor" means an individual, estate, or trust 5221
subject to the tax imposed by section 5747.02 of the Revised Code, 5222
or a pass-through entity in which such an individual, estate, or 5223
trust holds a direct or indirect ownership or other equity 5224
interest. To qualify as an eligible investor, the individual, 5225
estate, trust, or pass-through entity shall not owe any 5226
outstanding tax or other liability to the state at the time of a 5227
qualifying investment. 5228

(4) "Holding period" means the two-year period beginning on 5229
the day a qualifying investment is made. 5230

(5) "Pass-through entity" has the same meaning as in section 5231
5733.04 of the Revised Code. 5232

(B) ~~Any~~ An eligible investor that makes a qualifying 5233
investment in a small business enterprise on or after July 1, ~~2011~~ 5234
2019, may apply to the director of development services to obtain 5235
an allocation for a small business investment certificate from the 5236
director. Alternatively, a small business enterprise may apply on 5237
behalf of eligible investors to obtain the ~~certificates~~ allocation 5238
for those investors. The application must be submitted to the 5239
director within sixty days after the date of the qualifying 5240

investment, but within the same biennium as the qualifying 5241
investment. The director, in consultation with the tax 5242
commissioner, shall prescribe the form or manner in which an 5243
applicant shall apply for the certificate, devise the form of the 5244
certificate, and prescribe any records or other information an 5245
applicant shall furnish with the application to evidence the 5246
qualifying investment. ~~The applicant shall state the amount of the~~ 5247
~~intended investment.~~ The applicant shall pay an application fee 5248
equal to the greater of one-tenth of one per cent of the amount of 5249
the intended investment or one hundred dollars. 5250

~~A small business investment certificate entitles the~~ 5251
~~certificate holder to receive a tax credit under section 5747.81~~ 5252
~~of the Revised Code if the certificate holder qualifies for the~~ 5253
~~credit as otherwise provided in this section. If the certificate~~ 5254
~~holder is a pass through entity, the certificate entitles the~~ 5255
~~entity's equity owners to receive their distributive or~~ 5256
~~proportionate shares of the credit. In any fiscal biennium, an~~ 5257
~~eligible investor may not apply for small business investment~~ 5258
~~certificates representing intended investment amounts in excess of~~ 5259
~~ten million dollars. Such certificates are not transferable.~~ 5260

The director of development services may reserve small 5261
business investment ~~certificates~~ allocations to qualifying 5262
applicants in the order in which the director receives 5263
applications, ~~but may issue the certificates as the applications~~ 5264
~~are completed.~~ An application is completed when the director has 5265
validated that an eligible investor has made a qualified 5266
investment and receives all required documentation needed to 5267
demonstrate the small business enterprise ~~has made the appropriate~~ 5268
~~reinvestment of the qualified investment pursuant to~~ satisfies the 5269
requirements of division (A)(1)(~~d~~) of this section. To qualify for 5270
~~a certificate~~ an allocation, an eligible investor must satisfy 5271
both of the following, subject to the limitation on the amount of 5272

qualifying investments for which ~~certificates~~ allocations may be 5273
issued under division (C) of this section: 5274

(1) The eligible investor makes a qualifying investment on or 5275
after July 1, ~~2011~~ 2019. 5276

(2) The eligible investor pledges not to sell or otherwise 5277
dispose of the qualifying investment before the conclusion of the 5278
applicable holding period. 5279

(C)(1) The amount of any eligible investor's qualifying 5280
investments for which small business investment ~~certificates~~ 5281
allocations may be issued for a fiscal biennium shall not exceed 5282
ten million dollars. 5283

(2) The director of development services shall not issue a 5284
small business investment ~~certificate~~ allocation to an eligible 5285
investor representing an amount of qualifying investment in excess 5286
of the amount of the ~~intended~~ investment indicated on the 5287
investor's application ~~for the certificate~~. 5288

(3) ~~The~~ For any fiscal biennium beginning before July 1, 5289
2019, the director of development services shall not issue small 5290
business investment ~~certificates~~ allocations in a total amount 5291
that would cause the tax credits claimed in ~~any fiscal~~ that 5292
biennium to exceed one hundred million dollars. For any fiscal 5293
biennium beginning on or after July 1, 2019, the director shall 5294
not issue small business investment allocations in a total amount 5295
that would cause the tax credits claimed in that biennium to 5296
exceed fifty million dollars. 5297

(4) The director of development services may issue a small 5298
business investment ~~certificate~~ allocation only if both of the 5299
following apply at the time of issuance: 5300

(a) The small business enterprise meets all the requirements 5301
listed in divisions (A)(1)(a)(i) to (iv) of this section; 5302

(b) The eligible investor does not owe any outstanding tax or 5303
other liability to the state. 5304

(5) The director shall not issue a small business investment 5305
allocation on the basis of any investment for which an Ohio 5306
opportunity zone investment certificate has been issued under 5307
section 122.84 of the Revised Code. 5308

(D) Before the end of the applicable holding period of a 5309
qualifying investment, each enterprise in which a qualifying 5310
investment was made for which a small business investment 5311
~~certificate~~ allocation has been issued, upon the request of the 5312
director of development services, shall provide to the director 5313
records or other evidence satisfactory to the director that the 5314
enterprise is a small business enterprise for the purposes of this 5315
section. Each enterprise shall also provide annually to the 5316
director records or evidence regarding the number of jobs created 5317
or retained in the state. ~~No credit may be claimed under this 5318
section and section 5747.81 of the Revised Code if the director 5319
finds that an enterprise is not a small business enterprise for 5320
the purposes of this section.~~ The director shall compile and 5321
maintain a register of small business enterprises qualifying under 5322
this section and shall certify the register to the tax 5323
commissioner. The director shall also compile and maintain a 5324
record of the number of jobs created or retained as a result of 5325
qualifying investments made pursuant to this section. 5326

(E) After the conclusion of the applicable holding period for 5327
a qualifying investment, a person to whom a small business 5328
investment ~~certificate~~ allocation has been issued under this 5329
section ~~may~~ shall receive a small business investment 5330
certification, which entitles the person to claim a credit as 5331
provided under section 5747.81 of the Revised Code. However, no 5332
certificate may be issued if the director finds that any 5333
requirement under this section is not met. 5334

(F) The director of development services, in consultation	5335
with the tax commissioner, may adopt rules for the administration	5336
of this section, including rules governing the following:	5337
(1) Documents, records, or other information eligible	5338
investors shall provide to the director;	5339
(2) Any information a small business enterprise shall provide	5340
for the purposes of this section and section 5747.81 of the	5341
Revised Code;	5342
(3) Determination of the number of full-time equivalent	5343
employees of a small business enterprise;	5344
(4) Verification of a small business enterprise's investment	5345
in tangible personal property and intangible personal property	5346
under division (A)(1)(d) of this section, including when such	5347
investments have been made and where the property is used in	5348
business;	5349
(5) Circumstances under which small business enterprises or	5350
eligible investors may be subverting the purposes of this section	5351
and section 5747.81 of the Revised Code.	5352
(G) Application fees paid under division (B) of this section	5353
shall be credited to the tax incentives operating fund created in	5354
section 122.174 of the Revised Code.	5355
Sec. 123.21. (A) The Ohio facilities construction commission	5356
may perform any act and ensure the performance of any function	5357
necessary or appropriate to carry out the purposes of, and	5358
exercise the powers granted under this chapter or any other	5359
provision of the Revised Code, including any of the following:	5360
(1) Except as otherwise provided in section 123.211 of the	5361
Revised Code, prepare, or contract to be prepared, by licensed	5362
engineers or architects, surveys, general and detailed plans,	5363
specifications, bills of materials, and estimates of cost for any	5364

projects, improvements, or public buildings to be constructed by 5365
state agencies that may be authorized by legislative 5366
appropriations or any other funds made available therefor, 5367
provided that the construction of the projects, improvements, or 5368
public buildings is a statutory duty of the commission. This 5369
section does not require the independent employment of an 5370
architect or engineer as provided by section 153.01 of the Revised 5371
Code in the cases to which section 153.01 of the Revised Code 5372
applies. This section does not affect or alter the existing powers 5373
of the director of transportation. 5374

(2) Except as otherwise provided in section 123.211 of the 5375
Revised Code, have general supervision over the construction of 5376
any projects, improvements, or public buildings constructed for a 5377
state agency and over the inspection of materials prior to their 5378
incorporation into those projects, improvements, or buildings. 5379

(3) Except as otherwise provided in section 123.211 of the 5380
Revised Code, make contracts for and supervise the design and 5381
construction of any projects and improvements or the construction 5382
and repair of buildings under the control of a state agency. All 5383
such contracts may be based in whole or in part on the unit price 5384
or maximum estimated cost, with payment computed and made upon 5385
actual quantities or units. 5386

(4) Adopt, amend, and rescind rules pertaining to the 5387
administration of the construction of the public works of the 5388
state as required by law, in accordance with Chapter 119. of the 5389
Revised Code. 5390

(5) Contract with, retain the services of, or designate, and 5391
fix the compensation of, such agents, accountants, consultants, 5392
advisers, and other independent contractors as may be necessary or 5393
desirable to carry out the programs authorized under this chapter, 5394
or authorize the executive director to perform such powers and 5395
duties. 5396

(6) Receive and accept any gifts, grants, donations, and pledges, and receipts therefrom, to be used for the programs authorized under this chapter.

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(7) Make and enter into all contracts, commitments, and agreements, and execute all instruments, necessary or incidental to the performance of its duties and the execution of its rights and powers under this chapter, or authorize the executive director to perform such powers and duties.

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(8) Debar a contractor as provided in section 153.02 of the Revised Code.

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(9) Enter into and administer cooperative agreements for cultural projects, as provided in sections 123.28 and 123.281 of the Revised Code.

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(B) The commission shall appoint and fix the compensation of an executive director who shall serve at the pleasure of the commission. The executive director shall ~~exercise all powers that the commission possesses,~~ supervise the operations of the commission, and perform such other duties as delegated by the commission. The executive director also shall employ and fix the compensation of such employees as will facilitate the activities and purposes of the commission, who shall serve at the pleasure of the executive director. The employees of the commission are exempt from Chapter 4117. of the Revised Code and are not considered public employees as defined in section 4117.01 of the Revised Code. Any agreement entered into prior to July 1, 2012, between the office of collective bargaining and the exclusive representative for employees of the commission is binding and shall continue to have effect.

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(C) The attorney general shall serve as the legal representative for the commission and may appoint other counsel as necessary for that purpose in accordance with section 109.07 of

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the Revised Code. 5428

(D) Purchases for, and the custody and repair of, buildings 5429
under the management and control of the capitol square review and 5430
advisory board are not subject to the control and jurisdiction of 5431
the Ohio facilities construction commission. 5432

Sec. 124.132. A state employee who is a certified disaster 5433
service volunteer of the American red cross or who is a verified 5434
team rubicon volunteer may be granted leave from ~~his~~ work with pay 5435
for not to exceed thirty work days in each year to participate in 5436
specialized disaster relief services ~~for the American red cross,~~ 5437
upon the request of the American red cross or of team rubicon for 5438
the services of that employee and upon the approval of that 5439
employee's appointing authority. The appointing authority shall 5440
compensate an employee granted leave under this section at ~~his~~ the 5441
employee's regular rate of pay for those regular work hours during 5442
which the employee is absent from ~~his~~ work. 5443

Sec. 124.82. (A) Except as provided in division (D) of this 5444
section, the department of administrative services, in 5445
consultation with the superintendent of insurance, shall, in 5446
accordance with competitive selection procedures of Chapter 125. 5447
of the Revised Code, contract with an insurance company or a 5448
health plan in combination with an insurance company, authorized 5449
to do business in this state, for the issuance of a policy or 5450
contract of health, medical, hospital, dental, vision, or surgical 5451
benefits, or any combination of those benefits, covering state 5452
employees who are paid directly by warrant of the director of 5453
budget and management, including elected state officials. The 5454
department may fulfill its obligation under this division by 5455
exercising its authority under division (A)(2) of section 124.81 5456
of the Revised Code. 5457

(B) Except as provided in division (D) of this section, the department may, in addition, in consultation with the superintendent of insurance, negotiate and contract with health insuring corporations holding a certificate of authority under Chapter 1751. of the Revised Code, in their approved service areas only, for issuance of a contract or contracts of health care services, covering state employees who are paid directly by warrant of the director of budget and management, including elected state officials. The department may enter into contracts with one or more insurance carriers or health plans to provide the same plan of benefits, provided that:

(1) The employee be permitted to exercise the option as to which plan the employee will select under division (A) or (B) of this section, at a time that shall be determined by the department;

(2) The health insuring corporations do not refuse to accept the employee, or the employee and the employee's family, if the employee exercises the option to select care provided by the corporations;

(3) The employee may choose participation in only one of the plans sponsored by the department;

(4) The director of health examines and certifies to the department that the quality and adequacy of care rendered by the health insuring corporations meet at least the standards of care provided by hospitals and physicians in that employee's community, who would be providing such care as would be covered by a contract awarded under division (A) of this section.

(C) All or any portion of the cost, premium, or charge for the coverage in divisions (A) and (B) of this section may be paid in such manner or combination of manners as the department determines and may include the proration of health care costs,

premiums, or charges for part-time employees. 5489

(D) Notwithstanding divisions (A) and (B) of this section, 5490
the department may provide benefits equivalent to those that may 5491
be paid under a policy or contract issued by an insurance company 5492
or a health plan pursuant to division (A) or (B) of this section. 5493

(E) This section does not prohibit the state office of 5494
collective bargaining from entering into an agreement with an 5495
employee representative for the purposes of providing fringe 5496
benefits, including, but not limited to, hospitalization, surgical 5497
care, major medical care, disability, dental care, vision care, 5498
medical care, hearing aids, prescription drugs, group life 5499
insurance, sickness and accident insurance, group legal services 5500
or other benefits, or any combination of those benefits, to 5501
employees paid directly by warrant of the director of budget and 5502
management through a jointly administered trust fund. The 5503
employer's contribution for the cost of the benefit care shall be 5504
mutually agreed to in the collectively bargained agreement. The 5505
amount, type, and structure of fringe benefits provided under this 5506
division is subject to the determination of the board of trustees 5507
of the jointly administered trust fund. Notwithstanding any other 5508
provision of the Revised Code, competitive bidding does not apply 5509
to the purchase of fringe benefits for employees under this 5510
division when those benefits are provided through a jointly 5511
administered trust fund. 5512

(F) Members of state boards or commissions may be covered by 5513
any policy, contract, or plan of benefits or services described in 5514
division (A) or (B) of this section. Board or commission members 5515
who are appointed for a fixed term and who are compensated on a 5516
per meeting basis, or paid only for expenses, or receive a 5517
combination of per diem payments and expenses shall pay the entire 5518
amount of the premiums, costs, or charges for that coverage. 5519

Sec. 124.824. (A) As used in this section, "death benefit fund recipient" means any recipient of a death benefit paid under section 742.63 of the Revised Code except a parent who receives a death benefit paid under division (E) of that section.

(B)(1) Except as otherwise provided under division (B)(3) of this section, a death benefit fund recipient may elect to participate in any health, medical, hospital, dental, surgical, or vision benefit the department of administrative services contracts for under section 124.82 of the Revised Code or otherwise provides for the benefit of state employees who are paid directly by warrant of the director of budget and management. Receiving benefits under this section does not make the death benefit fund recipient a state employee. A death benefit fund recipient who elects to participate in a benefit under this section shall ~~do~~ both of the following:

~~(a) File a notice~~ file the election form developed by the director of administrative services under division (D) of this section with the department of the death benefit fund recipient's election to participate that specifies the benefits or combination of benefits in which the recipient elects to participate board of trustees of the Ohio police and fire pension fund, which serves as the trustees of the Ohio public safety officers death benefit fund pursuant to section 742.62 of the Revised Code.

~~(b) Pay to the department the percentage of the premium or cost for the applicable benefits that would be paid by a state employee who elects that coverage.~~ The board of trustees shall forward the election form to the department after the board has approved an application for benefits under section 742.63 of the Revised Code.

(2) A parent, guardian, custodian, or other person responsible for the care of a death benefit fund recipient who is

under eighteen years of age or who is a surviving child entitled 5551
to extended benefits under division (H)(3) of section 742.63 of 5552
the Revised Code due to disability may file the election form 5553
required by division (B)(1) of this section on the death benefit 5554
fund recipient's behalf. 5555

(3) A death benefit fund recipient is ineligible to 5556
participate in a health, medical, hospital, dental, surgical, or 5557
vision benefit under division (B)(1) of this section if the 5558
recipient is eligible either of the following: 5559

(a) An employee paid directly by warrant of the director of 5560
budget and management who is eligible to participate in those 5561
benefits pursuant to section 124.82 of the Revised Code; 5562

(b) Eligible to enroll in the medicare program established by 5563
Title XVIII of the "Social Security Act," 79 Stat. 291 (1965), 42 5564
U.S.C. 1395c, as amended. 5565

(C) For each death benefit fund recipient who ~~participates~~ 5566
elects to participate in health, medical, hospital, dental, 5567
surgical, or vision benefits under division (B) of this section, 5568
the department shall ~~pay the percentage~~ notify the board of 5569
trustees of the premium or amount of the cost for the applicable 5570
benefits that would be paid by a state employer for a state 5571
employee who elects that coverage that shall be withheld from 5572
benefits paid to a death benefit fund recipient under section 5573
742.63 of the Revised Code and forwarded to the department. The 5574
amount withheld from the death benefit fund recipient shall be the 5575
percentage of the cost of those benefits that would be paid by a 5576
state employee. The board of trustees shall pay the department the 5577
remaining cost of those benefits plus any applicable 5578
administrative costs from appropriations made for that purpose. 5579

(D) The director of administrative services shall prescribe 5580
procedures for the administration of benefits for death benefit 5581

fund recipients under this section, including the development of 5582
required forms for death benefit fund recipients to enroll, 5583
disenroll, or re-enroll in benefits under this section. The 5584
director shall provide the required election forms developed under 5585
this division to the board of trustees and shall notify the board 5586
of trustees of a death benefit recipient's enrollment, 5587
disenrollment, or re-enrollment in benefits under this section. 5588
The director shall notify the board of trustees when the 5589
department terminates the benefits a death benefit fund recipient 5590
has elected under division (B) of this section. 5591

(E) ~~The board of trustees of the Ohio police and fire pension~~ 5592
~~fund shall provide any information to the department that the~~ 5593
department requires to provide benefits under this section to the 5594
department, a designated third-party administrator, or both, 5595
including information regarding the identities, ages, and family 5596
relationships of death benefit fund recipients. 5597

Sec. 124.91. The director of administrative services annually 5598
shall conduct a survey on diversity within each state agency's 5599
workforce at the time of the survey. Not later than December 31, 5600
2020, and not later than the thirty-first day of December of each 5601
year thereafter, the director shall issue a report on the results 5602
of the surveys with the governor and the general assembly in 5603
accordance with section 101.68 of the Revised Code. 5604

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Sec. 125.01. As used in this chapter: 5606

(A) "Order" means a copy of a contract or a statement of the 5607
nature of a contemplated expenditure, a description of the 5608
property or supplies to be purchased or service to be performed, 5609
other than a service performed by officers and regular employees 5610
of the state, and per diem of the national guard, and the total 5611

sum of the expenditure to be made therefor, if the sum is fixed 5612
and ascertained, otherwise the estimated sum thereof, and an 5613
authorization to pay for the contemplated expenditure, signed by 5614
the person instructed and authorized to pay upon receipt of a 5615
proper invoice. 5616

(B) "Invoice" means an itemized listing showing delivery of 5617
the supplies or performance of the service described in the order, 5618
~~and the~~ including all of the following: 5619

(1) The date of the purchase or rendering of the service, ~~or~~ 5620
~~an~~ i 5621

(2) An itemization of the things done, material supplied, or 5622
labor furnished, ~~and the~~ i 5623

(3) The sum due pursuant to the contract or obligation. 5624

(C) "Products" means materials, manufacturer's supplies, 5625
merchandise, goods, wares, and foodstuffs. 5626

(D) "Produced" means the manufacturing, processing, mining, 5627
developing, and making of a thing into a new article with a 5628
distinct character in use through the application of input, within 5629
the state, of Ohio products, labor, skill, or other services. 5630
"Produced" does not include the mere assembling or putting 5631
together of non-Ohio products or materials. 5632

(E) "Ohio products" means products that are mined, excavated, 5633
produced, manufactured, raised, or grown in the state by a person 5634
where the input of Ohio products, labor, skill, or other services 5635
constitutes no less than twenty-five per cent of the manufactured 5636
cost. With respect to mined products, such products shall be mined 5637
or excavated in this state. 5638

(F) "Purchase" means to buy, rent, lease, lease purchase, or 5639
otherwise acquire supplies or services. "Purchase" also includes 5640
all functions that pertain to the obtaining of supplies or 5641

services, including description of requirements, selection and 5642
solicitation of sources, preparation and award of contracts, all 5643
phases of contract administration, and receipt and acceptance of 5644
the supplies and services and payment for them. 5645

(G) "Services" means the furnishing of labor, time, or effort 5646
by a person, not involving the delivery of a specific end product 5647
other than a report which, if provided, is merely incidental to 5648
the required performance. "Services" does not include services 5649
furnished pursuant to employment agreements or collective 5650
bargaining agreements. 5651

(H) "Supplies" means all property, including, but not limited 5652
to, equipment, materials, other tangible assets, and insurance, 5653
but excluding real property or an interest in real property. 5654

(I) "Competitive selection" means any of the following 5655
procedures for making purchases: 5656

(1) Competitive sealed bidding under section 125.07 of the 5657
Revised Code; 5658

(2) Competitive sealed proposals under section 125.071 of the 5659
Revised Code; 5660

(3) Reverse auctions under section 125.072 of the Revised 5661
Code. 5662

Sec. 125.14. (A) The director of administrative services 5663
shall allocate any proceeds from the transfer, sale, or lease of 5664
excess and surplus supplies in the following manner: 5665

(1) Except as otherwise provided in division (A)(2) of this 5666
section, the proceeds of such a transfer, sale, or lease shall be 5667
paid into the state treasury to the credit of the investment 5668
recovery fund, which is hereby created. 5669

(2) Except as otherwise provided in division (A)(2) of this 5670
section, when supplies originally were purchased with funds from 5671

nongeneral revenue fund sources, the director shall determine what 5672
fund or account originally was used to purchase the supplies, and 5673
the credit for the proceeds from any transfer, sale, or lease of 5674
those supplies shall be transferred to that fund or account. If 5675
the director cannot determine which fund or account originally was 5676
used to purchase the supplies, if the fund or account is no longer 5677
active, or if the proceeds from the transfer, sale, or lease of a 5678
unit of supplies are less than one hundred dollars or any larger 5679
amount the director may establish with the approval of the 5680
director of budget and management, then the proceeds from the 5681
transfer, sale, or lease of such supplies shall be paid into the 5682
state treasury to the credit of the investment recovery fund. 5683

(B) The investment recovery fund shall be used to pay for the 5684
operating expenses of the state surplus property program and of 5685
the federal surplus property program described in sections 125.84 5686
to 125.90 of the Revised Code. Any amounts in excess of these 5687
operating expenses shall periodically be transferred to the 5688
general revenue fund of the state. If proceeds paid into the 5689
investment recovery fund are insufficient to pay for the program's 5690
operating expenses, a service fee may be charged to state agencies 5691
to eliminate the deficit. 5692

(C) Proceeds from the sale of recyclable goods and materials 5693
shall be paid into the state treasury to the credit of the 5694
recycled materials fund, which is hereby created, except that the 5695
director of environmental protection, upon request, may grant an 5696
exemption from this requirement. The director shall administer the 5697
fund for the benefit of recycling programs in state agencies. 5698

Sec. 125.18. (A) There is hereby established the office of 5699
information technology within the department of administrative 5700
services. The office shall be under the supervision of a state 5701
chief information officer to be appointed by the director of 5702

administrative services and subject to removal at the pleasure of 5703
the director. The chief information officer is an assistant 5704
director of administrative services. 5705

(B) Under the direction of the director of administrative 5706
services, the state chief information officer shall lead, oversee, 5707
and direct state agency activities related to information 5708
technology development and use. In that regard, the state chief 5709
information officer shall do all of the following: 5710

(1) Coordinate and superintend statewide efforts to promote 5711
common use and development of technology by state agencies. The 5712
office of information technology shall establish policies and 5713
standards that govern and direct state agency participation in 5714
statewide programs and initiatives. 5715

(2) Establish policies and standards for the acquisition and 5716
use of common information technology by state agencies, including, 5717
but not limited to, hardware, software, technology services, and 5718
security, and the extension of the service life of information 5719
technology systems, with which state agencies shall comply; 5720

(3) Establish criteria and review processes to identify state 5721
agency information technology projects or purchases that require 5722
alignment or oversight. As appropriate, the department of 5723
administrative services shall provide the governor and the 5724
director of budget and management with notice and advice regarding 5725
the appropriate allocation of resources for those projects. The 5726
state chief information officer may require state agencies to 5727
provide, and may prescribe the form and manner by which they must 5728
provide, information to fulfill the state chief information 5729
officer's alignment and oversight role; 5730

(4) Establish policies and procedures for the security of 5731
personal information that is maintained and destroyed by state 5732
agencies; 5733

(5) Employ a chief information security officer who is 5734
responsible for the implementation of the policies and procedures 5735
described in division (B)(4) of this section and for coordinating 5736
the implementation of those policies and procedures in all of the 5737
state agencies; 5738

(6) Employ a chief privacy officer who is responsible for 5739
advising state agencies when establishing policies and procedures 5740
for the security of personal information and developing education 5741
and training programs regarding the state's security procedures; 5742

(7) Establish policies on the purchasing, use, and 5743
reimbursement for use of handheld computing and telecommunications 5744
devices by state agency employees; 5745

(8) Establish policies for the reduction of printing and the 5746
use of electronic records by state agencies; 5747

(9) Establish policies for the reduction of energy 5748
consumption by state agencies; 5749

(10) Compute the amount of revenue attributable to the 5750
amortization of all equipment purchases and capitalized systems 5751
from information technology service delivery and major information 5752
technology purchases, MARCS administration, enterprise 5753
applications, and the professions licensing system operating 5754
appropriation items and major computer purchases capital 5755
appropriation items that is recovered as part of the information 5756
technology services rates the department of administrative 5757
services charges and deposits into the information technology fund 5758
created in section 125.15 of the Revised Code, the user fees the 5759
department of administrative services charges and deposits in the 5760
MARCS administration fund created in section 4501.29 of the 5761
Revised Code, the rates the department of administrative services 5762
charges to benefiting agencies for the operation and management of 5763
information technology applications and deposits in the enterprise 5764

applications fund, and the rates the department of administrative 5765
services charges for the cost of ongoing maintenance of the 5766
professions licensing system and deposits in the professions 5767
licensing system fund. The enterprise applications fund is hereby 5768
created in the state treasury. 5769

(11) Regularly review and make recommendations regarding 5770
improving the infrastructure of the state's cybersecurity 5771
operations with existing resources and through partnerships 5772
between government, business, and institutions of higher 5773
education; 5774

(12) Assist, as needed, with general state efforts to grow 5775
the cybersecurity industry in this state. 5776

(C)(1) The chief information security officer shall assist 5777
each state agency with the development of an information 5778
technology security strategic plan and review that plan, and each 5779
state agency shall submit that plan to the state chief information 5780
officer. The chief information security officer may require that 5781
each state agency update its information technology security 5782
strategic plan annually as determined by the state chief 5783
information officer. 5784

(2) Prior to the implementation of any information technology 5785
data system, a state agency shall prepare or have prepared a 5786
privacy impact statement for that system. 5787

(D) When a state agency requests a purchase of information 5788
technology supplies or services under Chapter 125. of the Revised 5789
Code, the state chief information officer may review and reject 5790
the requested purchase for noncompliance with information 5791
technology direction, plans, policies, standards, or 5792
project-alignment criteria. 5793

(E) The office of information technology may operate 5794
technology services for state agencies in accordance with this 5795

chapter. 5796

Notwithstanding any provision of the Revised Code to the 5797
contrary, the office of information technology may assess a 5798
transaction fee on each license or registration issued as part of 5799
an electronic licensing system operated by the office in an amount 5800
determined by the office not to exceed three dollars and fifty 5801
cents. The transaction fee shall apply to all transactions, 5802
regardless of form, that immediately precede the issuance, 5803
renewal, reinstatement, reactivation of, or other activity that 5804
results in, a license or registration to operate as a regulated 5805
professional or entity. Each license or registration is a separate 5806
transaction to which a fee under this division applies. 5807
Notwithstanding any provision of the Revised Code to the contrary, 5808
if a fee is assessed under this section, no agency, board, or 5809
commission shall issue a license or registration unless a fee 5810
required by this division has been received. The director of 5811
administrative services may collect the fee or require a state 5812
agency, board, or commission for which the system is being 5813
operated to collect the fee. Amounts received under this division 5814
shall be deposited in or transferred to the professions licensing 5815
system fund created in division (I) of this section. 5816

(F) With the approval of the director of administrative 5817
services, the office of information technology may establish 5818
cooperative agreements with federal and local government agencies 5819
and state agencies that are not under the authority of the 5820
governor for the provision of technology services and the 5821
development of technology projects. 5822

(G) The office of information technology may operate a 5823
program to make information technology purchases. The director of 5824
administrative services may recover the cost of operating the 5825
program from all participating government entities by issuing 5826
intrastate transfer voucher billings for the procured technology 5827

or through any pass-through billing method agreed to by the 5828
director of administrative services, the director of budget and 5829
management, and the participating government entities that will 5830
receive the procured technology. 5831

If the director of administrative services chooses to recover 5832
the program costs through intrastate transfer voucher billings, 5833
the participating government entities shall process the intrastate 5834
transfer vouchers to pay for the cost. Amounts received under this 5835
section for the information technology purchase program shall be 5836
deposited to the credit of the information technology governance 5837
fund created in section 125.15 of the Revised Code. 5838

(H) Upon request from the director of administrative 5839
services, the director of budget and management may transfer cash 5840
from the information technology fund created in section 125.15 of 5841
the Revised Code, the MARCS administration fund created in section 5842
4501.29 of the Revised Code, the enterprise applications fund 5843
created in division (B)(10) of this section, or the professions 5844
licensing system fund created in division (I) of this section to 5845
the major information technology purchases fund in an amount not 5846
to exceed the amount computed under division (B)(10) of this 5847
section. The major information technology purchases fund is hereby 5848
created in the state treasury. 5849

(I) There is hereby created in the state treasury the 5850
professions licensing system fund. The fund shall be used to 5851
operate the electronic licensing system referenced in division (E) 5852
of this section. 5853

(J) As used in this section: 5854

(1) "Personal information" has the same meaning as in section 5855
149.45 of the Revised Code. 5856

(2) "State agency" means every organized body, office, or 5857
agency established by the laws of the state for the exercise of 5858

any function of state government, other than any state-supported 5859
institution of higher education, the office of the auditor of 5860
state, treasurer of state, secretary of state, or attorney 5861
general, the adjutant general's department, the bureau of workers' 5862
compensation, the industrial commission, the public employees 5863
retirement system, the Ohio police and fire pension fund, the 5864
state teachers retirement system, the school employees retirement 5865
system, the state highway patrol retirement system, the general 5866
assembly or any legislative agency, the capitol square review 5867
advisory board, or the courts or any judicial agency. 5868

Sec. 125.25. (A) The director of administrative services may 5869
debar a vendor from consideration for contract awards upon a 5870
finding based upon a reasonable belief that the vendor has done 5871
any of the following: 5872

(1) Abused the selection process by repeatedly withdrawing 5873
bids or proposals before purchase orders or contracts are issued 5874
or failing to accept orders based upon firm bids; 5875

(2) Failed to substantially perform a contract according to 5876
its terms, conditions, and specifications within specified time 5877
limits; 5878

(3) Failed to cooperate in monitoring contract performance by 5879
refusing to provide information or documents required in a 5880
contract, failed to respond to complaints to the vendor, or 5881
accumulated repeated justified complaints regarding performance of 5882
a contract; 5883

(4) Attempted to influence a public employee to breach 5884
ethical conduct standards or to influence a contract award; 5885

(5) Colluded to restrain competition by any means; 5886

(6) Been convicted of a criminal offense related to the 5887
application for or performance of any public or private contract, 5888

including, but not limited to, embezzlement, theft, forgery, 5889
bribery, falsification or destruction of records, receiving stolen 5890
property, and any other offense that directly reflects on the 5891
vendor's business integrity; 5892

(7) Been convicted under state or federal antitrust laws; 5893

(8) Deliberately or willfully submitted false or misleading 5894
information in connection with the application for or performance 5895
of a public contract; 5896

(9) Violated any other responsible business practice or 5897
performed in an unsatisfactory manner as determined by the 5898
director; 5899

(10) Through the default of a contract or through other means 5900
had a determination of unresolved finding for recovery by the 5901
auditor of state under section 9.24 of the Revised Code; 5902

(11) Acted in such a manner as to be debarred from 5903
participating in a contract with any governmental agency. 5904

(B) When the director reasonably believes that grounds for 5905
debarment exist, the director shall send the vendor a notice of 5906
proposed debarment indicating the grounds for the proposed 5907
debarment and the procedure for requesting a hearing on the 5908
proposed debarment. The hearing shall be conducted in accordance 5909
with Chapter 119. of the Revised Code. If the vendor does not 5910
respond with a request for a hearing in the manner specified in 5911
Chapter 119. of the Revised Code, the director shall issue the 5912
debarment decision without a hearing and shall notify the vendor 5913
of the decision by certified mail, return receipt requested. 5914

(C) The director shall determine the length of the debarment 5915
period and may rescind the debarment at any time upon notification 5916
to the vendor. During the period of debarment, the vendor is not 5917
eligible to participate in any state contract. After the debarment 5918
period expires, the vendor ~~shall~~ may be eligible to be awarded 5919

contracts by state agencies if the vendor is not otherwise 5920
debarred. 5921

(D) The director, through the office of procurement services, 5922
shall maintain a list of all vendors currently debarred under this 5923
section. 5924

Sec. 125.93. (A) As used in this section and section 125.931 5925
of the Revised Code: 5926

(1) "Affiliated company" means an entity, including a 5927
third-party payer or specialty pharmacy, with common ownership, 5928
members of a board of directors, or managers, or that is a parent 5929
company, subsidiary company, jointly held company, or holding 5930
company with respect to the other entity. 5931

(2) "Care management system," "medicaid managed care 5932
organization," and "prescribed drug" have the same meanings as in 5933
section 5167.01 of the Revised Code. 5934

(3) "Pharmacy benefit manager" has the same meaning as in 5935
section 3959.01 of the Revised Code. 5936

(4) "Third-party administrator" means any person who adjusts 5937
or settles claims on behalf of an insuring entity in connection 5938
with life, dental, health, prescription drugs, or disability 5939
insurance or self-insurance programs and includes a pharmacy 5940
benefit manager. 5941

(B) Not later than July 1, 2020, if the department of 5942
medicaid includes prescribed drugs in the care management system 5943
as authorized under section 5167.05 of the Revised Code and the 5944
department contracts with medicaid managed care organizations 5945
under section 5167.10 of the Revised Code, the director of 5946
administrative services, in consultation with the medicaid 5947
director and through a procurement process, shall select a 5948
third-party administrator to serve as the single pharmacy benefit 5949

manager used by medicaid managed care organizations under the care 5950
management system. The state pharmacy benefit manager shall be 5951
responsible for processing all pharmacy claims under the care 5952
management system. The department of medicaid also shall be a 5953
party to the contract and is responsible for enforcing the 5954
contract after the procurement process. 5955

(C) As part of the procurement process, the department of 5956
administrative services shall do all of the following: 5957

(1) Accept applications from entities seeking to become the 5958
state pharmacy benefit manager; 5959

(2) Establish eligibility criteria an entity must meet in 5960
order to become the state pharmacy benefit manager; 5961

(3) Select and contract with a single state pharmacy benefit 5962
manager; 5963

(4) Develop a master contract to be used by the director when 5964
contracting with the state pharmacy benefit manager, which shall 5965
prohibit the state pharmacy benefit manager from requiring a 5966
medicaid recipient to obtain a specialty drug from a specialty 5967
pharmacy owned or otherwise associated with the state pharmacy 5968
benefit manager. 5969

(D) A prospective state pharmacy benefit manager shall 5970
disclose to the director all of the following during the 5971
procurement process: 5972

(1) Any activity, policy, practice, contract or arrangement 5973
of the state pharmacy benefit manager that may directly or 5974
indirectly present any conflict of interest with the pharmacy 5975
benefit manager's relationship with or obligation to the 5976
department of administrative services, the department of medicaid, 5977
or a medicaid managed care organization; 5978

(2) All common ownership, members of a board of directors, 5979

managers, or other control of the pharmacy benefit manager (or any 5980
of the pharmacy benefit manager's affiliated companies) with any 5981
of the following: 5982

(a) A medicaid managed care organization and its affiliated 5983
companies; 5984

(b) An entity that contracts on behalf of a pharmacy or any 5985
pharmacy services administration organization and its affiliated 5986
companies; 5987

(c) A drug wholesaler or distributor and its affiliated 5988
companies; 5989

(d) A third-party payer and its affiliated companies; 5990

(e) A pharmacy and its affiliated companies. 5991

(3) Any direct or indirect fees, charges, or any kind of 5992
assessments imposed by the pharmacy benefit manager on pharmacies 5993
licensed in this state with which the pharmacy benefit manager 5994
shares common ownership, management, or control; or that are 5995
owned, managed, or controlled by any of the pharmacy benefit 5996
manager's affiliated companies; 5997

(4) Any direct or indirect fees, charges, or any kind of 5998
assessments imposed by the pharmacy benefit manager on pharmacies 5999
licensed in this state that operate more than eleven locations; 6000

(5) Any direct or indirect fees, charges, or any kind of 6001
assessments imposed by the pharmacy benefit manager on pharmacies 6002
licensed in this state that operate eleven or fewer locations. 6003

(6) Any financial terms and arrangements between the pharmacy 6004
benefit manager and a prescription drug manufacturer or labeler, 6005
including formulary management, drug substitution programs, 6006
educational support claims processing, or data sales fees. 6007

(E) The medicaid director shall review the state pharmacy 6008
benefit manager contract every six months and shall make 6009

recommendations for changes to the director of administrative services. By contract amendment or renewal, the director of administrative services shall effect the changes recommended by the medicaid director. 6010
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(F) Every four years, the director of administrative services shall reprocore the state pharmacy benefit manager contract under division (C) of this section. 6014
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Sec. 125.931. (A) The affiliated companies of the state pharmacy benefit manager selected under section 125.93 of the Revised Code may conduct pharmacy benefit manager business in their own names with medicaid managed care organizations. 6017
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(B) The state pharmacy benefit manager owes to the department of administrative services and the department of medicaid a fiduciary duty and must perform its duties with care, skill, prudence, and diligence. This duty includes negotiating the lowest prices for prescription drugs and pricing drugs at those lowest prices on the prescription drug formulary established under section 5167.241 of the Revised Code to maximize the health of medicaid recipients and promote the efficiency of the medicaid program. It also includes cooperating with audits conducted by a state entity. 6021
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Sec. 126.48. (A) Except as provided in division (B) of this section, any ~~preliminary or final~~ internal audit report of an internal audit's findings and recommendations which is produced by the office of internal audit in the office of budget and management and all work papers of the internal audit are confidential and are not public records under section 149.43 of the Revised Code until the final report of an internal audit's findings and recommendations is submitted to the state audit committee, the governor, and the director of the state agency 6031
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involved. 6040

(B) The following are not public records under section 149.43 6041
of the Revised Code: 6042

(1) An internal audit report or work paper that meets the 6043
definition of a security record or infrastructure record under 6044
section 149.433 of the Revised Code; 6045

(2) Any information derived from a state tax return or state 6046
tax return information as permitted to be used by the office of 6047
internal audit under section 5703.21 of the Revised Code. 6048

(3) Any record or document necessary for the performance of 6049
an internal audit received by the office of internal audit under 6050
division (C) of section 126.45 of the Revised Code, that is 6051
otherwise exempt from disclosure under state or federal law. 6052

Sec. 126.60. (A) There is hereby created in the state 6053
treasury the H2Ohio fund consisting of money credited to it and 6054
any donations, gifts, bequests, and other money received for 6055
deposit in the fund. All investment earnings of the fund shall be 6056
credited to the fund. All money credited or deposited in the fund 6057
shall be used for any of the following purposes: 6058

(1) Awarding or allocating grants or money, issuing loans, or 6059
making purchases for the development and implementation of 6060
projects and programs, including remediation projects, that are 6061
designed to address water quality priorities; 6062

(2) Funding cooperative research, data gathering and 6063
monitoring, and demonstration projects related to water quality 6064
priorities; 6065

(3) Encouraging cooperation with and among leaders from state 6066
legislatures, state agencies, political subdivisions, business and 6067
industry, labor, agriculture, environmental organizations, 6068
institutions of higher education, and water conservation 6069

districts; 6070

(4) Other purposes, policies, programs, and priorities 6071
identified by the Ohio Lake Erie commission in coordination with 6072
state agencies or boards responsible for water protection and 6073
water management, provided that the purposes, policies, programs, 6074
and priorities align with a statewide strategic vision and 6075
comprehensive periodic water protection and restoration strategy. 6076

(B)(1) The directors of agriculture, natural resources, and 6077
environmental protection shall each prepare an annual plan that, 6078
at a minimum, describes the following: 6079

(a) Funding priorities; 6080

(b) The specific programs, projects, or entities proposed to 6081
receive funding; 6082

(c) The internal controls and external accountability 6083
measures that will be put in place to ensure that the funding is 6084
properly used. 6085

(2) Not later than the first day of March of each year, the 6086
directors shall deliver their respective annual plans to the 6087
H2Ohio advisory council created under section 126.61 of the 6088
Revised Code. 6089

(C) The H2Ohio advisory council shall review and shall 6090
approve or disapprove each annual plan in accordance with the 6091
council's policies and procedures adopted in accordance with 6092
section 126.62 of the Revised Code. An agency shall not expend 6093
money appropriated from the fund unless the council approves the 6094
plan submitted by the agency. 6095

Sec. 126.61. (A) There is hereby created the H2Ohio advisory 6096
council consisting of the following members: 6097

(1) The director of agriculture or the director's designee; 6098

<u>(2) The director of environmental protection or the</u>	6099
<u>director's designee;</u>	6100
<u>(3) The director of natural resources or the director's</u>	6101
<u>designee;</u>	6102
<u>(4) The executive director of the Ohio Lake Erie commission</u>	6103
<u>who shall serve as a nonvoting, ex officio member;</u>	6104
<u>(5) Two members appointed by the president of the senate, one</u>	6105
<u>member of the majority party and one member of the minority party;</u>	6106
<u>(6) Two members appointed by the speaker of the house of</u>	6107
<u>representatives, one member of the majority party and one member</u>	6108
<u>of the minority party;</u>	6109
<u>(7) One member appointed by the governor with the advice and</u>	6110
<u>consent of the senate who represents the interests of counties;</u>	6111
<u>(8) One member appointed by the governor with the advice and</u>	6112
<u>consent of the senate who represents the interests of townships;</u>	6113
<u>(9) One member appointed by the governor with the advice and</u>	6114
<u>consent of the senate who represents the interests of municipal</u>	6115
<u>corporations;</u>	6116
<u>(10) One member appointed by the governor with the advice and</u>	6117
<u>consent of the senate who represents the interests of public</u>	6118
<u>health;</u>	6119
<u>(11) Two members appointed by the governor with the advice</u>	6120
<u>and consent of the senate who represent the interests of business</u>	6121
<u>or tourism;</u>	6122
<u>(12) Two members appointed by the governor with the advice</u>	6123
<u>and consent of the senate who represent agricultural interests;</u>	6124
<u>(13) Two members appointed by the governor with the advice</u>	6125
<u>and consent of the senate who represent statewide environmental</u>	6126
<u>advocacy organizations.</u>	6127

All appointments to the council shall be made not later than 6128
one hundred twenty days after the effective date of this section. 6129

(B)(1) The members appointed by the president of the senate 6130
and speaker of the house of representatives shall serve at the 6131
pleasure of their appointing authorities. Of the initial members 6132
appointed by the governor, five shall be appointed for two years 6133
and four shall be appointed for one year. Thereafter, terms of 6134
office for members appointed by the governor shall be for two 6135
years, with each term ending on the same day of the same month as 6136
did the term that it succeeds. The members appointed by the 6137
governor shall reflect the demographic and economic diversity of 6138
the population of the state. Additionally, the governor's 6139
appointments shall be from geographically diverse areas of the 6140
state so that all areas of the state have representation on the 6141
council. The governor may remove a member appointed by the 6142
governor for misfeasance, nonfeasance, or malfeasance in office. 6143

(2) Each appointed member shall hold office from the date of 6144
appointment until the end of the term for which the member is 6145
appointed. Members may be reappointed. Vacancies shall be filled 6146
in the same manner as provided for original appointments. Any 6147
member appointed to fill a vacancy occurring prior to the 6148
expiration date of the term for which the member was appointed 6149
shall hold office for the remainder of that term. A member shall 6150
continue in office after the expiration date of the member's term 6151
until the member's successor takes office or until a period of 6152
sixty days has elapsed, whichever occurs first. 6153

(C) The governor shall appoint a member of the council to 6154
serve as the chairperson of the council. The executive director of 6155
the Ohio Lake Erie commission shall serve as the vice-chairperson 6156
of the council unless the governor appoints the executive director 6157
as the chairperson. If the executive director is appointed 6158
chairperson, the council annually shall select a person from among 6159

its members to serve as vice-chairperson while the director is 6160
chairperson. The council annually shall select from among its 6161
members a secretary to keep a record of its proceedings. A 6162
majority vote of a quorum of the members of the council is 6163
necessary to take action on any matter. 6164

(D)(1) Members of the council are public officials or 6165
officers only for the purposes of section 9.86 and Chapters 102. 6166
and 2921. of the Revised Code. Serving as a member of the council 6167
does not constitute holding a public office or position of 6168
employment so as to constitute grounds for removal of public 6169
officers or employees serving as members of the council from their 6170
offices or positions of employment. 6171

(2) Members of the council shall file with the Ohio ethics 6172
commission the disclosure statement described in division (A) of 6173
section 102.02 of the Revised Code on the form prescribed by the 6174
commission. Members are subject to divisions (C) and (D) of that 6175
section. 6176

(3) Members of the council shall serve without compensation 6177
for attending council meetings, but shall receive their actual and 6178
necessary traveling and other expenses incurred in the performance 6179
of their official duties in accordance with the rules of the 6180
office of budget and management. 6181

(E) Members appointed by the governor to represent the 6182
interests of counties, townships, and municipal corporations do 6183
not have a conflict of interest by virtue of their service on the 6184
council. For the purposes of this division, "conflict of interest" 6185
means the taking of any action as a member of the council that 6186
affects a public agency the person serves as an officer or 6187
employee. 6188

(F) The Ohio Lake Erie commission, department of agriculture, 6189
and environmental protection agency shall provide administrative 6190

support to the council. The Ohio Lake Erie commission, in addition 6191
to providing administrative support, shall provide the location 6192
for council meetings. 6193

(G) Sections 101.82 to 101.87 of the Revised Code do not 6194
apply to the council. 6195

Sec. 126.62. (A) The H2Ohio advisory council created in 6196
section 126.61 of the Revised Code shall adopt bylaws governing 6197
its operation, including bylaws that establish all of the 6198
following: 6199

(1) The frequency of meetings; 6200

(2) Procedures for reviewing annual plans submitted by the 6201
directors of agriculture, natural resources, and environmental 6202
protection under section 126.60 of the Revised Code; 6203

(3) Procedures for approving or disapproving annual plans 6204
submitted by the directors of agriculture, natural resources, and 6205
environmental protection under section 126.60 of the Revised Code. 6206
The procedures shall include a process for resubmitting 6207
disapproved plans. 6208

(4) Any other policy or procedure that the council determines 6209
is necessary to carry out its duties and for the administration 6210
and oversight of the H2Ohio fund. 6211

(B) Not later than August 31, 2020, and annually thereafter, 6212
the H2Ohio advisory council, in coordination with the Ohio Lake 6213
Erie commission, shall do both of the following: 6214

(1) Prepare a report of the activities that were undertaken 6215
with respect to the fund during the immediately preceding fiscal 6216
year, including the revenues and expenses of the fund for the 6217
preceding fiscal year; 6218

(2) Submit the report to the general assembly and to the 6219
governor. 6220

Sec. 131.02. (A) Except as otherwise provided in section 6221
4123.37, section 5703.061, and division (K) of section 4123.511 of 6222
the Revised Code, whenever any amount is payable to the state, the 6223
officer, employee, or agent responsible for administering the law 6224
under which the amount is payable shall immediately proceed to 6225
collect the amount or cause the amount to be collected and shall 6226
pay the amount into the state treasury or into the appropriate 6227
custodial fund in the manner set forth pursuant to section 113.08 6228
of the Revised Code. Except as otherwise provided in this 6229
division, if the amount is not paid within forty-five days after 6230
payment is due, the officer, employee, or agent shall certify the 6231
amount due to the attorney general, in the form and manner 6232
prescribed by the attorney general, and notify the director of 6233
budget and management thereof. In the case of an amount payable by 6234
a student enrolled in a state institution of higher education, the 6235
amount shall be certified ~~within~~ not less than the later of 6236
forty-five days after the amount is due or the tenth day after the 6237
beginning of the next academic semester, quarter, or other session 6238
following the session for which the payment is payable; 6239
thereafter, the amount shall be certified within fifteen days. The 6240
attorney general may assess the collection cost to the amount 6241
certified in such manner and amount as prescribed by the attorney 6242
general. If an amount payable to a political subdivision is past 6243
due, the political subdivision may, with the approval of the 6244
attorney general, certify the amount to the attorney general 6245
pursuant to this section. 6246

For the purposes of this section, the attorney general and 6247
the officer, employee, or agent responsible for administering the 6248
law under which the amount is payable shall agree on the time a 6249
payment is due, and that agreed upon time shall be one of the 6250
following times: 6251

(1) If a law, including an administrative rule, of this state 6252

prescribes the time a payment is required to be made or reported, 6253
when the payment is required by that law to be paid or reported. 6254

(2) If the payment is for services rendered, when the 6255
rendering of the services is completed. 6256

(3) If the payment is reimbursement for a loss, when the loss 6257
is incurred. 6258

(4) In the case of a fine or penalty for which a law or 6259
administrative rule does not prescribe a time for payment, when 6260
the fine or penalty is first assessed. 6261

(5) If the payment arises from a legal finding, judgment, or 6262
adjudication order, when the finding, judgment, or order is 6263
rendered or issued. 6264

(6) If the payment arises from an overpayment of money by the 6265
state to another person, when the overpayment is discovered. 6266

(7) The date on which the amount for which an individual is 6267
personally liable under section 5735.35, section 5739.33, or 6268
division (G) of section 5747.07 of the Revised Code is determined. 6269

(8) Upon proof of claim being filed in a bankruptcy case. 6270

(9) Any other appropriate time determined by the attorney 6271
general and the officer, employee, or agent responsible for 6272
administering the law under which the amount is payable on the 6273
basis of statutory requirements or ordinary business processes of 6274
the state agency to which the payment is owed. 6275

(B)(1) The attorney general shall give immediate notice by 6276
mail or otherwise to the party indebted of the nature and amount 6277
of the indebtedness. 6278

(2) If the amount payable to this state arises from a tax 6279
levied under Chapter 5733., 5739., 5741., 5747., or 5751. of the 6280
Revised Code, the notice also shall specify all of the following: 6281

(a) The assessment or case number; 6282

(b) The tax pursuant to which the assessment is made;	6283
(c) The reason for the liability, including, if applicable, that a penalty or interest is due;	6284 6285
(d) An explanation of how and when interest will be added to the amount assessed;	6286 6287
(e) That the attorney general and tax commissioner, acting together, have the authority, but are not required, to compromise the claim and accept payment over a reasonable time, if such actions are in the best interest of the state.	6288 6289 6290 6291
(C) The attorney general shall collect the claim or secure a judgment and issue an execution for its collection.	6292 6293
(D) Each claim shall bear interest, from the day on which the claim became due, at the rate per annum required by section 5703.47 of the Revised Code.	6294 6295 6296
(E) The attorney general and the chief officer of the agency reporting a claim, acting together, may do any of the following if such action is in the best interests of the state:	6297 6298 6299
(1) Compromise the claim;	6300
(2) Extend for a reasonable period the time for payment of the claim by agreeing to accept monthly or other periodic payments. The agreement may require security for payment of the claim.	6301 6302 6303 6304
(3) Add fees to recover the cost of processing checks or other draft instruments returned for insufficient funds and the cost of providing electronic payment options.	6305 6306 6307
(F)(1) Except as provided in division (F)(2) of this section, if the attorney general finds, after investigation, that any claim due and owing to the state is uncollectible, the attorney general, with the consent of the chief officer of the agency reporting the claim, may do the following:	6308 6309 6310 6311 6312

(a) Sell, convey, or otherwise transfer the claim to one or more private entities for collection;

(b) Cancel the claim or cause it to be canceled.

(2) The attorney general shall cancel or cause to be canceled an unsatisfied claim on the date that is forty years after the date the claim is certified.

(3) No initial action shall be commenced to collect any tax payable to the state that is administered by the tax commissioner, whether or not such tax is subject to division (B) of this section, or any penalty, interest, or additional charge on such tax, after the expiration of the period ending on the later of the dates specified in divisions (F)(3)(a) and (b) of this section, provided that such period shall be extended by the period of any stay to such collection or by any other period to which the parties mutually agree. If the initial action in aid of execution is commenced before the later of the dates specified in divisions (F)(3)(a) and (b) of this section, any and all subsequent actions may be pursued in aid of execution of judgment for as long as the debt exists.

(a) Seven years after the assessment of the tax, penalty, interest, or additional charge is issued.

(b) Four years after the assessment of the tax, penalty, interest, or additional charge becomes final. For the purposes of division (F)(3)(b) of this section, the assessment becomes final at the latest of the following: upon expiration of the period to petition for reassessment, or if applicable, to appeal a final determination of the commissioner or decision of the board of tax appeals or a court, or, if applicable, upon decision of the United States supreme court.

For the purposes of division (F)(3) of this section, an initial action to collect a tax debt is commenced at the time when

any action, including any action in aid of execution on a 6344
judgment, commences after a certified copy of the tax 6345
commissioner's entry making an assessment final has been filed in 6346
the office of the clerk of court of common pleas in the county in 6347
which the taxpayer resides or has its principal place of business 6348
in this state, or in the office of the clerk of court of common 6349
pleas of Franklin county, as provided in section 5739.13, 5741.14, 6350
5747.13, or 5751.09 of the Revised Code or in any other applicable 6351
law requiring such a filing. If an assessment has not been issued 6352
and there is no time limitation on the issuance of an assessment 6353
under applicable law, an action to collect a tax debt commences 6354
when the action is filed in the courts of this state to collect 6355
the liability. 6356

(4) If information contained in a claim that is sold, 6357
conveyed, or transferred to a private entity pursuant to this 6358
section is confidential pursuant to federal law or a section of 6359
the Revised Code that implements a federal law governing 6360
confidentiality, such information remains subject to that law 6361
during and following the sale, conveyance, or transfer. 6362

Sec. 131.35. (A) With respect to ~~the federal funds revenue~~ 6363
received into any fund of the state ~~from which transfers may be~~ 6364
~~made under~~, except for those funds listed in division (D) of 6365
section 127.14 of the Revised Code: 6366

(1) No state agency may make expenditures of any federal 6367
~~funds revenue~~, whether ~~such funds are~~ the revenue is advanced 6368
prior to expenditure or as reimbursement, unless such expenditures 6369
are made pursuant to specific appropriations of the general 6370
assembly, are authorized by the controlling board pursuant to 6371
division (A)(5) of this section, or are authorized by an executive 6372
order issued in accordance with section 107.17 of the Revised 6373
Code, and until an allotment has been approved by the director of 6374

budget and management. All federal ~~fund~~ revenue received by a 6375
state agency shall be reported to the director within fifteen days 6376
of the receipt of ~~such fund~~ the revenue or the notification of 6377
award, whichever occurs first. The director shall prescribe the 6378
forms and procedures to be used when reporting the receipt of 6379
federal ~~fund~~ revenue. 6380

(2) If the federal ~~fund~~ revenue received ~~are~~ is greater than 6381
the amount of ~~such fund~~ the revenue appropriated by the general 6382
assembly for a specific purpose, the total appropriation of 6383
federal and state funds for such purpose shall remain at the 6384
amount designated by the general assembly, except that the 6385
expenditure of federal ~~fund~~ revenue received in excess of such 6386
specific appropriation may be authorized by the controlling board, 6387
subject to division (D) of this section. 6388

(3) To the extent that the expenditure of excess federal 6389
~~fund~~ revenue is authorized, the controlling board may transfer a 6390
like amount of general revenue fund appropriation authority from 6391
the affected agency to the emergency purposes appropriation of the 6392
controlling board, if such action is permitted under federal 6393
regulations. 6394

(4) Additional funds may be created by the controlling board 6395
to receive revenues not anticipated in an appropriations act for 6396
the biennium in which such new revenues are received. Subject to 6397
division (D) of this section, expenditures from such additional 6398
funds may be authorized by the controlling board, but such 6399
authorization shall not extend beyond the end of the biennium in 6400
which such funds are created. 6401

(5) Controlling board authorization for a state agency to 6402
make an expenditure of federal ~~fund~~ revenue constitutes authority 6403
for the agency to participate in the federal program providing the 6404
~~fund~~ revenue, and the agency is not required to obtain an 6405
executive order under section 107.17 of the Revised Code to 6406

participate in the federal program. 6407

(B) With respect to nonfederal ~~funds~~ revenue received into 6408
~~the waterways safety fund, the wildlife fund, and any fund of the~~ 6409
~~state from which transfers may be made under,~~ except for any other 6410
fund listed in division (D) of section 127.14 of the Revised Code: 6411

(1) No state agency may make expenditures of any ~~such funds~~ 6412
of the revenue unless the expenditures are made pursuant to 6413
specific appropriations of the general assembly. 6414

(2) If the ~~receipts~~ revenue received into any fund ~~are~~ is 6415
greater than the amount appropriated, the appropriation for that 6416
fund shall remain at the amount designated by the general assembly 6417
or, subject to division (D) of this section, as increased and 6418
approved by the controlling board. 6419

(3) Additional funds may be created by the controlling board 6420
to receive revenues not anticipated in an appropriations act for 6421
the biennium in which such new revenues are received. Subject to 6422
division (D) of this section, expenditures from such additional 6423
funds may be authorized by the controlling board, but such 6424
authorization shall not extend beyond the end of the biennium in 6425
which such funds are created. 6426

(C) The controlling board shall not authorize more than ten 6427
per cent of additional spending from the occupational licensing 6428
and regulatory fund, created in section 4743.05 of the Revised 6429
Code, in excess of any appropriation made by the general assembly 6430
to a licensing agency except an appropriation for costs related to 6431
the examination or reexamination of applicants for a license. As 6432
used in this division, "licensing agency" and "license" have the 6433
same meanings as in section 4745.01 of the Revised Code. 6434

(D) If federal revenue is received in the waterways safety 6435
fund or wildlife fund, the controlling board, at the request of 6436
the director of natural resources, may approve the expenditure of 6437

the federal revenue for purposes for which the federal revenue was 6438
granted. 6439

(E) The amount of any expenditure authorized under division 6440
(A)(2) or (4) or (B)(2) or (3) of this section for a specific or 6441
related purpose or item in any fiscal year shall not exceed an 6442
amount greater than one-half of one per cent of the general 6443
revenue fund appropriations for that fiscal year. 6444

Sec. 131.511. (A) In addition to the amounts credited to the 6445
local government fund under section 131.51 of the Revised Code, 6446
the director of the office of budget and management shall credit 6447
monthly to the local government audit support fund a portion of 6448
total tax revenue credited to the general revenue fund equal to 6449
one-twelfth of the annual fiscal year appropriation from the local 6450
government audit support fund. 6451

(B) The director of budget and management shall develop a 6452
schedule identifying the specific tax revenue sources to be used 6453
to make the monthly transfers required under division (A) of this 6454
section. The director may, from time to time, revise the schedule 6455
of revenue sources as the director considers necessary. 6456

Sec. 133.06. (A) A school district shall not incur, without a 6457
vote of the electors, net indebtedness that exceeds an amount 6458
equal to one-tenth of one per cent of its tax valuation, except as 6459
provided in divisions (G) and (H) of this section and in division 6460
(D) of section 3313.372 of the Revised Code, or as prescribed in 6461
section 3318.052 or 3318.44 of the Revised Code, or as provided in 6462
division (J) of this section. 6463

(B) Except as provided in divisions (E), (F), and (I) of this 6464
section, a school district shall not incur net indebtedness that 6465
exceeds an amount equal to nine per cent of its tax valuation. 6466

(C) A school district shall not submit to a vote of the 6467

electors the question of the issuance of securities in an amount 6468
that will make the district's net indebtedness after the issuance 6469
of the securities exceed an amount equal to four per cent of its 6470
tax valuation, unless the superintendent of public instruction, 6471
acting under policies adopted by the state board of education, and 6472
the tax commissioner, acting under written policies of the 6473
commissioner, consent to the submission. A request for the 6474
consents shall be made at least one hundred twenty days prior to 6475
the election at which the question is to be submitted. 6476

The superintendent of public instruction shall certify to the 6477
district the superintendent's and the tax commissioner's decisions 6478
within thirty days after receipt of the request for consents. 6479

If the electors do not approve the issuance of securities at 6480
the election for which the superintendent of public instruction 6481
and tax commissioner consented to the submission of the question, 6482
the school district may submit the same question to the electors 6483
on the date that the next special election may be held under 6484
section 3501.01 of the Revised Code without submitting a new 6485
request for consent. If the school district seeks to submit the 6486
same question at any other subsequent election, the district shall 6487
first submit a new request for consent in accordance with this 6488
division. 6489

(D) In calculating the net indebtedness of a school district, 6490
none of the following shall be considered: 6491

(1) Securities issued to acquire school buses and other 6492
equipment used in transporting pupils or issued pursuant to 6493
division (D) of section 133.10 of the Revised Code; 6494

(2) Securities issued under division (F) of this section, 6495
under section 133.301 of the Revised Code, and, to the extent in 6496
excess of the limitation stated in division (B) of this section, 6497
under division (E) of this section; 6498

(3) Indebtedness resulting from the dissolution of a joint vocational school district under section 3311.217 of the Revised Code, evidenced by outstanding securities of that joint vocational school district;	6499 6500 6501 6502
(4) Loans, evidenced by any securities, received under sections 3313.483, 3317.0210, and 3317.0211 of the Revised Code;	6503 6504
(5) Debt incurred under section 3313.374 of the Revised Code;	6505
(6) Debt incurred pursuant to division (B)(5) of section 3313.37 of the Revised Code to acquire computers and related hardware;	6506 6507 6508
(7) Debt incurred under section 3318.042 of the Revised Code;	6509
(8) Debt incurred under section 5705.2112 or 5705.2113 of the Revised Code by the fiscal board of a qualifying partnership of which the school district is a participating school district.	6510 6511 6512
(E) A school district may become a special needs district as to certain securities as provided in division (E) of this section.	6513 6514
(1) A board of education, by resolution, may declare its school district to be a special needs district by determining both of the following:	6515 6516 6517
(a) The student population is not being adequately serviced by the existing permanent improvements of the district.	6518 6519
(b) The district cannot obtain sufficient funds by the issuance of securities within the limitation of division (B) of this section to provide additional or improved needed permanent improvements in time to meet the needs.	6520 6521 6522 6523
(2) The board of education shall certify a copy of that resolution to the superintendent of public instruction with a statistical report showing all of the following:	6524 6525 6526
(a) The history of and a projection of the growth of the tax valuation;	6527 6528

(b) The projected needs;	6529
(c) The estimated cost of permanent improvements proposed to meet such projected needs.	6530 6531
(3) The superintendent of public instruction shall certify the district as an approved special needs district if the superintendent finds both of the following:	6532 6533 6534
(a) The district does not have available sufficient additional funds from state or federal sources to meet the projected needs.	6535 6536 6537
(b) The projection of the potential average growth of tax valuation during the next five years, according to the information certified to the superintendent and any other information the superintendent obtains, indicates a likelihood of potential average growth of tax valuation of the district during the next five years of an average of not less than one and one-half per cent per year. The findings and certification of the superintendent shall be conclusive.	6538 6539 6540 6541 6542 6543 6544 6545
(4) An approved special needs district may incur net indebtedness by the issuance of securities in accordance with the provisions of this chapter in an amount that does not exceed an amount equal to the greater of the following:	6546 6547 6548 6549
(a) Twelve per cent of the sum of its tax valuation plus an amount that is the product of multiplying that tax valuation by the percentage by which the tax valuation has increased over the tax valuation on the first day of the sixtieth month preceding the month in which its board determines to submit to the electors the question of issuing the proposed securities;	6550 6551 6552 6553 6554 6555
(b) Twelve per cent of the sum of its tax valuation plus an amount that is the product of multiplying that tax valuation by the percentage, determined by the superintendent of public instruction, by which that tax valuation is projected to increase	6556 6557 6558 6559

during the next ten years. 6560

(F) A school district may issue securities for emergency 6561
purposes, in a principal amount that does not exceed an amount 6562
equal to three per cent of its tax valuation, as provided in this 6563
division. 6564

(1) A board of education, by resolution, may declare an 6565
emergency if it determines both of the following: 6566

(a) School buildings or other necessary school facilities in 6567
the district have been wholly or partially destroyed, or condemned 6568
by a constituted public authority, or that such buildings or 6569
facilities are partially constructed, or so constructed or planned 6570
as to require additions and improvements to them before the 6571
buildings or facilities are usable for their intended purpose, or 6572
that corrections to permanent improvements are necessary to remove 6573
or prevent health or safety hazards. 6574

(b) Existing fiscal and net indebtedness limitations make 6575
adequate replacement, additions, or improvements impossible. 6576

(2) Upon the declaration of an emergency, the board of 6577
education may, by resolution, submit to the electors of the 6578
district pursuant to section 133.18 of the Revised Code the 6579
question of issuing securities for the purpose of paying the cost, 6580
in excess of any insurance or condemnation proceeds received by 6581
the district, of permanent improvements to respond to the 6582
emergency need. 6583

(3) The procedures for the election shall be as provided in 6584
section 133.18 of the Revised Code, except that: 6585

(a) The form of the ballot shall describe the emergency 6586
existing, refer to this division as the authority under which the 6587
emergency is declared, and state that the amount of the proposed 6588
securities exceeds the limitations prescribed by division (B) of 6589
this section; 6590

(b) The resolution required by division (B) of section 133.18 of the Revised Code shall be certified to the county auditor and the board of elections at least one hundred days prior to the election;

(c) The county auditor shall advise and, not later than ninety-five days before the election, confirm that advice by certification to, the board of education of the information required by division (C) of section 133.18 of the Revised Code;

(d) The board of education shall then certify its resolution and the information required by division (D) of section 133.18 of the Revised Code to the board of elections not less than ninety days prior to the election.

(4) Notwithstanding division (B) of section 133.21 of the Revised Code, the first principal payment of securities issued under this division may be set at any date not later than sixty months after the earliest possible principal payment otherwise provided for in that division.

(G)(1) The board of education may contract with an architect, professional engineer, or other person experienced in the design and implementation of energy conservation measures for an analysis and recommendations pertaining to installations, modifications of installations, or remodeling that would significantly reduce energy consumption in buildings owned by the district. The report shall include estimates of all costs of such installations, modifications, or remodeling, including costs of design, engineering, installation, maintenance, repairs, measurement and verification of energy savings, and debt service, forgone residual value of materials or equipment replaced by the energy conservation measure, as defined by the Ohio facilities construction commission, a baseline analysis of actual energy consumption data for the preceding three years with the utility baseline based on only the actual energy consumption data for the

preceding twelve months, and estimates of the amounts by which 6623
energy consumption and resultant operational and maintenance 6624
costs, as defined by the commission, would be reduced. 6625

If the board finds after receiving the report that the amount 6626
of money the district would spend on such installations, 6627
modifications, or remodeling is not likely to exceed the amount of 6628
money it would save in energy and resultant operational and 6629
maintenance costs over the ensuing fifteen years, the board may 6630
submit to the commission a copy of its findings and a request for 6631
approval to incur indebtedness to finance the making or 6632
modification of installations or the remodeling of buildings for 6633
the purpose of significantly reducing energy consumption. 6634

The facilities construction commission, in consultation with 6635
the auditor of state, may deny a request under division (G)(1) of 6636
this section by the board of education of any school district that 6637
is in a state of fiscal watch pursuant to division (A) of section 6638
3316.03 of the Revised Code, if it determines that the expenditure 6639
of funds is not in the best interest of the school district. 6640

No district board of education of a school district that is 6641
in a state of fiscal emergency pursuant to division (B) of section 6642
3316.03 of the Revised Code shall submit a request without 6643
submitting evidence that the installations, modifications, or 6644
remodeling have been approved by the district's financial planning 6645
and supervision commission established under section 3316.05 of 6646
the Revised Code. 6647

~~No board of education of a school district for which an 6648
academic distress commission has been established under section 6649
3302.10 of the Revised Code shall submit a request without first 6650
receiving approval to incur indebtedness from the district's 6651
academic distress commission established under that section, for 6652
so long as such commission continues to be required for the 6653
district. 6654~~

(2) The board of education may contract with a person 6655
experienced in the implementation of student transportation to 6656
produce a report that includes an analysis of and recommendations 6657
for the use of alternative fuel vehicles by school districts. The 6658
report shall include cost estimates detailing the return on 6659
investment over the life of the alternative fuel vehicles and 6660
environmental impact of alternative fuel vehicles. The report also 6661
shall include estimates of all costs associated with alternative 6662
fuel transportation, including facility modifications and vehicle 6663
purchase costs or conversion costs. 6664

If the board finds after receiving the report that the amount 6665
of money the district would spend on purchasing alternative fuel 6666
vehicles or vehicle conversion is not likely to exceed the amount 6667
of money it would save in fuel and resultant operational and 6668
maintenance costs over the ensuing five years, the board may 6669
submit to the commission a copy of its findings and a request for 6670
approval to incur indebtedness to finance the purchase of new 6671
alternative fuel vehicles or vehicle conversions for the purpose 6672
of reducing fuel costs. 6673

The facilities construction commission, in consultation with 6674
the auditor of state, may deny a request under division (G)(2) of 6675
this section by the board of education of any school district that 6676
is in a state of fiscal watch pursuant to division (A) of section 6677
3316.03 of the Revised Code, if it determines that the expenditure 6678
of funds is not in the best interest of the school district. 6679

No district board of education of a school district that is 6680
in a state of fiscal emergency pursuant to division (B) of section 6681
3316.03 of the Revised Code shall submit a request without 6682
submitting evidence that the purchase or conversion of alternative 6683
fuel vehicles has been approved by the district's financial 6684
planning and supervision commission established under section 6685
3316.05 of the Revised Code. 6686

~~No board of education of a school district for which an
academic distress commission has been established under section
3302.10 of the Revised Code shall submit a request without first
receiving approval to incur indebtedness from the district's
academic distress commission established under that section, for
so long as such commission continues to be required for the
district.~~

(3) The facilities construction commission shall approve the
board's request provided that the following conditions are
satisfied:

(a) The commission determines that the board's findings are
reasonable.

(b) The request for approval is complete.

(c) If the request was submitted under division (G)(1) of
this section, the installations, modifications, or remodeling are
consistent with any project to construct or acquire classroom
facilities, or to reconstruct or make additions to existing
classroom facilities under sections 3318.01 to 3318.20 or sections
3318.40 to 3318.45 of the Revised Code.

Upon receipt of the commission's approval, the district may
issue securities without a vote of the electors in a principal
amount not to exceed nine-tenths of one per cent of its tax
valuation for the purpose specified in division (G)(1) or (2) of
this section, but the total net indebtedness of the district
without a vote of the electors incurred under this and all other
sections of the Revised Code, except section 3318.052 of the
Revised Code, shall not exceed one per cent of the district's tax
valuation.

(4)(a) So long as any securities issued under division (G)(1)
of this section remain outstanding, the board of education shall
monitor the energy consumption and resultant operational and

maintenance costs of buildings in which installations or 6718
modifications have been made or remodeling has been done pursuant 6719
to that division. Except as provided in division (G)(4)(b) of this 6720
section, the board shall maintain and annually update a report in 6721
a form and manner prescribed by the facilities construction 6722
commission documenting the reductions in energy consumption and 6723
resultant operational and maintenance cost savings attributable to 6724
such installations, modifications, or remodeling. The resultant 6725
operational and maintenance cost savings shall be certified by the 6726
school district treasurer. The report shall be submitted annually 6727
to the commission. 6728

(b) If the facilities construction commission verifies that 6729
the certified annual reports submitted to the commission by a 6730
board of education under division (G)(4)(a) of this section 6731
fulfill the guarantee required under division (B) of section 6732
3313.372 of the Revised Code for three consecutive years, the 6733
board of education shall no longer be subject to the annual 6734
reporting requirements of division (G)(4)(a) of this section. 6735

(5) So long as any securities issued under division (G)(2) of 6736
this section remain outstanding, the board of education shall 6737
monitor the purchase of new alternative fuel vehicles or vehicle 6738
conversions pursuant to that division. The board shall maintain 6739
and annually update a report in a form and manner prescribed by 6740
the facilities construction commission documenting the purchase of 6741
new alternative fuel vehicles or vehicle conversions, the 6742
associated environmental impact, and return on investment. The 6743
resultant fuel and operational and maintenance cost savings shall 6744
be certified by the school district treasurer. The report shall be 6745
submitted annually to the commission. 6746

(H) With the consent of the superintendent of public 6747
instruction, a school district may incur without a vote of the 6748
electors net indebtedness that exceeds the amounts stated in 6749

divisions (A) and (G) of this section for the purpose of paying 6750
costs of permanent improvements, if and to the extent that both of 6751
the following conditions are satisfied: 6752

(1) The fiscal officer of the school district estimates that 6753
receipts of the school district from payments made under or 6754
pursuant to agreements entered into pursuant to section 725.02, 6755
1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 5709.45, 6756
5709.57, 5709.62, 5709.63, 5709.632, 5709.73, 5709.78, or 5709.82 6757
of the Revised Code, or distributions under division (C) of 6758
section 5709.43 or division (B) of section 5709.47 of the Revised 6759
Code, or any combination thereof, are, after accounting for any 6760
appropriate coverage requirements, sufficient in time and amount, 6761
and are committed by the proceedings, to pay the debt charges on 6762
the securities issued to evidence that indebtedness and payable 6763
from those receipts, and the taxing authority of the district 6764
confirms the fiscal officer's estimate, which confirmation is 6765
approved by the superintendent of public instruction; 6766

(2) The fiscal officer of the school district certifies, and 6767
the taxing authority of the district confirms, that the district, 6768
at the time of the certification and confirmation, reasonably 6769
expects to have sufficient revenue available for the purpose of 6770
operating such permanent improvements for their intended purpose 6771
upon acquisition or completion thereof, and the superintendent of 6772
public instruction approves the taxing authority's confirmation. 6773

The maximum maturity of securities issued under division (H) 6774
of this section shall be the lesser of twenty years or the maximum 6775
maturity calculated under section 133.20 of the Revised Code. 6776

(I) A school district may incur net indebtedness by the 6777
issuance of securities in accordance with the provisions of this 6778
chapter in excess of the limit specified in division (B) or (C) of 6779
this section when necessary to raise the school district portion 6780
of the basic project cost and any additional funds necessary to 6781

participate in a project under Chapter 3318. of the Revised Code, 6782
including the cost of items designated by the facilities 6783
construction commission as required locally funded initiatives, 6784
the cost of other locally funded initiatives in an amount that 6785
does not exceed fifty per cent of the district's portion of the 6786
basic project cost, and the cost for site acquisition. The 6787
commission shall notify the superintendent of public instruction 6788
whenever a school district will exceed either limit pursuant to 6789
this division. 6790

(J) A school district whose portion of the basic project cost 6791
of its classroom facilities project under sections 3318.01 to 6792
3318.20 of the Revised Code is greater than or equal to one 6793
hundred million dollars may incur without a vote of the electors 6794
net indebtedness in an amount up to two per cent of its tax 6795
valuation through the issuance of general obligation securities in 6796
order to generate all or part of the amount of its portion of the 6797
basic project cost if the controlling board has approved the 6798
facilities construction commission's conditional approval of the 6799
project under section 3318.04 of the Revised Code. The school 6800
district board and the Ohio facilities construction commission 6801
shall include the dedication of the proceeds of such securities in 6802
the agreement entered into under section 3318.08 of the Revised 6803
Code. No state moneys shall be released for a project to which 6804
this section applies until the proceeds of any bonds issued under 6805
this section that are dedicated for the payment of the school 6806
district portion of the project are first deposited into the 6807
school district's project construction fund. 6808

Sec. 141.04. (A) The annual salaries of the chief justice of 6809
the supreme court and of the justices and judges named in this 6810
section payable from the state treasury are as follows: 6811

(1) For the chief justice of the supreme court, the following 6812

amounts effective in the following years:	6813
(a) Beginning January 1, 2018, one hundred seventy-four thousand seven hundred dollars;	6814 6815
(b) Beginning January 1, 2019, one hundred eighty-three thousand four hundred fifty dollars;	6816 6817
(c) Beginning January 1, 2020, and in each calendar year thereafter through calendar year 2028 beginning on the first day of January, the annual compensation amount shall be increased by one and three-quarters per cent.	6818 6819 6820 6821
(2) For the justices of the supreme court, the following amounts effective in the following years:	6822 6823
(a) Beginning January 1, 2018, one hundred sixty-four thousand dollars;	6824 6825
(b) Beginning January 1, 2019, one hundred seventy-two thousand two hundred dollars;	6826 6827
(c) Beginning January 1, 2020, and in each calendar year thereafter through calendar year 2028 beginning on the first day of January, the annual compensation amount shall be increased by one and three-quarters per cent.	6828 6829 6830 6831
(3) For the judges of the courts of appeals, the following amounts effective in the following years:	6832 6833
(a) Beginning January 1, 2018, one hundred fifty-two thousand eight hundred fifty dollars;	6834 6835
(b) Beginning January 1, 2019, one hundred sixty thousand five hundred dollars;	6836 6837
(c) Beginning January 1, 2020, and in each calendar year thereafter through calendar year 2028 beginning on the first day of January, the annual compensation amount shall be increased by one and three-quarters per cent.	6838 6839 6840 6841

(4) For the judges of the courts of common pleas, the following amounts effective in the following years, reduced by an amount equal to the annual compensation paid to that judge from the county treasury pursuant to section 141.05 of the Revised Code:

(a) Beginning January 1, 2018, one hundred forty thousand five hundred fifty dollars;

(b) Beginning January 1, 2019, one hundred forty-seven thousand six hundred dollars;

(c) Beginning January 1, 2020, and in each calendar year thereafter through calendar year 2028 beginning on the first day of January, the annual compensation amount shall be increased by one and three-quarters per cent.

(5) For the full-time judges of a municipal court or the part-time judges of a municipal court of a territory having a population of more than fifty thousand, the following amounts effective in the following years, reduced by an amount equal to the annual compensation paid to that judge pursuant to division (B)(1)(a) of section 1901.11 of the Revised Code from municipal corporations and counties:

(a) Beginning January 1, 2018, one hundred thirty-two thousand one hundred fifty dollars;

(b) Beginning January 1, 2019, one hundred thirty-eight thousand eight hundred dollars;

(c) Beginning January 1, 2020, and in each calendar year thereafter through calendar year 2028 beginning on the first day of January, the annual compensation amount shall be increased by one and three-quarters per cent.

(6) For judges of a municipal court designated as part-time judges by section 1901.08 of the Revised Code, other than

part-time judges to whom division (A)(5) of this section applies, 6872
and for judges of a county court, the following amounts effective 6873
in the following years, reduced by an amount equal to the annual 6874
compensation paid to that judge pursuant to division (A) of 6875
section 1901.11 of the Revised Code from municipal corporations 6876
and counties or pursuant to division (A) of section 1907.16 of the 6877
Revised Code from counties: 6878

(a) Beginning January 1, 2018, seventy-six thousand fifty 6879
dollars; 6880

(b) Beginning January 1, 2019, seventy-nine thousand nine 6881
hundred dollars; 6882

(c) Beginning January 1, 2020, and in each calendar year 6883
thereafter through calendar year 2028 beginning on the first day 6884
of January, the annual compensation amount shall be increased by 6885
one and three-quarters per cent. 6886

(B) Except as provided in sections 1901.122 and 1901.123 of 6887
the Revised Code, except as otherwise provided in this division, 6888
and except for the compensation to which the judges described in 6889
division (A)(5) of this section are entitled pursuant to divisions 6890
(B)(1)(a) and (2) of section 1901.11 of the Revised Code, the 6891
annual salary of the chief justice of the supreme court and of 6892
each justice or judge listed in division (A) of this section shall 6893
be paid in equal monthly installments from the state treasury. If 6894
the chief justice of the supreme court or any justice or judge 6895
listed in division (A)(2), (3), or (4) of this section delivers a 6896
written request to be paid biweekly to the administrative director 6897
of the supreme court prior to the first day of January of any 6898
year, the annual salary of the chief justice or the justice or 6899
judge that is listed in division (A)(2), (3), or (4) of this 6900
section shall be paid, during the year immediately following the 6901
year in which the request is delivered to the administrative 6902
director of the supreme court, biweekly from the state treasury. 6903

(C) Upon the death of the chief justice or a justice of the
supreme court during that person's term of office, an amount shall
be paid in accordance with section 2113.04 of the Revised Code, or
to that person's estate. The amount shall equal the amount of the
salary that the chief justice or justice would have received
during the remainder of the unexpired term or an amount equal to
the salary of office for two years, whichever is less.

(D) Neither the chief justice of the supreme court nor any
justice or judge of the supreme court, the court of appeals, the
court of common pleas, or the probate court shall hold any other
office of trust or profit under the authority of this state or the
United States.

(E) In addition to the salaries payable pursuant to this
section, the chief justice of the supreme court and the justices
of the supreme court shall be entitled to a vehicle allowance of
five hundred dollars per month, payable from the state treasury.
The allowance shall be increased on the first day of January of
each odd-numbered year by an amount equal to the percentage
increase, if any, in the consumer price index for the immediately
preceding twenty-four month period for which information is
available.

~~(F) On or before the first day of December of each year, the
Ohio supreme court, through its chief administrator, shall notify
the administrative judge of the Montgomery county municipal court,
the board of county commissioners of Montgomery county, and the
treasurer of the state of the yearly salary cost of five part time
county court judges as of that date. If the total yearly salary
costs of all of the judges of the Montgomery county municipal
court as of the first day of December of that same year exceeds
that amount, the administrative judge of the Montgomery county
municipal court shall cause payment of the excess between those
two amounts less any reduced amount paid for the health care costs~~

~~of the Montgomery county municipal court judges in comparison to 6936
the health care costs of five part time county court judges from 6937
the general special projects fund or the fund for a specific 6938
special project created pursuant to section 1901.26 of the Revised 6939
Code to the treasurer of Montgomery county and to the treasurer of 6940
the state in amounts proportional to the percentage of the 6941
salaries of the municipal court judges paid by the county and by 6942
the state. 6943~~

~~(G) As used in this section: 6944~~

~~(1) "Consumer price index" has the same meaning as in section 6945
101.27 of the Revised Code. 6946~~

~~(2) "Salary" does not include any portion of the cost, 6947
premium, or charge for health, medical, hospital, dental, or 6948
surgical benefits, or any combination of those benefits, covering 6949
the chief justice of the supreme court or a justice or judge named 6950
in this section and paid on the chief justice's or the justice's 6951
or judge's behalf by a governmental entity. 6952~~

Sec. 141.16. ~~(A) Any voluntarily retired judge, or any judge 6953
who is retired under Section 6 of Article IV, Ohio Constitution, 6954
may be assigned with the judge's consent, by the chief justice or 6955
acting chief justice of the supreme court, to active duty as a 6956
judge. While so serving, the judge shall be paid, from money 6957
appropriated for this purpose, the established compensation for 6958
such office, computed on a per diem basis, in addition to any 6959
retirement benefits to which the judge may be entitled. 6960~~

~~(B) Annually, on the first day of August, the administrative 6961
director of the ~~Ohio courts~~ supreme court shall issue a billing to 6962
the county treasurer of any county to which such a judge is 6963
assigned for reimbursement of the county's portion of the 6964
compensation previously paid by the state for the twelve-month 6965
period preceding the last day of June. The county's portion of the 6966~~

compensation shall be that part of each per diem paid by the state 6967
which is proportional to the county's share of the total 6968
compensation of a resident judge of such court. The county 6969
treasurer shall forward the payment within thirty days. 6970

(C)~~(1)~~ A retired assigned judge is eligible to receive a 6971
retired assigned judge payment if the retired assigned judge 6972
completes not less than one hundred hours of service in the 6973
preceding quarter as assigned by the chief justice or acting chief 6974
justice. The payment shall be seven hundred fifty dollars per 6975
quarter and shall be paid from money appropriated for this 6976
purpose. The payment is subject to any and all applicable taxes 6977
under local, state, and federal law. 6978

~~(2) Except as provided in division (C)(3) of this section,~~ 6979
~~the~~ The payment shall be paid within thirty days after the end of 6980
the quarter in which the one hundred hours is served. 6981

~~(3) In the case of a county operated municipal court, other 6982
municipal court, or county court to which a judge was assigned,~~ 6983
~~payment shall be made within thirty days after receipt of the 6984
quarterly request for reimbursement as required in division (B) of 6985
section 1901.123 of the Revised Code.~~ 6986

(D) Division (C) of this section does not affect any right of 6987
a retired assigned judge to receive any allowance, annuity, 6988
pension, or other benefit vested pursuant to Chapter 145. of the 6989
Revised Code or other eligible retirement system pursuant to Ohio 6990
law. 6991

(E) As used in this section: 6992

(1) "Retired assigned judge" is a judge that is described in 6993
division (A) of this section. 6994

(2) "Quarter" is the preceding three-month period ending on 6995
the last day of the month of March, June, September, or December 6996
of each year. 6997

Sec. 145.114. (A) As used in this section and in section 6998
145.116 of the Revised Code: 6999

(1) "Agent" means a dealer, as defined in section 1707.01 of 7000
the Revised Code, who is licensed under sections 1707.01 to 7001
~~1707.45~~ 1707.50 of the Revised Code or under comparable laws of 7002
another state or of the United States. 7003

(2) "Minority business enterprise" has the same meaning as in 7004
section 122.71 of the Revised Code. 7005

(3) "Ohio-qualified agent" means an agent designated as such 7006
by the public employees retirement board. 7007

(4) "Ohio-qualified investment manager" means an investment 7008
manager designated as such by the public employees retirement 7009
board. 7010

(5) "Principal place of business" means an office in which 7011
the agent regularly provides securities or investment advisory 7012
services and solicits, meets with, or otherwise communicates with 7013
clients. 7014

(B) The public employees retirement board shall, for the 7015
purposes of this section, designate an agent as an Ohio-qualified 7016
agent if the agent meets all of the following requirements: 7017

(1) The agent is subject to taxation under Chapter 5725., 7018
5726., 5733., 5747., or 5751. of the Revised Code; 7019

(2) The agent is authorized to conduct business in this 7020
state; 7021

(3) The agent maintains a principal place of business in this 7022
state and employs at least five residents of this state. 7023

(C) The public employees retirement board shall adopt and 7024
implement a written policy to establish criteria and procedures 7025
used to select agents to execute securities transactions on behalf 7026

of the retirement system. The policy shall address each of the 7027
following: 7028

(1) Commissions charged by the agent, both in the aggregate 7029
and on a per share basis; 7030

(2) The execution speed and trade settlement capabilities of 7031
the agent; 7032

(3) The responsiveness, reliability, and integrity of the 7033
agent; 7034

(4) The nature and value of research provided by the agent; 7035

(5) Any special capabilities of the agent. 7036

(D)(1) The board shall, at least annually, establish a policy 7037
with the goal to increase utilization by the board of 7038
Ohio-qualified agents for the execution of domestic equity and 7039
fixed income trades on behalf of the retirement system, when an 7040
Ohio-qualified agent offers quality, services, and safety 7041
comparable to other agents otherwise available to the board and 7042
meets the criteria established under division (C) of this section. 7043

(2) The board shall review, at least annually, the 7044
performance of the agents that execute securities transactions on 7045
behalf of the board. 7046

(3) The board shall determine whether an agent is an 7047
Ohio-qualified agent, meets the criteria established by the board 7048
pursuant to division (C) of this section, and offers quality, 7049
services, and safety comparable to other agents otherwise 7050
available to the board. The board's determination shall be final. 7051

Sec. 147.591. (A) As used in this section, "electronic 7052
document," "electronic seal," "electronic signature," and "online 7053
notarization" have the same meanings as in section 147.60 of the 7054
Revised Code. 7055

(B)(1) An electronic document that is signed in the physical presence of the notary public with an electronic signature and notarized with an electronic seal shall be considered an original document.

(2) Notwithstanding any other provision of the Revised Code to the contrary, a ~~printed~~ digital copy of a document executed electronically by the parties and acknowledged or sworn before a notary acting pursuant to this section shall be accepted by county auditors, engineers, and recorders for purposes of approval, transfer, and recording to the same extent as any other document that is submitted by an electronic recording method and shall not be rejected solely by reason of containing electronic signatures or an electronic notarization, including an online notarization, ~~if that document contains the certificate required under division (G) of section 147.542 of the Revised Code, including the notification required under division (G)(7) of that section.~~

(3) A county auditor, engineer, and recorder shall accept a printed document that was executed electronically for purposes of approval, transfer, and recording if that document contains an attached certificate in the following, or a substantially similar, format:

"AUTHENTICATOR CERTIFICATE

I certify and warrant that the foregoing and annexed paper document being presented for record, to which this certification is attached, represents a true, exact, complete, and unaltered copy of the original electronic document. The county offices of the auditor, treasurer, recorder, and others necessary to effectuate the transfer and recording of the instrument shall be entitled to rely on such certification and warranty for all purposes.

.....[signature of authenticator]

(B) The state library board shall distribute the print 7117
publications so received as follows: 7118

~~(A)~~(1) Retain two copies in the state library; 7119

~~(B)~~(2) Send two copies to the document division of the 7120
library of congress; 7121

~~(C)~~(3) Send one copy to the Ohio history connection and to 7122
each public or college library in the state designated by the 7123
state library board to be a depository for state publications. In 7124
designating which libraries shall be depositories, the board shall 7125
select those libraries that can best preserve those publications 7126
and that are so located geographically as will make the 7127
publications conveniently accessible to residents in all areas of 7128
the state. 7129

~~(D)~~(4) Send one copy to each state in exchange for like 7130
publications of that state. 7131

(C) A department, division, bureau, board, or commission of 7132
the state government shall notify the state library of the 7133
availability of documents or other publications, intended for 7134
general public use and distribution, which are made available 7135
electronically on its internet web site. The state library shall 7136
retain electronic publications in the state library digital 7137
archive and provide permanent access and records to each public or 7138
college library in the state designated by the state library board 7139
to be a depository for state publications. 7140

(D) The print publications described in division (A) of this 7141
section and the electronic publications described in division (C) 7142
of this section shall be considered already prepared and available 7143
for inspection, and, subject to applicable copyright protections, 7144
reproduction by any person at all reasonable times during regular 7145
business hours at the state library and each library designated as 7146
a depository for state publications. 7147

(E) The provisions of this section do not apply to any 7148
publication of the general assembly or to the publications 7149
described in sections 149.07, 149.08, 149.091, and 149.17 of the 7150
Revised Code, except that the secretary of state shall forward to 7151
the document division of the library of congress two copies of all 7152
journals, two copies of the session laws as provided for in 7153
section 149.091 of the Revised Code, and two copies of all 7154
appropriation laws in separate form. 7155

Sec. 149.43. (A) As used in this section: 7156

(1) "Public record" means records kept by any public office, 7157
including, but not limited to, state, county, city, village, 7158
township, and school district units, and records pertaining to the 7159
delivery of educational services by an alternative school in this 7160
state kept by the nonprofit or for-profit entity operating the 7161
alternative school pursuant to section 3313.533 of the Revised 7162
Code. "Public record" does not mean any of the following: 7163

(a) Medical records; 7164

(b) Records pertaining to probation and parole proceedings, 7165
to proceedings related to the imposition of community control 7166
sanctions and post-release control sanctions, or to proceedings 7167
related to determinations under section 2967.271 of the Revised 7168
Code regarding the release or maintained incarceration of an 7169
offender to whom that section applies; 7170

(c) Records pertaining to actions under section 2151.85 and 7171
division (C) of section 2919.121 of the Revised Code and to 7172
appeals of actions arising under those sections; 7173

(d) Records pertaining to adoption proceedings, including the 7174
contents of an adoption file maintained by the department of 7175
health under sections 3705.12 to 3705.124 of the Revised Code; 7176

(e) Information in a record contained in the putative father 7177

registry established by section 3107.062 of the Revised Code,	7178
regardless of whether the information is held by the department of	7179
job and family services or, pursuant to section 3111.69 of the	7180
Revised Code, the office of child support in the department or a	7181
child support enforcement agency;	7182
(f) Records specified in division (A) of section 3107.52 of	7183
the Revised Code;	7184
(g) Trial preparation records;	7185
(h) Confidential law enforcement investigatory records;	7186
(i) Records containing information that is confidential under	7187
section 2710.03 or 4112.05 of the Revised Code;	7188
(j) DNA records stored in the DNA database pursuant to	7189
section 109.573 of the Revised Code;	7190
(k) Inmate records released by the department of	7191
rehabilitation and correction to the department of youth services	7192
or a court of record pursuant to division (E) of section 5120.21	7193
of the Revised Code;	7194
(l) Records maintained by the department of youth services	7195
pertaining to children in its custody released by the department	7196
of youth services to the department of rehabilitation and	7197
correction pursuant to section 5139.05 of the Revised Code;	7198
(m) Intellectual property records;	7199
(n) Donor profile records;	7200
(o) Records maintained by the department of job and family	7201
services pursuant to section 3121.894 of the Revised Code;	7202
(p) Designated public service worker residential and familial	7203
information;	7204
(q) In the case of a county hospital operated pursuant to	7205
Chapter 339. of the Revised Code or a municipal hospital operated	7206

pursuant to Chapter 749. of the Revised Code, information that 7207
constitutes a trade secret, as defined in section 1333.61 of the 7208
Revised Code; 7209

(r) Information pertaining to the recreational activities of 7210
a person under the age of eighteen; 7211

(s) In the case of a child fatality review board acting under 7212
sections 307.621 to 307.629 of the Revised Code or a review 7213
conducted pursuant to guidelines established by the director of 7214
health under section 3701.70 of the Revised Code, records provided 7215
to the board or director, statements made by board members during 7216
meetings of the board or by persons participating in the 7217
director's review, and all work products of the board or director, 7218
and in the case of a child fatality review board, child fatality 7219
review data submitted by the board to the department of health or 7220
a national child death review database, other than the report 7221
prepared pursuant to division (A) of section 307.626 of the 7222
Revised Code; 7223

(t) Records provided to and statements made by the executive 7224
director of a public children services agency or a prosecuting 7225
attorney acting pursuant to section 5153.171 of the Revised Code 7226
other than the information released under that section; 7227

(u) Test materials, examinations, or evaluation tools used in 7228
an examination for licensure as a nursing home administrator that 7229
the board of executives of long-term services and supports 7230
administers under section ~~4751.04~~ 4751.15 of the Revised Code or 7231
contracts under that section with a private or government entity 7232
to administer; 7233

(v) Records the release of which is prohibited by state or 7234
federal law; 7235

(w) Proprietary information of or relating to any person that 7236
is submitted to or compiled by the Ohio venture capital authority 7237

created under section 150.01 of the Revised Code;	7238
(x) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency;	7239 7240 7241 7242 7243 7244
(y) Records listed in section 5101.29 of the Revised Code;	7245
(z) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B)(2) of that section;	7246 7247 7248
(aa) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility;	7249 7250 7251
(bb) Records described in division (C) of section 187.04 of the Revised Code that are not designated to be made available to the public as provided in that division;	7252 7253 7254
(cc) Information and records that are made confidential, privileged, and not subject to disclosure under divisions (B) and (C) of section 2949.221 of the Revised Code;	7255 7256 7257
(dd) Personal information, as defined in section 149.45 of the Revised Code;	7258 7259
(ee) The confidential name, address, and other personally identifiable information of a program participant in the address confidentiality program established under sections 111.41 to 111.47 of the Revised Code, including the contents of any application for absent voter's ballots, absent voter's ballot identification envelope statement of voter, or provisional ballot affirmation completed by a program participant who has a confidential voter registration record, and records or portions of	7260 7261 7262 7263 7264 7265 7266 7267

records pertaining to that program that identify the number of 7268
program participants that reside within a precinct, ward, 7269
township, municipal corporation, county, or any other geographic 7270
area smaller than the state. As used in this division, 7271
"confidential address" and "program participant" have the meaning 7272
defined in section 111.41 of the Revised Code. 7273

(ff) Orders for active military service of an individual 7274
serving or with previous service in the armed forces of the United 7275
States, including a reserve component, or the Ohio organized 7276
militia, except that, such order becomes a public record on the 7277
day that is fifteen years after the published date or effective 7278
date of the call to order; 7279

(gg) The name, address, contact information, or other 7280
personal information of an individual who is less than eighteen 7281
years of age that is included in any record related to a traffic 7282
accident involving a school vehicle in which the individual was an 7283
occupant at the time of the accident; 7284

(hh) Protected health information, as defined in 45 C.F.R. 7285
160.103, that is in a claim for payment for a health care product, 7286
service, or procedure, as well as any other health claims data in 7287
another document that reveals the identity of an individual who is 7288
the subject of the data or could be used to reveal that 7289
individual's identity; 7290

(ii) Any depiction by photograph, film, videotape, or printed 7291
or digital image under either of the following circumstances: 7292

(i) The depiction is that of a victim of an offense the 7293
release of which would be, to a reasonable person of ordinary 7294
sensibilities, an offensive and objectionable intrusion into the 7295
victim's expectation of bodily privacy and integrity. 7296

(ii) The depiction captures or depicts the victim of a 7297
sexually oriented offense, as defined in section 2950.01 of the 7298

Revised Code, at the actual occurrence of that offense. 7299

(jj) Restricted portions of a body-worn camera or dashboard
camera recording; 7300
7301

(kk) Telephone numbers for a victim, as defined in section 7302
2930.01 of the Revised Code, a witness to a crime, or a party to a 7303
motor vehicle accident subject to the requirements of section 7304
5502.11 of the Revised Code that are listed on any law enforcement 7305
record or report. 7306

A record that is not a public record under division (A)(1) of 7307
this section and that, under law, is permanently retained becomes 7308
a public record on the day that is seventy-five years after the 7309
day on which the record was created, except for any record 7310
protected by the attorney-client privilege, a trial preparation 7311
record as defined in this section, a statement prohibiting the 7312
release of identifying information signed under section 3107.083 7313
of the Revised Code, a denial of release form filed pursuant to 7314
section 3107.46 of the Revised Code, or any record that is exempt 7315
from release or disclosure under section 149.433 of the Revised 7316
Code. If the record is a birth certificate and a biological 7317
parent's name redaction request form has been accepted under 7318
section 3107.391 of the Revised Code, the name of that parent 7319
shall be redacted from the birth certificate before it is released 7320
under this paragraph. If any other section of the Revised Code 7321
establishes a time period for disclosure of a record that 7322
conflicts with the time period specified in this section, the time 7323
period in the other section prevails. 7324

(2) "Confidential law enforcement investigatory record" means 7325
any record that pertains to a law enforcement matter of a 7326
criminal, quasi-criminal, civil, or administrative nature, but 7327
only to the extent that the release of the record would create a 7328
high probability of disclosure of any of the following: 7329

(a) The identity of a suspect who has not been charged with 7330
the offense to which the record pertains, or of an information 7331
source or witness to whom confidentiality has been reasonably 7332
promised; 7333

(b) Information provided by an information source or witness 7334
to whom confidentiality has been reasonably promised, which 7335
information would reasonably tend to disclose the source's or 7336
witness's identity; 7337

(c) Specific confidential investigatory techniques or 7338
procedures or specific investigatory work product; 7339

(d) Information that would endanger the life or physical 7340
safety of law enforcement personnel, a crime victim, a witness, or 7341
a confidential information source. 7342

(3) "Medical record" means any document or combination of 7343
documents, except births, deaths, and the fact of admission to or 7344
discharge from a hospital, that pertains to the medical history, 7345
diagnosis, prognosis, or medical condition of a patient and that 7346
is generated and maintained in the process of medical treatment. 7347

(4) "Trial preparation record" means any record that contains 7348
information that is specifically compiled in reasonable 7349
anticipation of, or in defense of, a civil or criminal action or 7350
proceeding, including the independent thought processes and 7351
personal trial preparation of an attorney. 7352

(5) "Intellectual property record" means a record, other than 7353
a financial or administrative record, that is produced or 7354
collected by or for faculty or staff of a state institution of 7355
higher learning in the conduct of or as a result of study or 7356
research on an educational, commercial, scientific, artistic, 7357
technical, or scholarly issue, regardless of whether the study or 7358
research was sponsored by the institution alone or in conjunction 7359
with a governmental body or private concern, and that has not been 7360

publicly released, published, or patented. 7361

(6) "Donor profile record" means all records about donors or 7362
potential donors to a public institution of higher education 7363
except the names and reported addresses of the actual donors and 7364
the date, amount, and conditions of the actual donation. 7365

(7) "Designated public service worker" means a peace officer, 7366
parole officer, probation officer, bailiff, prosecuting attorney, 7367
assistant prosecuting attorney, correctional employee, county or 7368
multicounty corrections officer, community-based correctional 7369
facility employee, youth services employee, firefighter, EMT, 7370
medical director or member of a cooperating physician advisory 7371
board of an emergency medical service organization, state board of 7372
pharmacy employee, investigator of the bureau of criminal 7373
identification and investigation, judge, magistrate, or federal 7374
law enforcement officer. 7375

(8) "Designated public service worker residential and 7376
familial information" means any information that discloses any of 7377
the following about a designated public service worker: 7378

(a) The address of the actual personal residence of a 7379
designated public service worker, except for the following 7380
information: 7381

(i) The address of the actual personal residence of a 7382
prosecuting attorney or judge; and 7383

(ii) The state or political subdivision in which a designated 7384
public service worker resides. 7385

(b) Information compiled from referral to or participation in 7386
an employee assistance program; 7387

(c) The social security number, the residential telephone 7388
number, any bank account, debit card, charge card, or credit card 7389
number, or the emergency telephone number of, or any medical 7390

information pertaining to, a designated public service worker; 7391

(d) The name of any beneficiary of employment benefits, 7392
including, but not limited to, life insurance benefits, provided 7393
to a designated public service worker by the designated public 7394
service worker's employer; 7395

(e) The identity and amount of any charitable or employment 7396
benefit deduction made by the designated public service worker's 7397
employer from the designated public service worker's compensation, 7398
unless the amount of the deduction is required by state or federal 7399
law; 7400

(f) The name, the residential address, the name of the 7401
employer, the address of the employer, the social security number, 7402
the residential telephone number, any bank account, debit card, 7403
charge card, or credit card number, or the emergency telephone 7404
number of the spouse, a former spouse, or any child of a 7405
designated public service worker; 7406

(g) A photograph of a peace officer who holds a position or 7407
has an assignment that may include undercover or plain clothes 7408
positions or assignments as determined by the peace officer's 7409
appointing authority. 7410

(9) As used in divisions (A)(7) and (15) to (17) of this 7411
section: 7412

"Peace officer" has the meaning defined in section 109.71 of 7413
the Revised Code and also includes the superintendent and troopers 7414
of the state highway patrol; it does not include the sheriff of a 7415
county or a supervisory employee who, in the absence of the 7416
sheriff, is authorized to stand in for, exercise the authority of, 7417
and perform the duties of the sheriff. 7418

"Correctional employee" means any employee of the department 7419
of rehabilitation and correction who in the course of performing 7420
the employee's job duties has or has had contact with inmates and 7421

persons under supervision. 7422

"County or multicounty corrections officer" means any 7423
corrections officer employed by any county or multicounty 7424
correctional facility. 7425

"Youth services employee" means any employee of the 7426
department of youth services who in the course of performing the 7427
employee's job duties has or has had contact with children 7428
committed to the custody of the department of youth services. 7429

"Firefighter" means any regular, paid or volunteer, member of 7430
a lawfully constituted fire department of a municipal corporation, 7431
township, fire district, or village. 7432

"EMT" means EMTs-basic, EMTs-I, and paramedics that provide 7433
emergency medical services for a public emergency medical service 7434
organization. "Emergency medical service organization," 7435
"EMT-basic," "EMT-I," and "paramedic" have the meanings defined in 7436
section 4765.01 of the Revised Code. 7437

"Investigator of the bureau of criminal identification and 7438
investigation" has the meaning defined in section 2903.11 of the 7439
Revised Code. 7440

"Federal law enforcement officer" has the meaning defined in 7441
section 9.88 of the Revised Code. 7442

(10) "Information pertaining to the recreational activities 7443
of a person under the age of eighteen" means information that is 7444
kept in the ordinary course of business by a public office, that 7445
pertains to the recreational activities of a person under the age 7446
of eighteen years, and that discloses any of the following: 7447

(a) The address or telephone number of a person under the age 7448
of eighteen or the address or telephone number of that person's 7449
parent, guardian, custodian, or emergency contact person; 7450

(b) The social security number, birth date, or photographic 7451

image of a person under the age of eighteen; 7452

(c) Any medical record, history, or information pertaining to 7453
a person under the age of eighteen; 7454

(d) Any additional information sought or required about a 7455
person under the age of eighteen for the purpose of allowing that 7456
person to participate in any recreational activity conducted or 7457
sponsored by a public office or to use or obtain admission 7458
privileges to any recreational facility owned or operated by a 7459
public office. 7460

(11) "Community control sanction" has the meaning defined in 7461
section 2929.01 of the Revised Code. 7462

(12) "Post-release control sanction" has the meaning defined 7463
in section 2967.01 of the Revised Code. 7464

(13) "Redaction" means obscuring or deleting any information 7465
that is exempt from the duty to permit public inspection or 7466
copying from an item that otherwise meets the definition of a 7467
"record" in section 149.011 of the Revised Code. 7468

(14) "Designee," "elected official," and "future official" 7469
have the meanings defined in section 109.43 of the Revised Code. 7470

(15) "Body-worn camera" means a visual and audio recording 7471
device worn on the person of a peace officer while the peace 7472
officer is engaged in the performance of the peace officer's 7473
duties. 7474

(16) "Dashboard camera" means a visual and audio recording 7475
device mounted on a peace officer's vehicle or vessel that is used 7476
while the peace officer is engaged in the performance of the peace 7477
officer's duties. 7478

(17) "Restricted portions of a body-worn camera or dashboard 7479
camera recording" means any visual or audio portion of a body-worn 7480
camera or dashboard camera recording that shows, communicates, or 7481

discloses any of the following: 7482

(a) The image or identity of a child or information that 7483
could lead to the identification of a child who is a primary 7484
subject of the recording when the law enforcement agency knows or 7485
has reason to know the person is a child based on the law 7486
enforcement agency's records or the content of the recording; 7487

(b) The death of a person or a deceased person's body, unless 7488
the death was caused by a peace officer or, subject to division 7489
(H)(1) of this section, the consent of the decedent's executor or 7490
administrator has been obtained; 7491

(c) The death of a peace officer, firefighter, paramedic, or 7492
other first responder, occurring while the decedent was engaged in 7493
the performance of official duties, unless, subject to division 7494
(H)(1) of this section, the consent of the decedent's executor or 7495
administrator has been obtained; 7496

(d) Grievous bodily harm, unless the injury was effected by a 7497
peace officer or, subject to division (H)(1) of this section, the 7498
consent of the injured person or the injured person's guardian has 7499
been obtained; 7500

(e) An act of severe violence against a person that results 7501
in serious physical harm to the person, unless the act and injury 7502
was effected by a peace officer or, subject to division (H)(1) of 7503
this section, the consent of the injured person or the injured 7504
person's guardian has been obtained; 7505

(f) Grievous bodily harm to a peace officer, firefighter, 7506
paramedic, or other first responder, occurring while the injured 7507
person was engaged in the performance of official duties, unless, 7508
subject to division (H)(1) of this section, the consent of the 7509
injured person or the injured person's guardian has been obtained; 7510

(g) An act of severe violence resulting in serious physical 7511
harm against a peace officer, firefighter, paramedic, or other 7512

first responder, occurring while the injured person was engaged in 7513
the performance of official duties, unless, subject to division 7514
(H)(1) of this section, the consent of the injured person or the 7515
injured person's guardian has been obtained; 7516

(h) A person's nude body, unless, subject to division (H)(1) 7517
of this section, the person's consent has been obtained; 7518

(i) Protected health information, the identity of a person in 7519
a health care facility who is not the subject of a law enforcement 7520
encounter, or any other information in a health care facility that 7521
could identify a person who is not the subject of a law 7522
enforcement encounter; 7523

(j) Information that could identify the alleged victim of a 7524
sex offense, menacing by stalking, or domestic violence; 7525

(k) Information, that does not constitute a confidential law 7526
enforcement investigatory record, that could identify a person who 7527
provides sensitive or confidential information to a law 7528
enforcement agency when the disclosure of the person's identity or 7529
the information provided could reasonably be expected to threaten 7530
or endanger the safety or property of the person or another 7531
person; 7532

(l) Personal information of a person who is not arrested, 7533
cited, charged, or issued a written warning by a peace officer; 7534

(m) Proprietary police contingency plans or tactics that are 7535
intended to prevent crime and maintain public order and safety; 7536

(n) A personal conversation unrelated to work between peace 7537
officers or between a peace officer and an employee of a law 7538
enforcement agency; 7539

(o) A conversation between a peace officer and a member of 7540
the public that does not concern law enforcement activities; 7541

(p) The interior of a residence, unless the interior of a 7542

residence is the location of an adversarial encounter with, or a use of force by, a peace officer;

(q) Any portion of the interior of a private business that is not open to the public, unless an adversarial encounter with, or a use of force by, a peace officer occurs in that location.

As used in division (A)(17) of this section:

"Grievous bodily harm" has the same meaning as in section 5924.120 of the Revised Code.

"Health care facility" has the same meaning as in section 1337.11 of the Revised Code.

"Protected health information" has the same meaning as in 45 C.F.R. 160.103.

"Law enforcement agency" has the same meaning as in section 2925.61 of the Revised Code.

"Personal information" means any government-issued identification number, date of birth, address, financial information, or criminal justice information from the law enforcement automated data system or similar databases.

"Sex offense" has the same meaning as in section 2907.10 of the Revised Code.

"Firefighter," "paramedic," and "first responder" have the same meanings as in section 4765.01 of the Revised Code.

(B)(1) Upon request and subject to division (B)(8) of this section, all public records responsive to the request shall be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours. Subject to division (B)(8) of this section, upon request by any person, a public office or person responsible for public records shall make copies of the requested public record available to the requester at cost and within a reasonable period of time. If a public record

contains information that is exempt from the duty to permit public 7573
inspection or to copy the public record, the public office or the 7574
person responsible for the public record shall make available all 7575
of the information within the public record that is not exempt. 7576
When making that public record available for public inspection or 7577
copying that public record, the public office or the person 7578
responsible for the public record shall notify the requester of 7579
any redaction or make the redaction plainly visible. A redaction 7580
shall be deemed a denial of a request to inspect or copy the 7581
redacted information, except if federal or state law authorizes or 7582
requires a public office to make the redaction. 7583

(2) To facilitate broader access to public records, a public 7584
office or the person responsible for public records shall organize 7585
and maintain public records in a manner that they can be made 7586
available for inspection or copying in accordance with division 7587
(B) of this section. A public office also shall have available a 7588
copy of its current records retention schedule at a location 7589
readily available to the public. If a requester makes an ambiguous 7590
or overly broad request or has difficulty in making a request for 7591
copies or inspection of public records under this section such 7592
that the public office or the person responsible for the requested 7593
public record cannot reasonably identify what public records are 7594
being requested, the public office or the person responsible for 7595
the requested public record may deny the request but shall provide 7596
the requester with an opportunity to revise the request by 7597
informing the requester of the manner in which records are 7598
maintained by the public office and accessed in the ordinary 7599
course of the public office's or person's duties. 7600

(3) If a request is ultimately denied, in part or in whole, 7601
the public office or the person responsible for the requested 7602
public record shall provide the requester with an explanation, 7603
including legal authority, setting forth why the request was 7604

denied. If the initial request was provided in writing, the 7605
explanation also shall be provided to the requester in writing. 7606
The explanation shall not preclude the public office or the person 7607
responsible for the requested public record from relying upon 7608
additional reasons or legal authority in defending an action 7609
commenced under division (C) of this section. 7610

(4) Unless specifically required or authorized by state or 7611
federal law or in accordance with division (B) of this section, no 7612
public office or person responsible for public records may limit 7613
or condition the availability of public records by requiring 7614
disclosure of the requester's identity or the intended use of the 7615
requested public record. Any requirement that the requester 7616
disclose the requester's identity or the intended use of the 7617
requested public record constitutes a denial of the request. 7618

(5) A public office or person responsible for public records 7619
may ask a requester to make the request in writing, may ask for 7620
the requester's identity, and may inquire about the intended use 7621
of the information requested, but may do so only after disclosing 7622
to the requester that a written request is not mandatory, that the 7623
requester may decline to reveal the requester's identity or the 7624
intended use, and when a written request or disclosure of the 7625
identity or intended use would benefit the requester by enhancing 7626
the ability of the public office or person responsible for public 7627
records to identify, locate, or deliver the public records sought 7628
by the requester. 7629

(6) If any person requests a copy of a public record in 7630
accordance with division (B) of this section, the public office or 7631
person responsible for the public record may require that person 7632
to pay in advance the cost involved in providing the copy of the 7633
public record in accordance with the choice made by the person 7634
requesting the copy under this division. The public office or the 7635
person responsible for the public record shall permit that person 7636

to choose to have the public record duplicated upon paper, upon 7637
the same medium upon which the public office or person responsible 7638
for the public record keeps it, or upon any other medium upon 7639
which the public office or person responsible for the public 7640
record determines that it reasonably can be duplicated as an 7641
integral part of the normal operations of the public office or 7642
person responsible for the public record. When the person 7643
requesting the copy makes a choice under this division, the public 7644
office or person responsible for the public record shall provide a 7645
copy of it in accordance with the choice made by that person. 7646
Nothing in this section requires a public office or person 7647
responsible for the public record to allow the person requesting a 7648
copy of the public record to make the copies of the public record. 7649

(7)(a) Upon a request made in accordance with division (B) of 7650
this section and subject to division (B)(6) of this section, a 7651
public office or person responsible for public records shall 7652
transmit a copy of a public record to any person by United States 7653
mail or by any other means of delivery or transmission within a 7654
reasonable period of time after receiving the request for the 7655
copy. The public office or person responsible for the public 7656
record may require the person making the request to pay in advance 7657
the cost of postage if the copy is transmitted by United States 7658
mail or the cost of delivery if the copy is transmitted other than 7659
by United States mail, and to pay in advance the costs incurred 7660
for other supplies used in the mailing, delivery, or transmission. 7661

(b) Any public office may adopt a policy and procedures that 7662
it will follow in transmitting, within a reasonable period of time 7663
after receiving a request, copies of public records by United 7664
States mail or by any other means of delivery or transmission 7665
pursuant to division (B)(7) of this section. A public office that 7666
adopts a policy and procedures under division (B)(7) of this 7667
section shall comply with them in performing its duties under that 7668

division. 7669

(c) In any policy and procedures adopted under division 7670
(B)(7) of this section: 7671

(i) A public office may limit the number of records requested 7672
by a person that the office will physically deliver by United 7673
States mail or by another delivery service to ten per month, 7674
unless the person certifies to the office in writing that the 7675
person does not intend to use or forward the requested records, or 7676
the information contained in them, for commercial purposes; 7677

(ii) A public office that chooses to provide some or all of 7678
its public records on a web site that is fully accessible to and 7679
searchable by members of the public at all times, other than 7680
during acts of God outside the public office's control or 7681
maintenance, and that charges no fee to search, access, download, 7682
or otherwise receive records provided on the web site, may limit 7683
to ten per month the number of records requested by a person that 7684
the office will deliver in a digital format, unless the requested 7685
records are not provided on the web site and unless the person 7686
certifies to the office in writing that the person does not intend 7687
to use or forward the requested records, or the information 7688
contained in them, for commercial purposes. 7689

(iii) For purposes of division (B)(7) of this section, 7690
"commercial" shall be narrowly construed and does not include 7691
reporting or gathering news, reporting or gathering information to 7692
assist citizen oversight or understanding of the operation or 7693
activities of government, or nonprofit educational research. 7694

(8)(a) A public office or person responsible for public 7695
records is not required to permit a person who is incarcerated 7696
pursuant to a criminal conviction or a juvenile adjudication to 7697
inspect or to obtain a copy of any public record concerning a 7698
criminal investigation or prosecution or concerning what would be 7699

a criminal investigation or prosecution if the subject of the 7700
investigation or prosecution were an adult, unless the request to 7701
inspect or to obtain a copy of the record is for the purpose of 7702
acquiring information that is subject to release as a public 7703
record under this section and the judge who imposed the sentence 7704
or made the adjudication with respect to the person, or the 7705
judge's successor in office, finds that the information sought in 7706
the public record is necessary to support what appears to be a 7707
justiciable claim of the person. 7708

(b) A public office or person responsible for public records 7709
is not required to permit a person who is subject to an order 7710
finding the person to be a vexatious litigator under section 7711
2323.52 of the Revised Code to inspect or to obtain a copy of any 7712
public record, except pursuant to a court order issued under 7713
division (J) of that section. 7714

(9)(a) Upon written request made and signed by a journalist, 7715
a public office, or person responsible for public records, having 7716
custody of the records of the agency employing a specified 7717
designated public service worker shall disclose to the journalist 7718
the address of the actual personal residence of the designated 7719
public service worker and, if the designated public service 7720
worker's spouse, former spouse, or child is employed by a public 7721
office, the name and address of the employer of the designated 7722
public service worker's spouse, former spouse, or child. The 7723
request shall include the journalist's name and title and the name 7724
and address of the journalist's employer and shall state that 7725
disclosure of the information sought would be in the public 7726
interest. 7727

(b) Division (B)(9)(a) of this section also applies to 7728
journalist requests for: 7729

(i) Customer information maintained by a municipally owned or 7730
operated public utility, other than social security numbers and 7731

any private financial information such as credit reports, payment 7732
methods, credit card numbers, and bank account information; 7733

(ii) Information about minors involved in a school vehicle 7734
accident as provided in division (A)(1)(gg) of this section, other 7735
than personal information as defined in section 149.45 of the 7736
Revised Code. 7737

(c) As used in division (B)(9) of this section, "journalist" 7738
means a person engaged in, connected with, or employed by any news 7739
medium, including a newspaper, magazine, press association, news 7740
agency, or wire service, a radio or television station, or a 7741
similar medium, for the purpose of gathering, processing, 7742
transmitting, compiling, editing, or disseminating information for 7743
the general public. 7744

(10) Upon a request made by a victim, victim's attorney, or 7745
victim's representative, as that term is used in section 2930.02 7746
of the Revised Code, a public office or person responsible for 7747
public records shall transmit a copy of a depiction of the victim 7748
as described in division (A)(1)(gg) of this section to the victim, 7749
victim's attorney, or victim's representative. 7750

(C)(1) If a person allegedly is aggrieved by the failure of a 7751
public office or the person responsible for public records to 7752
promptly prepare a public record and to make it available to the 7753
person for inspection in accordance with division (B) of this 7754
section or by any other failure of a public office or the person 7755
responsible for public records to comply with an obligation in 7756
accordance with division (B) of this section, the person allegedly 7757
aggrieved may do only one of the following, and not both: 7758

(a) File a complaint with the clerk of the court of claims or 7759
the clerk of the court of common pleas under section 2743.75 of 7760
the Revised Code; 7761

(b) Commence a mandamus action to obtain a judgment that 7762

orders the public office or the person responsible for the public 7763
record to comply with division (B) of this section, that awards 7764
court costs and reasonable attorney's fees to the person that 7765
instituted the mandamus action, and, if applicable, that includes 7766
an order fixing statutory damages under division (C)(2) of this 7767
section. The mandamus action may be commenced in the court of 7768
common pleas of the county in which division (B) of this section 7769
allegedly was not complied with, in the supreme court pursuant to 7770
its original jurisdiction under Section 2 of Article IV, Ohio 7771
Constitution, or in the court of appeals for the appellate 7772
district in which division (B) of this section allegedly was not 7773
complied with pursuant to its original jurisdiction under Section 7774
3 of Article IV, Ohio Constitution. 7775

(2) If a requester transmits a written request by hand 7776
delivery, electronic submission, or certified mail to inspect or 7777
receive copies of any public record in a manner that fairly 7778
describes the public record or class of public records to the 7779
public office or person responsible for the requested public 7780
records, except as otherwise provided in this section, the 7781
requester shall be entitled to recover the amount of statutory 7782
damages set forth in this division if a court determines that the 7783
public office or the person responsible for public records failed 7784
to comply with an obligation in accordance with division (B) of 7785
this section. 7786

The amount of statutory damages shall be fixed at one hundred 7787
dollars for each business day during which the public office or 7788
person responsible for the requested public records failed to 7789
comply with an obligation in accordance with division (B) of this 7790
section, beginning with the day on which the requester files a 7791
mandamus action to recover statutory damages, up to a maximum of 7792
one thousand dollars. The award of statutory damages shall not be 7793
construed as a penalty, but as compensation for injury arising 7794

from lost use of the requested information. The existence of this 7795
injury shall be conclusively presumed. The award of statutory 7796
damages shall be in addition to all other remedies authorized by 7797
this section. 7798

The court may reduce an award of statutory damages or not 7799
award statutory damages if the court determines both of the 7800
following: 7801

(a) That, based on the ordinary application of statutory law 7802
and case law as it existed at the time of the conduct or 7803
threatened conduct of the public office or person responsible for 7804
the requested public records that allegedly constitutes a failure 7805
to comply with an obligation in accordance with division (B) of 7806
this section and that was the basis of the mandamus action, a 7807
well-informed public office or person responsible for the 7808
requested public records reasonably would believe that the conduct 7809
or threatened conduct of the public office or person responsible 7810
for the requested public records did not constitute a failure to 7811
comply with an obligation in accordance with division (B) of this 7812
section; 7813

(b) That a well-informed public office or person responsible 7814
for the requested public records reasonably would believe that the 7815
conduct or threatened conduct of the public office or person 7816
responsible for the requested public records would serve the 7817
public policy that underlies the authority that is asserted as 7818
permitting that conduct or threatened conduct. 7819

(3) In a mandamus action filed under division (C)(1) of this 7820
section, the following apply: 7821

(a)(i) If the court orders the public office or the person 7822
responsible for the public record to comply with division (B) of 7823
this section, the court shall determine and award to the relator 7824
all court costs, which shall be construed as remedial and not 7825

punitive. 7826

(ii) If the court makes a determination described in division 7827
(C)(3)(b)(iii) of this section, the court shall determine and 7828
award to the relator all court costs, which shall be construed as 7829
remedial and not punitive. 7830

(b) If the court renders a judgment that orders the public 7831
office or the person responsible for the public record to comply 7832
with division (B) of this section or if the court determines any 7833
of the following, the court may award reasonable attorney's fees 7834
to the relator, subject to division (C)(4) of this section: 7835

(i) The public office or the person responsible for the 7836
public records failed to respond affirmatively or negatively to 7837
the public records request in accordance with the time allowed 7838
under division (B) of this section. 7839

(ii) The public office or the person responsible for the 7840
public records promised to permit the relator to inspect or 7841
receive copies of the public records requested within a specified 7842
period of time but failed to fulfill that promise within that 7843
specified period of time. 7844

(iii) The public office or the person responsible for the 7845
public records acted in bad faith when the office or person 7846
voluntarily made the public records available to the relator for 7847
the first time after the relator commenced the mandamus action, 7848
but before the court issued any order concluding whether or not 7849
the public office or person was required to comply with division 7850
(B) of this section. No discovery may be conducted on the issue of 7851
the alleged bad faith of the public office or person responsible 7852
for the public records. This division shall not be construed as 7853
creating a presumption that the public office or the person 7854
responsible for the public records acted in bad faith when the 7855
office or person voluntarily made the public records available to 7856

the relator for the first time after the relator commenced the 7857
mandamus action, but before the court issued any order described 7858
in this division. 7859

(c) The court shall not award attorney's fees to the relator 7860
if the court determines both of the following: 7861

(i) That, based on the ordinary application of statutory law 7862
and case law as it existed at the time of the conduct or 7863
threatened conduct of the public office or person responsible for 7864
the requested public records that allegedly constitutes a failure 7865
to comply with an obligation in accordance with division (B) of 7866
this section and that was the basis of the mandamus action, a 7867
well-informed public office or person responsible for the 7868
requested public records reasonably would believe that the conduct 7869
or threatened conduct of the public office or person responsible 7870
for the requested public records did not constitute a failure to 7871
comply with an obligation in accordance with division (B) of this 7872
section; 7873

(ii) That a well-informed public office or person responsible 7874
for the requested public records reasonably would believe that the 7875
conduct or threatened conduct of the public office or person 7876
responsible for the requested public records would serve the 7877
public policy that underlies the authority that is asserted as 7878
permitting that conduct or threatened conduct. 7879

(4) All of the following apply to any award of reasonable 7880
attorney's fees awarded under division (C)(3)(b) of this section: 7881

(a) The fees shall be construed as remedial and not punitive. 7882

(b) The fees awarded shall not exceed the total of the 7883
reasonable attorney's fees incurred before the public record was 7884
made available to the relator and the fees described in division 7885
(C)(4)(c) of this section. 7886

(c) Reasonable attorney's fees shall include reasonable fees 7887

incurred to produce proof of the reasonableness and amount of the 7888
fees and to otherwise litigate entitlement to the fees. 7889

(d) The court may reduce the amount of fees awarded if the 7890
court determines that, given the factual circumstances involved 7891
with the specific public records request, an alternative means 7892
should have been pursued to more effectively and efficiently 7893
resolve the dispute that was subject to the mandamus action filed 7894
under division (C)(1) of this section. 7895

(5) If the court does not issue a writ of mandamus under 7896
division (C) of this section and the court determines at that time 7897
that the bringing of the mandamus action was frivolous conduct as 7898
defined in division (A) of section 2323.51 of the Revised Code, 7899
the court may award to the public office all court costs, 7900
expenses, and reasonable attorney's fees, as determined by the 7901
court. 7902

(D) Chapter 1347. of the Revised Code does not limit the 7903
provisions of this section. 7904

(E)(1) To ensure that all employees of public offices are 7905
appropriately educated about a public office's obligations under 7906
division (B) of this section, all elected officials or their 7907
appropriate designees shall attend training approved by the 7908
attorney general as provided in section 109.43 of the Revised 7909
Code. A future official may satisfy the requirements of this 7910
division by attending the training before taking office, provided 7911
that the future official may not send a designee in the future 7912
official's place. 7913

(2) All public offices shall adopt a public records policy in 7914
compliance with this section for responding to public records 7915
requests. In adopting a public records policy under this division, 7916
a public office may obtain guidance from the model public records 7917
policy developed and provided to the public office by the attorney 7918

general under section 109.43 of the Revised Code. Except as 7919
otherwise provided in this section, the policy may not limit the 7920
number of public records that the public office will make 7921
available to a single person, may not limit the number of public 7922
records that it will make available during a fixed period of time, 7923
and may not establish a fixed period of time before it will 7924
respond to a request for inspection or copying of public records, 7925
unless that period is less than eight hours. 7926

The public office shall distribute the public records policy 7927
adopted by the public office under this division to the employee 7928
of the public office who is the records custodian or records 7929
manager or otherwise has custody of the records of that office. 7930
The public office shall require that employee to acknowledge 7931
receipt of the copy of the public records policy. The public 7932
office shall create a poster that describes its public records 7933
policy and shall post the poster in a conspicuous place in the 7934
public office and in all locations where the public office has 7935
branch offices. The public office may post its public records 7936
policy on the internet web site of the public office if the public 7937
office maintains an internet web site. A public office that has 7938
established a manual or handbook of its general policies and 7939
procedures for all employees of the public office shall include 7940
the public records policy of the public office in the manual or 7941
handbook. 7942

(F)(1) The bureau of motor vehicles may adopt rules pursuant 7943
to Chapter 119. of the Revised Code to reasonably limit the number 7944
of bulk commercial special extraction requests made by a person 7945
for the same records or for updated records during a calendar 7946
year. The rules may include provisions for charges to be made for 7947
bulk commercial special extraction requests for the actual cost of 7948
the bureau, plus special extraction costs, plus ten per cent. The 7949
bureau may charge for expenses for redacting information, the 7950

release of which is prohibited by law. 7951

(2) As used in division (F)(1) of this section: 7952

(a) "Actual cost" means the cost of depleted supplies, 7953
records storage media costs, actual mailing and alternative 7954
delivery costs, or other transmitting costs, and any direct 7955
equipment operating and maintenance costs, including actual costs 7956
paid to private contractors for copying services. 7957

(b) "Bulk commercial special extraction request" means a 7958
request for copies of a record for information in a format other 7959
than the format already available, or information that cannot be 7960
extracted without examination of all items in a records series, 7961
class of records, or database by a person who intends to use or 7962
forward the copies for surveys, marketing, solicitation, or resale 7963
for commercial purposes. "Bulk commercial special extraction 7964
request" does not include a request by a person who gives 7965
assurance to the bureau that the person making the request does 7966
not intend to use or forward the requested copies for surveys, 7967
marketing, solicitation, or resale for commercial purposes. 7968

(c) "Commercial" means profit-seeking production, buying, or 7969
selling of any good, service, or other product. 7970

(d) "Special extraction costs" means the cost of the time 7971
spent by the lowest paid employee competent to perform the task, 7972
the actual amount paid to outside private contractors employed by 7973
the bureau, or the actual cost incurred to create computer 7974
programs to make the special extraction. "Special extraction 7975
costs" include any charges paid to a public agency for computer or 7976
records services. 7977

(3) For purposes of divisions (F)(1) and (2) of this section, 7978
"surveys, marketing, solicitation, or resale for commercial 7979
purposes" shall be narrowly construed and does not include 7980
reporting or gathering news, reporting or gathering information to 7981

assist citizen oversight or understanding of the operation or 7982
activities of government, or nonprofit educational research. 7983

(G) A request by a defendant, counsel of a defendant, or any 7984
agent of a defendant in a criminal action that public records 7985
related to that action be made available under this section shall 7986
be considered a demand for discovery pursuant to the Criminal 7987
Rules, except to the extent that the Criminal Rules plainly 7988
indicate a contrary intent. The defendant, counsel of the 7989
defendant, or agent of the defendant making a request under this 7990
division shall serve a copy of the request on the prosecuting 7991
attorney, director of law, or other chief legal officer 7992
responsible for prosecuting the action. 7993

(H)(1) Any portion of a body-worn camera or dashboard camera 7994
recording described in divisions (A)(17)(b) to (h) of this section 7995
may be released by consent of the subject of the recording or a 7996
representative of that person, as specified in those divisions, 7997
only if either of the following applies: 7998

(a) The recording will not be used in connection with any 7999
probable or pending criminal proceedings; 8000

(b) The recording has been used in connection with a criminal 8001
proceeding that was dismissed or for which a judgment has been 8002
entered pursuant to Rule 32 of the Rules of Criminal Procedure, 8003
and will not be used again in connection with any probable or 8004
pending criminal proceedings. 8005

(2) If a public office denies a request to release a 8006
restricted portion of a body-worn camera or dashboard camera 8007
recording, as defined in division (A)(17) of this section, any 8008
person may file a mandamus action pursuant to this section or a 8009
complaint with the clerk of the court of claims pursuant to 8010
section 2743.75 of the Revised Code, requesting the court to order 8011
the release of all or portions of the recording. If the court 8012

considering the request determines that the filing articulates by 8013
clear and convincing evidence that the public interest in the 8014
recording substantially outweighs privacy interests and other 8015
interests asserted to deny release, the court shall order the 8016
public office to release the recording. 8017

Sec. 153.02. (A) The executive director of the Ohio 8018
facilities construction commission, may debar a contractor from 8019
contract awards for public improvements as referred to in section 8020
153.01 of the Revised Code or for projects as defined in section 8021
3318.01 of the Revised Code, upon proof that the contractor has 8022
done any of the following: 8023

(1) Defaulted on a contract requiring the execution of a 8024
takeover agreement as set forth in division (B) of section 153.17 8025
of the Revised Code; 8026

(2) Knowingly failed during the course of a contract to 8027
maintain the coverage required by the bureau of workers' 8028
compensation; 8029

(3) Knowingly failed during the course of a contract to 8030
maintain the contractor's drug-free workplace program as required 8031
by the contract; 8032

(4) Knowingly failed during the course of a contract to 8033
maintain insurance required by the contract or otherwise by law, 8034
resulting in a substantial loss to the owner, as owner is referred 8035
to in section 153.01 of the Revised Code, or to the commission and 8036
school district board, as provided in division (F) of section 8037
3318.08 of the Revised Code; 8038

(5) Misrepresented the firm's qualifications in the selection 8039
process set forth in sections 153.65 to 153.71 or section 3318.10 8040
of the Revised Code; 8041

(6) Been convicted of a criminal offense related to the 8042

application for or performance of any public or private contract, 8043
including, but not limited to, embezzlement, theft, forgery, 8044
bribery, falsification or destruction of records, receiving stolen 8045
property, and any other offense that directly reflects on the 8046
contractor's business integrity; 8047

(7) Been convicted of a criminal offense under state or 8048
federal antitrust laws; 8049

(8) Deliberately or willfully submitted false or misleading 8050
information in connection with the application for or performance 8051
of a public contract; 8052

(9) Been debarred from bidding on or participating in a 8053
contract with any state or federal agency. 8054

(B) When the executive director debar a contractor that is a 8055
partnership, association, or corporation, the executive director 8056
also may debar any partner of the partnership or any officer or 8057
director of the association or corporation, as applicable. 8058

(C) When the executive director reasonably believes that 8059
grounds for debarment exist, the executive director shall send the 8060
contractor a notice of proposed debarment indicating the grounds 8061
for the proposed debarment and the procedure for requesting a 8062
hearing on the proposed debarment. The hearing shall be conducted 8063
in accordance with Chapter 119. of the Revised Code. If the 8064
contractor does not respond with a request for a hearing in the 8065
manner specified in Chapter 119. of the Revised Code, the 8066
executive director shall issue the debarment decision without a 8067
hearing and shall notify the contractor of the decision by 8068
certified mail, return receipt requested. 8069

(D) The executive director shall determine the length of the 8070
debarment period and may rescind the debarment at any time upon 8071
notification to the contractor. During the period of debarment, 8072
the contractor is not eligible to bid for or participate in any 8073

contract for a public improvement as referred to in section 153.01 8074
of the Revised Code or for a project as defined in section 3318.01 8075
of the Revised Code. After the debarment period expires, the 8076
contractor ~~shall~~ may be eligible to bid for and participate in 8077
such contracts if the vendor is not otherwise debarred. 8078

(E) The executive director shall maintain a list of all 8079
contractors currently debarred under this section. Any 8080
governmental entity awarding a contract for construction of a 8081
public improvement or project may use a contractor's presence on 8082
the debarment list to determine whether a contractor is 8083
responsible or best under section 9.312 or any other section of 8084
the Revised Code in the award of a contract. 8085

(F) As used in this section, "contractor" means a 8086
construction contracting business, a subcontractor of a 8087
construction contracting business, a supplier of materials, or a 8088
manufacturer of materials. 8089

Sec. 166.01. As used in this chapter: 8090

(A) "Allowable costs" means all or part of the costs of 8091
project facilities, eligible projects, eligible innovation 8092
projects, eligible research and development projects, eligible 8093
advanced energy projects, or eligible logistics and distribution 8094
projects, including costs of acquiring, constructing, 8095
reconstructing, rehabilitating, renovating, enlarging, improving, 8096
equipping, or furnishing project facilities, eligible projects, 8097
eligible innovation projects, eligible research and development 8098
projects, eligible advanced energy projects, or eligible logistics 8099
and distribution projects, site clearance and preparation, 8100
supplementing and relocating public capital improvements or 8101
utility facilities, designs, plans, specifications, surveys, 8102
studies, and estimates of costs, expenses necessary or incident to 8103
determining the feasibility or practicability of assisting an 8104

eligible project, an eligible innovation project, an eligible 8105
research and development project, an eligible advanced energy 8106
project, or an eligible logistics and distribution project, or 8107
providing project facilities or facilities related to an eligible 8108
project, an eligible innovation project, an eligible research and 8109
development project, an eligible advanced energy project, or an 8110
eligible logistics and distribution project, architectural, 8111
engineering, and legal services fees and expenses, the costs of 8112
conducting any other activities as part of a voluntary action, and 8113
such other expenses as may be necessary or incidental to the 8114
establishment or development of an eligible project, an eligible 8115
innovation project, an eligible research and development project, 8116
an eligible advanced energy project, or an eligible logistics and 8117
distribution project, and reimbursement of moneys advanced or 8118
applied by any governmental agency or other person for allowable 8119
costs. 8120

(B) "Allowable innovation costs" includes allowable costs of 8121
eligible innovation projects and, in addition, includes the costs 8122
of research and development of eligible innovation projects; 8123
obtaining or creating any requisite software or computer hardware 8124
related to an eligible innovation project or the products or 8125
services associated therewith; testing (including, without 8126
limitation, quality control activities necessary for initial 8127
production), perfecting, and marketing of such products and 8128
services; creating and protecting intellectual property related to 8129
an eligible innovation project or any products or services related 8130
thereto, including costs of securing appropriate patent, 8131
trademark, trade secret, trade dress, copyright, or other form of 8132
intellectual property protection for an eligible innovation 8133
project or related products and services; all to the extent that 8134
such expenditures could be capitalized under then-applicable 8135
generally accepted accounting principles; and the reimbursement of 8136
moneys advanced or applied by any governmental agency or other 8137

person for allowable innovation costs. 8138

(C) "Eligible innovation project" includes an eligible 8139
project, including any project facilities associated with an 8140
eligible innovation project and, in addition, includes all 8141
tangible and intangible property related to a new product or 8142
process based on new technology or the creative application of 8143
existing technology, including research and development, product 8144
or process testing, quality control, market research, and related 8145
activities, that is to be acquired, established, expanded, 8146
remodeled, rehabilitated, or modernized for industry, commerce, 8147
distribution, or research, or any combination thereof, the 8148
operation of which, alone or in conjunction with other eligible 8149
projects, eligible innovation projects, or innovation property, 8150
will create new jobs or preserve existing jobs and employment 8151
opportunities and improve the economic welfare of the people of 8152
the state. 8153

(D) "Eligible project" means project facilities to be 8154
acquired, established, expanded, remodeled, rehabilitated, or 8155
modernized for industry, commerce, distribution, or research, or 8156
any combination thereof, the operation of which, alone or in 8157
conjunction with other facilities, will create new jobs or 8158
preserve existing jobs and employment opportunities and improve 8159
the economic welfare of the people of the state. "Eligible 8160
project" includes, without limitation, a voluntary action. For 8161
purposes of this division, "new jobs" does not include existing 8162
jobs transferred from another facility within the state, and 8163
"existing jobs" includes only those existing jobs with work places 8164
within the municipal corporation or unincorporated area of the 8165
county in which the eligible project is located. 8166

"Eligible project" does not include project facilities to be 8167
acquired, established, expanded, remodeled, rehabilitated, or 8168
modernized for industry, commerce, distribution, or research, or 8169

any combination of industry, commerce, distribution, or research, 8170
if the project facilities consist solely of 8171
point-of-final-purchase retail facilities. If the project 8172
facilities consist of both point-of-final-purchase retail 8173
facilities and nonretail facilities, only the portion of the 8174
project facilities consisting of nonretail facilities is an 8175
eligible project. If a warehouse facility is part of a 8176
point-of-final-purchase retail facility and supplies only that 8177
facility, the warehouse facility is not an eligible project. 8178
Catalog distribution facilities are not considered 8179
point-of-final-purchase retail facilities for purposes of this 8180
paragraph, and are eligible projects. 8181

(E) "Eligible research and development project" means an 8182
eligible project, including project facilities, comprising, 8183
within, or related to, a facility or portion of a facility at 8184
which research is undertaken for the purpose of discovering 8185
information that is technological in nature and the application of 8186
which is intended to be useful in the development of a new or 8187
improved product, process, technique, formula, or invention, a new 8188
product or process based on new technology, or the creative 8189
application of existing technology. 8190

(F) "Financial assistance" means inducements under division 8191
(B) of section 166.02 of the Revised Code, loan guarantees under 8192
section 166.06 of the Revised Code, and direct loans under section 8193
166.07 of the Revised Code. 8194

(G) "Governmental action" means any action by a governmental 8195
agency relating to the establishment, development, or operation of 8196
an eligible project, eligible innovation project, eligible 8197
research and development project, eligible advanced energy 8198
project, or eligible logistics and distribution project, and 8199
project facilities that the governmental agency acting has 8200
authority to take or provide for the purpose under law, including, 8201

but not limited to, actions relating to contracts and agreements, 8202
zoning, building, permits, acquisition and disposition of 8203
property, public capital improvements, utility and transportation 8204
service, taxation, employee recruitment and training, and liaison 8205
and coordination with and among governmental agencies. 8206

(H) "Governmental agency" means the state and any state 8207
department, division, commission, institution or authority; a 8208
municipal corporation, county, or township, and any agency 8209
thereof, and any other political subdivision or public corporation 8210
or the United States or any agency thereof; any agency, 8211
commission, or authority established pursuant to an interstate 8212
compact or agreement; and any combination of the above. 8213

(I) "Innovation financial assistance" means inducements under 8214
division (B) of section 166.12 of the Revised Code, innovation 8215
Ohio loan guarantees under section 166.15 of the Revised Code, and 8216
innovation Ohio loans under section 166.16 of the Revised Code. 8217

(J) "Innovation Ohio loan guarantee reserve requirement" 8218
means, at any time, with respect to innovation loan guarantees 8219
made under section 166.15 of the Revised Code, a balance in the 8220
innovation Ohio loan guarantee fund equal to the greater of twenty 8221
per cent of the then-outstanding principal amount of all 8222
outstanding innovation loan guarantees made pursuant to section 8223
166.15 of the Revised Code or fifty per cent of the principal 8224
amount of the largest outstanding guarantee made pursuant to 8225
section 166.15 of the Revised Code. 8226

(K) "Innovation property" includes property and also includes 8227
software, inventory, licenses, contract rights, goodwill, 8228
intellectual property, including without limitation, patents, 8229
patent applications, trademarks and service marks, and trade 8230
secrets, and other tangible and intangible property, and any 8231
rights and interests in or connected to the foregoing. 8232

(L) "Loan guarantee reserve requirement" means, at any time, 8233
with respect to loan guarantees made under section 166.06 of the 8234
Revised Code, a balance in the loan guarantee fund equal to the 8235
greater of twenty per cent of the then-outstanding principal 8236
amount of all outstanding guarantees made pursuant to section 8237
166.06 of the Revised Code or fifty per cent of the principal 8238
amount of the largest outstanding guarantee made pursuant to 8239
section 166.06 of the Revised Code. 8240

(M) "Person" means any individual, firm, partnership, 8241
association, corporation, or governmental agency, and any 8242
combination thereof. 8243

(N) "Project facilities" means buildings, structures, and 8244
other improvements, and equipment and other property, excluding 8245
small tools, supplies, and inventory, and any one, part of, or 8246
combination of the above, comprising all or part of, or serving or 8247
being incidental to, an eligible project, an eligible innovation 8248
project, an eligible research and development project, an eligible 8249
advanced energy project, or an eligible logistics and distribution 8250
project, including, but not limited to, public capital 8251
improvements. 8252

(O) "Property" means real and personal property and interests 8253
therein. 8254

(P) "Public capital improvements" means capital improvements 8255
or facilities that any governmental agency has authority to 8256
acquire, pay the costs of, own, maintain, or operate, or to 8257
contract with other persons to have the same done, including, but 8258
not limited to, highways, roads, streets, water and sewer 8259
facilities, railroad and other transportation facilities, and air 8260
and water pollution control and solid waste disposal facilities. 8261
For purposes of this division, "air pollution control facilities" 8262
includes, without limitation, solar, geothermal, biofuel, biomass, 8263
wind, hydro, wave, and other advanced energy projects as defined 8264

in section 3706.25 of the Revised Code. 8265

(Q) "Research and development financial assistance" means 8266
inducements under section 166.17 of the Revised Code, research and 8267
development loans under section 166.21 of the Revised Code, and 8268
research and development tax credits under sections 5733.352 and 8269
5747.331 of the Revised Code. 8270

(R) "Targeted innovation industry sectors" means industry 8271
sectors involving the production or use of advanced materials, 8272
instruments, controls and electronics, power and propulsion, 8273
biosciences, and information technology, or such other sectors as 8274
may be designated by the director of development services. 8275

(S) "Voluntary action" means a voluntary action, as defined 8276
in section 3746.01 of the Revised Code, that is conducted under 8277
the voluntary action program established in Chapter 3746. of the 8278
Revised Code. 8279

(T) "Project financing obligations" means obligations issued 8280
pursuant to section 166.08 of the Revised Code other than 8281
obligations for which the bond proceedings provide that bond 8282
service charges shall be paid from receipts of the state 8283
representing gross profit on the sale of spirituous liquor as 8284
referred to in division (B)(4) of section 4310.10 of the Revised 8285
Code. 8286

(U) "Regional economic development entity" means an entity 8287
that is under contract with the director to administer a loan 8288
program under this chapter in a particular area of this state. 8289

~~(V) "Advanced energy research and development fund" means the 8290
advanced energy research and development fund created in section 8291
3706.27 of the Revised Code. 8292~~

~~(W) "Advanced energy research and development taxable fund" 8293
means the advanced energy research and development taxable fund 8294
created in section 3706.27 of the Revised Code. 8295~~

~~(X)~~ "Eligible advanced energy project" means an eligible 8296
project that is an "advanced energy project" as defined in section 8297
3706.25 of the Revised Code. 8298

~~(Y)~~(W) "Eligible logistics and distribution project" means an 8299
eligible project, including project facilities, to be acquired, 8300
established, expanded, remodeled, rehabilitated, or modernized for 8301
transportation logistics and distribution infrastructure purposes. 8302
As used in this division, "transportation logistics and 8303
distribution infrastructure purposes" means promoting, providing 8304
for, and enabling improvements to the ground, air, and water 8305
transportation infrastructure comprising the transportation system 8306
in this state, including, without limitation, highways, streets, 8307
roads, bridges, railroads carrying freight, and air and water 8308
ports and port facilities, and all related supporting facilities. 8309

~~(Z)~~(X) "Department of development" means the development 8310
services agency and "director of development" means the director 8311
of development services. 8312

Sec. 167.03. (A) The council shall have the power to: 8313

(1) Study such area governmental problems common to two or 8314
more members of the council as it deems appropriate, including but 8315
not limited to matters affecting health, safety, welfare, 8316
education, economic conditions, and regional development; 8317

(2) Promote cooperative arrangements and coordinate action 8318
among its members, and between its members and other agencies of 8319
local or state governments, whether or not within Ohio, and the 8320
federal government; 8321

(3) Make recommendations for review and action to the members 8322
and other public agencies that perform functions within the 8323
region; 8324

(4) Promote cooperative agreements and contracts among its 8325

members or other governmental agencies and private persons,	8326
corporations, or agencies;	8327
(5) Operate a public safety answering point in accordance	8328
with Chapter 128. of the Revised Code;	8329
(6) Perform planning directly by personnel of the council, or	8330
under contracts between the council and other public or private	8331
planning agencies.	8332
(B) The council may:	8333
(1) Review, evaluate, comment upon, and make recommendations,	8334
relative to the planning and programming, and the location,	8335
financing, and scheduling of public facility projects within the	8336
region and affecting the development of the area;	8337
(2) Act as an areawide agency to perform comprehensive	8338
planning for the programming, locating, financing, and scheduling	8339
of public facility projects within the region and affecting the	8340
development of the area and for other proposed land development or	8341
uses, which projects or uses have public metropolitan wide or	8342
interjurisdictional significance;	8343
(3) Act as an agency for coordinating, based on metropolitan	8344
wide comprehensive planning and programming, local public	8345
policies, and activities affecting the development of the region	8346
or area.	8347
(C) The council may, by appropriate action of the governing	8348
bodies of the members, perform such other functions and duties as	8349
are performed or capable of performance by the members and	8350
necessary or desirable for dealing with problems of mutual	8351
concern.	8352
(D) The authority granted to the council by this section or	8353
in any agreement by the members thereof shall not displace any	8354
existing municipal, county, regional, or other planning commission	8355

or planning agency in the exercise of its statutory powers. 8356

(E) A council, with an educational service center as its 8357
fiscal agent, that is established to provide health care benefits 8358
to the council members' officers and employees and their 8359
dependents may contract to administer and coordinate a self-funded 8360
health benefit program of a nonprofit corporation organized under 8361
Chapter 1702. of the Revised Code. Operating a program under this 8362
division does not constitute engaging in the business of insurance 8363
or the business of an administrator under section 3959.01 of the 8364
Revised Code and is not subject to the insurance laws of this 8365
state. 8366

Sec. 169.06. (A) Before the first day of November of each 8367
year immediately following the calendar year in which the filing 8368
of reports is required by section 169.03 of the Revised Code, the 8369
director of commerce shall cause notice to be published once in an 8370
English language newspaper of general circulation in the county in 8371
this state in which is located the last known address of any 8372
person to be named in the notice required by this section. The 8373
notice may be published in print or electronic format. If no 8374
address is listed, the notice shall be published in the county in 8375
which the holder of the unclaimed funds has its principal place of 8376
business within this state; or if the holder has no principal 8377
place of business within this state, publication shall be made as 8378
the director determines most effective. If the address is outside 8379
this state, notice shall be published in a newspaper of general 8380
circulation in the county or parish of any state in the United 8381
States in which such last known address is located. If the last 8382
known address is in a foreign country, publication shall be made 8383
as the director determines most effective. 8384

If the name of the owner is not available, the director may 8385
publish notice by class, identifying number, or as the director 8386

determines most effective. 8387

(B) The published notice shall be entitled "Notice of Names of Persons Appearing to be Owners of Unclaimed Funds," and shall contain: 8388
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(1) The names in alphabetical order and last known addresses, if any, of each person appearing from the records of the holder to be the owner of unclaimed funds of a value of fifty dollars or more and entitled to notice as specified in division (A) of this section; 8391
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(2) A statement that information concerning the amount of the funds and any necessary information concerning the presentment of a claim therefor may be obtained by any persons possessing a property interest in the unclaimed funds by addressing an inquiry to the director. 8396
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(C) With respect to items of unclaimed funds each having a value of ten dollars or more, the director shall have available in ~~his~~ the director's office during business hours an alphabetical list of owners and where a holder is a person providing life insurance coverage, beneficiaries, and their last known addresses, if any, whose funds are being held by the state pursuant to this chapter. 8401
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(D) The director may give any additional notice ~~he~~ using any electronic or print medium that the director deems necessary to inform the owner of the whereabouts of ~~his~~ the owner's funds. 8408
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Sec. 173.04. (A) As used in this section, ~~"respite:~~ 8411

(1) "Respite care" means short-term, temporary care or supervision provided to a person who has ~~Alzheimer's disease~~ dementia in the absence of the person who normally provides that care or supervision. 8412
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(2) "Dementia" includes Alzheimer's disease or other 8416

dementia. 8417

(B) Through the internet web site maintained by the 8418
department of aging, the director of aging shall disseminate 8419
~~Alzheimer's disease~~ dementia training materials for licensed 8420
physicians, registered nurses, licensed practical nurses, 8421
administrators of health care programs, social workers, and other 8422
health care and social service personnel who participate or assist 8423
in the care or treatment of persons who have ~~Alzheimer's disease~~ 8424
dementia. The training materials disseminated through the web site 8425
may be developed by the director or obtained from other sources. 8426

(C) To the extent funds are available, the director shall 8427
administer respite care programs and other supportive services for 8428
persons who have ~~Alzheimer's disease~~ dementia and their families 8429
or care givers. Respite care programs shall be approved by the 8430
director and shall be provided for the following purposes: 8431

(1) Giving persons who normally provide care or supervision 8432
for a person who has ~~Alzheimer's disease~~ dementia relief from the 8433
stresses and responsibilities that result from providing such 8434
care; 8435

(2) Preventing or reducing inappropriate institutional care 8436
and enabling persons who have ~~Alzheimer's disease~~ dementia to 8437
remain at home as long as possible. 8438

(D) The director may provide services under this section to 8439
persons with ~~Alzheimer's disease~~ dementia and their families 8440
regardless of the age of the persons with ~~Alzheimer's disease~~ 8441
dementia. 8442

(E) The director may adopt rules in accordance with Chapter 8443
119. of the Revised Code governing respite care programs and other 8444
supportive services, the distribution of funds, and the purpose 8445
for which funds may be utilized under this section. 8446

Sec. 173.27. (A) As used in this section: 8447

(1) "Applicant" means a person who is under final 8448
consideration for employment by a responsible party in a 8449
full-time, part-time, or temporary position that involves 8450
providing ombudsman services to residents and recipients. 8451
"Applicant" includes a person who is under final consideration for 8452
employment as the state long-term care ombudsman or the head of a 8453
regional long-term care ombudsman program. "Applicant" does not 8454
include a person seeking to provide ombudsman services to 8455
residents and recipients as a volunteer without receiving or 8456
expecting to receive any form of remuneration other than 8457
reimbursement for actual expenses. 8458

(2) "Criminal records check" has the same meaning as in 8459
section 109.572 of the Revised Code. 8460

(3) "Disqualifying offense" means any of the offenses listed 8461
or described in divisions (A)(3)(a) to (e) of section 109.572 of 8462
the Revised Code. 8463

(4) "Employee" means a person employed by a responsible party 8464
in a full-time, part-time, or temporary position that involves 8465
providing ombudsman services to residents and recipients. 8466
"Employee" includes the person employed as the state long-term 8467
care ombudsman and a person employed as the head of a regional 8468
long-term care ombudsman program. "Employee" does not include a 8469
person who provides ombudsman services to residents and recipients 8470
as a volunteer without receiving or expecting to receive any form 8471
of remuneration other than reimbursement for actual expenses. 8472

(5) "Responsible party" means the following: 8473

(a) In the case of an applicant who is under final 8474
consideration for employment as the state long-term care ombudsman 8475
or the person employed as the state long-term care ombudsman, the 8476

director of aging; 8477

(b) In the case of any other applicant who is under final 8478
consideration for employment with the state long-term care 8479
ombudsman program or any other employee of the state long-term 8480
care ombudsman program, the state long-term care ombudsman; 8481

(c) In the case of an applicant who is under final 8482
consideration for employment with a regional long-term care 8483
ombudsman program (including as the head of the regional program) 8484
or an employee of a regional long-term care ombudsman program 8485
(including the head of a regional program), the regional long-term 8486
care ombudsman program. 8487

(B) A responsible party may not employ an applicant or 8488
continue to employ an employee in a position that involves 8489
providing ombudsman services to residents and recipients if any of 8490
the following apply: 8491

(1) A review of the databases listed in division (D) of this 8492
section reveals any of the following: 8493

(a) That the applicant or employee is included in one or more 8494
of the databases listed in divisions (D)(1) to (5) of this 8495
section; 8496

(b) That there is in the state nurse aide registry 8497
established under section 3721.32 of the Revised Code a statement 8498
detailing findings by the director of health that the applicant or 8499
employee abused, neglected, or exploited a long-term care facility 8500
or residential care facility resident or misappropriated property 8501
of such a resident; 8502

(c) That the applicant or employee is included in one or more 8503
of the databases, if any, specified in rules adopted under this 8504
section and the rules prohibit the responsible party from 8505
employing an applicant or continuing to employ an employee 8506
included in such a database in a position that involves providing 8507

ombudsman services to residents and recipients. 8508

(2) After the applicant or employee is provided, pursuant to 8509
division (E)(2)(a) of this section, a copy of the form prescribed 8510
pursuant to division (C)(1) of section 109.572 of the Revised Code 8511
and the standard impression sheet prescribed pursuant to division 8512
(C)(2) of that section, the applicant or employee fails to 8513
complete the form or provide the applicant's or employee's 8514
fingerprint impressions on the standard impression sheet. 8515

(3) Unless the applicant or employee meets standards 8516
specified in rules adopted under this section, the applicant or 8517
employee is found by a criminal records check required by this 8518
section to have been convicted of, pleaded guilty to, or been 8519
found eligible for intervention in lieu of conviction for a 8520
disqualifying offense. 8521

(C) A responsible party or a responsible party's designee 8522
shall inform each applicant of both of the following at the time 8523
of the applicant's initial application for employment in a 8524
position that involves providing ombudsman services to residents 8525
and recipients: 8526

(1) That a review of the databases listed in division (D) of 8527
this section will be conducted to determine whether the 8528
responsible party is prohibited by division (B)(1) of this section 8529
from employing the applicant in the position; 8530

(2) That, unless the database review reveals that the 8531
applicant may not be employed in the position, a criminal records 8532
check of the applicant will be conducted and the applicant is 8533
required to provide a set of the applicant's fingerprint 8534
impressions as part of the criminal records check. 8535

(D) As a condition of any applicant's being employed by a 8536
responsible party in a position that involves providing ombudsman 8537
services to residents and recipients, the responsible party or 8538

designee shall conduct a database review of the applicant in 8539
accordance with rules adopted under this section. If rules adopted 8540
under this section so require, the responsible party or designee 8541
shall conduct a database review of an employee in accordance with 8542
the rules as a condition of the responsible party continuing to 8543
employ the employee in a position that involves providing 8544
ombudsman services to residents and recipients. A database review 8545
shall determine whether the applicant or employee is included in 8546
any of the following: 8547

(1) The excluded parties list system that is maintained by 8548
the United States general services administration pursuant to 8549
subpart 9.4 of the federal acquisition regulation and available at 8550
the federal web site known as the system for award management; 8551

(2) The list of excluded individuals and entities maintained 8552
by the office of inspector general in the United States department 8553
of health and human services pursuant to section 1128 of the 8554
"Social Security Act," 94 Stat. 2619 (1980), 42 U.S.C. 1320a-7, as 8555
amended, and section 1156 of the "Social Security Act," 96 Stat. 8556
388 (1982), 42 U.S.C. 1320c-5, as amended; 8557

(3) The registry of developmental disabilities employees 8558
established under section 5123.52 of the Revised Code; 8559

(4) The internet-based sex offender and child-victim offender 8560
database established under division (A)(11) of section 2950.13 of 8561
the Revised Code; 8562

(5) The internet-based database of inmates established under 8563
section 5120.66 of the Revised Code; 8564

(6) The state nurse aide registry established under section 8565
3721.32 of the Revised Code; 8566

(7) Any other database, if any, specified in rules adopted 8567
under this section. 8568

(E)(1) As a condition of any applicant's being employed by a responsible party in a position that involves providing ombudsman services to residents and recipients, the responsible party or designee shall request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of the applicant. If rules adopted under this section so require, the responsible party or designee shall request that the superintendent conduct a criminal records check of an employee at times specified in the rules as a condition of the responsible party continuing to employ the employee in a position that involves providing ombudsman services to residents and recipients. However, the responsible party or designee is not required to request the criminal records check of the applicant or employee if the responsible party is prohibited by division (B)(1) of this section from employing the applicant or continuing to employ the employee in a position that involves providing ombudsman services to residents and recipients. If an applicant or employee for whom a criminal records check request is required by this section does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent has requested information about the applicant or employee from the federal bureau of investigation in a criminal records check, the responsible party or designee shall request that the superintendent obtain information from the federal bureau of investigation as part of the criminal records check. Even if an applicant or employee for whom a criminal records check request is required by this section presents proof of having been a resident of this state for the five-year period, the responsible party or designee may request that the superintendent include information from the federal bureau of investigation in the criminal records check.

(2) A responsible party or designee shall do all of the following: 8602
8603

(a) Provide to each applicant and employee for whom a criminal records check request is required by this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard impression sheet prescribed pursuant to division (C)(2) of that section; 8604
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(b) Obtain the completed form and standard impression sheet from the applicant or employee; 8609
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(c) Forward the completed form and standard impression sheet to the superintendent. 8611
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(3) A responsible party shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check the responsible party or the responsible party's designee requests under this section. The responsible party may charge an applicant a fee not exceeding the amount the responsible party pays to the bureau under this section if the responsible party or designee notifies the applicant at the time of initial application for employment of the amount of the fee. 8613
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(F)(1) A responsible party may employ conditionally an applicant for whom a criminal records check is required by this section prior to obtaining the results of the criminal records check if both of the following apply: 8622
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(a) The responsible party is not prohibited by division (B)(1) of this section from employing the applicant in a position that involves providing ombudsman services to residents and recipients; 8626
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(b) The responsible party or designee requests the criminal records check in accordance with division (E) of this section ~~not later than five business days after~~ before conditionally employing 8630
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the applicant ~~begins conditional employment.~~ 8633

(2) A responsible party shall terminate the employment of an 8634
applicant employed conditionally under division (F)(1) of this 8635
section if the results of the criminal records check, other than 8636
the results of any request for information from the federal bureau 8637
of investigation, are not obtained within the period ending sixty 8638
days after the date the request for the criminal records check is 8639
made. Regardless of when the results of the criminal records check 8640
are obtained, if the results indicate that the applicant has been 8641
convicted of, pleaded guilty to, or been found eligible for 8642
intervention in lieu of conviction for a disqualifying offense, 8643
the responsible party shall terminate the applicant's employment 8644
unless the applicant meets standards specified in rules adopted 8645
under this section that permit the responsible party to employ the 8646
applicant and the responsible party chooses to employ the 8647
applicant. Termination of employment under this division shall be 8648
considered just cause for discharge for purposes of division 8649
(D)(2) of section 4141.29 of the Revised Code if the applicant 8650
makes any attempt to deceive the responsible party or designee 8651
about the applicant's criminal record. 8652

(G) The report of any criminal records check conducted 8653
pursuant to a request made under this section is not a public 8654
record for the purposes of section 149.43 of the Revised Code and 8655
shall not be made available to any person other than the 8656
following: 8657

(1) The applicant or employee who is the subject of the 8658
criminal records check or the applicant's or employee's 8659
representative; 8660

(2) The responsible party or designee; 8661

(3) In the case of a criminal records check conducted for an 8662
applicant who is under final consideration for employment with a 8663

regional long-term care ombudsman program (including as the head of the regional program) or an employee of a regional long-term care ombudsman program (including the head of a regional program), the state long-term care ombudsman or a representative of the office of the state long-term care ombudsman program who is responsible for monitoring the regional program's compliance with this section;

(4) A court, hearing officer, or other necessary individual involved in a case dealing with any of the following:

(a) A denial of employment of the applicant or employee;

(b) Employment or unemployment benefits of the applicant or employee;

(c) A civil or criminal action regarding the medicaid program or a program the department of aging administers.

(H) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an applicant or employee who a responsible party employs in a position that involves providing ombudsman services to residents and recipients, all of the following shall apply:

(1) If the responsible party employed the applicant or employee in good faith and reasonable reliance on the report of a criminal records check requested under this section, the responsible party shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate.

(2) If the responsible party employed the applicant in good faith on a conditional basis pursuant to division (F) of this section, the responsible party shall not be found negligent solely because it employed the applicant prior to receiving the report of a criminal records check requested under this section.

(3) If the responsible party in good faith employed the applicant or employee because the applicant or employee meets standards specified in rules adopted under this section, the responsible party shall not be found negligent solely because the applicant or employee has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

(I) The state long-term care ombudsman may not act as the director of aging's designee for the purpose of this section. The head of a regional long-term care ombudsman program may not act as the regional program's designee for the purpose of this section if the head is the employee for whom a database review or criminal records check is being conducted.

(J) The director of aging shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.

(1) The rules may do the following:

(a) Require employees to undergo database reviews and criminal records checks under this section;

(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements;

(c) For the purpose of division (D)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section.

(2) The rules shall specify all of the following:

(a) The procedures for conducting database reviews under this section;

(b) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to

be conducted; 8725

(c) If the rules specify other databases to be checked as 8726
part of the database reviews, the circumstances under which a 8727
responsible party is prohibited from employing an applicant or 8728
continuing to employ an employee who is found by a database review 8729
to be included in one or more of those databases; 8730

(d) Standards that an applicant or employee must meet for a 8731
responsible party to be permitted to employ the applicant or 8732
continue to employ the employee in a position that involves 8733
providing ombudsman services to residents and recipients if the 8734
applicant or employee is found by a criminal records check 8735
required by this section to have been convicted of, pleaded guilty 8736
to, or been found eligible for intervention in lieu of conviction 8737
for a disqualifying offense. 8738

Sec. 173.30. (A) As used in this section, "snack" means 8739
either of the following that is usually consumed before or after a 8740
breakfast, lunch, or dinner meal: 8741

(1) A small portion of food or drink; 8742

(2) A light meal. 8743

(B) The department of aging shall not award a grant under 8744
Title III of the "Older Americans Act of 1965," 42 U.S.C. 3021 et 8745
seq., to a provider of home-delivered meals if the provider offers 8746
snacks in addition to the breakfast, lunch, or dinner meals 8747
provided to recipients unless the provider does all of the 8748
following: 8749

(1) Offers a recipient not more than five snack choices at a 8750
time; 8751

(2) Provides a recipient with the amount of calories in, and 8752
the sugar and sodium contents of, each snack offered to the 8753
recipient; 8754

(3) Provides a recipient not more than one snack per each 8755
breakfast, lunch, and dinner meal that is provided to the 8756
recipient at the same time as the snacks. 8757

Sec. 173.38. (A) As used in this section: 8758

(1) "Applicant" means a person who is under final 8759
consideration for employment with a responsible party in a 8760
full-time, part-time, or temporary direct-care position or is 8761
referred to a responsible party by an employment service for such 8762
a position. "Applicant" does not include a person being considered 8763
for a direct-care position as a volunteer. 8764

(2) "Area agency on aging" has the same meaning as in section 8765
173.14 of the Revised Code. 8766

(3) "Chief administrator of a responsible party" includes a 8767
consumer when the consumer is a responsible party. 8768

(4) "Community-based long-term care services" means 8769
community-based long-term care services, as defined in section 8770
173.14 of the Revised Code, that are provided under a program the 8771
department of aging administers. 8772

(5) "Consumer" means an individual who receives 8773
community-based long-term care services. 8774

(6) "Criminal records check" has the same meaning as in 8775
section 109.572 of the Revised Code. 8776

(7)(a) "Direct-care position" means an employment position in 8777
which an employee has either or both of the following: 8778

(i) In-person contact with one or more consumers; 8779

(ii) Access to one or more consumers' personal property or 8780
records. 8781

(b) "Direct-care position" does not include a person whose 8782
sole duties are transporting individuals under Chapter 306. of the 8783

Revised Code.	8784
(8) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.	8785 8786 8787
(9) "Employee" means a person employed by a responsible party in a full-time, part-time, or temporary direct-care position and a person who works in such a position due to being referred to a responsible party by an employment service. "Employee" does not include a person who works in a direct-care position as a volunteer.	8788 8789 8790 8791 8792 8793
(10) "PASSPORT administrative agency" has the same meaning as in section 173.42 of the Revised Code.	8794 8795
(11) "Provider" has the same meaning as in section 173.39 of the Revised Code.	8796 8797
(12) "Responsible party" means the following:	8798
(a) An area agency on aging in the case of either of the following:	8799 8800
(i) A person who is an applicant because the person is under final consideration for employment with the agency in a full-time, part-time, or temporary direct-care position or is referred to the agency by an employment service for such a position;	8801 8802 8803 8804
(ii) A person who is an employee because the person is employed by the agency in a full-time, part-time, or temporary direct-care position or works in such a position due to being referred to the agency by an employment service.	8805 8806 8807 8808
(b) A PASSPORT administrative agency in the case of either of the following:	8809 8810
(i) A person who is an applicant because the person is under final consideration for employment with the agency in a full-time, part-time, or temporary direct-care position or is referred to the	8811 8812 8813

agency by an employment service for such a position; 8814

(ii) A person who is an employee because the person is 8815
employed by the agency in a full-time, part-time, or temporary 8816
direct-care position or works in such a position due to being 8817
referred to the agency by an employment service. 8818

(c) A provider in the case of either of the following: 8819

(i) A person who is an applicant because the person is under 8820
final consideration for employment with the provider in a 8821
full-time, part-time, or temporary direct-care position or is 8822
referred to the provider by an employment service for such a 8823
position; 8824

(ii) A person who is an employee because the person is 8825
employed by the provider in a full-time, part-time, or temporary 8826
direct-care position or works in such a position due to being 8827
referred to the provider by an employment service. 8828

(d) A subcontractor in the case of either of the following: 8829

(i) A person who is an applicant because the person is under 8830
final consideration for employment with the subcontractor in a 8831
full-time, part-time, or temporary direct-care position or is 8832
referred to the subcontractor by an employment service for such a 8833
position; 8834

(ii) A person who is an employee because the person is 8835
employed by the subcontractor in a full-time, part-time, or 8836
temporary direct-care position or works in such a position due to 8837
being referred to the subcontractor by an employment service. 8838

(e) A consumer in the case of either of the following: 8839

(i) A person who is an applicant because the person is under 8840
final consideration for employment with the consumer in a 8841
full-time, part-time, or temporary direct-care position for which 8842
the consumer, as the employer of record, is to direct the person 8843

in the provision of community-based long-term care services the 8844
person is to provide the consumer or is referred to the consumer 8845
by an employment service for such a position; 8846

(ii) A person who is an employee because the person is 8847
employed by the consumer in a full-time, part-time, or temporary 8848
direct-care position for which the consumer, as the employer of 8849
record, directs the person in the provision of community-based 8850
long-term care services the person provides to the consumer or who 8851
works in such a position due to being referred to the consumer by 8852
an employment service. 8853

(13) "Subcontractor" has the meaning specified in rules 8854
adopted under this section. 8855

(14) "Volunteer" means a person who serves in a direct-care 8856
position without receiving or expecting to receive any form of 8857
remuneration other than reimbursement for actual expenses. 8858

(15) "Waiver agency" has the same meaning as in section 8859
5164.342 of the Revised Code. 8860

(B) This section does not apply to any individual who is 8861
subject to a database review or criminal records check under 8862
section 173.381 or 3701.881 of the Revised Code or to any 8863
individual who is subject to a criminal records check under 8864
section 3721.121 of the Revised Code. ~~If a provider or 8865
subcontractor also is a waiver agency, the provider or 8866
subcontractor may provide for applicants and employees to undergo 8867
database reviews and criminal records checks in accordance with 8868
section 5164.342 of the Revised Code rather than this section.~~ 8869

(C) No responsible party shall employ an applicant or 8870
continue to employ an employee in a direct-care position if any of 8871
the following apply: 8872

(1) A review of the databases listed in division (E) of this 8873
section reveals any of the following: 8874

(a) That the applicant or employee is included in one or more 8875
of the databases listed in divisions (E)(1) to (5) of this 8876
section; 8877

(b) That there is in the state nurse aide registry 8878
established under section 3721.32 of the Revised Code a statement 8879
detailing findings by the director of health that the applicant or 8880
employee abused, neglected, or exploited a long-term care facility 8881
or residential care facility resident or misappropriated property 8882
of such a resident; 8883

(c) That the applicant or employee is included in one or more 8884
of the databases, if any, specified in rules adopted under this 8885
section and the rules prohibit the responsible party from 8886
employing an applicant or continuing to employ an employee 8887
included in such a database in a direct-care position. 8888

(2) After the applicant or employee is provided, pursuant to 8889
division (F)(2)(a) of this section, a copy of the form prescribed 8890
pursuant to division (C)(1) of section 109.572 of the Revised Code 8891
and the standard impression sheet prescribed pursuant to division 8892
(C)(2) of that section, the applicant or employee fails to 8893
complete the form or provide the applicant's or employee's 8894
fingerprint impressions on the standard impression sheet. 8895

(3) Unless the applicant or employee meets standards 8896
specified in rules adopted under this section, the applicant or 8897
employee is found by a criminal records check required by this 8898
section to have been convicted of, pleaded guilty to, or been 8899
found eligible for intervention in lieu of conviction for a 8900
disqualifying offense. 8901

(D) Except as provided by division (G) of this section, the 8902
chief administrator of a responsible party shall inform each 8903
applicant of both of the following at the time of the applicant's 8904
initial application for employment or referral to the responsible 8905

party by an employment service for a direct-care position: 8906

(1) That a review of the databases listed in division (E) of 8907
this section will be conducted to determine whether the 8908
responsible party is prohibited by division (C)(1) of this section 8909
from employing the applicant in the direct-care position; 8910

(2) That, unless the database review reveals that the 8911
applicant may not be employed in the direct-care position, a 8912
criminal records check of the applicant will be conducted and the 8913
applicant is required to provide a set of the applicant's 8914
fingerprint impressions as part of the criminal records check. 8915

(E) As a condition of employing any applicant in a 8916
direct-care position, the chief administrator of a responsible 8917
party shall conduct a database review of the applicant in 8918
accordance with rules adopted under this section. If rules adopted 8919
under this section so require, the chief administrator of a 8920
responsible party shall conduct a database review of an employee 8921
in accordance with the rules as a condition of continuing to 8922
employ the employee in a direct-care position. However, a chief 8923
administrator is not required to conduct a database review of an 8924
applicant or employee if division (G) of this section applies. A 8925
database review shall determine whether the applicant or employee 8926
is included in any of the following: 8927

(1) The excluded parties list system that is maintained by 8928
the United States general services administration pursuant to 8929
subpart 9.4 of the federal acquisition regulation and available at 8930
the federal web site known as the system for award management; 8931

(2) The list of excluded individuals and entities maintained 8932
by the office of inspector general in the United States department 8933
of health and human services pursuant to the "Social Security 8934
Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5; 8935

(3) The registry of developmental disabilities employees 8936

established under section 5123.52 of the Revised Code; 8937

(4) The internet-based sex offender and child-victim offender 8938
database established under division (A)(11) of section 2950.13 of 8939
the Revised Code; 8940

(5) The internet-based database of inmates established under 8941
section 5120.66 of the Revised Code; 8942

(6) The state nurse aide registry established under section 8943
3721.32 of the Revised Code; 8944

(7) Any other database, if any, specified in rules adopted 8945
under this section. 8946

(F)(1) As a condition of employing any applicant in a 8947
direct-care position, the chief administrator of a responsible 8948
party shall request that the superintendent of the bureau of 8949
criminal identification and investigation conduct a criminal 8950
records check of the applicant. If rules adopted under this 8951
section so require, the chief administrator of a responsible party 8952
shall request that the superintendent conduct a criminal records 8953
check of an employee at times specified in the rules as a 8954
condition of continuing to employ the employee in a direct-care 8955
position. However, the chief administrator is not required to 8956
request the criminal records check of the applicant or employee if 8957
division (G) of this section applies or the responsible party is 8958
prohibited by division (C)(1) of this section from employing the 8959
applicant or continuing to employ the employee in a direct-care 8960
position. If an applicant or employee for whom a criminal records 8961
check request is required by this section does not present proof 8962
of having been a resident of this state for the five-year period 8963
immediately prior to the date the criminal records check is 8964
requested or provide evidence that within that five-year period 8965
the superintendent has requested information about the applicant 8966
or employee from the federal bureau of investigation in a criminal 8967

records check, the chief administrator shall request that the 8968
superintendent obtain information from the federal bureau of 8969
investigation as part of the criminal records check. Even if an 8970
applicant or employee for whom a criminal records check request is 8971
required by this section presents proof of having been a resident 8972
of this state for the five-year period, the chief administrator 8973
may request that the superintendent include information from the 8974
federal bureau of investigation in the criminal records check. 8975

(2) The chief administrator shall do all of the following: 8976

(a) Provide to each applicant and employee for whom a 8977
criminal records check request is required by this section a copy 8978
of the form prescribed pursuant to division (C)(1) of section 8979
109.572 of the Revised Code and a standard impression sheet 8980
prescribed pursuant to division (C)(2) of that section; 8981

(b) Obtain the completed form and standard impression sheet 8982
from the applicant or employee; 8983

(c) Forward the completed form and standard impression sheet 8984
to the superintendent. 8985

(3) A responsible party shall pay to the bureau of criminal 8986
identification and investigation the fee prescribed pursuant to 8987
division (C)(3) of section 109.572 of the Revised Code for each 8988
criminal records check the responsible party requests under this 8989
section. A responsible party may charge an applicant a fee not 8990
exceeding the amount the responsible party pays to the bureau 8991
under this section if both of the following apply: 8992

(a) The responsible party notifies the applicant at the time 8993
of initial application for employment of the amount of the fee and 8994
that, unless the fee is paid, the applicant will not be considered 8995
for employment. 8996

(b) The medicaid program does not pay the responsible party 8997
for the fee it pays to the bureau under this section. 8998

(G) Divisions (D) to (F) of this section do not apply with regard to an applicant or employee if the applicant or employee is referred to a responsible party by an employment service that supplies full-time, part-time, or temporary staff for direct-care positions and both of the following apply:

(1) The chief administrator of the responsible party receives from the employment service confirmation that a review of the databases listed in division (E) of this section was conducted of the applicant or employee.

(2) The chief administrator of the responsible party receives from the employment service, applicant, or employee a report of the results of a criminal records check of the applicant or employee that has been conducted by the superintendent within the one-year period immediately preceding the following:

(a) In the case of an applicant, the date of the applicant's referral by the employment service to the responsible party;

(b) In the case of an employee, the date by which the responsible party would otherwise have to request a criminal records check of the employee under division (F) of this section.

(H)(1) A responsible party may employ conditionally an applicant for whom a criminal records check request is required by this section prior to obtaining the results of the criminal records check if the responsible party is not prohibited by division (C)(1) of this section from employing the applicant in a direct-care position and either of the following applies:

(a) The chief administrator of the responsible party requests the criminal records check in accordance with division (F) of this section ~~not later than five business days after~~ before conditionally employing the applicant ~~begins conditional~~ employment.

(b) The applicant is referred to the responsible party by an

employment service, the employment service or the applicant 9030
provides the chief administrator of the responsible party a letter 9031
that is on the letterhead of the employment service, the letter is 9032
dated and signed by a supervisor or another designated official of 9033
the employment service, and the letter states all of the 9034
following: 9035

(i) That the employment service has requested the 9036
superintendent to conduct a criminal records check regarding the 9037
applicant; 9038

(ii) That the requested criminal records check is to include 9039
a determination of whether the applicant has been convicted of, 9040
pleaded guilty to, or been found eligible for intervention in lieu 9041
of conviction for a disqualifying offense; 9042

(iii) That the employment service has not received the 9043
results of the criminal records check as of the date set forth on 9044
the letter; 9045

(iv) That the employment service promptly will send a copy of 9046
the results of the criminal records check to the chief 9047
administrator of the responsible party when the employment service 9048
receives the results. 9049

(2) If a responsible party employs an applicant conditionally 9050
pursuant to division (H)(1)(b) of this section, the employment 9051
service, on its receipt of the results of the criminal records 9052
check, promptly shall send a copy of the results to the chief 9053
administrator of the responsible party. 9054

(3) A responsible party that employs an applicant 9055
conditionally pursuant to division (H)(1)(a) or (b) of this 9056
section shall terminate the applicant's employment if the results 9057
of the criminal records check, other than the results of any 9058
request for information from the federal bureau of investigation, 9059
are not obtained within the period ending sixty days after the 9060

date the request for the criminal records check is made. 9061
Regardless of when the results of the criminal records check are 9062
obtained, if the results indicate that the applicant has been 9063
convicted of, pleaded guilty to, or been found eligible for 9064
intervention in lieu of conviction for a disqualifying offense, 9065
the responsible party shall terminate the applicant's employment 9066
unless the applicant meets standards specified in rules adopted 9067
under this section that permit the responsible party to employ the 9068
applicant and the responsible party chooses to employ the 9069
applicant. Termination of employment under this division shall be 9070
considered just cause for discharge for purposes of division 9071
(D)(2) of section 4141.29 of the Revised Code if the applicant 9072
makes any attempt to deceive the responsible party about the 9073
applicant's criminal record. 9074

(I) The report of any criminal records check conducted 9075
pursuant to a request made under this section is not a public 9076
record for the purposes of section 149.43 of the Revised Code and 9077
shall not be made available to any person other than the 9078
following: 9079

(1) The applicant or employee who is the subject of the 9080
criminal records check or the applicant's or employee's 9081
representative; 9082

(2) The chief administrator of the responsible party 9083
requesting the criminal records check or the administrator's 9084
representative; 9085

(3) The administrator of any other facility, agency, or 9086
program that provides community-based long-term care services that 9087
is owned or operated by the same entity that owns or operates the 9088
responsible party that requested the criminal records check; 9089

(4) The employment service that requested the criminal 9090
records check; 9091

(5) The director of aging or a person authorized by the	9092
director to monitor a responsible party's compliance with this	9093
section;	9094
(6) The medicaid director and the staff of the department of	9095
medicaid who are involved in the administration of the medicaid	9096
program if any of the following apply:	9097
(a) In the case of a criminal records check requested by a	9098
provider or subcontractor, the provider or subcontractor also is a	9099
waiver agency;	9100
(b) In the case of a criminal records check requested by an	9101
employment service, the employment service makes the request for	9102
an applicant or employee the employment service refers to a	9103
provider or subcontractor that also is a waiver agency;	9104
(c) The criminal records check is requested by a consumer who	9105
is acting as a responsible party.	9106
(7) A court, hearing officer, or other necessary individual	9107
involved in a case dealing with any of the following:	9108
(a) A denial of employment of the applicant or employee;	9109
(b) Employment or unemployment benefits of the applicant or	9110
employee;	9111
(c) A civil or criminal action regarding the medicaid program	9112
or a program the department of aging administers.	9113
(J) In a tort or other civil action for damages that is	9114
brought as the result of an injury, death, or loss to person or	9115
property caused by an applicant or employee who a responsible	9116
party employs in a direct-care position, all of the following	9117
shall apply:	9118
(1) If the responsible party employed the applicant or	9119
employee in good faith and reasonable reliance on the report of a	9120
criminal records check requested under this section, the	9121

responsible party shall not be found negligent solely because of 9122
its reliance on the report, even if the information in the report 9123
is determined later to have been incomplete or inaccurate. 9124

(2) If the responsible party employed the applicant in good 9125
faith on a conditional basis pursuant to division (H) of this 9126
section, the responsible party shall not be found negligent solely 9127
because it employed the applicant prior to receiving the report of 9128
a criminal records check requested under this section. 9129

(3) If the responsible party in good faith employed the 9130
applicant or employee because the applicant or employee meets 9131
standards specified in rules adopted under this section, the 9132
responsible party shall not be found negligent solely because the 9133
applicant or employee has been convicted of, pleaded guilty to, or 9134
been found eligible for intervention in lieu of conviction for a 9135
disqualifying offense. 9136

(K) The director of aging shall adopt rules in accordance 9137
with Chapter 119. of the Revised Code to implement this section. 9138

(1) The rules may do the following: 9139

(a) Require employees to undergo database reviews and 9140
criminal records checks under this section; 9141

(b) If the rules require employees to undergo database 9142
reviews and criminal records checks under this section, exempt one 9143
or more classes of employees from the requirements; 9144

(c) For the purpose of division (E)(7) of this section, 9145
specify other databases that are to be checked as part of a 9146
database review conducted under this section. 9147

(2) The rules shall specify all of the following: 9148

(a) The meaning of the term "subcontractor"; 9149

(b) The procedures for conducting database reviews under this 9150
section; 9151

(c) If the rules require employees to undergo database 9152
reviews and criminal records checks under this section, the times 9153
at which the database reviews and criminal records checks are to 9154
be conducted; 9155

(d) If the rules specify other databases to be checked as 9156
part of the database reviews, the circumstances under which a 9157
responsible party is prohibited from employing an applicant or 9158
continuing to employ an employee who is found by a database review 9159
to be included in one or more of those databases; 9160

(e) Standards that an applicant or employee must meet for a 9161
responsible party to be permitted to employ the applicant or 9162
continue to employ the employee in a direct-care position if the 9163
applicant or employee is found by a criminal records check 9164
required by this section to have been convicted of, pleaded guilty 9165
to, or been found eligible for intervention in lieu of conviction 9166
for a disqualifying offense. 9167

Sec. 173.391. (A) Subject to section 173.381 of the Revised 9168
Code, the department of aging or its designee shall do all of the 9169
following in accordance with Chapter 119. of the Revised Code: 9170

(1) Certify a provider to provide community-based long-term 9171
care services under a program the department administers if the 9172
provider satisfies the requirements for certification established 9173
by rules adopted under division (B) of this section and pays the 9174
fee, if any, established by rules adopted under division (G) of 9175
this section; 9176

(2) When required to do so by rules adopted under division 9177
(B) of this section, take one or more of the following 9178
disciplinary actions against a provider certified under division 9179
(A)(1) of this section: 9180

(a) Issue a written warning; 9181

(b) Require the submission of a plan of correction or evidence of compliance with requirements identified by the department;	9182 9183 9184
(c) Suspend referrals;	9185
(d) Remove clients;	9186
(e) Impose a fiscal sanction such as a civil monetary penalty or an order that unearned funds be repaid;	9187 9188
(f) Suspend the certification;	9189
(g) Revoke the certification;	9190
(h) Impose another sanction.	9191
(3) Except as provided in division (E) of this section, hold hearings when there is a dispute between the department or its designee and a provider concerning actions the department or its designee takes regarding a decision not to certify the provider under division (A)(1) of this section or a disciplinary action under divisions (A)(2)(e) to (h) of this section.	9192 9193 9194 9195 9196 9197
(B) The director of aging shall adopt rules in accordance with Chapter 119. of the Revised Code establishing certification requirements and standards for determining which type of disciplinary action to take under division (A)(2) of this section in individual situations. The rules shall establish procedures for all of the following:	9198 9199 9200 9201 9202 9203
(1) Ensuring that providers comply with sections 173.38 and 173.381 of the Revised Code;	9204 9205
(2) Evaluating the services provided by the providers to ensure that the services are provided in a quality manner advantageous to the individual receiving the services;	9206 9207 9208
(3) In a manner consistent with section 173.381 of the Revised Code, determining when to take disciplinary action under division (A)(2) of this section and which disciplinary action to	9209 9210 9211

take; 9212

(4) Determining what constitutes another sanction for 9213
purposes of division (A)(2)(h) of this section. 9214

(C) The procedures established in rules adopted under 9215
division (B)(2) of this section shall require that all of the 9216
following be considered as part of an evaluation described in 9217
division (B)(2) of this section: 9218

(1) The provider's experience and financial responsibility; 9219

(2) The provider's ability to comply with standards for the 9220
community-based long-term care services that the provider provides 9221
under a program the department administers; 9222

(3) The provider's ability to meet the needs of the 9223
individuals served; 9224

(4) Any other factor the director considers relevant. 9225

(D) The rules adopted under division (B)(3) of this section 9226
shall specify that the reasons disciplinary action may be taken 9227
under division (A)(2) of this section include good cause, 9228
including misfeasance, malfeasance, nonfeasance, confirmed abuse 9229
or neglect, financial irresponsibility, or other conduct the 9230
director determines is injurious, or poses a threat, to the health 9231
or safety of individuals being served. 9232

(E) Subject to division (F) of this section, the department 9233
is not required to hold hearings under division (A)(3) of this 9234
section if any of the following conditions apply: 9235

(1) Rules adopted by the director of aging pursuant to this 9236
chapter require the provider to be a party to a provider 9237
agreement; hold a license, certificate, or permit; or maintain a 9238
certification, any of which is required or issued by a state or 9239
federal government entity other than the department of aging, and 9240
either of the following is the case: 9241

(a) The provider agreement has not been entered into or the 9242
license, certificate, permit, or certification has not been 9243
obtained or maintained. 9244

(b) The provider agreement, license, certificate, permit, or 9245
certification has been denied, revoked, not renewed, or suspended 9246
or has been otherwise restricted. 9247

(2) The provider's certification under this section has been 9248
denied, suspended, or revoked for any of the following reasons: 9249

(a) A government entity of this state, other than the 9250
department of aging, has terminated or refused to renew any of the 9251
following held by, or has denied any of the following sought by, a 9252
provider: a provider agreement, license, certificate, permit, or 9253
certification. Division (E)(2)(a) of this section applies 9254
regardless of whether the provider has entered into a provider 9255
agreement in, or holds a license, certificate, permit, or 9256
certification issued by, another state. 9257

(b) The provider or a principal owner or manager of the 9258
provider who provides direct care has entered a guilty plea for, 9259
or has been convicted of, an offense materially related to the 9260
medicaid program. 9261

(c) A principal owner or manager of the provider who provides 9262
direct care has entered a guilty plea for, been convicted of, or 9263
been found eligible for intervention in lieu of conviction for an 9264
offense listed or described in divisions (A)(3)(a) to (e) of 9265
section 109.572 of the Revised Code, but only if the provider, 9266
principal owner, or manager does not meet standards specified by 9267
the director in rules adopted under section 173.38 of the Revised 9268
Code. 9269

(d) The department or its designee is required by section 9270
173.381 of the Revised Code to deny or revoke the provider's 9271
certification. 9272

(e) The United States department of health and human services 9273
has taken adverse action against the provider and that action 9274
impacts the provider's participation in the medicaid program. 9275

(f) The provider has failed to enter into or renew a provider 9276
agreement with the PASSPORT administrative agency, as that term is 9277
defined in section 173.42 of the Revised Code, that administers 9278
programs on behalf of the department of aging in the region of the 9279
state in which the provider is certified to provide services. 9280

(g) The provider has not billed or otherwise submitted a 9281
claim to the department for payment under the medicaid program in 9282
at least two years. 9283

(h) The provider denied or failed to provide the department 9284
or its designee access to the provider's facilities during the 9285
provider's normal business hours for purposes of conducting an 9286
audit or structural compliance review. 9287

(i) The provider has ceased doing business. 9288

(j) The provider has voluntarily relinquished its 9289
certification for any reason. 9290

(3) The provider's provider agreement with the department of 9291
medicaid has been suspended under ~~division (C) of section 5164.37~~ 9292
5164.36 of the Revised Code. 9293

(4) The provider's provider agreement with the department of 9294
medicaid is denied or revoked because the provider or its owner, 9295
officer, authorized agent, associate, manager, or employee has 9296
been convicted of an offense that caused the provider agreement to 9297
be suspended under section ~~5164.37~~ 5164.36 of the Revised Code. 9298

(F) If the department does not hold hearings when any 9299
condition described in division (E) of this section applies, the 9300
department ~~may~~ shall send a notice to the provider describing a 9301
decision not to certify the provider under division (A)(1) of this 9302

section or the disciplinary action the department ~~proposes to take~~ 9303
is taking under ~~division~~ divisions (A)(2)(e) to (h) of this 9304
section. The notice shall be sent to the provider's address that 9305
is on record with the department and may be sent by regular mail. 9306

(G) The director of aging may adopt rules in accordance with 9307
Chapter 119. of the Revised Code establishing a fee to be charged 9308
by the department of aging or its designee for certification 9309
issued under this section. 9310

~~All fees~~(H) Any amounts collected by the department or its 9311
designee under this section shall be deposited in the state 9312
treasury to the credit of the provider certification fund, which 9313
is hereby created. Money credited to the fund shall be used to pay 9314
for community-based long-term care services, administrative costs 9315
associated with provider certification under this section, and 9316
administrative costs related to the publication of the Ohio 9317
long-term care consumer guide. 9318

Sec. 173.525. (A) As used in this section, "snack" has the 9319
same meaning as in section 173.30 of the Revised Code. 9320

(B) An entity that provides home-delivered meals under the 9321
PASSPORT program shall not offer snacks in addition to the 9322
breakfast, lunch, or dinner meals provided to PASSPORT program 9323
enrollees unless the entity does all of the following: 9324

(1) Offers an enrollee not more than five snack choices at a 9325
time; 9326

(2) Provides an enrollee with the amount of calories in, and 9327
the sugar and sodium contents of, each snack offered to the 9328
enrollee; 9329

(3) Provides an enrollee not more than one snack per each 9330
breakfast, lunch, and dinner meal that is provided to the enrollee 9331
at the same time as the snacks. 9332

Sec. 177.02. (A) Any person may file with the organized crime 9333
investigations commission a complaint that alleges that organized 9334
criminal activity has occurred in a county. A person who files a 9335
complaint under this division also may file with the commission 9336
information relative to the complaint. 9337

(B) Upon the filing of a complaint under division (A) of this 9338
section or upon its own initiative, the commission may establish 9339
an organized crime task force to investigate organized criminal 9340
activity in a single county or in two or more counties if it 9341
determines, based upon the complaint filed and the information 9342
relative to it or based upon any information that it may have 9343
received, that there is reason to believe that organized criminal 9344
activity has occurred and continues to occur in that county or in 9345
each of those counties. The commission shall not establish an 9346
organized crime task force to investigate organized criminal 9347
activity in any single county unless it makes the determination 9348
required under this division relative to that county and shall not 9349
establish an organized crime task force to investigate organized 9350
criminal activity in two or more counties unless it makes the 9351
determination required under this division relative to each of 9352
those counties. The commission, at any time, may terminate an 9353
organized crime task force it has established under this section. 9354

(C)(1) If the commission establishes an organized crime task 9355
force to investigate organized criminal activity in a single 9356
county or in two or more counties pursuant to division (B) of this 9357
section, the commission initially shall appoint a task force 9358
director to directly supervise the investigation. The task force 9359
director shall be either the sheriff or a deputy sheriff of any 9360
county in the state, the chief law enforcement officer or a member 9361
of a law enforcement agency of any municipal corporation or 9362
township in the state, or an agent of the bureau of criminal 9363
identification and investigation. No person shall be appointed as 9364

task force director without the person's consent and, if 9365
applicable, the consent of the person's employing sheriff or law 9366
enforcement agency or of the superintendent of the bureau of 9367
criminal identification and investigation if the person is an 9368
employee of the bureau. Upon appointment of a task force director, 9369
the commission shall meet with the director and establish the 9370
scope and limits of the investigation to be conducted by the task 9371
force and the size of the task force investigatory staff to be 9372
appointed by the task force director. The commission, at any time, 9373
may remove a task force director appointed under this division and 9374
may replace any director so removed according to the guidelines 9375
for the initial appointment of a director. 9376

(2) A task force director appointed under this section shall 9377
assemble a task force investigatory staff, of a size determined by 9378
the commission and the director, to conduct the investigation. 9379
Unless it appears to the commission and the director, based upon 9380
the complaint filed and any information relative to it or based 9381
upon any information that the commission may have received, that 9382
there is reason to believe that the office of the prosecuting 9383
attorney of the county or one of the counties served by the task 9384
force is implicated in the organized criminal activity to be 9385
investigated, one member of the investigatory staff shall be the 9386
prosecuting attorney or an assistant prosecuting attorney of the 9387
county or one of the counties served by the task force. If a 9388
prosecuting attorney or assistant prosecuting attorney is not a 9389
participating member of the task force, the office of the attorney 9390
general shall provide legal assistance to the task force upon 9391
request. Each of the other members of the investigatory staff 9392
shall be either the sheriff or a deputy sheriff of any county in 9393
the state, the chief law enforcement officer or a member of a law 9394
enforcement agency of any municipal corporation or township in the 9395
state, or an agent of the bureau of criminal identification and 9396
investigation. No person shall be appointed to the investigatory 9397

staff without the person's consent and, if applicable, the consent 9398
of the person's employing sheriff or law enforcement agency or the 9399
superintendent of the bureau of criminal identification and 9400
investigation if the person is an employee of the bureau. To the 9401
extent possible, the investigatory staff shall be composed of 9402
persons familiar with investigatory techniques that generally 9403
would be utilized in an investigation of organized criminal 9404
activity. To the extent practicable, the investigatory staff shall 9405
be assembled in such a manner that numerous law enforcement 9406
agencies within the county or the counties served by the task 9407
force are represented on the investigatory staff. The 9408
investigatory staff shall be assembled in such a manner that at 9409
least one sheriff, deputy sheriff, municipal corporation law 9410
enforcement officer, or township law enforcement officer from each 9411
of the counties served by the task force is represented on the 9412
investigatory staff. A task force director, at any time, may 9413
remove any member of the investigatory staff the task force 9414
director has assembled under this division and may replace any 9415
member so removed according to the guidelines for the initial 9416
assembly of the investigatory staff. 9417

(3) The commission may provide an organized crime task force 9418
established under this section with technical and clerical 9419
employees and with equipment necessary to efficiently conduct its 9420
investigation into organized criminal activity. 9421

(4) Upon the establishment of a task force, the commission 9422
shall issue to the task force director and each member of the task 9423
force investigatory staff appropriate credentials stating the 9424
person's identity, position, and authority. 9425

(D)(1) A task force investigatory staff, during the period of 9426
the investigation for which it is assembled, is responsible only 9427
to the task force director and shall operate under the direction 9428
and control of the task force director. Any necessary and actual 9429

expenses incurred by a task force director or investigatory staff, 9430
including any such expenses incurred for food, lodging, or travel, 9431
and any other necessary and actual expenses of an investigation 9432
into organized criminal activity conducted by a task force, shall 9433
be paid by the commission. ~~For~~ 9434

(2) For purposes of workers' compensation and the allocation 9435
of liability for any death, injury, or damage they may cause in 9436
the performance of their duties, a task force director and 9437
investigatory staff, during the period of the investigation for 9438
which the task force is assembled, shall be considered to be 9439
employees of the commission and of the state. ~~However, for~~ 9440

(3) For purposes of compensation, pension or indemnity fund 9441
rights, and other rights and benefits to which they may be 9442
entitled, a task force director and investigatory staff, during 9443
the period of the performance of their duties as director and 9444
investigatory staff, shall be considered to be performing their 9445
duties in their normal capacity as prosecuting attorney, assistant 9446
prosecuting attorney, sheriff, deputy sheriff, chief law 9447
enforcement officer or member of a law enforcement agency of a 9448
municipal corporation or township, or agent of the bureau of 9449
criminal identification and investigation. 9450

The commission may reimburse a political subdivision for any 9451
costs incurred under division (D)(3) of this section resulting 9452
from the payment of any compensation, rights, or benefits as 9453
described in that division from the organized crime commission 9454
fund created in section 177.011 of the Revised Code. 9455

(E) Except as provided in this division, upon the 9456
establishment of a task force, the commission shall provide the 9457
prosecuting attorney of each of the counties served by the task 9458
force with written notice that the task force has been established 9459
to investigate organized criminal activity in that county. Such 9460
notice shall not be provided to a prosecuting attorney if it 9461

appears to the commission, based upon the complaint filed and any 9462
information relative to it or based upon any information that the 9463
commission may have received, that there is reason to believe that 9464
the office of that prosecuting attorney is implicated in the 9465
organized criminal activity to be investigated. 9466

(F) The filing of a complaint alleging organized criminal 9467
activity, the establishment of an organized crime task force, the 9468
appointment of a task force director and the identity of the task 9469
force director, the assembly of an investigatory staff and the 9470
identity of its members, the conduct of an investigation into 9471
organized criminal activity, and the identity of any person who is 9472
being or is expected to be investigated by the task force shall be 9473
kept confidential by the commission and its director and 9474
employees, and by the task force and its director, investigatory 9475
staff, and employees until an indictment is returned or a criminal 9476
action or proceeding is initiated in a court of proper 9477
jurisdiction. 9478

(G) For purposes of divisions (C) and (E) of this section, 9479
the office of a prosecuting attorney shall be considered as being 9480
implicated in organized criminal activity only if the prosecuting 9481
attorney, one or more of the prosecuting attorney's assistants, or 9482
one or more of the prosecuting attorney's employees has committed 9483
or attempted or conspired to commit, is committing or attempting 9484
or conspiring to commit, or has engaged in or is engaging in 9485
complicity in the commission of, organized criminal activity. 9486

Sec. 183.18. (A) Ohio's public health priorities trust fund 9487
is hereby created in the state treasury. All investment earnings 9488
of the fund shall be credited to the fund. Notwithstanding any 9489
conflicting provision of the Revised Code, the director of budget 9490
and management may credit to the fund any money received by the 9491
state, director of health, or department of health as part of a 9492

settlement agreement relating to a pressing public health issue. 9493

(B) Money credited to the fund shall be used by the director of health for the following purposes: 9494
9495

~~(A) Minority health programs, on which not less than twenty five per cent of the annual appropriations from the trust fund shall be expended;~~ 9496
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~~(B) Enforcing section 2927.02 of the Revised Code;~~ 9499

~~(C) Alcohol and drug abuse treatment and prevention programs, including programs for adult and juvenile offenders in state institutions and aftercare programs;~~ 9500
9501
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~~(D) A non entitlement program funded through the department of health to provide emergency assistance consisting of medication, oxygen, or both to seniors whose health has been adversely affected by tobacco use and whose income does not exceed one hundred per cent of the federal poverty guidelines, on which five per cent of the annual appropriations from the trust fund shall be expended. However, if federal funding becomes available for this purpose, the department shall utilize the federal funding and the appropriations from the trust fund shall be used for the other purposes authorized by this section. If the federal program requires seniors described by this division to pay a premium or copayment to obtain medication or oxygen, the director of health shall recommend to the general assembly whether this division's set aside of five per cent of the appropriations from the trust fund should be used to pay such premiums or copayments. As used in this division, "federal poverty guidelines" has the same meaning as in section 5101.46 of the Revised Code.~~ 9503
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~~(E) Partial reimbursement, on a county basis, of hospitals, free medical clinics, and similar organizations or programs that provide free, uncompensated care to the general public, and of counties that pay private entities to provide such care using~~ 9520
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~~revenue from a property tax levied at least in part for that~~ 9524
~~purpose (1) To conduct public health awareness and educational~~ 9525
~~campaigns;~~ 9526

~~(2) To address any pressing public health issue identified by~~ 9527
~~the director or described in the state health improvement plan or~~ 9528
~~a successor document prepared for the department of health;~~ 9529

~~(3) To implement and administer innovative public health~~ 9530
~~programs and prevention strategies;~~ 9531

~~(4) To improve the population health of Ohio.~~ 9532

~~The director may collaborate with one or more nonprofit~~ 9533
~~entities, including a public health foundation, to meet the~~ 9534
~~requirements of division (B) of this section.~~ 9535

~~All investment earnings of the fund shall be credited to the~~ 9536
~~fund.~~ 9537

Sec. 183.33. No money shall be appropriated or transferred 9538
from the general revenue fund to the law enforcement improvements 9539
trust fund, southern Ohio agricultural and community development 9540
foundation endowment fund, ~~Ohio's public health priorities trust~~ 9541
~~fund,~~ biomedical research and technology transfer trust fund, 9542
~~education facilities trust fund,~~ or education technology trust 9543
fund. 9544

Sec. 307.622. (A) The health commissioner of the board of 9545
health of a city or a general health district who is appointed 9546
under section 307.621 of the Revised Code to establish the child 9547
fatality review board shall select six members to serve on the 9548
child fatality review board along with the commissioner. The 9549
review board shall consist of the following: 9550

(1) A county coroner or designee; 9551

(2) The chief of police of a police department or the sheriff 9552

that serves the greatest population in the county or region or a designee of the chief or sheriff; 9553
9554

(3) The executive director of a public children services agency or designee; 9555
9556

(4) A public health official or designee; 9557

(5) The executive director of a board of alcohol, drug addiction, and mental health services or designee; 9558
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(6) A physician who holds a ~~certificate~~ license issued pursuant to Chapter 4731. of the Revised Code authorizing the practice of medicine and surgery or osteopathic medicine and surgery, specializes in pediatric or family medicine, and currently practices pediatric or family medicine. 9560
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(B) The majority of the members of a review board may invite additional members to serve on the board. The additional members invited under this division shall serve for a period of time determined by a majority of the members described in division (A) of this section. An additional member shall have the same authority, duties, and responsibilities as members described in division (A) of this section. 9565
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(C) A vacancy in a child fatality review board shall be filled in the same manner as the original appointment. 9572
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(D) A child fatality review board member shall not receive any compensation for, and shall not be paid for any expenses incurred pursuant to, fulfilling the member's duties on the board unless compensation for, or payment for expenses incurred pursuant to, those duties is received pursuant to a member's regular employment. 9574
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Sec. 319.16. The county auditor shall issue warrants, including electronic warrants authorizing direct deposit for payment of county obligations in accordance with division (F) of 9580
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section 9.37 of the Revised Code, on the county treasurer for all 9583
moneys payable from the county treasury, upon presentation of 9584
either of the ~~proper~~ following: 9585

(A) The proper court order asserting the expenditure is a 9586
proper public purpose, redacted as required by law or to maintain 9587
attorney-client confidentiality. When such a court order is 9588
presented, the auditor shall have no liability for that 9589
expenditure; or 9590

(B) The proper order or a voucher and evidentiary matter for 9591
the moneys, ~~and keep.~~ 9592

The county auditor shall keep a record of all such warrants 9593
showing the number, date of issue, amount for which drawn, in 9594
whose favor, for what purpose, and on what fund. The auditor shall 9595
not issue a warrant for the payment of any claim against the 9596
county, unless it is allowed by the board of county commissioners, 9597
except where the amount due is fixed by law or is allowed by an 9598
officer or tribunal, including a county board of mental health or 9599
county board of developmental disabilities, so authorized by law. 9600
If the auditor questions the validity of an expenditure that is 9601
within available appropriations and for which a proper order or 9602
voucher and evidentiary matter is presented, the auditor shall 9603
notify the board, officer, or tribunal who presented the voucher. 9604
If the board, officer, or tribunal determines that the expenditure 9605
is valid and the auditor continues to refuse to issue the 9606
appropriate warrant on the county treasury, a writ of mandamus may 9607
be sought. The court shall issue a writ of mandamus for issuance 9608
of the warrant if the court determines that the claim is valid. 9609

Evidentiary matter includes original invoices, receipts, 9610
bills and checks, and legible copies of contracts. 9611

Sec. 319.302. (A)(1) Real property that is not intended 9612
primarily for use in a business activity shall qualify for a 9613

partial exemption from real property taxation. For purposes of 9614
this partial exemption, "business activity" includes all uses of 9615
real property, except farming; leasing property for farming; 9616
occupying or holding property improved with single-family, 9617
two-family, or three-family dwellings; leasing property improved 9618
with single-family, two-family, or three-family dwellings; or 9619
holding vacant land that the county auditor determines will be 9620
used for farming or to develop single-family, two-family, or 9621
three-family dwellings. For purposes of this partial exemption, 9622
"farming" does not include land used for the commercial production 9623
of timber that is receiving the tax benefit under section 5713.23 9624
or 5713.31 of the Revised Code and all improvements connected with 9625
such commercial production of timber. 9626

(2) Each year, the county auditor shall review each parcel of 9627
real property to determine whether it qualifies for the partial 9628
exemption provided for by this section as of the first day of 9629
January of the current tax year. 9630

(B) After complying with section 319.301 of the Revised Code, 9631
the county auditor shall reduce the remaining sums to be levied by 9632
qualifying levies against each parcel of real property that is 9633
listed on the general tax list and duplicate of real and public 9634
utility property for the current tax year and that qualifies for 9635
partial exemption under division (A) of this section, and against 9636
each manufactured and mobile home that is taxed pursuant to 9637
division (D)(2) of section 4503.06 of the Revised Code and that is 9638
on the manufactured home tax list for the current tax year, by ten 9639
per cent, to provide a partial exemption for that parcel or home. 9640
For the purposes of this division: 9641

(1) "Qualifying levy" means a levy approved at an election 9642
held before September 29, 2013; a levy within the ten-mill 9643
limitation; a levy provided for by the charter of a municipal 9644
corporation that was levied on the tax list for tax year 2013; a 9645

subsequent renewal of any such levy; or a subsequent substitute 9646
for such a levy under section 5705.199 of the Revised Code. 9647

(2) "Qualifying levy" does not include any replacement 9648
imposed under section 5705.192 of the Revised Code of any levy 9649
described in division (B)(1) of this section. 9650

(C) Except as otherwise provided in sections 323.152, 9651
323.158, 323.16, 505.06, and 715.263 of the Revised Code, the 9652
amount of the taxes remaining after any such reduction shall be 9653
the real and public utility property taxes charged and payable on 9654
each parcel of real property, including property that does not 9655
qualify for partial exemption under division (A) of this section, 9656
and the manufactured home tax charged and payable on each 9657
manufactured or mobile home, and shall be the amounts certified to 9658
the county treasurer for collection. Upon receipt of the real and 9659
public utility property tax duplicate, the treasurer shall certify 9660
to the tax commissioner the total amount by which the real 9661
property taxes were reduced under this section, as shown on the 9662
duplicate. Such reduction shall not directly or indirectly affect 9663
the determination of the principal amount of notes that may be 9664
issued in anticipation of any tax levies or the amount of bonds or 9665
notes for any planned improvements. If after application of 9666
sections 5705.31 and 5705.32 of the Revised Code and other 9667
applicable provisions of law, including divisions (F) and (I) of 9668
section 321.24 of the Revised Code, there would be insufficient 9669
funds for payment of debt charges on bonds or notes payable from 9670
taxes reduced by this section, the reduction of taxes provided for 9671
in this section shall be adjusted to the extent necessary to 9672
provide funds from such taxes. 9673

(D) The tax commissioner may adopt rules governing the 9674
administration of the partial exemption provided for by this 9675
section. 9676

(E) The determination of whether property qualifies for 9677

partial exemption under division (A) of this section is solely for 9678
the purpose of allowing the partial exemption under division (B) 9679
of this section. 9680

Sec. 321.24. (A) On or before the fifteenth day of February, 9681
in each year, the county treasurer shall settle with the county 9682
auditor for all taxes and assessments that the treasurer has 9683
collected on the general duplicate of real and public utility 9684
property at the time of making the settlement. If the county 9685
treasurer has made or will make advance payments to the several 9686
taxing districts of current year unpaid taxes under section 9687
321.341 of the Revised Code before collecting them, the county 9688
treasurer shall take the advance payments into account for 9689
purposes of the settlement with the county auditor under this 9690
division. 9691

(B) On or before the thirtieth day of June, in each year, the 9692
treasurer shall settle with the auditor for all advance payments 9693
of general personal and classified property taxes that the 9694
treasurer has received at the time of making the settlement. 9695

(C) On or before the tenth day of August, in each year, the 9696
treasurer shall settle with the auditor for all taxes and 9697
assessments that the treasurer has collected on the general 9698
duplicates of real and public utility property at the time of 9699
making such settlement, not included in the preceding February 9700
settlement. If the county treasurer has made or will make advance 9701
payments to the several taxing districts of the current year 9702
delinquent taxes under section 321.341 of the Revised Code before 9703
collecting them, the county treasurer shall take the advance 9704
payments into account for purposes of the settlement with the 9705
county auditor under this division. 9706

(D) On or before the thirty-first day of October, in each 9707
year, the treasurer shall settle with the auditor for all taxes 9708

that the treasurer has collected on the general personal and 9709
classified property duplicates, and for all advance payments of 9710
general personal and classified property taxes, not included in 9711
the preceding June settlement, that the treasurer has received at 9712
the time of making such settlement. 9713

(E) In the event the time for the payment of taxes is 9714
extended, pursuant to section 323.17 of the Revised Code, the date 9715
on or before which settlement for the taxes so extended must be 9716
made, as herein prescribed, shall be deemed to be extended for a 9717
like period of time. At each such settlement, the auditor shall 9718
allow to the treasurer, on the moneys received or collected and 9719
accounted for by the treasurer, the treasurer's fees, at the rate 9720
or percentage allowed by law, at a full settlement of the 9721
treasurer. 9722

(F) Within thirty days after the day of each settlement of 9723
taxes required under divisions (A) and (C) of this section, the 9724
treasurer shall certify to the tax commissioner any adjustments 9725
that have been made to the amount certified previously pursuant to 9726
section 319.302 of the Revised Code and that the settlement has 9727
been completed. Upon receipt of such certification, the 9728
commissioner shall provide for payment to the county treasurer 9729
from the general revenue fund of an amount equal to one-half of 9730
the amount certified by the treasurer in the preceding tax year 9731
under section 319.302 of the Revised Code, less the sum of (1) 9732
one-half of the amount computed for all taxing districts in that 9733
county for the current fiscal year under section 5703.80 of the 9734
Revised Code for crediting to the property tax administration fund 9735
and (2) any reduction required by the commissioner under division 9736
(D) of section 718.83 of the Revised Code. Such payment shall be 9737
credited upon receipt to the county's undivided income tax fund, 9738
and the county auditor shall transfer to the county general fund 9739
from the amount thereof the total amount of all fees and charges 9740

which the auditor and treasurer would have been authorized to 9741
receive had such section not been in effect and that amount had 9742
been levied and collected as taxes. The county auditor shall 9743
distribute the amount remaining among the various taxing districts 9744
in the county as if it had been levied, collected, and settled as 9745
real property taxes. The amount distributed to each taxing 9746
district shall be reduced by the total of the amounts computed for 9747
the district under section 5703.80 of the Revised Code, but the 9748
reduction shall not exceed the amount that otherwise would be 9749
distributed to the taxing district under this division. The amount 9750
distributed to a taxing district shall account for any reduction 9751
required by the commissioner under division (D) of section 718.83 9752
of the Revised Code. The tax commissioner shall make available to 9753
taxing districts such information as is sufficient for a taxing 9754
district to be able to determine the amount of the reduction in 9755
its distribution under this section. 9756

(G)(1) Within thirty days after the day of the settlement 9757
required in division (D) of this section, the county treasurer 9758
shall notify the tax commissioner that the settlement has been 9759
completed. Upon receipt of that notification, the commissioner 9760
shall provide for payment to the county treasurer from the general 9761
revenue fund of an amount equal to the amount certified under 9762
former section 319.311 of the Revised Code and paid in the state's 9763
fiscal year 2003 multiplied by the percentage specified in 9764
division (G)(2) of this section. The payment shall be credited 9765
upon receipt to the county's undivided income tax fund, and the 9766
county auditor shall distribute the amount thereof among the 9767
various taxing districts of the county as if it had been levied, 9768
collected, and settled as personal property taxes. The amount 9769
received by a taxing district under this division shall be 9770
apportioned among its funds in the same proportion as the current 9771
year's personal property taxes are apportioned. 9772

(2) Payments required under division (G)(1) of this section shall be made at the following percentages of the amount certified under former section 319.311 of the Revised Code and paid under division (G)(1) of this section in the state's fiscal year 2003:

- (a) In fiscal year 2004, ninety per cent;
- (b) In fiscal year 2005, eighty per cent;
- (c) In fiscal year 2006, sixty-four per cent;
- (d) In fiscal year 2007, forty per cent;
- (e) In fiscal year 2008, thirty-two per cent;
- (f) In fiscal year 2009, sixteen per cent.

After fiscal year 2009, no payments shall be made under division (G)(1) of this section.

(H)(1) On or before the fifteenth day of April each year, the county treasurer shall settle with the county auditor for all manufactured home taxes that the county treasurer has collected on the manufactured home tax duplicate at the time of making the settlement.

(2) On or before the fifteenth day of September each year, the county treasurer shall settle with the county auditor for all remaining manufactured home taxes that the county treasurer has collected on the manufactured home tax duplicate at the time of making the settlement.

(3) If the time for payment of such taxes is extended under section 4503.06 of the Revised Code, the time for making the settlement as prescribed by divisions (H)(1) and (2) of this section is extended for a like period of time.

(I) On or before the second Monday in September of each year, the county treasurer shall certify to the tax commissioner the total amount by which the manufactured home taxes levied in that year were reduced pursuant to section 319.302 of the Revised Code.

Within ninety days after the receipt of such certification, the 9803
commissioner shall provide for payment to the county treasurer 9804
from the general revenue fund of an amount equal to the amount 9805
certified by the treasurer. Such payment shall be credited upon 9806
receipt to the county's undivided income tax fund, and the county 9807
auditor shall transfer to the county general fund from the amount 9808
thereof the total amount of all fees and charges that the auditor 9809
and treasurer would have been authorized to receive had such 9810
section not been in effect and that amount had been levied and 9811
collected as manufactured home taxes. The county auditor shall 9812
distribute the amount remaining among the various taxing districts 9813
in the county as if it had been levied, collected, and settled as 9814
manufactured home taxes. 9815

Sec. 323.151. As used in sections 323.151 to 323.159 of the 9816
Revised Code: 9817

(A)(1) "Homestead" means either of the following: 9818

(a) A dwelling, including a unit in a multiple-unit dwelling 9819
and a manufactured home or mobile home taxed as real property 9820
pursuant to division (B) of section 4503.06 of the Revised Code, 9821
owned and occupied as a home by an individual whose domicile is in 9822
this state and who has not acquired ownership from a person, other 9823
than the individual's spouse, related by consanguinity or affinity 9824
for the purpose of qualifying for the real property tax reduction 9825
provided in section 323.152 of the Revised Code. 9826

(b) A unit in a housing cooperative that is occupied as a 9827
home, but not owned, by an individual whose domicile is in this 9828
state. 9829

(2) The homestead shall include so much of the land 9830
surrounding it, not exceeding one acre, as is reasonably necessary 9831
for the use of the dwelling or unit as a home. An owner includes a 9832
holder of one of the several estates in fee, a vendee in 9833

possession under a purchase agreement or a land contract, a 9834
mortgagor, a life tenant, one or more tenants with a right of 9835
survivorship, tenants in common, and a settlor of a revocable or 9836
irrevocable inter vivos trust holding the title to a homestead 9837
occupied by the settlor as of right under the trust. The tax 9838
commissioner shall adopt rules for the uniform classification and 9839
valuation of real property or portions of real property as 9840
homesteads. 9841

(B) "Sixty-five years of age or older" means a person who has 9842
attained age sixty-four prior to the first day of January of the 9843
year of application for reduction in real estate taxes. 9844

(C) "Total income" means ~~Ohio~~ modified adjusted gross income, 9845
as that term is defined in section 5747.01 of the Revised Code, of 9846
the owner and the owner's spouse for the year preceding the year 9847
in which application for a reduction in taxes is made, ~~as~~ 9848
~~determined under division (A) of section 5747.01 of the Revised~~ 9849
~~Code.~~ 9850

(D) "Permanently and totally disabled" means that a person 9851
other than a disabled veteran has, on the first day of January of 9852
the year of application for reduction in real estate taxes, some 9853
impairment in body or mind that makes the person unable to work at 9854
any substantially remunerative employment that the person is 9855
reasonably able to perform and that will, with reasonable 9856
probability, continue for an indefinite period of at least twelve 9857
months without any present indication of recovery therefrom or has 9858
been certified as permanently and totally disabled by a state or 9859
federal agency having the function of so classifying persons. 9860

(E) "Housing cooperative" means a housing complex of at least 9861
two units that is owned and operated by a nonprofit corporation 9862
that issues a share of the corporation's stock to an individual, 9863
entitling the individual to live in a unit of the complex, and 9864
collects a monthly maintenance fee from the individual to 9865

maintain, operate, and pay the taxes of the complex. 9866

(F) "Disabled veteran" means a person who is a veteran of the 9867
armed forces of the United States, including reserve components 9868
thereof, or of the national guard, who has been discharged or 9869
released from active duty in the armed forces under honorable 9870
conditions, and who has received a total disability rating or a 9871
total disability rating for compensation based on individual 9872
unemployability for a service-connected disability or combination 9873
of service-connected disabilities as prescribed in Title 38, Part 9874
4 of the Code of Federal Regulations, as amended. 9875

Sec. 323.155. The tax bill prescribed under section 323.131 9876
of the Revised Code shall indicate the net amount of taxes due 9877
following the reductions in taxes under sections 319.301, 319.302, 9878
~~and~~ 323.152, and 323.16 of the Revised Code. 9879

Any reduction in taxes under section 323.152 of the Revised 9880
Code shall be disregarded as income or resources in determining 9881
eligibility for any program or calculating any payment under Title 9882
LI of the Revised Code. 9883

Sec. 323.16. (A) As used in this section: 9884

(1) "Qualifying child care center" means real property on 9885
which a licensed child care program operates. For purposes of this 9886
division, "licensed child care program" means a licensed child 9887
care program, as defined in section 5104.01 of the Revised Code, 9888
that meets all of the following requirements: 9889

(a) The program only serves children under six years of age; 9890

(b) At least twenty-five per cent of the children in the 9891
program reside in a household that receives public assistance; 9892

(c) The program is not operated from the permanent residence 9893
of the licensee or administrator or from a location that is also 9894

<u>used for a separate commercial purpose.</u>	9895
<u>(2) "Public assistance" means benefits or assistance provided</u>	9896
<u>under any of the following government programs:</u>	9897
<u>(a) The publicly funded child care program authorized by</u>	9898
<u>Chapter 5104. of the Revised Code;</u>	9899
<u>(b) Medicaid.</u>	9900
<u>(3) The Ohio works first program established by Chapter 5107.</u>	9901
<u>of the Revised Code;</u>	9902
<u>(4) The supplemental nutrition assistance program</u>	9903
<u>administered by the department of job and family services under</u>	9904
<u>section 5101.54 of the Revised Code;</u>	9905
<u>(5) The special supplemental nutrition program for women,</u>	9906
<u>infants, and children administered by the department of health</u>	9907
<u>under section 3701.132 of the Revised Code.</u>	9908
<u>(B) A partial real property tax exemption is allowed to a</u>	9909
<u>qualifying child care center for each tax year for which an</u>	9910
<u>application for the partial exemption has been approved. The</u>	9911
<u>partial exemption shall take the form of a percentage reduction in</u>	9912
<u>the real property taxes levied on the qualifying child care</u>	9913
<u>center. That percentage shall equal one of the following:</u>	9914
<u>(1) Twenty-five per cent, if at least twenty-five per cent,</u>	9915
<u>but less than fifty per cent, of the children that attend the</u>	9916
<u>qualifying child care center reside in a household that receives</u>	9917
<u>public assistance;</u>	9918
<u>(2) Seventy-five per cent, if at least fifty per cent of the</u>	9919
<u>children that attend the qualifying child care center reside in a</u>	9920
<u>household that receives public assistance.</u>	9921
<u>After complying with section 319.301 of the Revised Code, the</u>	9922
<u>county auditor shall reduce the remaining sum to be levied against</u>	9923
<u>a qualifying child care center by the applicable percentage. The</u>	9924

auditor shall certify the amount of taxes remaining after the 9925
reduction to the county treasurer for collection as the real 9926
property taxes charged and payable on the qualifying child care 9927
center. 9928

(C)(1) To obtain the partial exemption, the owner of a 9929
qualifying child care center shall file an application each year 9930
with the county auditor of the county in which the center is 9931
located. The application shall be filed on or before the 9932
thirty-first day of December of the year for which the partial 9933
exemption is sought. The tax commissioner shall prescribe the form 9934
of the application, which shall contain a statement that 9935
conviction of willfully falsifying information to obtain the 9936
partial exemption results in the revocation of the right to the 9937
partial exemption for a period of three years. 9938

(2) The county auditor shall approve or deny an application 9939
for the partial exemption within thirty days after receiving the 9940
application. Notification shall be provided on a form prescribed 9941
by the tax commissioner. If the application is approved, upon 9942
issuance of the notification the county auditor shall record the 9943
partial exemption in the appropriate column on the general tax 9944
list and duplicate of real and public utility property. If the 9945
application is denied, the notification shall inform the applicant 9946
of the reasons for the denial. 9947

If an applicant believes that the application for the partial 9948
exemption has been improperly denied for a tax year, the applicant 9949
may file an appeal with the county board of revision on or before 9950
the last day of March of the ensuing tax year. The appeal shall be 9951
treated in the same manner as a complaint relating to the 9952
valuation or assessment of real property under Chapter 5715. of 9953
the Revised Code. 9954

Sec. 341.34. (A) As used in this section, "building or 9955

structure" includes, but is not limited to, a modular unit, 9956
building, or structure and a movable unit, building, or structure. 9957

(B)(1) The board of county commissioners of any county, by 9958
resolution, may dedicate and permit the use, as a minimum security 9959
jail, of any vacant or abandoned public building or structure 9960
owned by the county that has not been dedicated to or is not then 9961
in use for any county or other public purpose, or any building or 9962
structure rented or leased by the county. The board of county 9963
commissioners of any county, by resolution, also may dedicate and 9964
permit the use, as a minimum security jail, of any building or 9965
structure purchased by or constructed by or for the county. 9966
Subject to divisions (B)(3) and (C) of this section, upon the 9967
effective date of such a resolution, the specified building or 9968
structure shall be used, in accordance with this section, for the 9969
confinement of persons who meet one of the following conditions: 9970

(a) The person is sentenced to a term of imprisonment for a 9971
traffic violation or a misdemeanor or is sentenced to a 9972
residential sanction in the jail for a felony of the fourth or 9973
fifth degree pursuant to sections 2929.11 to 2929.19 of the 9974
Revised Code, and the jail administrator or the jail 9975
administrator's designee has classified the person as a minimal 9976
security risk. In determining the person's classification under 9977
this division, the administrator or designee shall consider all 9978
relevant factors, including, but not limited to, the person's 9979
escape risk and propensity for assaultive or violent behavior, 9980
based upon the person's prior and current behavior. 9981

(b) The person is charged with a traffic violation, a 9982
misdemeanor, or a felony of the fourth or fifth degree and has had 9983
bail set and has not been released on bail and is confined in a 9984
county or municipal jail pending trial, and the jail administrator 9985
or the jail administrator's designee has classified the person as 9986
a minimal security risk. In determining the person's 9987

classification under this division, the administrator or designee 9988
shall consider all relevant factors, including, but not limited 9989
to, the person's escape risk and propensity for assaultive or 9990
violent behavior, based upon the person's prior and current 9991
behavior. Nothing in this division authorizes the operation or 9992
management of a minimum security jail by a private entity. 9993

(c) The person is an inmate transferred by order of a judge 9994
of the sentencing court upon the request of the sheriff, 9995
administrator, jailer, or other person responsible for operating 9996
the jail other than a contractor as defined in section 9.06 of the 9997
Revised Code, who is named in the request as being suitable for 9998
confinement in a minimum security facility. 9999

(2) The board of county commissioners of any county, by 10000
resolution, may affiliate with one or more adjacent counties, or 10001
with one or more municipal corporations located within the county 10002
or within an adjacent county, and dedicate and permit the use, as 10003
a minimum security jail, of any vacant or abandoned public 10004
building or structure owned by any of the affiliating counties or 10005
municipal corporations that has not been dedicated to or is not 10006
then in use for any public purpose, or any building or structure 10007
rented or leased by any of the affiliating counties or municipal 10008
corporations. The board of county commissioners of any county, by 10009
resolution, also may affiliate with one or more adjacent counties 10010
or with one or more municipal corporations located within the 10011
county or within an adjacent county and dedicate and permit the 10012
use, as a minimum security jail, of any building or structure 10013
purchased by or constructed by or for any of the affiliating 10014
counties or municipal corporations. Any counties and municipal 10015
corporations that affiliate for purposes of this division shall 10016
enter into an agreement that establishes the responsibilities for 10017
the operation and for the cost of operation of the minimum 10018
security jail. Subject to divisions (B)(3) and (C) of this 10019

section, upon the effective date of a resolution adopted under 10020
this division, the specified building or structure shall be used, 10021
in accordance with this section, for the confinement of persons 10022
who meet one of the following conditions: 10023

(a) The person is sentenced to a term of imprisonment for a 10024
traffic violation, a misdemeanor, or a violation of an ordinance 10025
of any municipal corporation, or is sentenced to a residential 10026
sanction in the jail for a felony of the fourth or fifth degree 10027
pursuant to sections 2929.11 to 2929.19 of the Revised Code, and 10028
the jail administrator or the jail administrator's designee has 10029
classified the person as a minimal security risk. In determining 10030
the person's classification under this division, the administrator 10031
or designee shall consider all relevant factors, including, but 10032
not limited to, the person's escape risk and propensity for 10033
assaultive or violent behavior, based upon the person's prior and 10034
current behavior. 10035

(b) The person is charged with a traffic violation, a 10036
misdemeanor, or a felony of the fourth or fifth degree and has had 10037
bail set and has not been released on bail and is confined in a 10038
county jail pending trial, and the jail administrator or the jail 10039
administrator's designee has classified the person as a minimal 10040
security risk. In determining the person's classification under 10041
this division, the administrator or designee shall consider all 10042
relevant factors, including, but not limited to, the person's 10043
escape risk and propensity for assaultive or violent behavior, 10044
based upon the person's prior and current behavior. Nothing in 10045
this division authorizes the operation or management of a minimum 10046
security jail by a private entity. 10047

(c) The person is an inmate transferred by order of a judge 10048
of the sentencing court upon the request of the sheriff, 10049
administrator, jailer, or other person responsible for operating 10050
the jail other than a contractor as defined in section 9.06 of the 10051

Revised Code, who is named in the request as being suitable for 10052
confinement in a minimum security facility. 10053

(3) No person shall be confined in a building or structure 10054
dedicated as a minimum security jail under division (B)(1) or (2) 10055
of this section unless the judge who sentenced the person to the 10056
term of imprisonment for the traffic violation or the misdemeanor 10057
specifies that the term of imprisonment is to be served in that 10058
jail, and division (B)(1) or (2) of this section permits the 10059
confinement of the person in that jail or unless the judge who 10060
sentenced the person to the residential sanction for the felony 10061
specifies that the residential sanction is to be served in a jail, 10062
and division (B)(1) or (2) of this section permits the confinement 10063
of the person in that jail. If a rented or leased building or 10064
structure is so dedicated, the building or structure may be used 10065
as a minimum security jail only during the period that it is 10066
rented or leased by the county or by an affiliated county or 10067
municipal corporation. If a person convicted of a misdemeanor is 10068
confined to a building or structure dedicated as a minimum 10069
security jail under division (B)(1) or (2) of this section and the 10070
sheriff, administrator, jailer, or other person responsible for 10071
operating the jail other than a contractor as defined in section 10072
9.06 of the Revised Code determines that it would be more 10073
appropriate for the person so confined to be confined in another 10074
jail or workhouse facility, the sheriff, administrator, jailer, or 10075
other person may transfer the person so confined to a more 10076
appropriate jail or workhouse facility. 10077

(C) All of the following apply to a building or structure 10078
that is dedicated pursuant to division (B)(1) or (2) of this 10079
section for use as a minimum security jail: 10080

(1) To the extent that the use of the building or structure 10081
as a minimum security jail requires a variance from any county, 10082
municipal corporation, or township zoning regulations or 10083

ordinances, the variance shall be granted. 10084

(2) Except as provided in this section, the building or 10085
structure shall not be used to confine any person unless it is in 10086
substantial compliance with any applicable housing, fire 10087
prevention, sanitation, health, and safety codes, regulations, or 10088
standards. 10089

(3) Unless such satisfaction or compliance is required under 10090
the standards described in division (C)(4) of this section, and 10091
notwithstanding any other provision of state or local law to the 10092
contrary, the building or structure need not satisfy or comply 10093
with any state or local building standard or code in order to be 10094
used to confine a person for the purposes specified in division 10095
(B) of this section. 10096

(4) The building or structure shall not be used to confine 10097
any person unless it is in compliance with all minimum standards 10098
and minimum renovation, modification, and construction criteria 10099
for ~~minimum security~~ jails that have been proposed by the 10100
department of rehabilitation and correction, through its bureau of 10101
adult detention, under section 5120.10 of the Revised Code. 10102

(5) The building or structure need not be renovated or 10103
modified into a secure detention facility in order to be used 10104
solely to confine a person for the purposes specified in divisions 10105
(B)(1)(a) or (b) and (B)(2)(a) or (b) of this section. 10106

(6) The building or structure shall be used, equipped, 10107
furnished, and staffed in the manner necessary to provide adequate 10108
and suitable living, sleeping, food service or preparation, 10109
drinking, bathing and toilet, sanitation, and other necessary 10110
facilities, furnishings, and equipment. 10111

(D) Except as provided in this section, a minimum security 10112
jail dedicated and used under this section shall be considered to 10113
be part of the jail, workhouse, or other correctional facilities 10114

of the county or the affiliated counties and municipal 10115
corporations for all purposes under the law. All persons confined 10116
in such a minimum security jail shall be and shall remain, in all 10117
respects, under the control of the county authority that has 10118
responsibility for the management and operation of the jail, 10119
workhouse, or other correctional facilities of the county or, if 10120
it is operated by any affiliation of counties or municipal 10121
corporations, under the control of the specified county or 10122
municipal corporation with that authority, provided that, if the 10123
person was convicted of a felony and is serving a residential 10124
sanction in the facility, all provisions of law that pertain to 10125
persons convicted of a felony that would not by their nature 10126
clearly be inapplicable apply regarding the person. A minimum 10127
security jail dedicated and used under this section shall be 10128
managed and maintained in accordance with policies and procedures 10129
adopted by the board of county commissioners or the affiliated 10130
counties and municipal corporations governing the safe and 10131
healthful operation of the jail, the confinement and supervision 10132
of the persons sentenced to it, and their participation in work 10133
release or similar rehabilitation programs. In addition to other 10134
rules of conduct and discipline, the rights of ingress and egress 10135
of persons confined in a minimum security jail dedicated and used 10136
under this section shall be subject to reasonable restrictions. 10137
Every person confined in a minimum security jail dedicated and 10138
used under this section shall be given verbal and written 10139
notification, at the time of the person's admission to the jail, 10140
that purposely leaving, or purposely failing to return to, the 10141
jail without proper authority or permission constitutes the felony 10142
offense of escape. 10143

(E) If a person who has been convicted of or pleaded guilty 10144
to an offense is sentenced to a term of imprisonment or a 10145
residential sanction in a minimum security jail as described in 10146
division (B)(1)(a) or (B)(2)(a) of this section, or if a person is 10147

an inmate transferred to a minimum security jail by order of a 10148
judge of the sentencing court as described in division (B)(1)(c) 10149
or (B)(2)(c) of this section, at the time of reception and at 10150
other times the person in charge of the operation of the jail 10151
determines to be appropriate, the sheriff or other person in 10152
charge of the operation of the jail may cause the convicted 10153
offender to be examined and tested for tuberculosis, HIV 10154
infection, hepatitis, including but not limited to hepatitis A, B, 10155
and C, and other contagious diseases. The person in charge of the 10156
operation of the jail may cause a convicted offender in the jail 10157
who refuses to be tested or treated for tuberculosis, HIV 10158
infection, hepatitis, including but not limited to hepatitis A, B, 10159
and C, or another contagious disease to be tested and treated 10160
involuntarily. 10161

Sec. 351.021. (A) The resolution of the county commissioners 10162
creating a convention facilities authority, or any amendment or 10163
supplement to that resolution, may authorize the authority to levy 10164
one or both of the excise taxes authorized by division (B) of this 10165
section to pay the cost of one or more facilities; to pay 10166
principal, interest, and premium on convention facilities 10167
authority tax anticipation bonds issued to pay those costs; to pay 10168
the operating costs of the authority; to pay operating and 10169
maintenance costs of those facilities; and to pay the costs of 10170
administering the excise tax. 10171

(B) The board of directors of a convention facilities 10172
authority that has been authorized pursuant to resolution adopted, 10173
amended, or supplemented by the board of county commissioners 10174
pursuant to division (A) of this section may levy, by resolution 10175
adopted on or before December 31, 1988, either or both of the 10176
following: 10177

(1) Within the territory of the authority, an additional 10178

excise tax not to exceed four per cent on each transaction. The 10179
excise tax authorized by division (B)(1) of this section shall be 10180
in addition to any excise tax levied pursuant to section 5739.08 10181
or 5739.09 of the Revised Code, or division (B)(2) of this 10182
section. 10183

(2) Within that portion of any municipal corporation that is 10184
located within the territory of the authority or within the 10185
boundaries of any township that is located within the territory of 10186
the authority, which municipal corporation or township is levying 10187
any portion of the excise tax authorized by division (A) of 10188
section 5739.08 of the Revised Code, and with the approval, by 10189
ordinance or resolution, of the legislative authority of that 10190
municipal corporation or township, an additional excise tax not to 10191
exceed nine-tenths of one per cent on each transaction. The excise 10192
tax authorized by division (B)(2) of this section may be levied 10193
only if, on the effective date of the levy specified in the 10194
resolution making the levy, the amount being levied pursuant to 10195
division (A) of section 5739.08 of the Revised Code by each 10196
municipal corporation or township in which the tax authorized by 10197
division (B)(2) of this section will be levied, when added to the 10198
amount levied under division (B)(2) of this section, does not 10199
exceed three per cent on each transaction. The excise tax 10200
authorized by division (B)(2) of this section shall be in addition 10201
to any excise tax that is levied pursuant to section 5739.08 or 10202
5739.09 of the Revised Code, or division (B)(1) of this section. 10203

(C)(1) The board of directors of a convention facilities 10204
authority that is located in an eligible Appalachian county; that 10205
has been authorized pursuant to resolution adopted, amended, or 10206
supplemented by the board of county commissioners pursuant to 10207
division (A) of this section; and that is not levying a tax under 10208
division (B)(1) or (2) of this section may levy within the 10209
territory of the authority, by resolution adopted on or before 10210

December 31, 2005, an additional excise tax not to exceed three 10211
per cent on each transaction. The excise tax authorized under 10212
division (C)(1) of this section shall be in addition to any excise 10213
tax levied pursuant to section 5739.08 or 5739.09 of the Revised 10214
Code. 10215

As used in division (C)(1) of this section, "eligible 10216
Appalachian county" means a county in this state designated as 10217
being in the "Appalachian region" under the "Appalachian Regional 10218
Development Act of 1965," 79 Stat. 4, 40 U.S.C. App. 403, and 10219
having a population less than eighty thousand according to the 10220
most recent federal decennial census. 10221

(2) Division (C)(2) of this section applies only to a 10222
convention facilities authority located in a county with a 10223
population, according to the 2000 federal decennial census, of at 10224
least one hundred thirty-five thousand and not more than one 10225
hundred fifty thousand and containing entirely within its 10226
boundaries the territory of a municipal corporation with a 10227
population according to that census of more than fifty thousand. 10228
The board of directors of such a convention facilities authority, 10229
by resolution adopted on or before November 1, 2009, may levy 10230
within the territory of the authority an excise tax on 10231
transactions by which lodging by a hotel is or is to be furnished 10232
to transient guests at a rate not to exceed three per cent on such 10233
transactions for the same purposes for which a tax may be levied 10234
under division (B) of this section. The resolution may be adopted 10235
only if the board of county commissioners of the county, by 10236
resolution, authorizes the levy of the tax. The resolution of the 10237
board of county commissioners is subject to referendum as 10238
prescribed by sections 305.31 to 305.41 of the Revised Code. If, 10239
pursuant to those procedures, a referendum is to be held, the 10240
board's resolution does not take effect until approved by a 10241
majority of electors voting on the question. The convention 10242

facilities authority may adopt the resolution authorized by 10243
division (C)(2) of this section before the election, but the 10244
authority's resolution shall not take effect if the board of 10245
commissioners' resolution is not approved at the election. A tax 10246
levied under division (C)(2) of this section is in addition to any 10247
tax levied under section 5739.09 of the Revised Code. 10248

(D) The authority shall provide for the administration and 10249
allocation of an excise tax levied pursuant to division (B) or (C) 10250
of this section. All receipts arising from those excise taxes 10251
shall be expended for the purposes provided in, and in accordance 10252
with this section and section 351.141 of the Revised Code. An 10253
excise tax levied under division (B) or (C) of this section shall 10254
remain in effect at the rate at which it is levied for at least 10255
the duration of the period for which the receipts from the tax 10256
have been anticipated and pledged pursuant to section 351.141 of 10257
the Revised Code. 10258

(E) Except as provided in division (B)(2) of this section, 10259
the levy of an excise tax on each transaction pursuant to sections 10260
5739.08 and 5739.09 of the Revised Code does not prevent a 10261
convention facilities authority from levying an excise tax 10262
pursuant to division (B) or (C) of this section. 10263

(F) A convention facilities authority located in a county 10264
with a population greater than eighty thousand but less than 10265
ninety thousand according to the 2010 federal decennial census 10266
that levies a tax under division (B) of this section may amend the 10267
resolution levying the tax to allocate a portion of the revenue 10268
from the tax for support of tourism-related sites or facilities 10269
and programs operated by the county or a municipal corporation 10270
within the county in which the authority is located or for the 10271
purpose of leasing lands for county fairs, erecting buildings for 10272
county fair purposes, making improvements on a county fairground, 10273
or for any purpose connected with the use of a county fairground 10274

or with the management thereof by the county in which the 10275
authority is located. The revenue allocated by the authority for 10276
such purposes in a calendar year shall not exceed fifteen per cent 10277
of the total revenue from the tax in the preceding calendar year. 10278

(G) A tax levied by a convention facilities authority under 10279
this section on transactions by which lodging by a hotel is or is 10280
to be furnished to transient guests, if the transaction is 10281
conducted through a hotel intermediary, shall be levied on the 10282
basis of the lodging's fair market value. The hotel intermediary 10283
shall collect the tax due from the purchaser and remit it to the 10284
convention facilities authority. As used in this division, 10285
"lodging's fair market value" and "hotel intermediary" have the 10286
same meanings as in section 5739.01 of the Revised Code. 10287

Sec. 353.06. As used in this section, "hotel," "lodging's 10288
fair market value," "hotel intermediary," and "transient guests" 10289
have the same meanings as in section 5739.01 of the Revised Code. 10290

A resolution creating a lake facilities authority under 10291
section 353.02 of the Revised Code, or any amendments or 10292
supplements thereto, may authorize the authority to levy an excise 10293
tax on transactions by which lodging in a hotel is or is to be 10294
furnished to transient guests to pay any costs authorized under 10295
this chapter; to pay principal, interest, and premium on lake 10296
facilities authority tax anticipation bonds issued to pay those 10297
costs; to pay the operating costs of the authority; and to pay the 10298
costs of administering the tax. 10299

Upon the affirmative vote of at least a majority of the 10300
qualified electors in a primary or general election within the 10301
impacted lake district voting at an election held for the purpose 10302
of authorizing the tax, the board of directors of a lake 10303
facilities authority authorized to levy a tax under this section 10304
may, by resolution, levy an additional excise tax within the 10305

territory of the impacted lake district on all transactions by 10306
which lodging in a hotel is or is to be furnished to transient 10307
guests. The rate of the tax, when added to the aggregate rate of 10308
excise taxes levied in the impacted lake district pursuant to 10309
section 351.021, 5739.08, or 5739.09 of the Revised Code, shall 10310
not cause the total aggregate rate to exceed five per cent on any 10311
such transaction. 10312

The lake facilities authority shall provide for the 10313
administration and allocation of a tax levied pursuant to this 10314
section. All receipts arising from the tax shall be expended for 10315
the purposes provided in, and in accordance with, this section. An 10316
excise tax levied under this section shall remain in effect at the 10317
rate at which it is levied for at least the duration of the period 10318
for which the receipts from the tax have been anticipated and 10319
pledged pursuant to section 353.08 of the Revised Code. 10320

The form of the ballot in an election held on the question of 10321
levying a tax proposed pursuant to this section shall be as 10322
follows or in any other form acceptable to the secretary of state: 10323

"An excise tax on all transactions by which lodging in a 10324
hotel is or is to be furnished to transient guests within the 10325
territory of the (name of impacted lake district) for 10326
the purpose of at a rate of for 10327
(number of years the tax is to be levied). 10328

	For the Excise Tax
	Against the Excise Tax

"

A tax levied by a lake facilities authority under this 10332
section on transactions by which lodging by a hotel is or is to be 10333
furnished to transient guests, if the transaction is conducted 10334
through a hotel intermediary, shall be levied on the basis of the 10335
lodging's fair market value. The hotel intermediary shall collect 10336

the tax due from the purchaser and remit it to the lake facilities 10337
authority. 10338

Sec. 505.262. (A) Notwithstanding division (D) of section 10339
505.37 of the Revised Code or any other statute of this state and 10340
subject to division (C) of this section, the board of township 10341
trustees of any township, by unanimous vote, may adopt a 10342
resolution allowing the township to contract for the purchase of 10343
equipment, buildings, and sites, or for the construction of 10344
buildings, for any lawful township purpose. The board may issue, 10345
by resolution adopted by unanimous vote, securities of the 10346
township to finance purchases and construction made pursuant to 10347
this division. The securities shall be signed by the board and 10348
attested by the signature of the township fiscal officer, and the 10349
maximum maturity of those securities is subject to the limitations 10350
in section 133.20 of the Revised Code. The securities shall bear 10351
interest not to exceed the rate determined as provided in section 10352
9.95 of the Revised Code and shall not be subject to Chapter 133. 10353
of the Revised Code. The resolution authorizing the issuance of 10354
the securities shall provide for levying and collecting annually 10355
by taxation, amounts sufficient to pay the interest on and 10356
principal of the securities. The securities may contain a clause 10357
permitting prepayment at the option of the board. Securities shall 10358
be offered for sale on the open market or given to the vendor or 10359
contractor if no sale is made. 10360

(B) No purchase or construction pursuant to division (A) of 10361
this section shall be undertaken unless the county auditor 10362
certifies that, if the purchase or construction is undertaken, the 10363
debt service charge for the purchase or construction in the first 10364
year, together with the debt service charge for that same year for 10365
any other purchase or construction already undertaken pursuant to 10366
division (A) of this section, does not exceed one-tenth of the 10367
township's total revenue from all sources. If the county auditor 10368

so certifies, in every year of the debt after the first year, the 10369
county budget commission shall include a debt charge in the 10370
township's annual tax budget submitted pursuant to sections 10371
5705.01 to 5705.47 of the Revised Code sufficient to meet the 10372
annual debt incurred pursuant to division (A) of this section, if 10373
the debt charge is omitted from the budget. 10374

(C) A board of township trustees of an urban township as 10375
defined in section 504.01 of the Revised Code may adopt a 10376
resolution to require a majority vote rather than a unanimous vote 10377
for the purposes of contracting for or issuing securities for the 10378
construction of buildings under division (A) of this section. 10379

Sec. 505.37. (A) The board of township trustees may establish 10380
all necessary rules to guard against the occurrence of fires and 10381
to protect the property and lives of the citizens against damage 10382
and accidents, and may, with the approval of the specifications by 10383
the prosecuting attorney or, if the township has adopted limited 10384
home rule government under Chapter 504. of the Revised Code, with 10385
the approval of the specifications by the township's law director, 10386
purchase, lease, lease with an option to purchase, or otherwise 10387
provide any fire apparatus, mechanical resuscitators, underwater 10388
rescue and recovery equipment, or other fire equipment, 10389
appliances, materials, fire hydrants, and water supply for 10390
fire-fighting and fire and rescue purposes that seems advisable to 10391
the board. The board shall provide for the care and maintenance of 10392
such fire equipment, and, for these purposes, may purchase, lease, 10393
lease with an option to purchase, or construct and maintain 10394
necessary buildings, and it may establish and maintain lines of 10395
fire-alarm communications within the limits of the township. The 10396
board may employ one or more persons to maintain and operate such 10397
fire equipment, or it may enter into an agreement with a volunteer 10398
fire company for the use and operation of the equipment. The board 10399
may compensate the members of a volunteer fire company on any 10400

basis and in any amount that it considers equitable. 10401

10402

When the estimated cost to purchase fire apparatus, 10403

mechanical resuscitators, underwater rescue and recovery 10404

equipment, or other fire equipment, appliances, materials, fire 10405

hydrants, buildings, or fire-alarm communications equipment or 10406

services exceeds fifty thousand dollars, the contract shall be let 10407

by competitive bidding. When competitive bidding is required, the 10408

board shall advertise once a week for not less than two 10409

consecutive weeks in a newspaper of general circulation within the 10410

township. The board may also cause notice to be inserted in trade 10411

papers or other publications designated by it or to be distributed 10412

by electronic means, including posting the notice on the board's 10413

internet web site. If the board posts the notice on its web site, 10414

it may eliminate the second notice otherwise required to be 10415

published in a newspaper of general circulation within the 10416

township, provided that the first notice published in such 10417

newspaper meets all of the following requirements: 10418

(1) It is published at least two weeks before the opening of 10419

bids. 10420

(2) It includes a statement that the notice is posted on the 10421

board's internet web site. 10422

(3) It includes the internet address of the board's internet 10423

web site. 10424

(4) It includes instructions describing how the notice may be 10425

accessed on the board's internet web site. 10426

The advertisement shall include the time, date, and place 10427

where the clerk of the township, or the clerk's designee, will 10428

read bids publicly. The time, date, and place of bid openings may 10429

be extended to a later date by the board of township trustees, 10430

provided that written or oral notice of the change shall be given 10431
to all persons who have received or requested specifications not 10432
later than ninety-six hours prior to the original time and date 10433
fixed for the opening. The board may reject all the bids or accept 10434
the lowest and best bid, provided that the successful bidder meets 10435
the requirements of section 153.54 of the Revised Code when the 10436
contract is for the construction, demolition, alteration, repair, 10437
or reconstruction of an improvement. 10438

(B) The boards of township trustees of any two or more 10439
townships, or the legislative authorities of any two or more 10440
political subdivisions, or any combination of these, may, through 10441
joint action, unite in the joint purchase, lease, lease with an 10442
option to purchase, maintenance, use, and operation of fire 10443
equipment described in division (A) of this section, or for any 10444
other purpose designated in sections 505.37 to 505.42 of the 10445
Revised Code, and may prorate the expense of the joint action on 10446
any terms that are mutually agreed upon. 10447

(C) The board of township trustees of any township may, by 10448
resolution, whenever it is expedient and necessary to guard 10449
against the occurrence of fires or to protect the property and 10450
lives of the citizens against damages resulting from their 10451
occurrence, create a fire district of any portions of the township 10452
that it considers necessary. The board may purchase, lease, lease 10453
with an option to purchase, or otherwise provide any fire 10454
apparatus, mechanical resuscitators, underwater rescue and 10455
recovery equipment, or other fire equipment, appliances, 10456
materials, fire hydrants, and water supply for fire-fighting and 10457
fire and rescue purposes, or may contract for the fire protection 10458
for the fire district as provided in section 9.60 of the Revised 10459
Code. The fire district so created shall be given a separate name 10460
by which it shall be known. 10461

Additional unincorporated territory of the township may be 10462

added to a fire district upon the board's adoption of a resolution 10463
authorizing the addition. A municipal corporation, or a portion of 10464
a municipal corporation, that is within or adjoining the township 10465
may be added to a fire district upon the board's adoption of a 10466
resolution authorizing the addition and the municipal legislative 10467
authority's adoption of a resolution or ordinance requesting the 10468
addition of the municipal corporation or a portion of the 10469
municipal corporation to the fire district. 10470

If the township fire district imposes a tax, additional 10471
unincorporated territory of the township or a municipal 10472
corporation or a portion of a municipal corporation that is within 10473
or adjoining the township shall become part of the fire district 10474
only after all of the following have occurred: 10475

(1) Adoption by the board of township trustees of a 10476
resolution approving the expansion of the territorial limits of 10477
the district and, if the resolution proposes to add a municipal 10478
corporation or a portion of a municipal corporation, adoption by 10479
the municipal legislative authority of a resolution or ordinance 10480
requesting the addition of the municipal corporation or a portion 10481
of the municipal corporation to the district; 10482

(2) Adoption by the board of township trustees of a 10483
resolution recommending the extension of the tax to the additional 10484
territory; 10485

(3) Approval of the tax by the electors of the territory 10486
proposed for addition to the district. 10487

Each resolution of the board adopted under division (C)(2) of 10488
this section shall state the name of the fire district, a 10489
description of the territory to be added, and the rate and 10490
termination date of the tax, which shall be the rate and 10491
termination date of the tax currently in effect in the fire 10492
district. 10493

The board of trustees shall certify each resolution adopted 10494
under division (C)(2) of this section to the board of elections in 10495
accordance with section 5705.19 of the Revised Code. The election 10496
required under division (C)(3) of this section shall be held, 10497
canvassed, and certified in the manner provided for the submission 10498
of tax levies under section 5705.25 of the Revised Code, except 10499
that the question appearing on the ballot shall read: 10500

"Shall the territory within 10501
(description of the proposed territory to be added) be added to 10502
..... (name) fire district, and a property tax 10503
at a rate of taxation not exceeding (here insert tax rate) 10504
be in effect for (here insert the number of years the 10505
tax is to be in effect or "a continuing period of time," as 10506
applicable)?" 10507

If the question is approved by at least a majority of the 10508
electors voting on it, the joinder shall be effective as of the 10509
first day of July of the year following approval, and on that 10510
date, the township fire district tax shall be extended to the 10511
taxable property within the territory that has been added. If the 10512
territory that has been added is a municipal corporation or 10513
portion thereof and if it had adopted a tax levy for fire 10514
purposes, the levy is terminated on the effective date of the 10515
joinder in the area of the municipal corporation added to the 10516
district. 10517

Any municipal corporation may withdraw from a township fire 10518
district created under division (C) of this section by the 10519
adoption by the municipal legislative authority of a resolution or 10520
ordinance ordering withdrawal. On the first day of July of the 10521
year following the adoption of the resolution or ordinance of 10522
withdrawal, the withdrawing municipal corporation ~~withdrawing~~ or 10523
the portion thereof ceases to be a part of the district, and the 10524
power of the fire district to levy a tax upon taxable property in 10525

the withdrawing municipal corporation or the portion thereof 10526
terminates, except that the fire district shall continue to levy 10527
and collect taxes for the payment of indebtedness within the 10528
territory of the fire district as it was composed at the time the 10529
indebtedness was incurred. 10530

Upon the withdrawal of any municipal corporation from a 10531
township fire district created under division (C) of this section, 10532
the county auditor shall ascertain, apportion, and order a 10533
division of the funds on hand, moneys and taxes in the process of 10534
collection except for taxes levied for the payment of 10535
indebtedness, credits, and real and personal property, either in 10536
money or in kind, on the basis of the valuation of the respective 10537
tax duplicates of the withdrawing municipal corporation and the 10538
remaining territory of the fire district. 10539

A board of township trustees may remove unincorporated 10540
territory of the township from the fire district upon the adoption 10541
of a resolution authorizing the removal. On the first day of July 10542
of the year following the adoption of the resolution, the 10543
unincorporated township territory described in the resolution 10544
ceases to be a part of the district, and the power of the fire 10545
district to levy a tax upon taxable property in that territory 10546
terminates, except that the fire district shall continue to levy 10547
and collect taxes for the payment of indebtedness within the 10548
territory of the fire district as it was composed at the time the 10549
indebtedness was incurred. 10550

(D) The board of township trustees of any township, the board 10551
of fire district trustees of a fire district created under section 10552
505.371 of the Revised Code, or the legislative authority of any 10553
municipal corporation may purchase, lease, or lease with an option 10554
to purchase the necessary fire equipment described in division (A) 10555
of this section, buildings, and sites for the township, fire 10556
district, or municipal corporation and issue securities for that 10557

purpose with maximum maturities as provided in section 133.20 of 10558
the Revised Code. The board of township trustees, board of fire 10559
district trustees, or legislative authority may also construct any 10560
buildings necessary to house fire equipment and issue securities 10561
for that purpose with maximum maturities as provided in section 10562
133.20 of the Revised Code. 10563

The board of township trustees, board of fire district 10564
trustees, or legislative authority may issue the securities of the 10565
township, fire district, or municipal corporation, signed by the 10566
board or designated officer of the municipal corporation and 10567
attested by the signature of the township fiscal officer, fire 10568
district clerk, or municipal clerk, covering any deferred payments 10569
and payable at the times provided, which securities shall bear 10570
interest not to exceed the rate determined as provided in section 10571
9.95 of the Revised Code, and shall not be subject to Chapter 133. 10572
of the Revised Code. The legislation authorizing the issuance of 10573
the securities shall provide for levying and collecting annually 10574
by taxation, amounts sufficient to pay the interest on and 10575
principal of the securities. The securities shall be offered for 10576
sale on the open market or given to the vendor or contractor if no 10577
sale is made. 10578

Section 505.40 of the Revised Code does not apply to any 10579
securities issued, or any lease with an option to purchase entered 10580
into, in accordance with this division. 10581

(E) A board of township trustees of any township or a board 10582
of fire district trustees of a fire district created under section 10583
505.371 of the Revised Code may purchase a policy or policies of 10584
liability insurance for the officers, employees, and appointees of 10585
the fire department, fire district, or joint fire district 10586
governed by the board that includes personal injury liability 10587
coverage as to the civil liability of those officers, employees, 10588
and appointees for false arrest, detention, or imprisonment, 10589

malicious prosecution, libel, slander, defamation or other 10590
violation of the right of privacy, wrongful entry or eviction, or 10591
other invasion of the right of private occupancy, arising out of 10592
the performance of their duties. 10593

When a board of township trustees cannot, by deed of gift or 10594
by purchase and upon terms it considers reasonable, procure land 10595
for a township fire station that is needed in order to respond in 10596
reasonable time to a fire or medical emergency, the board may 10597
appropriate land for that purpose under sections 163.01 to 163.22 10598
of the Revised Code. If it is necessary to acquire additional 10599
adjacent land for enlarging or improving the fire station, the 10600
board may purchase, appropriate, or accept a deed of gift for the 10601
land for these purposes. 10602

(F) As used in this division, "emergency medical service 10603
organization" has the same meaning as in section 4766.01 of the 10604
Revised Code. 10605

A board of township trustees, by adoption of an appropriate 10606
resolution, may choose to have the state board of emergency 10607
medical, fire, and transportation services license any emergency 10608
medical service organization it operates. If the board adopts such 10609
a resolution, Chapter 4766. of the Revised Code, except for 10610
sections 4766.06 and 4766.99 of the Revised Code, applies to the 10611
organization. All rules adopted under the applicable sections of 10612
that chapter also apply to the organization. A board of township 10613
trustees, by adoption of an appropriate resolution, may remove its 10614
emergency medical service organization from the jurisdiction of 10615
the state board of emergency medical, fire, and transportation 10616
services. 10617

Sec. 505.371. (A) The boards of township trustees of one or 10618
more townships and the legislative authorities of one or more 10619
municipal corporations, or the legislative authorities of two or 10620

more municipal corporations, or the boards of township trustees of 10621
two or more townships, may, by adoption of a joint resolution by a 10622
majority of the members of each board of township trustees and by 10623
a majority of the members of the legislative authority of each 10624
municipal corporation, create a joint fire district comprising all 10625
or any portions of the municipal corporations and all or any 10626
portions of the townships as are mutually agreed upon. A joint 10627
fire district so created shall be given a name different from the 10628
name of any participating township or municipal corporation. 10629

(B) The governing body of the joint fire district shall be a 10630
board of fire district trustees, which shall include one 10631
representative from each board of township trustees and one 10632
representative from the legislative authority of each municipal 10633
corporation in the district. The board of fire district trustees 10634
may exercise the same powers as are granted to a board of township 10635
trustees in sections 505.37 to 505.45 of the Revised Code, 10636
including, but not limited to, the power to levy a tax upon all 10637
taxable property in the fire district as provided in section 10638
505.39 of the Revised Code. The board of fire district trustees 10639
may be compensated at a rate not to exceed thirty dollars per 10640
meeting, not to exceed fifteen meetings per year, and may be 10641
reimbursed for all necessary expenses incurred. The board shall 10642
employ a clerk of the board of fire district trustees. 10643

(C)(1) The board of fire district trustees may establish 10644
reasonable charges for the use of ambulance or emergency medical 10645
services. The board may establish different charges for residents 10646
and nonresidents of the district, and may waive, at its 10647
discretion, all or part of the charge for any resident of the 10648
district. The charge for nonresidents shall be an amount not less 10649
than the authorized medicare reimbursement rate, except that if, 10650
prior to February 4, 1998, the board had different charges for 10651
residents and nonresidents and the charge for nonresidents was 10652

less than the authorized medicare reimbursement rate, the board 10653
may charge nonresidents less than the authorized medicare 10654
reimbursement rate. 10655

(2) In the resolution creating the joint fire district, the 10656
political subdivisions that create the district may provide that 10657
any of those political subdivisions may agree to pay any charges 10658
for the use of ambulance or emergency medical services that the 10659
board of fire district trustees establishes under division (C)(1) 10660
of this section and that are incurred by the residents of the 10661
particular political subdivision. Unless the board elects pursuant 10662
to that division to waive all or part of the charges for the use 10663
of ambulance or emergency medical services that any resident of 10664
the district incurs, the residents of a particular political 10665
subdivision that has not so agreed to pay the charges for the use 10666
of ambulance or emergency medical services incurred by its 10667
residents shall pay those charges. 10668

(3) Charges collected under division (C) of this section 10669
shall be kept in a separate fund designated as the ambulance and 10670
emergency medical services fund and shall be appropriated and 10671
administered by the board. The fund shall be used for the payment 10672
of the costs of the management, maintenance, and operation of 10673
ambulance and emergency medical services in the district. 10674

(4) As used in division (C) of this section, "authorized 10675
medicare reimbursement rate" has the same meaning as in section 10676
505.84 of the Revised Code. 10677

(D) Any municipal corporation or township, or parts of them, 10678
may join an existing joint fire district by the adoption of a 10679
resolution requesting such membership and upon approval of the 10680
board of fire district trustees. Any municipal corporation or 10681
township may withdraw from a joint fire district created under 10682
this section, by the adoption of a resolution ordering withdrawal. 10683
On or after the first day of January of the year following the 10684

adoption of the resolution of withdrawal, the municipal 10685
corporation or township withdrawing ceases to be a part of such 10686
district, and the power of the district to levy a tax upon taxable 10687
property in the withdrawing township or municipal corporation 10688
terminates, except that the district shall continue to levy and 10689
collect taxes for the payment of indebtedness within the territory 10690
of the district as it was comprised at the time the indebtedness 10691
was incurred. 10692

Upon the withdrawal of any township or municipal corporation 10693
from a joint fire district created under this section, the county 10694
auditor shall ascertain, apportion, and order a division of the 10695
funds on hand, including funds in the ambulance and emergency 10696
medical services fund, moneys and taxes in the process of 10697
collection, except for taxes levied for the payment of 10698
indebtedness, credits, and real and personal property, either in 10699
money or in kind, on the basis of the valuation of the respective 10700
tax duplicates of the withdrawing municipal corporation or 10701
township and the remaining territory of the joint fire district. 10702

When the number of townships and municipal corporations 10703
comprising a joint fire district is reduced to one, the joint fire 10704
district ceases to exist by operation of law, and the funds, 10705
credits, and property remaining after apportionments to 10706
withdrawing municipal corporations or townships shall be assumed 10707
by the one remaining township or municipal corporation. When a 10708
joint fire district ceases to exist and an indebtedness remains 10709
unpaid, the board of county commissioners shall continue to levy 10710
and collect taxes for the payment of that indebtedness within the 10711
territory of the joint fire district as it was comprised at the 10712
time the indebtedness was incurred. 10713

(E) Neither this section nor any other section of the Revised 10714
Code requires, or shall be construed to require, that the fire 10715
chief of a joint fire district be a resident of the fire district. 10716

Sec. 701.10. The legislative authority of a municipal corporation ~~that is located in a charter county and~~ that has established a rate or charge for the provision of collection or disposal services for garbage, ashes, animal and vegetable refuse, dead animals, or animal offal may certify to the county ~~fiscal officer~~ auditor, by ordinance, the amount of the rate or charge that has not been paid in accordance with applicable requirements by a person using the collection or disposal services. The amount certified shall be a lien on the person's property to which services are provided, placed on the tax list in a separate column, collected as other taxes, and paid into the general fund of the municipal corporation.

Sec. 711.131. (A) Notwithstanding sections 711.001 to 711.13 of the Revised Code and except as provided in division (C) of this section, unless the rules adopted under section 711.05, 711.09, or 711.10 of the Revised Code are amended pursuant to division (B) of this section, a proposed division of a parcel of land along an existing public street, not involving the opening, widening, or extension of any street or road, and involving no more than five lots after the original tract has been completely subdivided, may be submitted to the planning authority having approving jurisdiction of plats under section 711.05, 711.09, or 711.10 of the Revised Code for approval without plat. If the authority acting through a properly designated representative finds that a proposed division is not contrary to applicable platting, subdividing, zoning, health, sanitary, or access management regulations, regulations adopted under division (B)(3) of section 307.37 of the Revised Code regarding existing surface or subsurface drainage, or household sewage treatment rules adopted under section 3718.02 of the Revised Code, it shall approve the proposed division within seven business days after its submission

and, on presentation of a conveyance of the parcel, shall stamp 10748
the conveyance "approved by (planning authority); no plat 10749
required" and have it signed by its clerk, secretary, or other 10750
official as may be designated by it. The planning authority may 10751
require the submission of a sketch and other information that is 10752
pertinent to its determination under this division. 10753

(B) For a period of up to two years after ~~the effective date~~ 10754
~~of this amendment~~ the effective date of this amendment, the rules 10755
adopted under section 711.05, 711.09, or 711.10 of the Revised 10756
Code may be amended within that period to authorize the planning 10757
authority involved to approve proposed divisions of parcels of 10758
land without plat under this division. If an authority so amends 10759
its rules, it may approve no more than five lots without a plat 10760
from an original tract as that original tract exists on the 10761
effective date of the amendment to the rules. The authority shall 10762
make the findings and approve a proposed division in the time and 10763
manner specified in division (A) of this section. 10764

(C) This section does not apply to parcels subject to section 10765
711.133 of the Revised Code. 10766

(D) As used in this section, "business day" means a day of 10767
the week excluding Saturday, Sunday, or a legal holiday as defined 10768
in section 1.14 of the Revised Code. 10769

Sec. 718.83. (A) On or before the last day of each month, the 10770
tax commissioner shall certify to the director of budget and 10771
management the amount to be paid to each municipal corporation, 10772
based on amounts reported on annual returns and declarations of 10773
estimated tax under sections 718.85 and 718.88 of the Revised 10774
Code, less any amounts previously distributed and net of any audit 10775
adjustments made or refunds granted by the commissioner, for the 10776
~~ealender~~ calendar month preceding the month in which the 10777
certification is made. Not later than the fifth day of each month, 10778

the director shall provide for payment of the amount certified to 10779
each municipal corporation from the municipal income net profit 10780
tax fund, plus a pro rata share of any investment earnings 10781
accruing to the fund since the previous payment under this 10782
section, and minus any reduction required by the commissioner 10783
under division (D) of this section. Each municipal corporation's 10784
share of such earnings shall equal the proportion that the 10785
municipal corporation's certified tax payment is of the total 10786
taxes certified to all municipal corporations in that quarter. All 10787
investment earnings on money in the municipal income net profit 10788
tax fund shall be credited to that fund. 10789

(B) If the tax commissioner determines that the amount of tax 10790
paid by a taxpayer and distributed to a municipal corporation 10791
under this section for a taxable year exceeds the amount payable 10792
to that municipal corporation under sections 718.80 to 718.95 of 10793
the Revised Code after accounting for amounts remitted with the 10794
annual return and as estimated taxes, the commissioner shall 10795
proceed according to divisions (A) and (B) of section 5703.77 of 10796
the Revised Code. 10797

(C) If the amount of a municipal corporation's net 10798
distribution computed by the commissioner under division (A) of 10799
this section is less than zero, the commissioner may notify the 10800
municipal corporation of the deficiency. Within thirty days after 10801
receiving such a notice, the municipal corporation shall pay an 10802
amount equal to the deficiency to the treasurer of state. The 10803
treasurer of state shall credit any payment received under this 10804
division to the municipal net profit tax fund. 10805

(D) If a municipal corporation fails to make a timely payment 10806
required under division (C) of this section, the commissioner may 10807
recover the deficiency using any or all of the following options: 10808

(1) Deduct the amount of the deficiency from the next 10809

distribution to that municipal corporation under division (A) of 10810
this section or, if the amount of the deficiency exceeds the 10811
amount of such distribution, withhold such distributions entirely 10812
until the withheld amount equals the amount of the municipal 10813
corporation's deficiency; 10814

(2) Deduct the amount of the deficiency from the next payment 10815
to that municipal corporation under division (A) of section 10816
5745.05 of the Revised Code or, if the amount of the deficiency 10817
exceeds the amount of such distribution, withhold such 10818
distributions entirely until the withheld amount equals the amount 10819
of the municipal corporation's deficiency; 10820

(3) Deduct the amount of the deficiency from the municipal 10821
corporation's share of the next payment made by the commissioner 10822
under division (F) of section 321.24 of the Revised Code or, if 10823
the amount of the deficiency exceeds the amount of the municipal 10824
corporation's share of such payment, withhold the municipal 10825
corporation's share of the payments entirely until the withheld 10826
amount equals the amount of the municipal corporation's 10827
deficiency. 10828

(E) The total amount of payments and distributions withheld 10829
from a municipal corporation under division (D) of this section 10830
shall not exceed the unpaid portion of the municipal corporation's 10831
net distribution deficiency. All amounts withheld under division 10832
(D) of this section shall be credited to the municipal net profit 10833
tax fund. 10834

(F) The commissioner may adopt rules necessary to administer 10835
this section. 10836

Sec. 718.85. (A)(1) For each taxable year, every taxpayer 10837
shall file an annual return. Such return, along with the amount of 10838
tax shown to be due on the return less the amount paid for the 10839
taxable year under section 718.88 of the Revised Code, shall be 10840

submitted to the tax commissioner, on a form and in the manner 10841
prescribed by the commissioner, on or before the fifteenth day of 10842
the fourth month following the end of the taxpayer's taxable year. 10843

(2) If a taxpayer has multiple taxable years beginning within 10844
one calendar year, the taxpayer shall aggregate the facts and 10845
figures necessary to compute the tax due under this chapter, in 10846
accordance with sections 718.81, 718.82, and, if applicable, 10847
718.86 of the Revised Code onto its annual return. 10848

(3) The remittance shall be made payable to the treasurer of 10849
state and in the form prescribed by the tax commissioner. If the 10850
amount payable with the tax return is ten dollars or less, no 10851
remittance is required. 10852

(B) The tax commissioner shall immediately forward to the 10853
treasurer of state all amounts the commissioner receives pursuant 10854
to sections 718.80 to 718.95 of the Revised Code. The treasurer 10855
shall credit ninety-nine and one-half per cent of such amounts to 10856
the municipal ~~income~~ net profit tax fund which is hereby created 10857
in the state treasury, and the remainder to the municipal income 10858
tax administrative fund established under section 5745.03 of the 10859
Revised Code. 10860

(C)(1) Each return required to be filed under this section 10861
shall contain the signature of the taxpayer or the taxpayer's duly 10862
authorized agent and of the person who prepared the return for the 10863
taxpayer, and shall include the taxpayer's identification number. 10864
Each return shall be verified by a declaration under penalty of 10865
perjury. 10866

(2)(a) The tax commissioner may require a taxpayer to 10867
include, with each annual tax return, amended return, or request 10868
for refund filed with the commissioner under sections 718.80 to 10869
718.95 of the Revised Code, copies of any relevant documents or 10870
other information. 10871

(b) A taxpayer that files an annual tax return electronically 10872
through the Ohio business gateway or in another manner as 10873
prescribed by the tax commissioner shall either submit the 10874
documents required under this division electronically as 10875
prescribed at the time of filing or, if electronic submission is 10876
not available, mail the documents to the tax commissioner. The 10877
department of taxation shall publish a method of electronically 10878
submitting the documents required under this division on or before 10879
January 1, 2019. 10880

(3) After a taxpayer files a tax return, the tax commissioner 10881
may request, and the taxpayer shall provide, any information, 10882
statements, or documents required to determine and verify the 10883
taxpayer's municipal income tax. 10884

(D)(1)(a) Any taxpayer that has duly requested an automatic 10885
extension for filing the taxpayer's federal income tax return 10886
shall automatically receive an extension for the filing of a tax 10887
return with the commissioner under this section. The extended due 10888
date of the return shall be the fifteenth day of the tenth month 10889
after the last day of the taxable year to which the return 10890
relates. 10891

(b) A taxpayer that has not requested or received a six-month 10892
extension for filing the taxpayer's federal income tax return may 10893
request that the commissioner grant the taxpayer a six-month 10894
extension of the date for filing the taxpayer's municipal income 10895
tax return. If the commissioner receives the request on or before 10896
the date the municipal income tax return is due, the commissioner 10897
shall grant the taxpayer's extension request. 10898

(c) An extension of time to file under division (D)(1) of 10899
this section is not an extension of the time to pay any tax due 10900
unless the tax commissioner grants an extension of that date. 10901

(2) If the commissioner considers it necessary in order to 10902

ensure payment of a tax imposed in accordance with section 718.04 10903
of the Revised Code, the commissioner may require taxpayers to 10904
file returns and make payments otherwise than as provided in this 10905
section, including taxpayers not otherwise required to file annual 10906
returns. 10907

(E) Each return required to be filed in accordance with this 10908
section shall include a box that the taxpayer may check to 10909
authorize another person, including a tax return preparer who 10910
prepared the return, to communicate with the tax commissioner 10911
about matters pertaining to the return. The return or instructions 10912
accompanying the return shall indicate that by checking the box 10913
the taxpayer authorizes the commissioner to contact the preparer 10914
or other person concerning questions that arise during the 10915
examination or other review of the return and authorizes the 10916
preparer or other person only to provide the commissioner with 10917
information that is missing from the return, to contact the 10918
commissioner for information about the examination or other review 10919
of the return or the status of the taxpayer's refund or payments, 10920
and to respond to notices about mathematical errors, offsets, or 10921
return preparation that the taxpayer has received from the 10922
commissioner and has shown to the preparer or other person. 10923

(F) When income tax returns or other documents require the 10924
signature of a tax return preparer, the tax commissioner shall 10925
accept a facsimile or electronic version of such a signature in 10926
lieu of a manual signature. 10927

Sec. 718.90. (A) If any taxpayer required to file a return 10928
under section 718.80 to 718.95 of the Revised Code fails to file 10929
the return within the time prescribed, files an incorrect return, 10930
or fails to remit the full amount of the tax due for the period 10931
covered by the return, the tax commissioner may make an assessment 10932
against the taxpayer for any deficiency for the period for which 10933

the return or tax is due, based upon any information in the 10934
commissioner's possession. 10935

The tax commissioner shall not make or issue an assessment 10936
against a taxpayer more than three years after the later of the 10937
date the return subject to assessment was required to be filed or 10938
the date the return was filed. Such time limit may be extended if 10939
both the taxpayer and the commissioner consent in writing to the 10940
extension. Any such extension shall extend the three-year time 10941
limit in section 718.91 of the Revised Code for the same period of 10942
time. There shall be no bar or limit to an assessment against a 10943
taxpayer that fails to file a return subject to assessment as 10944
required by sections 718.80 to 718.95 of the Revised Code, or that 10945
files a fraudulent return. The commissioner shall give the 10946
taxpayer assessed written notice of the assessment as provided in 10947
section 5703.37 of the Revised Code. With the notice, the 10948
commissioner shall provide instructions on how to petition for 10949
reassessment and request a hearing on the petition. 10950

(B) Unless the taxpayer assessed files with the tax 10951
commissioner within sixty days after service of the notice of 10952
assessment, either personally or by certified mail, a written 10953
petition for reassessment signed by the authorized agent of the 10954
taxpayer assessed having knowledge of the facts, the assessment 10955
becomes final, and the amount of the assessment is due and payable 10956
from the taxpayer to the treasurer of state. The petition shall 10957
indicate the taxpayer's objections, but additional objections may 10958
be raised in writing if received by the commissioner prior to the 10959
date shown on the final determination. If the petition has been 10960
properly filed, the commissioner shall proceed under section 10961
5703.60 of the Revised Code. 10962

(C) After an assessment becomes final, if any portion of the 10963
assessment remains unpaid, including accrued interest, a certified 10964

copy of the tax commissioner's entry making the assessment final 10965
may be filed in the office of the clerk of the court of common 10966
pleas in the county in which the taxpayer has an office or place 10967
of business in this state, the county in which the taxpayer's 10968
statutory agent is located, or Franklin county. 10969

Immediately upon the filing of the entry, the clerk shall 10970
enter a judgment against the taxpayer assessed in the amount shown 10971
on the entry. The judgment may be filed by the clerk in a 10972
loose-leaf book entitled "special judgments for municipal income 10973
taxes," and shall have the same effect as other judgments. 10974
Execution shall issue upon the judgment upon the request of the 10975
tax commissioner, and all laws applicable to sales on execution 10976
shall apply to sales made under the judgment. 10977

If the assessment is not paid in its entirety within sixty 10978
days after the day the assessment was issued, the portion of the 10979
assessment consisting of tax due shall bear interest at the rate 10980
per annum prescribed by section 5703.47 of the Revised Code from 10981
the day the commissioner issues the assessment until the 10982
assessment is paid or until it is certified to the attorney 10983
general for collection under section 131.02 of the Revised Code, 10984
whichever comes first. If the unpaid portion of the assessment is 10985
certified to the attorney general for collection, the entire 10986
unpaid portion of the assessment shall bear interest at the rate 10987
per annum prescribed by section 5703.47 of the Revised Code from 10988
the date of certification until the date it is paid in its 10989
entirety. Interest shall be paid in the same manner as the tax and 10990
may be collected by issuing an assessment under this section. 10991

(D) All money collected under this section shall be credited 10992
to the municipal ~~income~~ net profit tax fund and distributed to the 10993
municipal corporation to which the money is owed based on the 10994
assessment issued under this section. 10995

(E) If the tax commissioner believes that collection of the 10996

tax will be jeopardized unless proceedings to collect or secure 10997
collection of the tax are instituted without delay, the 10998
commissioner may issue a jeopardy assessment against the taxpayer 10999
liable for the tax. Immediately upon the issuance of the jeopardy 11000
assessment, the commissioner shall file an entry with the clerk of 11001
the court of common pleas in the manner prescribed by division (C) 11002
of this section. Notice of the jeopardy assessment shall be served 11003
on the taxpayer assessed or the taxpayer's legal representative in 11004
the manner provided in section 5703.37 of the Revised Code within 11005
five days of the filing of the entry with the clerk. The total 11006
amount assessed is immediately due and payable, unless the 11007
taxpayer assessed files a petition for reassessment in accordance 11008
with division (B) of this section and provides security in a form 11009
satisfactory to the commissioner and in an amount sufficient to 11010
satisfy the unpaid balance of the assessment. Full or partial 11011
payment of the assessment does not prejudice the commissioner's 11012
consideration of the petition for reassessment. 11013

(F) Notwithstanding the fact that a petition for reassessment 11014
is pending, the taxpayer may pay all or a portion of the 11015
assessment that is the subject of the petition. The acceptance of 11016
a payment by the treasurer of state does not prejudice any claim 11017
for refund upon final determination of the petition. 11018

If upon final determination of the petition an error in the 11019
assessment is corrected by the tax commissioner, upon petition so 11020
filed or pursuant to a decision of the board of tax appeals or any 11021
court to which the determination or decision has been appealed, so 11022
that the amount due from the taxpayer under the corrected 11023
assessment is less than the portion paid, there shall be issued to 11024
the taxpayer, its assigns, or legal representative a refund in the 11025
amount of the overpayment as provided by section 718.91 of the 11026
Revised Code, with interest on that amount as provided by that 11027
section. 11028

Sec. 742.114. (A) As used in this section and in section 11029
742.116 of the Revised Code: 11030

(1) "Agent" means a dealer, as defined in section 1707.01 of 11031
the Revised Code, who is licensed under sections 1707.01 to 11032
~~1707.45~~ 1707.50 of the Revised Code or under comparable laws of 11033
another state or of the United States. 11034

(2) "Minority business enterprise" has the same meaning as in 11035
section 122.71 of the Revised Code. 11036

(3) "Ohio-qualified agent" means an agent designated as such 11037
by the board of trustees of the fund. 11038

(4) "Ohio-qualified investment manager" means an investment 11039
manager designated as such by the board of trustees of the fund. 11040

(5) "Principal place of business" means an office in which 11041
the agent regularly provides securities or investment advisory 11042
services and solicits, meets with, or otherwise communicates with 11043
clients. 11044

(B) The board of trustees of the fund shall, for the purposes 11045
of this section, designate an agent as an Ohio-qualified agent if 11046
the agent meets all of the following requirements: 11047

(1) The agent is subject to taxation under Chapter 5725., 11048
5726., 5733., 5747., or 5751. of the Revised Code; 11049

(2) The agent is authorized to conduct business in this 11050
state; 11051

(3) The agent maintains a principal place of business in this 11052
state and employs at least five residents of this state. 11053

(C) The board shall adopt and implement a written policy to 11054
establish criteria and procedures used to select agents to execute 11055
securities transactions on behalf of the retirement system. The 11056
policy shall address each of the following: 11057

(1) Commissions charged by the agent, both in the aggregate and on a per share basis;	11058 11059
(2) The execution speed and trade settlement capabilities of the agent;	11060 11061
(3) The responsiveness, reliability, and integrity of the agent;	11062 11063
(4) The nature and value of research provided by the agent;	11064
(5) Any special capabilities of the agent.	11065
(D)(1) The board shall, at least annually, establish a policy with the goal to increase utilization by the board of Ohio-qualified agents for the execution of domestic equity and fixed-income trades on behalf of the retirement system, when an Ohio-qualified agent offers quality, services, and safety comparable to other agents otherwise available to the board and meets the criteria established under division (C) of this section.	11066 11067 11068 11069 11070 11071 11072
(2) The board shall review, at least annually, the performance of the agents that execute securities transactions on behalf of the board.	11073 11074 11075
(3) The board shall determine whether an agent is an Ohio-qualified agent, meets the criteria established by the board pursuant to division (C) of this section, and offers quality, services, and safety comparable to other agents otherwise available to the board. The board's determination shall be final.	11076 11077 11078 11079 11080
Sec. 753.21. (A) As used in this section, "building or structure" includes, but is not limited to, a modular unit, building, or structure and a movable unit, building, or structure.	11081 11082 11083
(B)(1) The legislative authority of a municipal corporation, by ordinance, may dedicate and permit the use, as a minimum security jail, of any vacant or abandoned public building or structure owned by the municipal corporation that has not been	11084 11085 11086 11087

dedicated to or is not then in use for any municipal or other 11088
public purpose, or any building or structure rented or leased by 11089
the municipal corporation. The legislative authority of a 11090
municipal corporation, by ordinance, also may dedicate and permit 11091
the use, as a minimum security jail, of any building or structure 11092
purchased by or constructed by or for the municipal corporation. 11093
Subject to divisions (B)(3) and (C) of this section, upon the 11094
effective date of such an ordinance, the specified building or 11095
structure shall be used, in accordance with this section, for the 11096
confinement of persons who meet one of the following conditions: 11097

(a) The person is sentenced to a term of imprisonment for a 11098
traffic violation, a misdemeanor, or a violation of a municipal 11099
ordinance and is under the jurisdiction of the municipal 11100
corporation or is sentenced to a residential sanction in the jail 11101
for a felony of the fourth or fifth degree pursuant to sections 11102
2929.11 to 2929.19 of the Revised Code, and the jail administrator 11103
or the jail administrator's designee has classified the person as 11104
a minimal security risk. In determining the person's 11105
classification under this division, the administrator or designee 11106
shall consider all relevant factors, including, but not limited 11107
to, the person's escape risk and propensity for assaultive or 11108
violent behavior, based upon the person's prior and current 11109
behavior. 11110

(b) The person is an inmate transferred by order of a judge 11111
of the sentencing court upon the request of the sheriff, 11112
administrator, jailer, or other person responsible for operating 11113
the jail other than a contractor as defined in section 9.06 of the 11114
Revised Code, who is named in the request as being suitable for 11115
confinement in a minimum security facility. 11116

(2) The legislative authority of a municipal corporation, by 11117
ordinance, may affiliate with the county in which it is located, 11118
with one or more counties adjacent to the county in which it is 11119

located, or with one or more municipal corporations located within 11120
the county in which it is located or within an adjacent county, 11121
and dedicate and permit the use, as a minimum security jail, of 11122
any vacant or abandoned public building or structure owned by any 11123
of the affiliating counties or municipal corporations that has not 11124
been dedicated to or is not then in use for any public purpose, or 11125
any building or structure rented or leased by any of the 11126
affiliating counties or municipal corporations. The legislative 11127
authority of a municipal corporation, by ordinance, also may 11128
affiliate with one or more counties adjacent to the county in 11129
which it is located or with one or more municipal corporations 11130
located within the county in which it is located or within an 11131
adjacent county and dedicate and permit the use, as a minimum 11132
security jail, of any building or structure purchased by or 11133
constructed by or for any of the affiliating counties or municipal 11134
corporations. Any counties and municipal corporations that 11135
affiliate for purposes of this division shall enter into an 11136
agreement that establishes the responsibilities for the operation 11137
and for the cost of operation of the minimum security jail. 11138
Subject to divisions (B)(3) and (C) of this section, upon the 11139
effective date of an ordinance adopted under this division, the 11140
specified building or structure shall be used, in accordance with 11141
this section, for the confinement of persons who meet one of the 11142
following conditions: 11143

(a) The person is sentenced to a term of imprisonment for a 11144
traffic violation, a misdemeanor, or a violation of an ordinance 11145
of a municipal corporation and is under the jurisdiction of any of 11146
the affiliating counties or municipal corporations or is sentenced 11147
to a residential sanction in the jail for a felony of the fourth 11148
or fifth degree pursuant to sections 2929.11 to 2929.19 of the 11149
Revised Code, and the jail administrator or the jail 11150
administrator's designee has classified the person as a minimal 11151
security risk. In determining the person's classification under 11152

this division, the administrator or designee shall consider all 11153
relevant factors, including, but not limited to, the person's 11154
escape risk and propensity for assaultive or violent behavior, 11155
based upon the person's prior and current behavior. 11156

(b) The person is an inmate transferred by order of a judge 11157
of the sentencing court upon the request of the sheriff, 11158
administrator, jailer, or other person responsible for operating 11159
the jail other than a contractor as defined in section 9.06 of the 11160
Revised Code, who is named in the request as being suitable for 11161
confinement in a minimum security facility. 11162

(3) No person shall be confined in a building or structure 11163
dedicated as a minimum security jail under division (B)(1) or (2) 11164
of this section unless the judge who sentenced the person to the 11165
term of imprisonment for the traffic violation or the misdemeanor 11166
specifies that the term of imprisonment is to be served in that 11167
jail, and division (B)(1) or (2) of this section permits the 11168
confinement of the person in that jail or unless the judge who 11169
sentenced the person to the residential sanction for the felony 11170
specifies that the residential sanction is to be served in a jail, 11171
and division (B)(1) or (2) of this section permits the confinement 11172
of the person in that jail. If a rented or leased building or 11173
structure is so dedicated, the building or structure may be used 11174
as a minimum security jail only during the period that it is 11175
rented or leased by the municipal corporation or by an affiliated 11176
county or municipal corporation. If a person convicted of a 11177
misdemeanor is confined to a building or structure dedicated as a 11178
minimum security jail under division (B)(1) or (2) of this section 11179
and the sheriff, administrator, jailer, or other person 11180
responsible for operating the jail other than a contractor as 11181
defined in division (H) of section 9.06 of the Revised Code 11182
determines that it would be more appropriate for the person so 11183
confined to be confined in another jail or workhouse facility, the 11184

sheriff, administrator, jailer, or other person may transfer the 11185
person so confined to a more appropriate jail or workhouse 11186
facility. 11187

(C) All of the following apply in relation to a building or 11188
structure that is dedicated pursuant to division (B)(1) or (2) of 11189
this section for use as a minimum security jail: 11190

(1) To the extent that the use of the building or structure 11191
as a minimum security jail requires a variance from any municipal 11192
corporation, county, or township zoning ordinances or regulations, 11193
the variance shall be granted. 11194

(2) Except as provided in this section, the building or 11195
structure shall not be used to confine any person unless it is in 11196
substantial compliance with any applicable housing, fire 11197
prevention, sanitation, health, and safety codes, regulations, or 11198
standards. 11199

(3) Unless such satisfaction or compliance is required under 11200
the standards described in division (C)(4) of this section, and 11201
notwithstanding any other provision of state or local law to the 11202
contrary, the building or structure need not satisfy or comply 11203
with any state or local building standard or code in order to be 11204
used to confine a person for the purposes specified in division 11205
(B) of this section. 11206

(4) The building or structure shall not be used to confine 11207
any person unless it is in compliance with all minimum standards 11208
and minimum renovation, modification, and construction criteria 11209
for ~~minimum security~~ jails that have been proposed by the 11210
department of rehabilitation and correction, through its bureau of 11211
adult detention, under section 5120.10 of the Revised Code. 11212

(5) The building or structure need not be renovated or 11213
modified into a secure detention facility in order to be used 11214
solely to confine a person for the purposes specified in divisions 11215

(B)(1)(a) and (B)(2)(a) of this section. 11216

(6) The building or structure shall be used, equipped, 11217
furnished, and staffed to provide adequate and suitable living, 11218
sleeping, food service or preparation, drinking, bathing and 11219
toilet, sanitation, and other necessary facilities, furnishings, 11220
and equipment. 11221

(D) Except as provided in this section, a minimum security 11222
jail dedicated and used under this section shall be considered to 11223
be part of the jail, workhouse, or other correctional facilities 11224
of the municipal corporation or the affiliated counties and 11225
municipal corporations for all purposes under the law. All persons 11226
confined in such a minimum security jail shall be and shall 11227
remain, in all respects, under the control of the authority of the 11228
municipal corporation that has responsibility for the management 11229
and operation of the jail, workhouse, or other correctional 11230
facilities of the municipal corporation or, if it is operated by 11231
any affiliation of counties or municipal corporations, under the 11232
control of the specified county or municipal corporation with that 11233
authority, provided that, if the person was convicted of a felony 11234
and is serving a residential sanction in the facility, all 11235
provisions of law that pertain to persons convicted of a felony 11236
that would not by their nature clearly be inapplicable apply 11237
regarding the person. A minimum security jail dedicated and used 11238
under this section shall be managed and maintained in accordance 11239
with policies and procedures adopted by the legislative authority 11240
of the municipal corporation or the affiliated counties and 11241
municipal corporations governing the safe and healthful operation 11242
of the jail, the confinement and supervision of the persons 11243
sentenced to it, and their participation in work release or 11244
similar rehabilitation programs. In addition to other rules of 11245
conduct and discipline, the rights of ingress and egress of 11246
persons confined in a minimum security jail dedicated and used 11247

under this section shall be subject to reasonable restrictions. 11248
Every person confined in a minimum security jail dedicated and 11249
used under this section shall be given verbal and written 11250
notification, at the time of the person's admission to the jail, 11251
that purposely leaving, or purposely failing to return to, the 11252
jail without proper authority or permission constitutes the felony 11253
offense of escape. 11254

(E) If a person who has been convicted of or pleaded guilty 11255
to an offense is sentenced to a term of imprisonment or a 11256
residential sanction in a minimum security jail as described in 11257
division (B)(1)(a) or (B)(2)(a) of this section, or if a person is 11258
an inmate transferred to a minimum security jail by order of a 11259
judge of the sentencing court as described in division (B)(1)(b) 11260
or (2)(b) of this section, at the time of reception and at other 11261
times the person in charge of the operation of the jail determines 11262
to be appropriate, the person in charge of the operation of the 11263
jail may cause the convicted offender to be examined and tested 11264
for tuberculosis, HIV infection, hepatitis, including but not 11265
limited to hepatitis A, B, and C, and other contagious diseases. 11266
The person in charge of the operation of the jail may cause a 11267
convicted offender in the jail who refuses to be tested or treated 11268
for tuberculosis, HIV infection, hepatitis, including but not 11269
limited to hepatitis A, B, and C, or another contagious disease to 11270
be tested and treated involuntarily. 11271

Sec. 901.172. (A) As used in this section, "beer," "cider," 11272
and "spirituous liquor" have the same meanings as in section 11273
4301.01 of the Revised Code. 11274

(B) The department of agriculture may promote the use of 11275
Ohio-produced agricultural goods grown for inclusion in both of 11276
the following: 11277

(1) Beer or cider through the issuance of logotypes to 11278

qualified producers and processors under a promotional 11279
certification program to be developed and administered by the 11280
division of markets. The program shall be entitled "Ohio Proud 11281
Craft Beer." 11282

(2) Spirituous liquor through the issuance of logotypes to 11283
qualified producers and processors under a promotional 11284
certification program to be developed and administered by the 11285
division. The program shall be entitled "Ohio Proud Craft 11286
Spirits." 11287

(C) Pursuant to rules adopted under Chapter 119. of the 11288
Revised Code, the department may establish reasonable fees and 11289
criteria for participation in the programs. All such fees shall be 11290
credited to the general revenue fund and used to finance the 11291
programs. 11292

Sec. 905.31. As used in sections 905.31 to 905.503 of the 11293
Revised Code: 11294

(A) "Brand name" means a name or expression, design, or 11295
trademark used in connection with one or several grades of any 11296
type of fertilizer. 11297

(B) "Bulk fertilizer" means any type of fertilizer in solid, 11298
liquid, or gaseous state, or any combination thereof, in a 11299
nonpackaged form. 11300

(C) "Distribute" means to offer for sale, sell, barter, or 11301
otherwise supply fertilizer for other than manufacturing purposes. 11302

(D) "Fertilizer" means any substance containing nitrogen, 11303
phosphorus, or potassium or any recognized plant nutrient element 11304
or compound that is used for its plant nutrient content or for 11305
compounding mixed fertilizers. "Fertilizer" does not include lime, 11306
limestone, marl, unground bone, water, residual farm products, and 11307
animal and vegetable manures unless mixed with fertilizer 11308

materials or distributed with a guaranteed analysis. 11309

(E) "Grade" means the percentages of total nitrogen, 11310
available phosphorus or available phosphate (P_2O_5), and soluble 11311
potassium or soluble potash (K_2O) stated in the same terms, order, 11312
and percentage as in guaranteed analysis. 11313

(F) "Guaranteed analysis" means: 11314

(1) The minimum percentages of plant nutrients claimed in the 11315
following order and form: 11316

Total Nitrogen (N)	per cent	11317
Available phosphate (P_2O_5)	per cent	11318
Soluble Potash (K_2O)	per cent	11319

(2) Guaranteed analysis includes, in the following order: 11320

(a) For bone and tankage, total phosphorus (P) or phosphate 11321
(P_2O_5); 11322

(b) For basic slag and unacidulated phosphatic materials, 11323
available and total phosphorus (P) or phosphate (P_2O_5) and the 11324
degree of fineness; 11325

(c) Additional plant nutrients guaranteed expressed as 11326
percentage of elements in the order and form as prescribed by 11327
rules adopted by the director of agriculture. 11328

(G) "Label" means any written or printed matter on the 11329
package or tag attached to it or on the pertinent delivery and 11330
billing invoice. 11331

(H) "Manufacture" means to process, granulate, blend, mix, or 11332
alter the composition of fertilizers for distribution. 11333

(I) "Mixed fertilizer" means any combination or mixture of 11334
fertilizer designed for use, or claimed to have value, in 11335
promoting plant growth, including fertilizer pesticide mixtures. 11336

(J) "Net weight" means the weight of a commodity excluding 11337
any packaging in pounds or metric equivalent, as determined by a 11338

sealed weighing device or other means prescribed by rules adopted	11339
by the director.	11340
(K) "Packaged fertilizer" means any type of fertilizer in	11341
closed containers of not over one hundred pounds or metric	11342
equivalent.	11343
(L) "Per cent" or "percentage" means the percentage of	11344
weight.	11345
(M) "Person" includes any partnership, association, firm,	11346
corporation, company, society, individual or combination of	11347
individuals, institution, park, or public agency administered by	11348
the state or any subdivision of the state.	11349
(N) "Product name" means a coined or specific designation	11350
applied to an individual fertilizer material or mixture of a fixed	11351
composition and derivation.	11352
(O) "Sale" means exchange of ownership or transfer of	11353
custody.	11354
(P) "Official sample" means the sample of fertilizer taken	11355
and designated as official by the director.	11356
(Q) "Specialty fertilizer" means any fertilizer designed,	11357
labeled, and distributed for uses other than the production of	11358
commercial crops.	11359
(R) "Ton" means a net weight of two thousand pounds.	11360
(S) "Fertilizer material" includes any of the following:	11361
(1) A material containing not more than one of the following	11362
primary plant nutrients:	11363
(a) Nitrogen (N);	11364
(b) Phosphorus (P);	11365
(c) Potassium (K).	11366
(2) A material that has not less than eighty-five per cent of	11367

its plant nutrient content composed of a single chemical compound; 11368

(3) A material that is derived from a residue or by-product 11369
of a plant or animal or a natural material deposit and has been 11370
processed in such a way that its plant nutrients content has not 11371
been materially changed except by purification and concentration. 11372

(T) "Custom mixed fertilizer" means a fertilizer that is not 11373
premixed, but that is blended specifically to meet the nutrient 11374
needs of one specific customer. 11375

(U) "Director" or "director of agriculture" means the 11376
director of agriculture or the director's designee. 11377

(V) "Lot" means an identifiable quantity of fertilizer that 11378
may be used as an official sample. 11379

(W) "Unit" means twenty pounds of fertilizer or one per cent 11380
of a ton. 11381

(X) "Anhydrous ammonia equipment" means, with regard to the 11382
handling or storage of anhydrous ammonia, a container or 11383
containers with a maximum capacity of not more than four thousand 11384
nine hundred ninety-nine gallons or any appurtenances, pumps, 11385
compressors, or interconnecting pipes associated with such a 11386
container or containers. "Anhydrous ammonia equipment" does not 11387
include equipment for the manufacture of anhydrous ammonia or the 11388
storage of anhydrous ammonia either underground or in refrigerated 11389
structures. 11390

(Y) "Anhydrous ammonia system" or "system" means, with regard 11391
to the handling or storage of anhydrous ammonia, a container or 11392
containers with a minimum capacity of not less than five thousand 11393
gallons or any appurtenances, pumps, compressors, or 11394
interconnecting pipes associated with such a container or 11395
containers. "Anhydrous ammonia system" does not include equipment 11396
for the manufacture of anhydrous ammonia or the storage of 11397
anhydrous ammonia either underground or in refrigerated 11398

structures. 11399

(Z) "Agricultural production" means the cultivation, 11400
primarily for sale, of plants or any parts of plants on more than 11401
fifty acres. "Agricultural production" does not include the use of 11402
start-up fertilizer applied through a planter. 11403

(AA) "Rule" means a rule adopted under section 905.322, 11404
905.40, or 905.44 of the Revised Code, as applicable. 11405

(BB) "Certificate holder" means a person who has been 11406
certified to apply fertilizer under section 905.321 of the Revised 11407
Code and rules adopted under section 905.322 of the Revised Code. 11408

(CC) "Residual farm products" has the same meaning as in 11409
section 939.01 of the Revised Code. 11410

(DD) "Voluntary nutrient management plan" means any of the 11411
following: 11412

(1) A nutrient management plan that is in the form of the 11413
Ohio nutrient management workbook made available by the Ohio state 11414
university; 11415

(2) A comprehensive nutrient management plan developed by the 11416
United States department of agriculture natural resources 11417
conservation service, a technical service provider certified by 11418
the conservation service, or a person authorized by the 11419
conservation service to develop a plan; 11420

(3) A document that is equivalent to a plan specified in 11421
division (DD)(1) or (2) of this section, that is in a form 11422
approved by the director or the director's designee, and that 11423
contains at least all of the following information: 11424

(a) Results of soil tests conducted on land subject to the 11425
plan that comply with the field office technical guide established 11426
by the conservation service and adopted by the director in rules 11427
adopted under division (E) of section 939.02 of the Revised Code 11428

and that are not older than three <u>four</u> years;	11429
(b) Documentation of the method and seasonal time of utilization and application of nutrients;	11430 11431
(c) Identification of all nutrients applied, including manure, fertilizer, sewage sludge, and biodigester residue;	11432 11433
(d) Field information regarding land subject to the plan, including the location, spreadable acreage, crops grown, and actual and projected yields.	11434 11435 11436
<u>Sec. 936.01. As used in this chapter:</u>	11437
<u>"Education" means any activity designed to provide information regarding propane, propane equipment, mechanical and technical practices, and uses and promotion of propane to consumers and members of the propane industry.</u>	11438 11439 11440 11441
<u>"Propane" means liquefied petroleum gas, a material with a vapor pressure not exceeding that of commercial propane composed predominately of the following hydrocarbons or mixtures:</u>	11442 11443 11444
<u>(A) Propane;</u>	11445
<u>(B) Propylene;</u>	11446
<u>(C) Butane;</u>	11447
<u>(D) Butylene</u>	11448
<u>"Propane council" or "council" means the propane council created under section 936.02 of the Revised Code.</u>	11449 11450
<u>"Retailer" means a person engaged primarily in the sale of odorized propane to the ultimate consumer or to a retail propane dispenser.</u>	11451 11452 11453
<u>"Wholesale distributor" means a person whose primary business involves the sale of propane to a retailer.</u>	11454 11455

Sec. 936.02. (A) The director of agriculture shall establish 11456
a propane council and adopt rules in accordance with Chapter 119. 11457
of the Revised Code necessary to implement this chapter. 11458

(B) The director shall appoint the following members to the 11459
council in accordance with this section and rules adopted under 11460
it: 11461

(1) Two multi-state propane gas retailers; 11462

(2) Two intrastate propane gas retailers; 11463

(3) One cooperative propane gas retailer; 11464

(4) One wholesale propane gas wholesale distributor; 11465

(5) One propane gas equipment dealer; 11466

The director of agriculture or the director's designee and 11467
the state fire marshal or the fire marshal's designee also shall 11468
serve on the council. 11469

(C) The director shall appoint members under divisions (B)(1) 11470
through (5) of this section from a list submitted by a qualified 11471
statewide propane association. The director shall not appoint a 11472
person as a member of the council unless the person is at least 11473
twenty-five years old and has at least five years of active 11474
experience in the propane gas industry. 11475

(D) Not later than ninety days after the effective date of 11476
this section, the director shall make initial appointments to the 11477
council. Members shall serve three-year staggered terms of office 11478
in accordance with rules adopted by the director. 11479

Sec. 936.03. The propane council shall adopt procedures by 11480
which retailers of propane in this state may propose, develop, and 11481
operate a marketing program to do all of the following: 11482

(A) Promote the safe and efficient use of propane; 11483

<u>(B) Demonstrate to the general public the importance and economic significance of propane;</u>	11484
	11485
<u>(C) Develop new uses and markets for propane and enable engagement in promotional activities that incentivize the use of propane;</u>	11486
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	11488
<u>(D) Support research, training, and educational activities concerning the propane industry;</u>	11489
	11490
<u>(E) Determine the eligibility of retailers to participate in referendums and other procedures that may be required to establish the marketing program;</u>	11491
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	11493
<u>(F) Establish procedures necessary to implement and administer the marketing program;</u>	11494
	11495
<u>(G) Enter into contracts with qualified organizations, agencies, individuals, or any combination thereof, to carry out the purpose of the marketing program;</u>	11496
	11497
	11498
<u>(H) Employ staff to carry out the purpose of the marketing program.</u>	11499
	11500
<u>Sec. 936.04. (A) Retailers in this state may present the propane council with a petition signed by the lesser of twenty-five or ten per cent of all such retailers requesting that the council hold a referendum in accordance with section 936.05 of the Revised Code to establish or amend a marketing program for propane.</u>	11501
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<u>(B) At the time of presentation of the petition to the council under division (A) of this section, the petitioners also shall present the proposed program or amendment, which shall include all of the following:</u>	11507
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<u>(1) The rate of assessment to be made on the volume of odorized propane purchased by a retailer from a wholesale distributor in this state, which shall not exceed five thousandths</u>	11511
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of a mill per gallon; 11514

(2) Terms, conditions, limitations, and other eligibility 11515
qualifications for assessment; 11516

(3) Procedures and eligibility requirements for a refund of 11517
the assessment. 11518

(C) Before the council makes a decision to approve or 11519
disapprove a proposed program or amendment, the council shall 11520
publish in at least two appropriate periodicals designated by the 11521
council a notice that the program or amendment has been proposed 11522
and informing interested persons of the procedures for submitting 11523
comments regarding the proposal. After publishing the notice, the 11524
council shall provide interested persons with a copy of the 11525
proposed program or amendment and an opportunity to comment on the 11526
proposed program or amendment for thirty days after the 11527
publication of the notice. The petitioners may make changes to the 11528
proposed program or amendment based upon the comments received. 11529
The council may make technical changes to the proposal to ensure 11530
compliance with this chapter. Subsequent to any changes made by 11531
the petitioners or any technical changes made by the council to a 11532
proposed program or amendment, the council may approve or 11533
disapprove the proposed program or amendment. 11534

(D) If the council approves the proposed program or 11535
amendment, with any changes made under division (C) of this 11536
section, the council shall hold a referendum in accordance with 11537
section 936.05 of the Revised Code to establish a marketing 11538
program for propane or to amend an existing program. 11539

Sec. 936.05. (A) Not later than ninety days after the propane 11540
council has approved a marketing program proposed under section 11541
936.04 of the Revised Code, or an amendment to such a program, the 11542
council shall determine by a referendum whether the eligible 11543
retailers, as determined under section 936.03 of the Revised Code, 11544

favor the proposed program or amendment. The council shall cause a ballot request form to be published not less than thirty days before the beginning of the election period established under division (B) of this section in at least two appropriate periodicals designated by the council and shall make the form available for reproduction to any qualified statewide propane association. 11545
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(B) In a referendum held under this section, each eligible retailer is entitled to one vote. The council shall establish a three-day period during which eligible retailers may vote either in person during normal business hours at polling places designated by the council or by mailing a ballot to such a polling place. The council shall send a mail-in ballot by first-class mail to any eligible retailer who requests one by sending in the ballot request form provided for in division (A) of this section or by any additional method that the council may provide. A ballot that is returned by mail is not valid if it is postmarked later than the third day of the election period established by the council. 11552
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(C) A marketing program or an amendment to a marketing program is favored by retailers if a majority of the retailers who vote in the referendum vote in favor of the program or amendment. 11563
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Sec. 936.06. When the retailers who vote in a referendum held under section 936.05 of the Revised Code favor a proposed marketing program, the propane council shall order the program established. 11566
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Sec. 936.07. The director of agriculture shall monitor the actions of the propane council to ensure all of the following: 11570
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(A) A marketing program is self-supporting. 11572

(B) The council keeps all records that are required for agencies of the state. 11573
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(C) All program operations are in accord with both of the 11575
following: 11576

(1) The provisions of the marketing program; 11577

(2) This chapter and procedures established under it. 11578

Sec. 936.08. (A) For the purpose of a marketing program 11579
established under this chapter, the council may levy assessments 11580
on retailers at the time of purchase of odorized propane by a 11581
retailer from a wholesale distributor. The council shall base the 11582
assessments on the volume of odorized propane purchased by the 11583
retailer from the wholesale distributor. 11584

(B) A marketing program shall require a refund of assessments 11585
collected under this section after receiving an application for a 11586
refund from a retailer who has been assessed and is eligible for a 11587
refund. The retailer shall submit the application for a refund on 11588
a form furnished by the council. The council shall ensure that 11589
refund forms are available where assessments for its program are 11590
withheld. 11591

A retailer who desires a refund shall submit a request for a 11592
refund not later than thirty days after the end of the month for 11593
which the request is submitted. The council shall refund the 11594
assessment to the retailer not later than sixty days after the 11595
request for the refund is submitted. 11596

(C) The propane council shall not use money from any 11597
assessments that it levies for any political or legislative 11598
purpose or for preferential treatment of one person to the 11599
detriment of another person who is affected by the marketing 11600
program that the council administers. 11601

(D) If the propane council requests that a retailer seeking a 11602
refund provide additional information to support a refund request, 11603
any additional information provided to the council is not a public 11604

record under section 149.43 of the Revised Code, is confidential, 11605
and the propane council shall treat the information as 11606
confidential. 11607

Sec. 936.09. (A) There is hereby established a fund for the 11608
marketing program that is established by the propane council under 11609
this chapter. The fund shall be in the custody of the treasurer of 11610
state, but shall not be part of the state treasury. Except as 11611
authorized in division (B) of this section, all money collected 11612
pursuant to section 936.08 of the Revised Code for the marketing 11613
program shall be paid into the fund for the marketing program and 11614
shall be disbursed only pursuant to a voucher signed by the 11615
chairperson of the council for use in defraying the costs of 11616
administration of the marketing program and for carrying out 11617
sections 936.03 and 936.11 of the Revised Code. 11618

(B) In lieu of deposits in the fund established under 11619
division (A) of this section, the propane council may deposit all 11620
money collected pursuant to section 936.08 of the Revised Code 11621
with a bank as defined in section 1101.01 of the Revised Code. All 11622
money collected pursuant to section 936.08 of the Revised Code for 11623
the marketing program and deposited pursuant to this division also 11624
shall be used only in defraying the costs of administration of the 11625
marketing program and for carrying out sections 936.03 and 936.11 11626
of the Revised Code. 11627

(C) The council shall establish a fiscal year for its 11628
marketing program, shall publish an activity and financial report 11629
within sixty days of the end of each fiscal year, and shall make 11630
the report available to each retailer who pays an assessment or 11631
otherwise contributes to the marketing program that the council 11632
administers and to other interested persons. 11633

(D) In addition to the report required by division (C) of 11634
this section, if the council deposits money in accordance with 11635

division (B) of this section, the council shall annually submit a 11636
financial statement prepared by a certified public accountant 11637
holding valid certification from the Ohio board of accountancy 11638
issued pursuant to Chapter 4701. of the Revised Code to the 11639
department of agriculture. The council shall file the financial 11640
statement with the department not more than one hundred fifty days 11641
after the end of each fiscal year. 11642

(E) The council shall use money in the fund or deposited in a 11643
bank to promote the common good, welfare, and advancement of the 11644
propane industry, including, but not limited to, all of the 11645
following activities and programs: 11646

(1) Education; 11647

(2) Training; 11648

(3) Safety compliance; 11649

(4) Advertising; 11650

(5) Promotion; 11651

(6) Customer rebates to encourage energy efficient appliance 11652
and equipment purchases by residential, commercial, or 11653
agricultural customers. 11654

Sec. 936.10. (A) The director of agriculture temporarily may 11655
suspend the operation of a marketing program, or any part of a 11656
program, established under this chapter for any reason upon 11657
recommendation by the propane council for a period of not more 11658
than twelve consecutive months. 11659

(B) At least once in each five years of operation, or at any 11660
time upon written petition by the lesser of twenty-five or ten per 11661
cent of the retailers in this state, the council shall hold a 11662
hearing as prescribed in Chapter 119. of the Revised Code to 11663
consider the continuation of the program. 11664

(C) Not later than thirty days after the close of any hearing to consider the continuation of a marketing program, the council shall recommend continuation or termination of the program, shall give public notice, and shall notify each retailer of record, all parties appearing at the hearing, and other interested parties of the recommendation. 11665
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(D) When the council recommends termination of a marketing program, within forty-five days the council shall conduct a referendum to determine whether retailers favor the proposed termination. Retailers favor the termination of the program if a majority of the retailers who vote in the referendum vote in favor of termination of the program. 11671
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Sec. 936.11. (A) When retailers favor termination of a marketing program established under this chapter, the propane council shall terminate all operations of the program. 11677
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(B)(1) Except as provided in division (B)(2) of this section, upon termination of a program, the council shall return any remaining unobligated money to the retailers who paid the assessments levied under section 936.08 of the Revised Code during the immediately preceding twelve months and shall prorate the money accordingly. 11680
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(2) If a program is operated by a nonprofit corporation that is organized under Chapter 1702. of the Revised Code for the purpose of carrying out the purposes identified in section 936.03 of the Revised Code, and if the nonprofit corporation is exempt from federal income taxation pursuant to section 501(a) of the Internal Revenue Code and is described in section 501(c) (3) of the Internal Revenue Code, upon termination of the program, the nonprofit corporation shall distribute any remaining unobligated money to be used for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code or to 11686
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the federal, a state, or a local government to be used for a 11696
public purpose. If there remains any unobligated money after the 11697
distribution by the nonprofit corporation, the court of common 11698
pleas of the county in which the principal office of the nonprofit 11699
corporation is located shall distribute the remaining unobligated 11700
money to be used for one or more exempt purposes within the 11701
meaning of section 501(c)(3) of the Internal Revenue Code, to the 11702
federal, a state, or a local government to be used for a public 11703
purpose, or to one or more organizations that are organized and 11704
operated exclusively for one or more of the purposes that are 11705
within the meaning of section 501(c)(3) of the Internal Revenue 11706
Code, as the court determines is best to accomplish the exempt 11707
purposes of the nonprofit corporation. 11708

Sec. 936.12. The propane council may institute an action at 11709
law or in equity that appears necessary to enforce compliance with 11710
this chapter, a procedure established under it, or a marketing 11711
program established under it. 11712

Sec. 936.13. No retailer shall knowingly fail or refuse to 11713
withhold or remit any assessment levied under section 936.08 of 11714
the Revised Code. 11715

Sec. 936.99. Whoever violates section 936.13 of the Revised 11716
Code is guilty of a misdemeanor of the fourth degree. 11717

Sec. 1181.23. (A) The superintendent of financial 11718
institutions may require persons licensed or registered by the 11719
division of financial institutions to participate in a multistate 11720
licensing system. 11721

(B)(1) If the superintendent requires use of a multistate 11722
licensing system, the superintendent may establish, by rule, 11723
regulation, or order, requirements as necessary to enable 11724

information required by existing statutes providing for licensing 11725
or registration to be submitted to the superintendent through the 11726
multistate licensing system. 11727

(2) The superintendent shall not adopt a requirement in 11728
conflict with a provision of the Revised Code, but may add to 11729
existing requirements with regard to all of the following: 11730

(a) The manner of obtaining required criminal history 11731
records, civil or administrative records, or credit history 11732
records; 11733

(b) The payment of fees required for the use of the 11734
multistate licensing system; 11735

(c) The setting or resetting as necessary of renewal or 11736
reporting dates; 11737

(d) The amending of or surrendering of a license or 11738
registration. 11739

(C) Any person engaged in activity that requires licensure or 11740
registration pursuant to this section shall utilize the multistate 11741
licensing system for the application for, renewal of, amendment 11742
to, or surrender of a license or registration, as well as for any 11743
other activity as the superintendent may require. Such a person 11744
shall pay all applicable charges to utilize the multistate 11745
licensing system. 11746

(D) The superintendent is authorized to establish 11747
relationships or contacts with the multistate licensing system or 11748
other entities designated by the multistate licensing system to 11749
collect and maintain records and process transaction fees or other 11750
fees related to licensees and registrants. 11751

(E) Any confidentiality or privilege arising under federal or 11752
state law with respect to any information or material provided to 11753
the multistate licensing system shall continue to apply to the 11754

information or material after the information or material is 11755
provided to the multistate licensing system. The information and 11756
material so provided may be released to any state or federal 11757
regulatory official with applicable oversight authority without 11758
the loss of confidentiality or privilege protections provided by 11759
federal law or the law of any state. 11760

(F) The superintendent may use the documents, materials, or 11761
other information made available to the superintendent through the 11762
multistate licensing system in furtherance of any action brought 11763
by the superintendent. 11764

Sec. 1321.73. (A) No person shall engage in the business of 11765
entering into or otherwise acquiring premium finance agreements in 11766
the state without first having obtained a license as a premium 11767
finance company from the division of financial institutions. 11768

(B) The annual license fee shall be determined by the 11769
superintendent of financial institutions pursuant to section 11770
1321.20 of the Revised Code. Licenses may be renewed from year to 11771
year as of the first day of July of each year, or annually on a 11772
different date established by the superintendent pursuant to 11773
section 1181.23 of the Revised Code, upon payment of the fee. 11774

(C) The person to whom the license or the renewal thereof is 11775
issued shall file sworn answers, subject to the penalties of 11776
perjury, to such interrogatories as the division requires. The 11777
division may, at any time, require the applicant to fully disclose 11778
the identity of all stockholders, partners, officers, and 11779
employees, and it may, at its discretion, refuse to issue or renew 11780
a license in the name of any firm, partnership, or corporation if 11781
it is not satisfied that any officer, employee, stockholder, or 11782
partner thereof, who may materially influence the applicant's 11783
conduct, meets the standards provided by sections 1321.71 to 11784
1321.83 of the Revised Code. 11785

(D) Each applicant shall execute and file with the division 11786
proof that the applicant has a net worth of at least fifty 11787
thousand dollars, as determined in accordance with generally 11788
accepted accounting principles. The proof is subject to the 11789
approval of the division. 11790

Sec. 1347.08. (A) Every state or local agency that maintains 11791
a personal information system, upon the request and the proper 11792
identification of any person who is the subject of personal 11793
information in the system, shall: 11794

(1) Inform the person of the existence of any personal 11795
information in the system of which the person is the subject; 11796

(2) Except as provided in divisions (C) and (E)(2) of this 11797
section, permit the person, the person's legal guardian, or an 11798
attorney who presents a signed written authorization made by the 11799
person, to inspect all personal information in the system of which 11800
the person is the subject; 11801

(3) Inform the person about the types of uses made of the 11802
personal information, including the identity of any users usually 11803
granted access to the system. 11804

(B) Any person who wishes to exercise a right provided by 11805
this section may be accompanied by another individual of the 11806
person's choice. 11807

(C)(1) A state or local agency, upon request, shall disclose 11808
medical, psychiatric, or psychological information to a person who 11809
is the subject of the information or to the person's legal 11810
guardian, unless a physician, psychiatrist, or psychologist 11811
determines for the agency that the disclosure of the information 11812
is likely to have an adverse effect on the person, in which case 11813
the information shall be released to a physician, psychiatrist, or 11814
psychologist who is designated by the person or by the person's 11815

legal guardian. 11816

(2) Upon the signed written request of either a licensed 11817
attorney at law or a licensed physician designated by the inmate, 11818
together with the signed written request of an inmate of a 11819
correctional institution under the administration of the 11820
department of rehabilitation and correction, the department shall 11821
disclose medical information to the designated attorney or 11822
physician as provided in division (C) of section 5120.21 of the 11823
Revised Code. 11824

(D) If an individual who is authorized to inspect personal 11825
information that is maintained in a personal information system 11826
requests the state or local agency that maintains the system to 11827
provide a copy of any personal information that the individual is 11828
authorized to inspect, the agency shall provide a copy of the 11829
personal information to the individual. Each state and local 11830
agency may establish reasonable fees for the service of copying, 11831
upon request, personal information that is maintained by the 11832
agency. 11833

(E)(1) This section regulates access to personal information 11834
that is maintained in a personal information system by persons who 11835
are the subject of the information, but does not limit the 11836
authority of any person, including a person who is the subject of 11837
personal information maintained in a personal information system, 11838
to inspect or have copied, pursuant to section 149.43 of the 11839
Revised Code, a public record as defined in that section. 11840

(2) This section does not provide a person who is the subject 11841
of personal information maintained in a personal information 11842
system, the person's legal guardian, or an attorney authorized by 11843
the person, with a right to inspect or have copied, or require an 11844
agency that maintains a personal information system to permit the 11845
inspection of or to copy, a confidential law enforcement 11846
investigatory record or trial preparation record, as defined in 11847

divisions (A)(2) and (4) of section 149.43 of the Revised Code.	11848
(F) This section does not apply to any of the following:	11849
(1) The contents of an adoption file maintained by the department of health under sections 3705.12 to 3705.124 of the Revised Code;	11850 11851 11852
(2) Information contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;	11853 11854 11855 11856 11857 11858
(3) Papers, records, and books that pertain to an adoption and that are subject to inspection in accordance with section 3107.17 of the Revised Code;	11859 11860 11861
(4) Records specified in division (A) of section 3107.52 of the Revised Code;	11862 11863
(5) Records that identify an individual described in division (A)(1) of section 3721.031 of the Revised Code, or that would tend to identify such an individual;	11864 11865 11866
(6) Files and records that have been expunged under division (D)(1) or (2) of section 3721.23 of the Revised Code;	11867 11868
(7) Records that identify an individual described in division (A)(1) of section 3721.25 of the Revised Code, or that would tend to identify such an individual;	11869 11870 11871
(8) Records that identify an individual described in division (A)(1) of section 5165.88 of the Revised Code, or that would tend to identify such an individual;	11872 11873 11874
(9) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of executives of long-term services and supports	11875 11876 11877

administers under section ~~4751.04~~ 4751.15 of the Revised Code or 11878
contracts under that section with a private or government entity 11879
to administer; 11880

(10) Information contained in a database established and 11881
maintained pursuant to section 5101.13 of the Revised Code; 11882

(11) Information contained in a database established and 11883
maintained pursuant to section 5101.631 of the Revised Code. 11884

Sec. 1349.05. (A) As used in this section: 11885

(1) "Agency" and "license" have the same meanings as in 11886
section 119.01 of the Revised Code. 11887

(2) "Crime" and "victim" have the same meanings as in section 11888
2930.01 of the Revised Code. 11889

(3) "Health care practitioner" means any of the following: 11890

(a) An individual licensed under Chapter 4731. of the Revised 11891
Code to practice medicine and surgery; 11892

(b) An individual licensed under Chapter 4723. of the Revised 11893
Code to practice as an advanced practice registered nurse; 11894

(c) An individual licensed under Chapter 4730. of the Revised 11895
Code to practice as a physician assistant; 11896

(d) An individual licensed under Chapter 4732. of the Revised 11897
Code to practice as a psychologist; 11898

(e) An individual licensed under Chapter 4734. of the Revised 11899
Code to practice as a chiropractor. 11900

(B) No health care practitioner, with the intent to obtain 11901
professional employment for the health care practitioner, shall 11902
directly contact in person, by telephone, or by electronic means 11903
any party to a motor vehicle accident, any victim of a crime, or 11904
any witness to a motor vehicle accident or crime until thirty days 11905
after the date of the motor vehicle accident or crime. Any 11906

communication to obtain professional employment shall be sent via 11907
the United States postal service. 11908

(C) No person who has been paid or given, or was offered to 11909
be paid or given, money or anything of value to solicit employment 11910
on behalf of another shall directly contact in person, by 11911
telephone, or by electronic means any party to a motor vehicle 11912
accident, any victim of a crime, or any witness to a motor vehicle 11913
accident or crime until thirty days after the date of the motor 11914
vehicle accident or crime. Any communication to solicit employment 11915
on behalf of another shall be sent via the United States postal 11916
service. 11917

(D) If the attorney general believes that a health care 11918
practitioner or a person described in division (C) of this section 11919
has violated division (B) or (C) of this section, the attorney 11920
general shall issue a notice and conduct a hearing in accordance 11921
with Chapter 119. of the Revised Code. If, after the hearing, the 11922
attorney general determines that a violation of division (B) or 11923
(C) of this section occurred, the attorney general shall impose a 11924
fine of five thousand dollars for each violation to each health 11925
care practitioner or person described in division (C) of this 11926
section who sought to financially benefit from the solicitation. 11927
If the attorney general determines that a health care practitioner 11928
or person described in division (C) of this section has 11929
subsequently violated division (B) or (C) of this section, the 11930
attorney general shall impose a fine of twenty-five thousand 11931
dollars for each violation. 11932

(E) After determining that a health care practitioner or 11933
person described in division (C) of this section has violated 11934
division (B) or (C) of this section on three separate occasions, 11935
and if that health care practitioner or person described in 11936
division (C) of this section holds a license issued by an agency, 11937
the attorney general shall notify that agency in writing of the 11938

three violations. On receipt of that notice, the agency shall 11939
suspend the health care practitioner's or the person's license 11940
without a prior hearing and shall afford the health care 11941
practitioner or the person a hearing on request in accordance with 11942
section 119.06 of the Revised Code. 11943

Sec. 1349.43. (A) As used in this section, "loan officer," 11944
"mortgage broker," and "nonbank mortgage lender" have the same 11945
meanings as in section 1345.01 of the Revised Code. 11946

(B) The department of commerce shall establish and maintain 11947
an electronic database accessible through the internet that 11948
contains information on all of the following: 11949

(1) The enforcement actions taken by the superintendent of 11950
financial institutions for each violation of or failure to comply 11951
with any provision of Chapter 1322. of the Revised Code, upon 11952
final disposition of the action; 11953

(2) The enforcement actions taken by the attorney general 11954
under Chapter 1345. of the Revised Code against loan officers, 11955
mortgage brokers, and nonbank mortgage lenders, upon final 11956
disposition of each action; 11957

(3) All judgments by courts of this state, concerning which 11958
appellate remedies have been exhausted or lost by the expiration 11959
of the time for appeal, finding either of the following: 11960

(a) A violation of any provision of Chapter 1322. of the 11961
Revised Code; 11962

(b) That specific acts or practices by a loan officer, 11963
mortgage broker, or nonbank mortgage lender violate section 11964
1345.02, 1345.03, or 1345.031 of the Revised Code. 11965

(C) The attorney general shall notify the department of all 11966
enforcement actions and judgments described in divisions (B)(2) 11967
and (3)(b) of this section. 11968

(D) The department may adopt rules in accordance with Chapter 119. of the Revised Code that are necessary to implement this section. 11969
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(E) The electronic database maintained by the department in accordance with this section shall not include information that, pursuant to section 1322.36 of the Revised Code, is confidential. 11972
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(F) The department may use the multistate licensing system authorized in section 1181.23 of the Revised Code to fulfill its obligations under this section. 11975
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Sec. 1505.09. (A) There is hereby created in the state treasury the geological mapping fund, to be administered by the chief of the division of geological survey. Except as provided in ~~division (B)~~ divisions (C) and (D) of this section, the fund shall be used for both of the following purposes of performing: 11978
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(1) Performing the necessary field, laboratory, and administrative tasks to map and make public reports on the geology, geologic hazards, and energy and mineral resources of the state; 11983
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(2) The administration of the oil and gas leasing commission created in section 1509.71 of the Revised Code. ~~The source~~ 11987
11988

(B) The sources of money for the fund shall include, ~~but not be limited to,~~ the all of the following: 11989
11990

(1) The mineral severance tax as specified in section 5749.02 of the Revised Code ~~transfers;~~ 11991
11992

(2) Transfers made to the fund in accordance with section 6111.046 of the Revised Code, ~~and the;~~ 11993
11994

(3) Contributions that a person pays to the bureau of motor vehicles to obtain "Ohio geology" license plates under section 4503.515 of the Revised Code; 11995
11996
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(4) The fees collected under rules adopted under section 11998
1505.05 of the Revised Code. ~~The~~ 11999

The chief may seek federal or other money in addition to the 12000
mineral severance tax and fees to carry out the purposes of this 12001
section. If the chief receives federal money for the purposes of 12002
this section, the chief shall deposit that money into the state 12003
treasury to the credit of a fund created by the controlling board 12004
to carry out those purposes. ~~Other~~ 12005

Other money received by the chief for the purposes of this 12006
section in addition to the mineral severance tax, fees, and 12007
federal money shall be credited to the geological mapping fund. 12008

~~(B)~~(C) Any money transferred to the geological mapping fund 12009
in accordance with section 6111.046 of the Revised Code shall be 12010
used by the chiefs of the divisions of mineral resources 12011
management, oil and gas resources management, geological survey, 12012
and water resources in the department of natural resources for the 12013
purpose of executing their duties under sections 6111.043 to 12014
6111.047 of the Revised Code. 12015

(D) The director of natural resources shall use contributions 12016
from "Ohio geology" license plates deposited into the fund for 12017
both of the following purposes in order of preference: 12018

(1) To award grants to geology departments at state colleges 12019
and universities for graduate level research conducted at 12020
locations of geological interest in the state; 12021

(2) To provide materials such as rock and mineral kits to 12022
state elementary and secondary schools to assist students in the 12023
study of geology. 12024

The director shall award grants at least annually, but at the 12025
director's discretion, may award grants more frequently. 12026

Sec. 1509.28. (A) The chief of the division of oil and gas 12027

resources management, upon the chief's own motion or upon 12028
application by the owners of sixty-five per cent of the land area 12029
overlying the pool, shall hold a hearing to consider the need for 12030
the operation as a unit of an entire pool or part thereof. In 12031
calculating the sixty-five per cent, an owner's entire interest in 12032
each tract in the proposed unit area, including any divided, 12033
undivided, partial, fee, or other interest in the tract, shall be 12034
included to the fullest extent of that interest. An application by 12035
owners shall be accompanied by a nonrefundable fee of ten thousand 12036
dollars and by such information as the chief may request. 12037

The chief shall make an order providing for the unit 12038
operation of a pool or part thereof if the chief finds that such 12039
operation is reasonably necessary to increase substantially the 12040
ultimate recovery of oil and gas, and the value of the estimated 12041
additional recovery of oil or gas exceeds the estimated additional 12042
cost incident to conducting the operation. The order shall be upon 12043
terms and conditions that are just and reasonable and shall 12044
prescribe a plan for unit operations that shall include: 12045

(1) A description of the unitized area, termed the unit area; 12046

(2) A statement of the nature of the operations contemplated; 12047

(3) An allocation to the separately owned tracts in the unit 12048
area of all the oil and gas that is produced from the unit area 12049
and is saved, being the production that is not used in the conduct 12050
of operations on the unit area or not unavoidably lost. The 12051
allocation shall be in accord with the agreement, if any, of the 12052
interested parties. If there is no such agreement, the chief shall 12053
determine the value, from the evidence introduced at the hearing, 12054
of each separately owned tract in the unit area, exclusive of 12055
physical equipment, for development of oil and gas by unit 12056
operations, and the production allocated to each tract shall be 12057
the proportion that the value of each tract so determined bears to 12058
the value of all tracts in the unit area. 12059

(4) A provision for the credits and charges to be made in the 12060
adjustment among the owners in the unit area for their respective 12061
investments in wells, tanks, pumps, machinery, materials, and 12062
equipment contributed to the unit operations; 12063

(5) A provision providing how the expenses of unit 12064
operations, including capital investment, shall be determined and 12065
charged to the separately owned tracts and how the expenses shall 12066
be paid; 12067

(6) A provision, if necessary, for carrying or otherwise 12068
financing any person who is unable to meet the person's financial 12069
obligations in connection with the unit, allowing a reasonable 12070
interest charge for such service; 12071

(7) A provision for the supervision and conduct of the unit 12072
operations, in respect to which each person shall have a vote with 12073
a value corresponding to the percentage of the expenses of unit 12074
operations chargeable against the interest of that person; 12075

(8) The time when the unit operations shall commence, and the 12076
manner in which, and the circumstances under which, the unit 12077
operations shall terminate; 12078

(9) Such additional provisions as are found to be appropriate 12079
for carrying on the unit operations, and for the protection or 12080
adjustment of correlative rights. 12081

(B) No order of the chief providing for unit operations shall 12082
become effective unless and until the plan for unit operations 12083
prescribed by the chief has been approved in writing by those 12084
owners who, under the chief's order, will be required to pay at 12085
least sixty-five per cent of the costs of the unit operation, and 12086
also by the royalty or, with respect to unleased acreage, fee 12087
owners of sixty-five per cent of the acreage to be included in the 12088
unit. If the plan for unit operations has not been so approved by 12089
owners and royalty owners at the time the order providing for unit 12090

operations is made, the chief shall upon application and notice 12091
hold such supplemental hearings as may be required to determine if 12092
and when the plan for unit operations has been so approved. If the 12093
owners and royalty owners, or either, owning the required 12094
percentage of interest in the unit area do not approve the plan 12095
for unit operations within a period of six months from the date on 12096
which the order providing for unit operations is made, the order 12097
shall cease to be of force and shall be revoked by the chief. 12098

An order providing for unit operations may be amended by an 12099
order made by the chief, in the same manner and subject to the 12100
same conditions as an original order providing for unit 12101
operations, provided that: 12102

(1) If such an amendment affects only the rights and 12103
interests of the owners, the approval of the amendment by the 12104
royalty owners shall not be required. 12105

(2) No such order of amendment shall change the percentage 12106
for allocation of oil and gas as established for any separately 12107
owned tract by the original order, except with the consent of all 12108
persons owning interest in the tract. 12109

The chief, by an order, may provide for the unit operation of 12110
a pool or a part thereof that embraces a unit area established by 12111
a previous order of the chief. Such an order, in providing for the 12112
allocation of unit production, shall first treat the unit area 12113
previously established as a single tract, and the portion of the 12114
unit production so allocated thereto shall then be allocated among 12115
the separately owned tracts included in the previously established 12116
unit area in the same proportions as those specified in the 12117
previous order. 12118

Oil and gas allocated to a separately owned tract shall be 12119
deemed, for all purposes, to have been actually produced from the 12120
tract, and all operations, including, but not limited to, the 12121

commencement, drilling, operation of, or production from a well 12122
upon any portion of the unit area shall be deemed for all purposes 12123
the conduct of such operations and production from any lease or 12124
contract for lands any portion of which is included in the unit 12125
area. The operations conducted pursuant to the order of the chief 12126
shall constitute a fulfillment of all the express or implied 12127
obligations of each lease or contract covering lands in the unit 12128
area to the extent that compliance with such obligations cannot be 12129
had because of the order of the chief. 12130

Oil and gas allocated to any tract, and the proceeds from the 12131
sale thereof, shall be the property and income of the several 12132
persons to whom, or to whose credit, the same are allocated or 12133
payable under the order providing for unit operations. 12134

No order of the chief or other contract relating to the sale 12135
or purchase of production from a separately owned tract shall be 12136
terminated by the order providing for unit operations, but shall 12137
remain in force and apply to oil and gas allocated to the tract 12138
until terminated in accordance with the provisions thereof. 12139

Notwithstanding divisions (A) to (H) of section 1509.73 of 12140
the Revised Code and rules adopted under it, the chief shall issue 12141
an order for the unit operation of a pool or a part of a pool that 12142
encompasses a unit area for which all or a portion of the mineral 12143
rights are owned by the department of transportation. 12144

Except to the extent that the parties affected so agree, no 12145
order providing for unit operations shall be construed to result 12146
in a transfer of all or any part of the title of any person to the 12147
oil and gas rights in any tract in the unit area. All property, 12148
whether real or personal, that may be acquired for the account of 12149
the owners within the unit area shall be the property of such 12150
owners in the proportion that the expenses of unit operations are 12151
charged. 12152

Sec. 1509.31. (A)(1) No person shall operate a well in this state unless the person first registers with and obtains an identification number from the chief of the division of oil and gas resources management.

(2) Whenever the entire interest of an oil and gas lease is assigned or otherwise transferred, the assignor or transferor shall notify the holders of the royalty interests, and, if a well or wells exist on the lease, the division of oil and gas resources management, of the name and address of the assignee or transferee by certified mail, return receipt requested, not later than thirty days after the date of the assignment or transfer. When notice of any such assignment or transfer is required to be provided to the division, it shall be provided on a form prescribed and provided by the division and verified by both the assignor or transferor and by the assignee or transferee ~~and shall be accompanied by a nonrefundable fee of one hundred dollars for each well.~~ The notice form applicable to assignments or transfers of a well to the owner of the surface estate of the tract on which the well is located shall contain a statement informing the landowner that the well may require periodic servicing to maintain its productivity; that, upon assignment or transfer of the well to the landowner, the landowner becomes responsible for compliance with the requirements of this chapter and rules adopted under it, including, without limitation, the proper disposal of brine obtained from the well, the plugging of the well when it becomes incapable of producing oil or gas, and the restoration of the well site; and that, upon assignment or transfer of the well to the landowner, the landowner becomes responsible for the costs of compliance with the requirements of this chapter and rules adopted under it and the costs for operating and servicing the well.

(3) Notwithstanding division (A)(2) of this section, the assignee or transferee shall notify the division of oil and gas

resources management of the assignment or transfer if both of the 12185
following apply: 12186

(a) The assignor or transferor failed to notify the division 12187
of the assignment or transfer as required by division (A)(2) of 12188
this section; 12189

(b) The assignor or transferor is deceased, dissolved, cannot 12190
be located, or is otherwise incapable of complying with the 12191
notification requirement. 12192

The assignee or transferee shall notify the division of the 12193
assignment or transfer on a form prescribed and provided by the 12194
division. At a minimum, the form shall require the assignee or 12195
transferee to attest that the assignee or transferee is the owner. 12196
The division shall not charge a fee for such assignment or 12197
transfer when notice is provided in accordance with division 12198
(A)(3) of this section. 12199

(B) When the entire interest of a well is proposed to be 12200
assigned or otherwise transferred to the landowner for use as an 12201
exempt domestic well, the owner who has been issued a permit under 12202
this chapter for the well shall submit to the chief of the 12203
division of oil and gas resources management an application for 12204
the assignment or transfer that contains all documents that the 12205
chief requires ~~and a nonrefundable fee of one hundred dollars~~. The 12206
application for such an assignment or transfer shall be prescribed 12207
and provided by the chief. The chief may approve the application 12208
if the application is accompanied by a release of all of the oil 12209
and gas leases that are included in the applicable formation of 12210
the drilling unit, the release is in a form such that the well 12211
ownership merges with the fee simple interest of the surface 12212
tract, and the release is in a form that may be recorded. However, 12213
if the owner of the well does not release the oil and gas leases 12214
associated with the well that is proposed to be assigned or 12215
otherwise transferred or if the fee simple tract that results from 12216

the merger of the well ownership with the fee simple interest of 12217
the surface tract is less than five acres, the proposed exempt 12218
domestic well owner shall post a five thousand dollar bond with 12219
the division prior to the assignment or transfer of the well to 12220
ensure that the well will be properly plugged. The chief, for good 12221
cause, may modify the requirements of this section governing the 12222
assignment or transfer of the interests of a well to the 12223
landowner. Upon the assignment or transfer of the well, the owner 12224
of an exempt domestic well is not subject to the severance tax 12225
levied under section 5749.02 of the Revised Code, but is subject 12226
to all applicable fees established in this chapter. 12227

(C) The owner holding a permit under section 1509.05 of the 12228
Revised Code is responsible for all obligations and liabilities 12229
imposed by this chapter and any rules, orders, and terms and 12230
conditions of a permit adopted or issued under it, and no 12231
assignment or transfer by the owner relieves the owner of the 12232
obligations and liabilities until and unless the assignee or 12233
transferee files with the division the information described in 12234
divisions (A)(1), (2), (3), (4), (5), (10), (11), and (12) of 12235
section 1509.06 of the Revised Code; obtains liability insurance 12236
coverage required by section 1509.07 of the Revised Code, except 12237
when none is required by that section; and executes and files a 12238
surety bond, negotiable certificates of deposit or irrevocable 12239
letters of credit, or cash, as described in that section. Instead 12240
of a bond, but only upon acceptance by the chief, the assignee or 12241
transferee may file proof of financial responsibility, described 12242
in section 1509.07 of the Revised Code. Section 1509.071 of the 12243
Revised Code applies to the surety bond, cash, and negotiable 12244
certificates of deposit and irrevocable letters of credit 12245
described in this section. Unless the chief approves a 12246
modification, each assignee or transferee shall operate in 12247
accordance with the plans and information filed by the permit 12248
holder pursuant to section 1509.06 of the Revised Code. 12249

(D) If a mortgaged property that is being foreclosed is 12250
subject to an oil or gas lease, pipeline agreement, or other 12251
instrument related to the production or sale of oil or natural gas 12252
and the lease, agreement, or other instrument was recorded 12253
subsequent to the mortgage, and if the lease, agreement, or other 12254
instrument is not in default, the oil or gas lease, pipeline 12255
agreement, or other instrument, as applicable, has priority over 12256
all other liens, claims, or encumbrances on the property so that 12257
the oil or gas lease, pipeline agreement, or other instrument is 12258
not terminated or extinguished upon the foreclosure sale of the 12259
mortgaged property. If the owner of the mortgaged property was 12260
entitled to oil and gas royalties before the foreclosure sale, the 12261
oil or gas royalties shall be paid to the purchaser of the 12262
foreclosed property. 12263

Sec. 1509.36. Any person adversely affected by an order by 12264
the chief of the division of oil and gas resources management may 12265
appeal to the oil and gas commission for an order vacating or 12266
modifying the order. 12267

The person so appealing to the commission shall be known as 12268
appellant and the chief shall be known as appellee. Appellant and 12269
appellee shall be deemed to be parties to the appeal. 12270

The appeal shall be in writing and shall set forth the order 12271
complained of and the grounds upon which the appeal is based. The 12272
appeal shall be filed with the commission within thirty days after 12273
the date upon which the ~~appellant~~ person to whom the order was 12274
issued received ~~notice by certified mail~~ the order and, for all 12275
other persons adversely affected by the order, within thirty days 12276
after the date of the order complained of. Notice of the filing of 12277
the appeal shall be filed with the chief within three days after 12278
the appeal is filed with the commission. 12279

Upon the filing of the appeal the commission promptly shall 12280

fix the time and place at which the hearing on the appeal will be 12281
held, and shall give the appellant and the chief at least ten 12282
days' written notice thereof by mail. The commission may postpone 12283
or continue any hearing upon its own motion or upon application of 12284
the appellant or of the chief. 12285

The filing of an appeal provided for in this section does not 12286
automatically suspend or stay execution of the order appealed 12287
from, but upon application by the appellant the commission may 12288
suspend or stay the execution pending determination of the appeal 12289
upon such terms as the commission considers proper. 12290

Either party to the appeal or any interested person who, 12291
pursuant to commission rules has been granted permission to 12292
appear, may submit such evidence as the commission considers 12293
admissible. 12294

For the purpose of conducting a hearing on an appeal, the 12295
commission may require the attendance of witnesses and the 12296
production of books, records, and papers, and it may, and at the 12297
request of any party it shall, issue subpoenas for witnesses or 12298
subpoenas duces tecum to compel the production of any books, 12299
records, or papers, directed to the sheriffs of the counties where 12300
the witnesses are found. The subpoenas shall be served and 12301
returned in the same manner as subpoenas in criminal cases are 12302
served and returned. The fees of sheriffs shall be the same as 12303
those allowed by the court of common pleas in criminal cases. 12304
Witnesses shall be paid the fees and mileage provided for under 12305
section 119.094 of the Revised Code. Such fees and mileage 12306
expenses incurred at the request of appellant shall be paid in 12307
advance by the appellant, and the remainder of those expenses 12308
shall be paid out of funds appropriated for the expenses of the 12309
division of oil and gas resources management. 12310

In case of disobedience or neglect of any subpoena served on 12311
any person, or the refusal of any witness to testify to any matter 12312

regarding which the witness may be lawfully interrogated, the 12313
court of common pleas of the county in which the disobedience, 12314
neglect, or refusal occurs, or any judge thereof, on application 12315
of the commission or any member thereof, shall compel obedience by 12316
attachment proceedings for contempt as in the case of disobedience 12317
of the requirements of a subpoena issued from that court or a 12318
refusal to testify therein. Witnesses at such hearings shall 12319
testify under oath, and any member of the commission may 12320
administer oaths or affirmations to persons who so testify. 12321

At the request of any party to the appeal, a record of the 12322
testimony and other evidence submitted shall be taken by an 12323
official court reporter at the expense of the party making the 12324
request for the record. The record shall include all of the 12325
testimony and other evidence and the rulings on the admissibility 12326
thereof presented at the hearing. The commission shall pass upon 12327
the admissibility of evidence, but any party may at the time 12328
object to the admission of any evidence and except to the rulings 12329
of the commission thereon, and if the commission refuses to admit 12330
evidence the party offering same may make a proffer thereof, and 12331
such proffer shall be made a part of the record of the hearing. 12332

If upon completion of the hearing the commission finds that 12333
the order appealed from was lawful and reasonable, it shall make a 12334
written order affirming the order appealed from; if the commission 12335
finds that the order was unreasonable or unlawful, it shall make a 12336
written order vacating the order appealed from and making the 12337
order that it finds the chief should have made. Every order made 12338
by the commission shall contain a written finding by the 12339
commission of the facts upon which the order is based. 12340

Notice of the making of the order shall be given forthwith to 12341
each party to the appeal by mailing a certified copy thereof to 12342
each such party by certified mail. 12343

The order of the commission is final unless vacated by the 12344

court of common pleas of Franklin county in an appeal as provided 12345
for in section 1509.37 of the Revised Code. Sections 1509.01 to 12346
1509.37 of the Revised Code, providing for appeals relating to 12347
orders by the chief or by the commission, or relating to rules 12348
adopted by the chief, do not constitute the exclusive procedure 12349
that any person who believes the person's rights to be unlawfully 12350
affected by those sections or any official action taken thereunder 12351
must pursue in order to protect and preserve those rights, nor do 12352
those sections constitute a procedure that that person must pursue 12353
before that person may lawfully appeal to the courts to protect 12354
and preserve those rights. 12355

Sec. 1509.50. (A) An oil and gas regulatory cost recovery 12356
assessment is hereby imposed by this section on an owner. An owner 12357
shall pay the assessment in the same manner as a severer who is 12358
required to file a return under section 5749.06 of the Revised 12359
Code. However, an owner may designate a severer who shall pay the 12360
owner's assessment on behalf of the owner on the return that the 12361
severer is required to file under that section. If a severer so 12362
pays an owner's assessment, the severer may recoup from the owner 12363
the amount of the assessment. Except for an exempt domestic well, 12364
the assessment imposed shall be in addition to the taxes levied on 12365
the severance of oil and gas under section 5749.02 of the Revised 12366
Code. 12367

(B)(1) Except for an exempt domestic well, the oil and gas 12368
regulatory cost recovery assessment shall be calculated on a 12369
quarterly basis ~~and shall be one of the following~~ as follows: 12370

~~(a) If the sum of ten cents per barrel of oil for all of the 12371
wells of the owner, one half of one cent per one thousand cubic 12372
feet of natural gas for all of the wells of the owner, and the 12373
amount of the severance tax levied on each severer for all of the 12374
wells of the owner under divisions (A)(5) and (6) of section 12375~~

~~5749.02 of the Revised Code, as applicable, is greater than the~~ 12376
~~sum of fifteen dollars for each well owned by the owner, the~~ 12377
~~amount of the assessment is the sum of ten cents per barrel of oil~~ 12378
~~for all of the wells of the owner and one-half (1) One-half of one~~ 12379
~~cent per one thousand cubic feet of natural gas for all of the~~ 12380
~~wells of the owner.~~ 12381

~~(b) If the sum of ten;~~ 12382

~~(2) Ten cents per barrel of oil for all of the wells of the~~ 12383
~~owner, one-half of one cent per one thousand cubic feet of natural~~ 12384
~~gas for all of the wells of the owner, and the amount of the~~ 12385
~~severance tax levied on each severer for all of the wells of the~~ 12386
~~owner under divisions (A)(5) and (6) of section 5749.02 of the~~ 12387
~~Revised Code, as applicable, is less than the sum of fifteen~~ 12388
~~dollars for each well owned by the owner, the amount of the~~ 12389
~~assessment is the sum of fifteen dollars for each well owned by~~ 12390
~~the owner less the amount of the tax levied on each severer for~~ 12391
~~all of the wells of the owner under divisions (A)(5) and (6) of~~ 12392
~~section 5749.02 of the Revised Code, as applicable.~~ 12393

~~(2) The oil and gas regulatory cost recovery assessment for a~~ 12394
~~well that becomes an exempt domestic well on and after June 30,~~ 12395
~~2010, shall be sixty dollars to be paid to the division of oil and~~ 12396
~~gas resources management on the first day of July of each year.~~ 12397

(C) All money collected pursuant to this section shall be 12398
credited to the severance tax receipts fund. After the director of 12399
budget and management transfers money from the severance tax 12400
receipts fund as required in division (H) of section 5749.06 of 12401
the Revised Code, money in the severance tax receipts fund from 12402
amounts collected pursuant to this section shall be credited to 12403
the oil and gas well fund created in section 1509.02 of the 12404
Revised Code. 12405

(D) Except for purposes of revenue distribution as specified 12406

in division (B) of section 5749.02 of the Revised Code, the oil 12407
and gas regulatory cost recovery assessment imposed by this 12408
section shall be treated the same and equivalent for all purposes 12409
as the taxes levied on the severance of oil and gas under that 12410
section. However, the assessment imposed by this section is not a 12411
tax under Chapter 5749. of the Revised Code. 12412

Sec. 1521.08. (A) The chief of the division of water 12413
resources and the director of environmental protection shall 12414
jointly establish a program to study the impact of oil and gas 12415
production operations on stream flow using continuous stream flow 12416
monitoring technology in the following creeks: 12417

(1) Yellow creek, short creek, and cross creek in Jefferson 12418
county; 12419

(2) Wheeling creek, McMahan creek, Wegee creek, and pipe 12420
creek in Belmont county; 12421

(3) Sunfish creek and opossum creek in Monroe county. 12422

(B) The chief shall jointly adopt rules with the director in 12423
accordance with Chapter 119. of the Revised Code for the 12424
administration and implementation of this section. 12425

Sec. ~~1533.09~~ 1533.06. Before the fifteenth day of March of 12426
each year, each wild animal permit holder shall file with the 12427
division of wildlife a written report of the permit holder's 12428
operations under the permit and the disposition of the specimens 12429
collected or possessed during the preceding calendar year on 12430
report blanks furnished by the chief of the division. Failure to 12431
file a report shall cause the permit to be forfeited as of the 12432
fifteenth day of March. Permits are not transferable. No permit 12433
holder or person collecting or possessing wild animals under 12434
authority of such a permit shall take, possess, or transport the 12435
wild animals for any purpose not specified in the permit. 12436

Conviction of a violation of this section, failure to carry a permit and exhibit it to any person requesting to see it as provided in section 1533.08 of the Revised Code, or the violation of any other law concerning wild animals constitutes a revocation and forfeiture of the permit involved. The former permit holder shall not be entitled to another permit for a period of one year from the date of the conviction.

Sec. 1533.09. (A) The chief of the division of wildlife, with the approval of the director of natural resources and the wildlife council, may adopt rules in accordance with Chapter 119. of the Revised Code establishing fees, in lieu of the statutorily imposed fees, for all of the following:

(1) Hunting licenses in accordance with section 1533.10 of the Revised Code;

(2) Small game hunting licenses in accordance with section 1533.10 of the Revised Code;

(3) Deer and wild turkey permits in accordance with section 1533.11 of the Revised Code;

(4) Fur taker permits in accordance with section 1533.111 of the Revised Code;

(5) Wetland habitat stamps in accordance with section 1533.112 of the Revised Code;

(6) Fishing licenses in accordance with section 1533.32 of the Revised Code;

(7) Multi-year fishing and hunting licenses in accordance with section 1533.321 of the Revised Code.

(B) The chief shall make rules adopted under this section available to the public and shall include a copy of current rules in any authorized compilation of the division lawbook. The rules must be under the seal of the division and bear the signature, or

facsimile of the chief. 12467

Sec. 1533.10. (A) Except as provided in this section or 12468
division (A)(2) of section 1533.12 or section 1533.73 or 1533.731 12469
of the Revised Code, no person shall hunt any wild bird or wild 12470
quadruped without a hunting license. Each day that any person 12471
hunts within the state without procuring such a license 12472
constitutes a separate offense. 12473

(B)(1) Except as otherwise provided in this section, division 12474
(A) of section 1533.12 of the Revised Code, or in rules adopted 12475
under section 1533.09 or division (B) of ~~that~~ section 1533.12 of 12476
the Revised Code, each applicant for a hunting license shall pay 12477
an annual fee for each annual license in accordance with the 12478
following schedule: 12479

Hunting license - resident	\$18.00	12480
Hunting license - nonresident, and that is not a resident of a reciprocal state, ages 18 and older	\$174.00	12481
Hunting license - nonresident, but that is a resident of a reciprocal state, ages 18 and older	\$18.00	12482
Apprentice hunting license - resident	\$18.00	12483
Apprentice hunting license - nonresident, and that <u>is</u> not a resident of a reciprocal state	\$174.00	12484
Apprentice hunting license - nonresident, but that is a resident of a reciprocal state	\$18.00	12485
Youth hunting license - resident and nonresident	\$9.00	12486
Apprentice youth hunting license - resident	\$9.00	12487
Senior hunting license - resident	\$9.00	12488
Apprentice senior hunting license - resident	\$9.00	12489

(2) Apprentice resident hunting licenses, apprentice youth 12490
hunting licenses, apprentice senior hunting licenses, and 12491
apprentice nonresident hunting licenses are subject to the 12492
requirements established under section 1533.102 of the Revised 12493

Code and rules adopted under it.	12494
(3) As used in division (B)(1) of this section:	12495
(a) "Youth" means an applicant who is under the age of eighteen years at the time of application for a permit <u>license</u> .	12496 12497
(b) "Senior" means an applicant who is sixty-six years of age or older at the time of application for a permit <u>license</u> .	12498 12499
(c) "Reciprocal state" means a state that is a party to an agreement under section 1533.91 of the Revised Code.	12500 12501
(C) A resident of this state who owns lands in the state and the owner's children of any age and grandchildren under eighteen years of age may hunt on the lands without a hunting license. A resident of any other state who owns real property in this state, and the spouse and children living with the property owner, may hunt on that property without a license, provided that the state of residence of the real property owner allows residents of this state owning real property in that state, and the spouse and children living with the property owner, to hunt without a license. If the owner of land in this state is a limited liability company or a limited liability partnership that consists of three or fewer individual members or partners, as applicable, an individual member or partner who is a resident of this state and the member's or partner's children of any age and grandchildren under eighteen years of age may hunt on the land owned by the limited liability company or limited liability partnership without a hunting license. In addition, if the owner of land in this state is a trust that has a total of three or fewer trustees and beneficiaries, an individual who is a trustee or beneficiary and who is a resident of this state and the individual's children of any age and grandchildren under eighteen years of age may hunt on the land owned by the trust without a hunting license. The tenant and children of the tenant, residing on lands in the state, may	12502 12503 12504 12505 12506 12507 12508 12509 12510 12511 12512 12513 12514 12515 12516 12517 12518 12519 12520 12521 12522 12523 12524

hunt on them without a hunting license. 12525

(D) The chief of the division of wildlife may issue a small 12526
game hunting license expiring three days from the effective date 12527
of the license to a nonresident of the state, the fee for which 12528
~~shall be~~ is thirty-nine dollars unless otherwise provided in rules 12529
adopted under section 1533.09 of the Revised Code. No person shall 12530
take or possess deer, wild turkeys, fur-bearing animals, ducks, 12531
geese, brant, or any nongame animal while possessing only a small 12532
game hunting license. A 12533

A small game hunting license or an apprentice nonresident 12534
hunting license does not authorize the taking or possessing of 12535
ducks, geese, or brant without having obtained, in addition to the 12536
small game hunting license or the apprentice nonresident hunting 12537
license, a wetlands habitat stamp as provided in section 1533.112 12538
of the Revised Code. A small game hunting license or an apprentice 12539
nonresident hunting license does not authorize the taking or 12540
possessing of deer, wild turkeys, or fur-bearing animals. A 12541
nonresident of the state who wishes to take or possess deer, wild 12542
turkeys, or fur-bearing animals in this state shall procure, 12543
respectively, a deer or wild turkey permit as provided in section 12544
1533.11 of the Revised Code or a fur taker permit as provided in 12545
section 1533.111 of the Revised Code in addition to a nonresident 12546
hunting license, an apprentice nonresident hunting license, a 12547
special youth hunting license, or an apprentice youth hunting 12548
license, as applicable, as provided in this section. 12549

(E) No person shall procure or attempt to procure a hunting 12550
license by fraud, deceit, misrepresentation, or any false 12551
statement. 12552

(F)(1) This section does not authorize the taking and 12553
possessing of deer or wild turkeys without first having obtained, 12554
in addition to the hunting license required by this section, a 12555
deer or wild turkey permit as provided in section 1533.11 of the 12556

Revised Code or the taking and possessing of ducks, geese, or 12557
brant without first having obtained, in addition to the hunting 12558
license required by this section, a wetlands habitat stamp as 12559
provided in section 1533.112 of the Revised Code. 12560

(2) This section does not authorize the hunting or trapping 12561
of fur-bearing animals without first having obtained, in addition 12562
to a hunting license required by this section, a fur taker permit 12563
as provided in section 1533.111 of the Revised Code. 12564

(G)(1) No hunting license shall be issued unless it is 12565
accompanied by a written explanation of the law in section 1533.17 12566
of the Revised Code and the penalty for its violation, including a 12567
description of terms of imprisonment and fines that may be 12568
imposed. 12569

(2) No hunting license, other than an apprentice hunting 12570
license, shall be issued unless the applicant presents to the 12571
agent authorized to issue the license a previously held hunting 12572
license or evidence of having held such a license in content and 12573
manner approved by the chief, a certificate of completion issued 12574
upon completion of a hunter education and conservation course 12575
approved by the chief, or evidence of equivalent training in 12576
content and manner approved by the chief. A previously held 12577
apprentice hunting license does not satisfy the requirement 12578
concerning the presentation of a previously held hunting license 12579
or evidence of it. 12580

(3) No person shall issue a hunting license, except an 12581
apprentice hunting license, to any person who fails to present the 12582
evidence required by this section. No person shall purchase or 12583
obtain a hunting license, other than an apprentice hunting 12584
license, without presenting to the issuing agent the evidence 12585
required by this section. Issuance of a hunting license in 12586
violation of the requirements of this section is an offense by 12587
both the purchaser of the illegally obtained hunting license and 12588

the clerk or agent who issued the hunting license. Any hunting 12589
license issued in violation of this section is void. 12590

(H) The chief, with approval of the wildlife council, shall 12591
adopt rules prescribing a hunter education and conservation course 12592
for first-time hunting license buyers, other than buyers of 12593
apprentice hunting licenses, and for volunteer instructors. The 12594
course shall consist of subjects including, but not limited to, 12595
hunter safety and health, use of hunting implements, hunting 12596
tradition and ethics, the hunter and conservation, the law in 12597
section 1533.17 of the Revised Code along with the penalty for its 12598
violation, including a description of terms of imprisonment and 12599
fines that may be imposed, and other law relating to hunting. 12600
Authorized personnel of the division or volunteer instructors 12601
approved by the chief shall conduct such courses with such 12602
frequency and at such locations throughout the state as to 12603
reasonably meet the needs of license applicants. The chief shall 12604
issue a certificate of completion to each person who successfully 12605
completes the course and passes an examination prescribed by the 12606
chief. 12607

Sec. 1533.11. (A)(1) Except as provided in this section or 12608
section 1533.731 of the Revised Code, no person shall hunt deer on 12609
lands of another without first obtaining an annual deer permit. 12610
Except as provided in this section, no person shall hunt wild 12611
turkeys on lands of another without first obtaining an annual wild 12612
turkey permit. A deer or wild turkey permit is valid during the 12613
hunting license year in which the permit is purchased. Except as 12614
provided in rules adopted under section 1533.09 or division (B) of 12615
~~that~~ section 1533.731 of the Revised Code, each applicant for a 12616
deer or wild turkey permit shall pay an annual fee for each permit 12617
in accordance with the following schedule: 12618
Deer permit - resident \$23.00 12619

	<u>\$30.00</u>	
Deer permit - nonresident, all ages	\$74.00	12620
Youth deer permit - resident <u>and nonresident</u>	\$11.50	12621
	<u>\$15.00</u>	
Senior deer permit - resident	\$11.50	12622
Wild turkey permit - resident	\$23.00	12623
	<u>\$30.00</u>	
Wild turkey permit - nonresident, all ages	\$28.00	12624
	<u>\$37.00</u>	
Youth wild turkey permit - resident <u>and</u>	\$11.50	12625
<u>nonresident</u>	<u>\$15.00</u>	
Senior wild turkey permit - resident	\$11.50	12626
(2) As used in division (A)(1) of this section:		12627
(a) "Resident" means an individual who has resided in this		12628
state for not less than six months preceding the date of making		12629
application for a permit.		12630
(b) "Nonresident" means any individual who does not qualify		12631
as a resident.		12632
(c) "Youth" means an applicant who is under the age of		12633
eighteen years at the time of application for a permit.		12634
(d) "Senior" means an applicant who is sixty-six years of age		12635
or older at the time of application for a permit.		12636
(3) The money received shall be paid into the state treasury		12637
to the credit of the wildlife fund, created in section 1531.17 of		12638
the Revised Code, exclusively for the use of the division of		12639
wildlife in the acquisition and development of land for deer or		12640
wild turkey management, for investigating deer or wild turkey		12641
problems, and for the stocking, management, and protection of deer		12642
or wild turkey.		12643
(4) Every person, while hunting deer or wild turkey on lands		12644
of another, shall carry the person's deer or wild turkey permit		12645

and exhibit it to any enforcement officer so requesting. Failure 12646
to so carry and exhibit such a permit constitutes an offense under 12647
this section. 12648

(5) The chief of the division of wildlife shall adopt any 12649
additional rules the chief considers necessary to carry out this 12650
section and section 1533.10 of the Revised Code. 12651

(6) An owner who is a resident of this state or an owner who 12652
is exempt from obtaining a hunting license under section 1533.10 12653
of the Revised Code and the children of the owner of lands in this 12654
state may hunt deer or wild turkey thereon without a deer or wild 12655
turkey permit. If the owner of land in this state is a limited 12656
liability company or a limited liability partnership that consists 12657
of three or fewer individual members or partners, as applicable, 12658
an individual member or partner who is a resident of this state 12659
and the member's or partner's children of any age may hunt deer or 12660
wild turkey on the land owned by the limited liability company or 12661
limited liability partnership without a deer or wild turkey 12662
permit. In addition, if the owner of land in this state is a trust 12663
that has a total of three or fewer trustees and beneficiaries, an 12664
individual who is a trustee or beneficiary and who is a resident 12665
of this state and the individual's children of any age may hunt 12666
deer or wild turkey on the land owned by the trust without a deer 12667
or wild turkey permit. The tenant and children of the tenant may 12668
hunt deer or wild turkey on lands where they reside without a deer 12669
or wild turkey permit. 12670

(B) A deer or wild turkey permit is not transferable. No 12671
person shall carry a deer or wild turkey permit issued in the name 12672
of another person. 12673

(C) The wildlife refunds fund is hereby created in the state 12674
treasury. The fund shall consist of money received from 12675
application fees for deer permits that are not issued. Money in 12676
the fund shall be used to make refunds of such application fees. 12677

(D) If the division establishes a system for the electronic submission of information regarding deer or wild turkey that are taken, the division shall allow the owner and the children of the owner of lands in this state to use the owner's name or address for purposes of submitting that information electronically via that system.

Sec. 1533.111. (A) Except as provided in this section or division (A)(2) of section 1533.12 of the Revised Code, no person shall hunt or trap fur-bearing animals on land of another without first obtaining some type of an annual fur taker permit. ~~Each applicant for a fur taker permit or an apprentice fur taker permit shall pay an annual fee of fourteen dollars for the permit, except as otherwise provided in this section or unless the rules adopted under division (B) of section 1533.12 of the Revised Code provide for issuance of a fur taker permit to the applicant free of charge. Except as provided in rules adopted under division (B)(2) of that section, each applicant who is a resident of this state and who at the time of application is sixty six years of age or older shall procure a special senior fur taker permit or an apprentice senior fur taker permit, the fee for which shall be one half of the regular permit fee. Each applicant under the age of eighteen years shall procure a special youth fur taker permit or an apprentice youth fur taker permit, the fee for which shall be one half of the regular fur taker permit fee. Each~~

(B)(1) Except as otherwise provided in rules adopted under section 1533.09 or division (B) of section 1533.12 of the Revised Code, each applicant for a fur taker permit or an apprentice fur taker permit shall pay an annual fee for each annual permit in accordance with the following schedule:

<u>Fur taker permit</u>	<u>\$14.00</u>	12707
<u>Apprentice fur taker permit</u>	<u>\$14.00</u>	12708

<u>Senior fur taker permit - resident only</u>	<u>\$7.00</u>	12709
<u>Apprentice senior fur taker permit - resident only</u>	<u>\$7.00</u>	12710
<u>Special youth fur taker permit</u>	<u>\$7.00</u>	12711
<u>Apprentice youth fur taker permit</u>	<u>\$7.00</u>	12712
<u>(2) As used in division (B)(1) of this section:</u>		12713
<u>(a) "Youth" means an applicant who is under the age of</u>		12714
<u>eighteen years at the time of application for a permit.</u>		12715
<u>(b) "Senior" means an applicant who is sixty-six years of age</u>		12716
<u>or older at the time of application for a permit.</u>		12717
<u>(C) Each</u> type of fur taker permit is valid during the hunting		12718
license year in which the permit is purchased. The money received		12719
shall be paid into the state treasury to the credit of the fund		12720
established in section 1533.15 of the Revised Code. Apprentice fur		12721
taker permits and apprentice youth fur taker permits are subject		12722
to the requirements established under section 1533.102 of the		12723
Revised Code and rules adopted pursuant to it.		12724
<u>(D)(1) No person shall issue a fur taker permit shall be</u>		12725
<u>issued to an applicant</u> unless it is accompanied by a written		12726
explanation of the law in section 1533.17 of the Revised Code and		12727
the penalty for its violation, including a description of terms of		12728
imprisonment and fines that may be imposed.		12729
<u>(2) No person shall issue a fur taker permit, other than an</u>		12730
apprentice fur taker permit or an apprentice youth fur taker		12731
permit, shall be issued to an applicant unless the applicant		12732
presents to the agent authorized to issue a fur taker permit a		12733
previously held hunting license or trapping or fur taker permit or		12734
evidence of having held such a license or permit in content and		12735
manner approved by the chief of the division of wildlife, a		12736
certificate of completion issued upon completion of a trapper		12737
education course approved by the chief, or evidence of equivalent		12738

training in content and manner approved by the chief. A previously 12739
held apprentice hunting license, apprentice fur taker permit, or 12740
apprentice youth fur taker permit does not satisfy the requirement 12741
concerning the presentation of a previously held hunting license 12742
or fur taker permit or evidence of such a license or permit. 12743

(3) No person shall issue a fur taker permit, other than an 12744
apprentice fur taker permit or an apprentice youth fur taker 12745
permit, to any person who fails to present the evidence required 12746
by this section. No person shall purchase or obtain a fur taker 12747
permit, other than an apprentice fur taker permit or an apprentice 12748
youth fur taker permit, without presenting to the issuing agent 12749
the evidence required by this section. Issuance of a fur taker 12750
permit in violation of the requirements of this section is an 12751
offense by both the purchaser of the illegally obtained permit and 12752
the clerk or agent who issued the permit. Any fur taker permit 12753
issued in violation of this section is void. 12754

(E) The chief, with approval of the wildlife council, shall 12755
adopt rules prescribing a trapper education course for first-time 12756
fur taker permit buyers, other than buyers of apprentice fur taker 12757
permits or apprentice youth fur taker permits, and for volunteer 12758
instructors. The course shall consist of subjects that include, 12759
but are not limited to, trapping techniques, animal habits and 12760
identification, trapping tradition and ethics, the trapper and 12761
conservation, the law in section 1533.17 of the Revised Code along 12762
with the penalty for its violation, including a description of 12763
terms of imprisonment and fines that may be imposed, and other law 12764
relating to trapping. Authorized personnel of the division of 12765
wildlife or volunteer instructors approved by the chief shall 12766
conduct the courses with such frequency and at such locations 12767
throughout the state as to reasonably meet the needs of permit 12768
applicants. The chief shall issue a certificate of completion to 12769
each person who successfully completes the course and passes an 12770

examination prescribed by the chief. 12771

(F) Every person, while hunting or trapping fur-bearing 12772
animals on lands of another, shall carry the person's fur taker 12773
permit with the person's signature written on the permit. Failure 12774
to carry such a signed permit constitutes an offense under this 12775
section. The chief shall adopt any additional rules the chief 12776
considers necessary to carry out this section. 12777

(G) An owner who is a resident of this state or an owner who 12778
is exempt from obtaining a hunting license under section 1533.10 12779
of the Revised Code and the children of the owner of lands in this 12780
state may hunt or trap fur-bearing animals thereon without a fur 12781
taker permit. If the owner of land in this state is a limited 12782
liability company or a limited liability partnership that consists 12783
of three or fewer individual members or partners, as applicable, 12784
an individual member or partner who is a resident of this state 12785
and the member's or partner's children of any age may hunt or trap 12786
fur-bearing animals on the land owned by the limited liability 12787
company or limited liability partnership without a fur taker 12788
permit. In addition, if the owner of land in this state is a trust 12789
that has a total of three or fewer trustees and beneficiaries, an 12790
individual who is a trustee or beneficiary and who is a resident 12791
of this state and the individual's children of any age may hunt or 12792
trap fur-bearing animals on the land owned by the trust without a 12793
fur taker permit. The tenant and children of the tenant may hunt 12794
or trap fur-bearing animals on lands where they reside without a 12795
fur taker permit. 12796

(H) A fur taker permit is not transferable. No person shall 12797
carry a fur taker permit issued in the name of another person. 12798

(I) A fur taker permit entitles a nonresident to take from 12799
this state fur-bearing animals taken and possessed by the 12800
nonresident as provided by law or division rule. 12801

Sec. 1533.112. Except as provided in this section or unless 12802
otherwise provided by division rule, no person shall hunt ducks, 12803
geese, or brant on the lands of another without first obtaining an 12804
annual wetlands habitat stamp. The annual fee for the wetlands 12805
habitat stamp ~~shall be~~ is fourteen dollars for each stamp unless 12806
~~the otherwise provided in~~ rules adopted under section 1533.09 or 12807
division (B) of section 1533.12 ~~provide for issuance of a wetlands~~ 12808
~~habitat stamp to the applicant free of charge of the Revised Code.~~ 12809

Moneys received from the stamp fee shall be paid into the 12810
state treasury to the credit of the wetlands habitat fund, which 12811
is hereby established. Moneys shall be paid from the fund on the 12812
order of the director of natural resources for the following 12813
purposes: 12814

(A) Sixty per cent for projects that the division approves 12815
for the acquisition, development, management, or preservation of 12816
waterfowl areas within the state; 12817

(B) Forty per cent for contribution by the division to an 12818
appropriate nonprofit organization for the acquisition, 12819
development, management, or preservation of lands and waters 12820
within the United States or Canada that provide or will provide 12821
habitat for waterfowl with migration routes that cross this state. 12822

No moneys derived from the issuance of wetlands habitat 12823
stamps shall be spent for purposes other than those specified by 12824
this section. All investment earnings of the fund shall be 12825
credited to the fund. 12826

Wetlands habitat stamps shall be furnished by and in a form 12827
prescribed by the chief of the division of wildlife and issued by 12828
clerks and other agents authorized to issue licenses and permits 12829
under section 1533.13 of the Revised Code. The record of stamps 12830
kept by the clerks and other agents shall be uniform throughout 12831
the state, in such form or manner as the director prescribes, and 12832

open at all reasonable hours to the inspection of any person. 12833
Unless otherwise provided by rule, each stamp shall remain in 12834
force until midnight of the thirty-first day of August next 12835
ensuing. Wetlands habitat stamps may be issued in any manner to 12836
any person on any date, whether or not that date is within the 12837
period in which they are effective. 12838

Every person to whom this section applies, while hunting 12839
ducks, geese, or brant, shall carry an unexpired wetlands habitat 12840
stamp that is validated by the person's signature written on the 12841
stamp in ink and shall exhibit the stamp to any enforcement 12842
officer so requesting. No person shall fail to carry and exhibit 12843
the person's stamp. 12844

A wetlands habitat stamp is not transferable. 12845

The chief shall establish a procedure to obtain subject 12846
matter to be printed on the wetlands habitat stamp and shall use, 12847
dispose of, or distribute the subject matter as the chief 12848
considers necessary. The chief also shall adopt rules necessary to 12849
administer this section. 12850

This section does not apply to persons under sixteen years of 12851
age nor to persons exempted from procuring a hunting license under 12852
section 1533.10 or division (A)(2) of section 1533.12 of the 12853
Revised Code. 12854

Sec. 1533.32. (A) Except as provided in this section or 12855
division (A)(2) or (C) of section 1533.12 of the Revised Code or 12856
as exempted at the discretion of the chief of the division of 12857
wildlife, no person, including nonresidents, shall take or catch 12858
any fish by angling in any of the waters in the state or engage in 12859
fishing in those waters without a license. No person shall take or 12860
catch frogs or turtles without a valid fishing license, except as 12861
provided in this section. Persons fishing in privately owned 12862
ponds, lakes, or reservoirs to or from which fish are not 12863

accustomed to migrate are exempt from the license requirements set 12864
forth in this section. Persons fishing in privately owned ponds, 12865
lakes, or reservoirs that are open to public fishing through an 12866
agreement or lease with the division of wildlife shall comply with 12867
the license requirements set forth in this section. 12868

~~(B)(1) The fee for an annual license shall be forty nine 12869
dollars for a resident of a state that is not a party to an 12870
agreement under section 1533.91 of the Revised Code. The fee for 12871
an annual license shall be eighteen dollars for a resident of a 12872
state that is a party to such an agreement. The fee for an annual 12873
license for residents of this state shall be eighteen dollars 12874
unless the rules adopted under division (B) of section 1533.12 of 12875
the Revised Code provide for issuance of a resident fishing 12876
license to the applicant free of charge. Except as provided in 12877
rules adopted under division (B)(2) of that section, each 12878
applicant who is a resident of this state and who at the time of 12879
application is sixty six years of age or older shall procure a 12880
special senior fishing license, the fee for which shall be 12881
one half of the annual resident fishing license fee. 12882~~

(2) Except as otherwise provided in rules adopted under 12883
section 1533.09 or division (B) of section 1533.12 of the Revised 12884
Code, each applicant for a fishing license shall pay a fee for 12885
each license in accordance with the following schedule: 12886

<u>Annual fishing license - resident</u>	<u>\$24.00</u>	12887
<u>Annual fishing license - nonresident that is not 12888 a resident of a reciprocal state</u>	<u>\$49.00</u>	
<u>Annual fishing license - nonresident that is a 12889 resident of a reciprocal state</u>	<u>\$24.00</u>	
<u>Annual senior fishing license - resident</u>	<u>\$9.00</u>	12890
<u>Three-day tourist fishing license - nonresident 12891 that is not a resident of a reciprocal state</u>	<u>\$24.00</u>	

<u>One-day fishing license</u>	<u>\$13.00</u>	12892
<u>(2) As used in division (B)(1) of this section:</u>		12893
<u>(a) "Reciprocal state" means a state that is a party to an agreement under section 1533.91 of the Revised Code.</u>		12894 12895
<u>(b) "Senior" means an applicant who is sixty-six years of age or older at the time of application for a license.</u>		12896 12897
<u>(3) Any person under the age of sixteen years may take or catch frogs and turtles and take or catch fish by angling without a license.</u>		12898 12899 12900
<u>(C)(1) The chief of the division of wildlife may issue a tourist's license expiring three days from the effective date of the license to a resident of a state that is not a party to an agreement under section 1533.91 of the Revised Code. The fee for a tourist's license shall be eighteen dollars.</u>		12901 12902 12903 12904 12905
<u>(2) The chief shall adopt rules under section 1531.10 of the Revised Code providing for the issuance of a one-day fishing license to a resident of this state or of any other state. The fee for such a license shall be fifty five per cent of the amount established under this section for a tourist's license, rounded up to the nearest whole dollar. A one-day fishing license shall allow the holder to take or catch fish by angling in the waters in the state, engage in fishing in those waters, or take or catch frogs or turtles in those waters for one day without obtaining an annual license or a tourist's license under this section. At the request of a holder of a one-day fishing license who wishes to obtain an annual license, a clerk or agent authorized to issue licenses under section 1533.13 of the Revised Code, not later than the last day on which the one-day license would be valid if it were an annual license, shall credit the amount of the fee paid for the one-day license toward the fee charged for the annual license if so authorized by the chief. The clerk or agent shall issue the</u>		12906 12907 12908 12909 12910 12911 12912 12913 12914 12915 12916 12917 12918 12919 12920 12921 12922

annual license upon presentation of the one-day license and 12923
payment of a fee in an amount equal to the difference between the 12924
fee for the annual license and the fee for the one-day license. 12925

(3) Unless otherwise provided by division rule, each annual 12926
license shall begin on the date of issuance and expire a year from 12927
the date of issuance. 12928

(4) Unless otherwise provided by division rule, each 12929
multi-year license issued in accordance with section 1533.321 of 12930
the Revised Code shall begin on the date of issuance and expire 12931
three years, five years, or ten years from the date of issuance, 12932
as applicable. 12933

(5) No person shall alter a fishing license or possess a 12934
fishing license that has been altered. 12935

(6) No person shall procure or attempt to procure a fishing 12936
license by fraud, deceit, misrepresentation, or any false 12937
statement. 12938

(7) A resident of this state who owns land over, through, 12939
upon, or along which any water flows or stands, except where the 12940
land is in or borders on state parks or state-owned lakes, 12941
together with the members of the immediate families of such 12942
owners, may take frogs and turtles and may take or catch fish of 12943
the kind permitted to be taken or caught therefrom without 12944
procuring a license provided for in this section. This exemption 12945
extends to tenants actually residing upon such lands and to the 12946
members of the immediate families of the tenants. A resident of 12947
any other state who owns land in this state over, through, upon, 12948
or along which any water flows or stands, except where the land is 12949
in or borders on state parks or state-owned lakes, and the spouse 12950
and children living with the owner, may take frogs and turtles and 12951
may take or catch fish of the kind permitted to be taken or caught 12952
from that water without obtaining a license under this section, 12953

provided that the state of residence of the owner allows residents 12954
of this state owning real property in that state, and the spouse 12955
and children living with such a property owner, to take frogs and 12956
turtles and take or catch fish without a license. If the owner of 12957
such land in this state is a limited liability company or a 12958
limited liability partnership that consists of three or fewer 12959
individual members or partners, as applicable, an individual 12960
member or partner who is a resident of this state and the member's 12961
or partner's children of any age may take frogs and turtles and 12962
may take or catch fish of the kind permitted to be taken or caught 12963
therefrom without procuring a license provided for in this 12964
section. In addition, if the owner of such land in this state is a 12965
trust that has a total of three or fewer trustees and 12966
beneficiaries, an individual who is a trustee or beneficiary and 12967
who is a resident of this state and the individual's children of 12968
any age may take frogs and turtles and may take or catch fish of 12969
the kind permitted to be taken or caught therefrom without 12970
procuring a license provided for in this section. Residents of 12971
state or county institutions, charitable institutions, and 12972
military homes in this state may take frogs and turtles without 12973
procuring the required license, provided that a member of the 12974
institution or home has an identification card, which shall be 12975
carried on that person when fishing. 12976

(8) Every fisher required to be licensed, while fishing or 12977
taking or attempting to take frogs or turtles, shall carry the 12978
license and exhibit it to any person. Failure to so carry and 12979
exhibit the license constitutes an offense under this section. 12980

Sec. 1533.321. (A) The chief of the division of wildlife may 12981
issue any of the following: 12982

(1) Multi-year hunting or fishing licenses for three-, five-, 12983
or ten-year terms to a resident of this state; 12984

(2) Lifetime hunting or fishing licenses to a resident of this state; 12985
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(3) A package consisting of any combination of license, stamp, or permit that the chief is authorized to issue under this chapter. 12987
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(B) The chief may adopt rules in accordance with section 1531.10 of the Revised Code governing multi-year hunting and fishing licenses, lifetime hunting and fishing licenses, and combination packages, including rules establishing fees for the combination packages. The chief shall ensure that the price for a combination package is not discounted by more than five per cent of the total fees for the licenses, permits, or stamps that a person would otherwise pay for those licenses, permits, or stamps if the person purchased them individually. 12990
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(C)(1) The multi-year and lifetime license fund is hereby created in the state treasury. The fund shall consist of money received from application fees for multi-year and lifetime hunting and fishing licenses. 12999
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(2) Each fiscal year, a prorated amount of the money from each multi-year and lifetime license fee shall be transferred from the multi-year and lifetime license fund to the fund into which the applicable single year license fee would otherwise be deposited. The prorated amount shall equal the total amount of the fee charged for the license divided by the number of years the license is valid. The chief shall adopt rules in accordance with section 1531.10 of the Revised Code for the administration of this division, including establishing a system that prorates lifetime license fees for deposit each year into the wildlife fund created in section 1531.17 of the Revised Code. 13003
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(3) Each fiscal year, all previous year's investment earnings from the multi-year and lifetime license fund shall be transferred 13014
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into the wildlife fund created in section 1531.17 of the Revised Code. 13016
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(D)(1) Each Except as otherwise provided in rules adopted 13018
under section 1533.09 of the Revised Code, each applicant for a 13019
multi-year or lifetime fishing license who is a resident of this 13020
state shall pay a fee for each license in accordance with the 13021
following schedule: 13022

Senior 3-year fishing license	\$27.50	13023
Senior 5-year fishing license	\$45.75	13024
Senior lifetime fishing license	\$81.00	13025
3-year fishing license	\$52.00	13026
5-year fishing license	\$86.75	13027
10-year fishing license	\$173.50	13028
Lifetime fishing license	\$450.00	13029
Youth lifetime fishing license	\$414.00	13030

(2) As used in division (D)(1) of this section: 13031

(a) "Youth" means an applicant who is under the age of 13032
sixteen years at the time of application for a permit license. 13033

(b) "Senior" means an applicant who is sixty-six years of age 13034
or older at the time of application for a permit license. 13035

(E)(1) Each Except as otherwise provided in rules adopted 13036
under section 1533.09 of the Revised Code, each applicant for a 13037
multi-year or lifetime hunting license who is a resident of this 13038
state shall pay a fee for each license in accordance with the 13039
following schedule: 13040

Senior 3-year hunting license	\$27.50	13041
Senior 5-year hunting license	\$45.75	13042
Senior lifetime hunting license	\$81.00	13043
Youth 3-year hunting license	\$27.50	13044
Youth 5-year hunting license	\$45.75	13045
Youth 10-year hunting license	\$91.50	13046

Youth lifetime hunting license	\$414.00	13047
3-year hunting license	\$52.00	13048
5-year hunting license	\$86.75	13049
10-year hunting license	\$173.50	13050
Lifetime hunting license	\$450.00	13051

(2) As used in division (E)(1) of this section: 13052

(a) "Youth" means an applicant who is under the age of 13053
eighteen years at the time of application for a ~~permit~~ license. 13054

(b) "Senior" means an applicant who is sixty-six years of age 13055
or older at the time of application for a ~~permit~~ license. 13056

(F) If a person who is issued a multi-year hunting or fishing 13057
license or lifetime hunting or fishing license in accordance with 13058
division (A) of this section subsequently becomes a nonresident 13059
after issuance of the license, the person's license remains valid 13060
in this state during its term, regardless of residency status. 13061

Sec. 1561.011. ~~Except as provided in section 1561.24 of the~~ 13062
~~Revised Code, nothing~~ Nothing in this chapter applies to 13063
activities that are permitted and regulated under Chapter 1514. of 13064
the Revised Code. 13065

Sec. 1707.01. As used in this chapter: 13066

(A) Whenever the context requires it, "division" or "division 13067
of securities" may be read as "director of commerce" or as 13068
"commissioner of securities." 13069

(B) "Security" means any certificate or instrument, or any 13070
oral, written, or electronic agreement, understanding, or 13071
opportunity, that represents title to or interest in, or is 13072
secured by any lien or charge upon, the capital, assets, profits, 13073
property, or credit of any person or of any public or governmental 13074
body, subdivision, or agency. It includes shares of stock, 13075
certificates for shares of stock, an uncertificated security, 13076

membership interests in limited liability companies, voting-trust 13077
certificates, warrants and options to purchase securities, 13078
subscription rights, interim receipts, interim certificates, 13079
promissory notes, all forms of commercial paper, evidences of 13080
indebtedness, bonds, debentures, land trust certificates, fee 13081
certificates, leasehold certificates, syndicate certificates, 13082
endowment certificates, interests in or under profit-sharing or 13083
participation agreements, interests in or under oil, gas, or 13084
mining leases, preorganization or reorganization subscriptions, 13085
preorganization certificates, reorganization certificates, 13086
interests in any trust or pretended trust, any investment 13087
contract, any life settlement interest, any instrument evidencing 13088
a promise or an agreement to pay money, warehouse receipts for 13089
intoxicating liquor, and the currency of any government other than 13090
those of the United States and Canada, but sections 1707.01 to 13091
~~1707.45~~ 1707.50 of the Revised Code do not apply to the sale of 13092
real estate. 13093

(C)(1) "Sale" has the full meaning of "sale" as applied by or 13094
accepted in courts of law or equity, and includes every 13095
disposition, or attempt to dispose, of a security or of an 13096
interest in a security. "Sale" also includes a contract to sell, 13097
an exchange, an attempt to sell, an option of sale, a solicitation 13098
of a sale, a solicitation of an offer to buy, a subscription, or 13099
an offer to sell, directly or indirectly, by agent, circular, 13100
pamphlet, advertisement, or otherwise. 13101

(2) "Sell" means any act by which a sale is made. 13102

(3) The use of advertisements, circulars, or pamphlets in 13103
connection with the sale of securities in this state exclusively 13104
to the purchasers specified in division (D) of section 1707.03 of 13105
the Revised Code is not a sale when the advertisements, circulars, 13106
and pamphlets describing and offering those securities bear a 13107
readily legible legend in substance as follows: "This offer is 13108

made on behalf of dealers licensed under sections 1707.01 to 131109
~~1707.45~~ 1707.50 of the Revised Code, and is confined in this state 131110
exclusively to institutional investors and licensed dealers." 131111

(4) The offering of securities by any person in conjunction 131112
with a licensed dealer by use of advertisement, circular, or 131113
pamphlet is not a sale if that person does not otherwise attempt 131114
to sell securities in this state. 131115

(5) Any security given with, or as a bonus on account of, any 131116
purchase of securities is conclusively presumed to constitute a 131117
part of the subject of that purchase and has been "sold." 131118

(6) "Sale" by an owner, pledgee, or mortgagee, or by a person 131119
acting in a representative capacity, includes sale on behalf of 131120
such party by an agent, including a licensed dealer or 131121
salesperson. 131122

(D) "Person," except as otherwise provided in this chapter, 131123
means a natural person, firm, partnership, limited partnership, 131124
partnership association, syndicate, joint-stock company, 131125
unincorporated association, trust or trustee except where the 131126
trust was created or the trustee designated by law or judicial 131127
authority or by a will, and a corporation or limited liability 131128
company organized under the laws of any state, any foreign 131129
government, or any political subdivision of a state or foreign 131130
government. 131131

(E)(1) "Dealer," except as otherwise provided in this 131132
chapter, means every person, other than a salesperson, who engages 131133
or professes to engage, in this state, for either all or part of 131134
the person's time, directly or indirectly, either in the business 131135
of the sale of securities for the person's own account, or in the 131136
business of the purchase or sale of securities for the account of 131137
others in the reasonable expectation of receiving a commission, 131138
fee, or other remuneration as a result of engaging in the purchase 131139

and sale of securities. "Dealer" does not mean any of the 13140
following: 13141

(a) Any issuer, including any officer, director, employee, or 13142
trustee of, or member or manager of, or partner in, or any general 13143
partner of, any issuer, that sells, offers for sale, or does any 13144
act in furtherance of the sale of a security that represents an 13145
economic interest in that issuer, provided no commission, fee, or 13146
other similar remuneration is paid to or received by the issuer 13147
for the sale; 13148

(b) Any licensed attorney, public accountant, or firm of such 13149
attorneys or accountants, whose activities are incidental to the 13150
practice of the attorney's, accountant's, or firm's profession; 13151

(c) Any person that, for the account of others, engages in 13152
the purchase or sale of securities that are issued and outstanding 13153
before such purchase and sale, if a majority or more of the equity 13154
interest of an issuer is sold in that transaction, and if, in the 13155
case of a corporation, the securities sold in that transaction 13156
represent a majority or more of the voting power of the 13157
corporation in the election of directors; 13158

(d) Any person that brings an issuer together with a 13159
potential investor and whose compensation is not directly or 13160
indirectly based on the sale of any securities by the issuer to 13161
the investor; 13162

(e) Any bank; 13163

(f) Any person that the division of securities by rule 13164
exempts from the definition of "dealer" under division (E)(1) of 13165
this section. 13166

(2) "Licensed dealer" means a dealer licensed under this 13167
chapter. 13168

(F)(1) "Salesman" or "salesperson" means every natural 13169

person, other than a dealer, who is employed, authorized, or 13170
appointed by a dealer to sell securities within this state. 13171

(2) The general partners of a partnership, and the executive 13172
officers of a corporation or unincorporated association, licensed 13173
as a dealer are not salespersons within the meaning of this 13174
definition, nor are clerical or other employees of an issuer or 13175
dealer that are employed for work to which the sale of securities 13176
is secondary and incidental; but the division of securities may 13177
require a license from any such partner, executive officer, or 13178
employee if it determines that protection of the public 13179
necessitates the licensing. 13180

(3) "Licensed salesperson" means a salesperson licensed under 13181
this chapter. 13182

(G) "Issuer" means every person who has issued, proposes to 13183
issue, or issues any security. 13184

(H) "Director" means each director or trustee of a 13185
corporation, each trustee of a trust, each general partner of a 13186
partnership, except a partnership association, each manager of a 13187
partnership association, and any person vested with managerial or 13188
directory power over an issuer not having a board of directors or 13189
trustees. 13190

(I) "Incorporator" means any incorporator of a corporation 13191
and any organizer of, or any person participating, other than in a 13192
representative or professional capacity, in the organization of an 13193
unincorporated issuer. 13194

(J) "Fraud," "fraudulent," "fraudulent acts," "fraudulent 13195
practices," or "fraudulent transactions" means anything recognized 13196
on or after July 22, 1929, as such in courts of law or equity; any 13197
device, scheme, or artifice to defraud or to obtain money or 13198
property by means of any false pretense, representation, or 13199
promise; any fictitious or pretended purchase or sale of 13200

securities; and any act, practice, transaction, or course of 13201
business relating to the purchase or sale of securities that is 13202
fraudulent or that has operated or would operate as a fraud upon 13203
the seller or purchaser. 13204

(K) Except as otherwise specifically provided, whenever any 13205
classification or computation is based upon "par value," as 13206
applied to securities without par value, the average of the 13207
aggregate consideration received or to be received by the issuer 13208
for each class of those securities shall be used as the basis for 13209
that classification or computation. 13210

(L)(1) "Intangible property" means patents, copyrights, 13211
secret processes, formulas, services, good will, promotion and 13212
organization fees and expenses, trademarks, trade brands, trade 13213
names, licenses, franchises, any other assets treated as 13214
intangible according to generally accepted accounting principles, 13215
and securities, accounts receivable, or contract rights having no 13216
readily determinable value. 13217

(2) "Tangible property" means all property other than 13218
intangible property and includes securities, accounts receivable, 13219
and contract rights, when the securities, accounts receivable, or 13220
contract rights have a readily determinable value. 13221

(M) "Public utilities" means those utilities defined in 13222
sections 4905.02, 4905.03, 4907.02, and 4907.03 of the Revised 13223
Code; in the case of a foreign corporation, it means those 13224
utilities defined as public utilities by the laws of its domicile; 13225
and in the case of any other foreign issuer, it means those 13226
utilities defined as public utilities by the laws of the situs of 13227
its principal place of business. The term always includes 13228
railroads whether or not they are so defined as public utilities. 13229

(N) "State" means any state of the United States, any 13230
territory or possession of the United States, the District of 13231

Columbia, and any province of Canada.	13232
(O) "Bank" means any bank, trust company, savings and loan association, savings bank, or credit union that is incorporated or organized under the laws of the United States, any state of the United States, Canada, or any province of Canada and that is subject to regulation or supervision by that country, state, or province.	13233 13234 13235 13236 13237 13238
(P) "Include," when used in a definition, does not exclude other things or persons otherwise within the meaning of the term defined.	13239 13240 13241
(Q)(1) "Registration by description" means that the requirements of section 1707.08 of the Revised Code have been complied with.	13242 13243 13244
(2) "Registration by qualification" means that the requirements of sections 1707.09 and 1707.11 of the Revised Code have been complied with.	13245 13246 13247
(3) "Registration by coordination" means that there has been compliance with section 1707.091 of the Revised Code. Reference in this chapter to registration by qualification also includes registration by coordination unless the context otherwise indicates.	13248 13249 13250 13251 13252
(R) "Intoxicating liquor" includes all liquids and compounds that contain more than three and two-tenths per cent of alcohol by weight and are fit for use for beverage purposes.	13253 13254 13255
(S) "Institutional investor" means any of the following, whether acting for itself or for others in a fiduciary capacity:	13256 13257
(1) A bank or international banking institution;	13258
(2) An insurance company;	13259
(3) A separate account of an insurance company;	13260
(4) An investment company as defined in the "Investment	13261

Company Act of 1940," 15 U.S.C. 80a-3;	13262
(5) A broker-dealer registered under the "Securities Exchange Act of 1934," 15 U.S.C. 78o, as amended, or licensed by the division of securities as a dealer;	13263 13264 13265
(6) An employee pension, profit-sharing, or benefit plan if the plan has total assets in excess of ten million dollars or its investment decisions are made by a named fiduciary, as defined in the "Employee Retirement Income Security Act of 1974," 29 U.S.C. 1001, that is one of the following:	13266 13267 13268 13269 13270
(a) A broker-dealer registered under the "Securities Exchange Act of 1934," 15 U.S.C. 78o, as amended;	13271 13272
(b) An investment adviser registered or exempt from registration under the "Investment Advisers Act of 1940," 15 U.S.C. 80b-3;	13273 13274 13275
(c) An investment adviser registered under this chapter, a bank, or an insurance company.	13276 13277
(7) A plan established and maintained by a state, a political subdivision of a state, or an agency or instrumentality of a state or a political subdivision of a state for the benefit of its employees, if the plan has total assets in excess of ten million dollars or its investment decisions are made by a duly designated public official or by a named fiduciary, as defined in the "Employee Retirement Income Security Act of 1974," 29 U.S.C. 1001, that is one of the following:	13278 13279 13280 13281 13282 13283 13284 13285
(a) A broker-dealer registered under the "Securities Exchange Act of 1934," 15 U.S.C. 78o, as amended;	13286 13287
(b) An investment adviser registered or exempt from registration under the "Investment Advisers Act of 1940," 15 U.S.C. 80b-3;	13288 13289 13290
(c) An investment adviser registered under this chapter, a	13291

bank, or an insurance company.	13292
(8) A trust, if it has total assets in excess of ten million dollars, its trustee is a bank, and its participants are exclusively plans of the types identified in division (S)(6) or (7) of this section, regardless of the size of their assets, except a trust that includes as participants self-directed individual retirement accounts or similar self-directed plans;	13293 13294 13295 13296 13297 13298
(9) An organization described in section 501(c)(3) of the "Internal Revenue Code of 1986," 26 U.S.C. 1, as amended, corporation, Massachusetts trust or similar business trust, limited liability company, or partnership, not formed for the specific purpose of acquiring the securities offered, with total assets in excess of ten million dollars;	13299 13300 13301 13302 13303 13304
(10) A small business investment company licensed by the small business administration under section 301(c) of the "Small Business Investment Act of 1958," 15 U.S.C. 681(c), with total assets in excess of ten million dollars;	13305 13306 13307 13308
(11) A private business development company as defined in section 202(a)(22) of the "Investment Advisers Act of 1940," 15 U.S.C. 80b-2(a)(22), with total assets in excess of ten million dollars;	13309 13310 13311 13312
(12) A federal covered investment adviser acting for its own account;	13313 13314
(13) A "qualified institutional buyer" as defined in 17 C.F.R. 230.144A(a)(1), other than 17 C.F.R. 230.144A(a)(1)(H);	13315 13316
(14) A "major U.S. institutional investor" as defined in 17 C.F.R. 240.15a-6(b)(4)(i);	13317 13318
(15) Any other person, other than an individual, of institutional character with total assets in excess of ten million dollars not organized for the specific purpose of evading this	13319 13320 13321

chapter;	13322
(16) Any other person specified by rule adopted or order issued under this chapter.	13323 13324
(T) A reference to a statute of the United States or to a rule, regulation, or form promulgated by the securities and exchange commission or by another federal agency means the statute, rule, regulation, or form as it exists at the time of the act, omission, event, or transaction to which it is applied under this chapter.	13325 13326 13327 13328 13329 13330
(U) "Securities and exchange commission" means the securities and exchange commission established by the Securities Exchange Act of 1934.	13331 13332 13333
(V)(1) "Control bid" means the purchase of or offer to purchase any equity security of a subject company from a resident of this state if either of the following applies:	13334 13335 13336
(a) After the purchase of that security, the offeror would be directly or indirectly the beneficial owner of more than ten per cent of any class of the issued and outstanding equity securities of the issuer.	13337 13338 13339 13340
(b) The offeror is the subject company, there is a pending control bid by a person other than the issuer, and the number of the issued and outstanding shares of the subject company would be reduced by more than ten per cent.	13341 13342 13343 13344
(2) For purposes of division (V)(1) of this section, "control bid" does not include any of the following:	13345 13346
(a) A bid made by a dealer for the dealer's own account in the ordinary course of business of buying and selling securities;	13347 13348
(b) An offer to acquire any equity security solely in exchange for any other security, or the acquisition of any equity security pursuant to an offer, for the sole account of the	13349 13350 13351

offeror, in good faith and not for the purpose of avoiding the 13352
provisions of this chapter, and not involving any public offering 13353
of the other security within the meaning of Section 4 of Title I 13354
of the "Securities Act of 1933," 48 Stat. 77, 15 U.S.C.A. 77d(2), 13355
as amended; 13356

(c) Any other offer to acquire any equity security, or the 13357
acquisition of any equity security pursuant to an offer, for the 13358
sole account of the offeror, from not more than fifty persons, in 13359
good faith and not for the purpose of avoiding the provisions of 13360
this chapter. 13361

(W) "Offeror" means a person who makes, or in any way 13362
participates or aids in making, a control bid and includes persons 13363
acting jointly or in concert, or who intend to exercise jointly or 13364
in concert any voting rights attached to the securities for which 13365
the control bid is made and also includes any subject company 13366
making a control bid for its own securities. 13367

(X)(1) "Investment adviser" means any person who, for 13368
compensation, engages in the business of advising others, either 13369
directly or through publications or writings, as to the value of 13370
securities or as to the advisability of investing in, purchasing, 13371
or selling securities, or who, for compensation and as a part of 13372
regular business, issues or promulgates analyses or reports 13373
concerning securities. 13374

(2) "Investment adviser" does not mean any of the following: 13375

(a) Any attorney, accountant, engineer, or teacher, whose 13376
performance of investment advisory services described in division 13377
(X)(1) of this section is solely incidental to the practice of the 13378
attorney's, accountant's, engineer's, or teacher's profession; 13379

(b) A publisher of any bona fide newspaper, news magazine, or 13380
business or financial publication of general and regular 13381
circulation; 13382

(c) A person who acts solely as an investment adviser representative;	13383 13384
(d) A bank holding company, as defined in the "Bank Holding Company Act of 1956," 70 Stat. 133, 12 U.S.C. 1841, that is not an investment company;	13385 13386 13387
(e) A bank, or any receiver, conservator, or other liquidating agent of a bank;	13388 13389
(f) Any licensed dealer or licensed salesperson whose performance of investment advisory services described in division (X)(1) of this section is solely incidental to the conduct of the dealer's or salesperson's business as a licensed dealer or licensed salesperson and who receives no special compensation for the services;	13390 13391 13392 13393 13394 13395
(g) Any person, the advice, analyses, or reports of which do not relate to securities other than securities that are direct obligations of, or obligations guaranteed as to principal or interest by, the United States, or securities issued or guaranteed by corporations in which the United States has a direct or indirect interest, and that have been designated by the secretary of the treasury as exempt securities as defined in the "Securities Exchange Act of 1934," 48 Stat. 881, 15 U.S.C. 78c;	13396 13397 13398 13399 13400 13401 13402 13403
(h) Any person that is excluded from the definition of investment adviser pursuant to section 202(a)(11)(A) to (E) of the "Investment Advisers Act of 1940," 15 U.S.C. 80b-2(a)(11), or that has received an order from the securities and exchange commission under section 202(a)(11)(F) of the "Investment Advisers Act of 1940," 15 U.S.C. 80b-2(a)(11)(F), declaring that the person is not within the intent of section 202(a)(11) of the Investment Advisers Act of 1940.	13404 13405 13406 13407 13408 13409 13410 13411
(i) A person who acts solely as a state retirement system investment officer or as a bureau of workers' compensation chief	13412 13413

investment officer; 13414

(j) Any other person that the division designates by rule, if 13415
the division finds that the designation is necessary or 13416
appropriate in the public interest or for the protection of 13417
investors or clients and consistent with the purposes fairly 13418
intended by the policy and provisions of this chapter. 13419

(Y)(1) "Subject company" means an issuer that satisfies both 13420
of the following: 13421

(a) Its principal place of business or its principal 13422
executive office is located in this state, or it owns or controls 13423
assets located within this state that have a fair market value of 13424
at least one million dollars. 13425

(b) More than ten per cent of its beneficial or record equity 13426
security holders are resident in this state, more than ten per 13427
cent of its equity securities are owned beneficially or of record 13428
by residents in this state, or more than one thousand of its 13429
beneficial or record equity security holders are resident in this 13430
state. 13431

(2) The division of securities may adopt rules to establish 13432
more specific application of the provisions set forth in division 13433
(Y)(1) of this section. Notwithstanding the provisions set forth 13434
in division (Y)(1) of this section and any rules adopted under 13435
this division, the division, by rule or in an adjudicatory 13436
proceeding, may make a determination that an issuer does not 13437
constitute a "subject company" under division (Y)(1) of this 13438
section if appropriate review of control bids involving the issuer 13439
is to be made by any regulatory authority of another jurisdiction. 13440

(Z) "Beneficial owner" includes any person who directly or 13441
indirectly through any contract, arrangement, understanding, or 13442
relationship has or shares, or otherwise has or shares, the power 13443
to vote or direct the voting of a security or the power to dispose 13444

of, or direct the disposition of, the security. "Beneficial ownership" includes the right, exercisable within sixty days, to acquire any security through the exercise of any option, warrant, or right, the conversion of any convertible security, or otherwise. Any security subject to any such option, warrant, right, or conversion privilege held by any person shall be deemed to be outstanding for the purpose of computing the percentage of outstanding securities of the class owned by that person, but shall not be deemed to be outstanding for the purpose of computing the percentage of the class owned by any other person. A person shall be deemed the beneficial owner of any security beneficially owned by any relative or spouse or relative of the spouse residing in the home of that person, any trust or estate in which that person owns ten per cent or more of the total beneficial interest or serves as trustee or executor, any corporation or entity in which that person owns ten per cent or more of the equity, and any affiliate or associate of that person.

(AA) "Offeree" means the beneficial or record owner of any security that an offeror acquires or offers to acquire in connection with a control bid.

(BB) "Equity security" means any share or similar security, or any security convertible into any such security, or carrying any warrant or right to subscribe to or purchase any such security, or any such warrant or right, or any other security that, for the protection of security holders, is treated as an equity security pursuant to rules of the division of securities.

(CC)(1) "Investment adviser representative" means a supervised person of an investment adviser, provided that the supervised person has more than five clients who are natural persons other than excepted persons defined in division (EE) of this section, and that more than ten per cent of the supervised person's clients are natural persons other than excepted persons

defined in division (EE) of this section. "Investment adviser
representative" does not mean any of the following: 13477
13478

(a) A supervised person that does not on a regular basis 13479
solicit, meet with, or otherwise communicate with clients of the 13480
investment adviser; 13481

(b) A supervised person that provides only investment 13482
advisory services described in division (X)(1) of this section by 13483
means of written materials or oral statements that do not purport 13484
to meet the objectives or needs of specific individuals or 13485
accounts; 13486

(c) Any other person that the division designates by rule, if 13487
the division finds that the designation is necessary or 13488
appropriate in the public interest or for the protection of 13489
investors or clients and is consistent with the provisions fairly 13490
intended by the policy and provisions of this chapter. 13491

(2) For the purpose of the calculation of clients in division 13492
(CC)(1) of this section, a natural person and the following 13493
persons are deemed a single client: Any minor child of the natural 13494
person; any relative, spouse, or relative of the spouse of the 13495
natural person who has the same principal residence as the natural 13496
person; all accounts of which the natural person or the persons 13497
referred to in division (CC)(2) of this section are the only 13498
primary beneficiaries; and all trusts of which the natural person 13499
or persons referred to in division (CC)(2) of this section are the 13500
only primary beneficiaries. Persons who are not residents of the 13501
United States need not be included in the calculation of clients 13502
under division (CC)(1) of this section. 13503

(3) If subsequent to March 18, 1999, amendments are enacted 13504
or adopted defining "investment adviser representative" for 13505
purposes of the Investment Advisers Act of 1940 or additional 13506
rules or regulations are promulgated by the securities and 13507

exchange commission regarding the definition of "investment
adviser representative" for purposes of the Investment Advisers
Act of 1940, the division of securities shall, by rule, adopt the
substance of the amendments, rules, or regulations, unless the
division finds that the amendments, rules, or regulations are not
necessary for the protection of investors or in the public
interest.

(DD) "Supervised person" means a natural person who is any of
the following:

(1) A partner, officer, or director of an investment adviser,
or other person occupying a similar status or performing similar
functions with respect to an investment adviser;

(2) An employee of an investment adviser;

(3) A person who provides investment advisory services
described in division (X)(1) of this section on behalf of the
investment adviser and is subject to the supervision and control
of the investment adviser.

(EE) "Excepted person" means a natural person to whom any of
the following applies:

(1) Immediately after entering into the investment advisory
contract with the investment adviser, the person has at least
seven hundred fifty thousand dollars under the management of the
investment adviser.

(2) The investment adviser reasonably believes either of the
following at the time the investment advisory contract is entered
into with the person:

(a) The person has a net worth, together with assets held
jointly with a spouse, of more than one million five hundred
thousand dollars.

(b) The person is a qualified purchaser as defined in

division (FF) of this section. 13538

(3) Immediately prior to entering into an investment advisory 13539
contract with the investment adviser, the person is either of the 13540
following: 13541

(a) An executive officer, director, trustee, general partner, 13542
or person serving in a similar capacity, of the investment 13543
adviser; 13544

(b) An employee of the investment adviser, other than an 13545
employee performing solely clerical, secretarial, or 13546
administrative functions or duties for the investment adviser, 13547
which employee, in connection with the employee's regular 13548
functions or duties, participates in the investment activities of 13549
the investment adviser, provided that, for at least twelve months, 13550
the employee has been performing such nonclerical, nonsecretarial, 13551
or nonadministrative functions or duties for or on behalf of the 13552
investment adviser or performing substantially similar functions 13553
or duties for or on behalf of another company. 13554

If subsequent to March 18, 1999, amendments are enacted or 13555
adopted defining "excepted person" for purposes of the Investment 13556
Advisers Act of 1940 or additional rules or regulations are 13557
promulgated by the securities and exchange commission regarding 13558
the definition of "excepted person" for purposes of the Investment 13559
Advisers Act of 1940, the division of securities shall, by rule, 13560
adopt the substance of the amendments, rules, or regulations, 13561
unless the division finds that the amendments, rules, or 13562
regulations are not necessary for the protection of investors or 13563
in the public interest. 13564

(FF)(1) "Qualified purchaser" means either of the following: 13565

(a) A natural person who owns not less than five million 13566
dollars in investments as defined by rule by the division of 13567
securities; 13568

(b) A natural person, acting for the person's own account or
accounts of other qualified purchasers, who in the aggregate owns
and invests on a discretionary basis, not less than twenty-five
million dollars in investments as defined by rule by the division
of securities.

(2) If subsequent to March 18, 1999, amendments are enacted
or adopted defining "qualified purchaser" for purposes of the
Investment Advisers Act of 1940 or additional rules or regulations
are promulgated by the securities and exchange commission
regarding the definition of "qualified purchaser" for purposes of
the Investment Advisers Act of 1940, the division of securities
shall, by rule, adopt the amendments, rules, or regulations,
unless the division finds that the amendments, rules, or
regulations are not necessary for the protection of investors or
in the public interest.

(GG)(1) "Purchase" has the full meaning of "purchase" as
applied by or accepted in courts of law or equity and includes
every acquisition of, or attempt to acquire, a security or an
interest in a security. "Purchase" also includes a contract to
purchase, an exchange, an attempt to purchase, an option to
purchase, a solicitation of a purchase, a solicitation of an offer
to sell, a subscription, or an offer to purchase, directly or
indirectly, by agent, circular, pamphlet, advertisement, or
otherwise.

(2) "Purchase" means any act by which a purchase is made.

(3) Any security given with, or as a bonus on account of, any
purchase of securities is conclusively presumed to constitute a
part of the subject of that purchase.

(HH) "Life settlement interest" means the entire interest or
any fractional interest in an insurance policy or certificate of
insurance, or in an insurance benefit under such a policy or

certificate, that is the subject of a life settlement contract. 13600

For purposes of this division, "life settlement contract" 13601
means an agreement for the purchase, sale, assignment, transfer, 13602
devise, or bequest of any portion of the death benefit or 13603
ownership of any life insurance policy or contract, in return for 13604
consideration or any other thing of value that is less than the 13605
expected death benefit of the life insurance policy or contract. 13606
"Life settlement contract" includes a viatical settlement contract 13607
as defined in section 3916.01 of the Revised Code, but does not 13608
include any of the following: 13609

(1) A loan by an insurer under the terms of a life insurance 13610
policy, including, but not limited to, a loan secured by the cash 13611
value of the policy; 13612

(2) An agreement with a bank that takes an assignment of a 13613
life insurance policy as collateral for a loan; 13614

(3) The provision of accelerated benefits as defined in 13615
section 3915.21 of the Revised Code; 13616

(4) Any agreement between an insurer and a reinsurer; 13617

(5) An agreement by an individual to purchase an existing 13618
life insurance policy or contract from the original owner of the 13619
policy or contract, if the individual does not enter into more 13620
than one life settlement contract per calendar year; 13621

(6) The initial purchase of an insurance policy or 13622
certificate of insurance from its owner by a viatical settlement 13623
provider, as defined in section 3916.01 of the Revised Code, that 13624
is licensed under Chapter 3916. of the Revised Code. 13625

(II) "State retirement system" means the public employees 13626
retirement system, Ohio police and fire pension fund, state 13627
teachers retirement system, school employees retirement system, 13628
and state highway patrol retirement system. 13629

(JJ) "State retirement system investment officer" means an individual employed by a state retirement system as a chief investment officer, assistant investment officer, or the person in charge of a class of assets or in a position that is substantially equivalent to chief investment officer, assistant investment officer, or person in charge of a class of assets.

(KK) "Bureau of workers' compensation chief investment officer" means an individual employed by the administrator of workers' compensation as a chief investment officer or in a position that is substantially equivalent to a chief investment officer.

Sec. 1707.03. (A) As used in this section, "exempt" means that, except in the case of securities the right to buy, sell, or deal in which has been suspended or revoked under an existing order of the division of securities under section 1707.13 of the Revised Code or under a cease and desist order under division (G) of section 1707.23 of the Revised Code, transactions in securities may be carried on and completed without compliance with sections 1707.08 to 1707.11 of the Revised Code.

(B) A sale of securities made by or on behalf of a bona fide owner, neither the issuer nor a dealer, is exempt if the sale is made in good faith and not for the purpose of avoiding this chapter and is not made in the course of repeated and successive transactions of a similar character. Any sale of securities over a stock exchange that is lawfully conducted in this state and regularly open for public patronage and that has been established and operated for a period of at least five years prior to the sale at a commission not exceeding the commission regularly charged in such transactions also is exempt.

(C) The sale of securities by executors, administrators, receivers, trustees, or anyone acting in a fiduciary capacity is

exempt, where such relationship was created by law, by a will, or 13661
by judicial authority, and where such sales are subject to 13662
approval by, or are made in pursuance to authority granted by, any 13663
court of competent jurisdiction or are otherwise authorized and 13664
lawfully made by such fiduciary. 13665

(D) A sale to the issuer, to a dealer, or to an institutional 13666
investor is exempt. 13667

(E) A sale in good faith, and not for the purpose of avoiding 13668
this chapter, by a pledgee of a security pledged for a bona fide 13669
debt is exempt. 13670

(F) The sale at public auction by a corporation of shares of 13671
its stock because of delinquency in payment for the shares is 13672
exempt. 13673

(G)(1) The giving of any conversion right with, or on account 13674
of the purchase of, any security that is exempt, is the subject 13675
matter of an exempt transaction, has been registered by 13676
description, by coordination, or by qualification, or is the 13677
subject matter of a transaction that has been registered by 13678
description is exempt. 13679

(2) The giving of any subscription right, warrant, or option 13680
to purchase a security or right to receive a security upon 13681
exchange, which security is exempt at the time the right, warrant, 13682
or option to purchase or right to receive is given, is the subject 13683
matter of an exempt transaction, is registered by description, by 13684
coordination, or by qualification, or is the subject matter of a 13685
transaction that has been registered by description is exempt. 13686

(3) The giving of any subscription right or any warrant or 13687
option to purchase a security, which right, warrant, or option 13688
expressly provides that it shall not be exercisable except for a 13689
security that at the time of the exercise is exempt, is the 13690
subject matter of an exempt transaction, is registered by 13691

description, by coordination, or by qualification, or at such time 13692
is the subject matter of a transaction that has been registered by 13693
description is exempt. 13694

(H) The sale of notes, bonds, or other evidences of 13695
indebtedness that are secured by a mortgage lien upon real estate, 13696
leasehold estate other than oil, gas, or mining leasehold, or 13697
tangible personal property, or which evidence of indebtedness is 13698
due under or based upon a conditional-sale contract, if all such 13699
notes, bonds, or other evidences of indebtedness are sold to a 13700
single purchaser at a single sale, is exempt. 13701

(I) The delivery of securities by the issuer on the exercise 13702
of conversion rights, the sale of securities by the issuer on 13703
exercise of subscription rights or of warrants or options to 13704
purchase securities, the delivery of voting-trust certificates for 13705
securities deposited under a voting-trust agreement, the delivery 13706
of deposited securities on surrender of voting-trust certificates, 13707
and the delivery of final certificates on surrender of interim 13708
certificates are exempt; but the sale of securities on exercise of 13709
subscription rights, warrants, or options is not an exempt 13710
transaction unless those rights, warrants, or options when granted 13711
were the subject matter of an exempt transaction under division 13712
(G) of this section or were registered by description, by 13713
coordination, or by qualification. 13714

(J) The sale of securities by a bank, savings and loan 13715
association, savings bank, or credit union organized under the 13716
laws of the United States or of this state is exempt if at a 13717
profit to that seller of not more than two per cent of the total 13718
sale price of the securities. 13719

(K)(1) The distribution by a corporation of its securities to 13720
its security holders as a share dividend or other distribution out 13721
of earnings or surplus is exempt. 13722

(2) The exchange or distribution by the issuer of any of its securities or of the securities of any of the issuer's wholly owned subsidiaries exclusively with or to its existing security holders, if no commission or other remuneration is given directly or indirectly for soliciting the exchange, is exempt. 13723
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(3) The sale of preorganization subscriptions for shares of stock of a corporation prior to the incorporation of the corporation is exempt, when the sale is evidenced by a written agreement, no remuneration is given, or promised, directly or indirectly, for or in connection with the sale of those securities, and no consideration is received, directly or indirectly, by any person from the purchasers of those securities until registration by qualification, by coordination, or by description of those securities is made under this chapter. 13728
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(L) The issuance of securities in exchange for one or more bona fide outstanding securities, claims, or property interests, not including securities sold for a consideration payable in whole or in part in cash, under a plan of reorganization, recapitalization, or refinancing approved by a court pursuant to the Bankruptcy Act of the United States or to any other federal act giving any federal court jurisdiction over such plan of reorganization, or under a plan of reorganization approved by a court of competent jurisdiction of any state of the United States is exempt. As used in this division, "reorganization," "recapitalization," and "refinancing" have the same meanings as in section 1707.04 of the Revised Code. 13737
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(M) A sale by a licensed dealer, acting either as principal or as agent, of securities issued and outstanding before the sale is exempt, unless the sale is of one or more of the following: 13749
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(1) Securities constituting the whole or a part of an unsold allotment to or subscription by a dealer as an underwriter or other participant in the distribution of those securities by the 13752
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issuer, whether that distribution is direct or through an 13755
underwriter, provided that, if the issuer is such by reason of 13756
owning one-fourth or more of those securities, the dealer has 13757
knowledge of this fact or reasonable cause to believe this fact; 13758

(2) Any class of shares issued by a corporation when the 13759
number of beneficial owners of that class is less than 13760
twenty-five, with the record owner of securities being deemed the 13761
beneficial owner for this purpose, in the absence of actual 13762
knowledge to the contrary; 13763

(3) Securities that within one year were purchased outside 13764
this state or within one year were transported into this state, if 13765
the dealer has knowledge or reasonable cause to believe, before 13766
the sale of those securities, that within one year they were 13767
purchased outside this state or within one year were transported 13768
into this state; but such a sale of those securities is exempt if 13769
any of the following occurs: 13770

(a) A recognized securities manual contains the names of the 13771
issuer's officers and directors, a balance sheet of the issuer as 13772
of a date within eighteen months, and a profit and loss statement 13773
for either the fiscal year preceding that date or the most recent 13774
year of operations; 13775

(b) Those securities, or securities of the same class, within 13776
one year were registered or qualified under section 1707.09 or 13777
1707.091 of the Revised Code, and that registration or 13778
qualification is in full force and effect; 13779

(c) The sale is made by a licensed dealer on behalf of the 13780
bona fide owner of those securities in accordance with division 13781
(B) of this section; 13782

(d) Those securities were transported into Ohio in a 13783
transaction of the type described in division (L), (K), or (I) of 13784
this section, or in a transaction registered under division (A) of 13785

section 1707.06 of the Revised Code. 13786

(N) For the purpose of this division and division (M) of this 13787
section, "underwriter" means any person who has purchased from an 13788
issuer with a view to, or sells for an issuer in connection with, 13789
the distribution of any security, or who participates directly or 13790
indirectly in any such undertaking or in the underwriting thereof, 13791
but "underwriter" does not include a person whose interest is 13792
limited to a discount, commission, or profit from the underwriter 13793
or from a dealer that is not in excess of the customary 13794
distributors' or sellers' discount, commission, or profit; and 13795
"issuer" includes any person or any group of persons acting in 13796
concert in the sale of such securities, owning beneficially 13797
one-fourth or more of the outstanding securities of the class 13798
involved in the transactions in question, with the record owner of 13799
securities being deemed the beneficial owner for this purpose, in 13800
the absence of actual knowledge to the contrary. 13801

(O)(1) The sale of any equity security is exempt if all the 13802
following conditions are satisfied: 13803

(a) The sale is by the issuer of the security. 13804

(b) The total number of purchasers in this state of all 13805
securities issued or sold by the issuer in reliance upon this 13806
exemption during the period of one year ending with the date of 13807
the sale does not exceed ten. A sale of securities registered 13808
under this chapter or sold pursuant to an exemption under this 13809
chapter other than this exemption shall not be integrated with a 13810
sale pursuant to this exemption in computing the number of 13811
purchasers under this exemption. 13812

(c) No advertisement, article, notice, or other communication 13813
published in any newspaper, magazine, or similar medium or 13814
broadcast over television or radio is used in connection with the 13815
sale, but the use of an offering circular or other communication 13816

delivered by the issuer to selected individuals does not destroy 13817
this exemption. 13818

(d) The issuer reasonably believes after reasonable 13819
investigation that the purchaser is purchasing for investment. 13820

(e) The aggregate commission, discount, and other 13821
remuneration, excluding legal, accounting, and printing fees, paid 13822
or given directly or indirectly does not exceed ten per cent of 13823
the initial offering price. 13824

(f) Any such commission, discount, or other remuneration for 13825
sales in this state is paid or given only to dealers or 13826
salespersons registered pursuant to this chapter. 13827

(2) For the purposes of division (O)(1) of this section, each 13828
of the following is deemed to be a single purchaser of a security: 13829
husband and wife, a child and its parent or guardian when the 13830
parent or guardian holds the security for the benefit of the 13831
child, a corporation, a limited liability company, a partnership, 13832
an association or other unincorporated entity, a joint-stock 13833
company, or a trust, but only if the corporation, limited 13834
liability company, partnership, association, entity, joint-stock 13835
company, or trust was not formed for the purpose of purchasing the 13836
security. 13837

(3) As used in division (O)(1) of this section, "equity 13838
security" means any stock or similar security of a corporation or 13839
any membership interest in a limited liability company; or any 13840
security convertible, with or without consideration, into such a 13841
security, or carrying any warrant or right to subscribe to or 13842
purchase such a security; or any such warrant or right; or any 13843
other security that the division considers necessary or 13844
appropriate, by such rules as it may prescribe in the public 13845
interest or for the protection of investors, to treat as an equity 13846
security. 13847

(P) The sale of securities representing interests in or under profit-sharing or participation agreements relating to oil or gas wells located in this state, or representing interests in or under oil or gas leases of real estate situated in this state, is exempt if the securities are issued by an individual, partnership, limited partnership, partnership association, syndicate, pool, trust or trust fund, or other unincorporated association and if each of the following conditions is complied with:

(1) The beneficial owners of the securities do not, and will not after the sale, exceed five natural persons;

(2) The securities constitute or represent interests in not more than one oil or gas well;

(3) A certificate or other instrument in writing is furnished to each purchaser of the securities at or before the consummation of the sale, disclosing the maximum commission, compensation for services, cost of lease, and expenses with respect to the sale of such interests and with respect to the promotion, development, and management of the oil or gas well, and the total of that commission, compensation, costs, and expenses does not exceed twenty-five per cent of the aggregate interests in the oil or gas well, exclusive of any landowner's rental or royalty;

(4) The sale is made in good faith and not for the purpose of avoiding this chapter.

(Q) The sale of any security is exempt if all of the following conditions are satisfied:

(1) The provisions of section 5 of the Securities Act of 1933 do not apply to the sale by reason of an exemption under section 4 (2) of that act.

(2) The aggregate commission, discount, and other remuneration, excluding legal, accounting, and printing fees, paid or given directly or indirectly does not exceed ten per cent of

the initial offering price. 13879

(3) Any such commission, discount, or other remuneration for 13880
sales in this state is paid or given only to dealers or 13881
salespersons registered under this chapter. 13882

(4) The issuer or dealer files with the division of 13883
securities, not later than sixty days after the sale, a report 13884
setting forth the name and address of the issuer, the total amount 13885
of the securities sold under this division, the number of persons 13886
to whom the securities were sold, the price at which the 13887
securities were sold, and the commissions or discounts paid or 13888
given. 13889

(5) The issuer pays a filing fee of one hundred dollars for 13890
the first filing and fifty dollars for every subsequent filing 13891
during each calendar year. 13892

(R) A sale of a money order, travelers' check, or other 13893
instrument for the transmission of money by a person qualified to 13894
engage in such business under Chapter 1315. of the Revised Code is 13895
exempt. 13896

(S) A sale by a licensed dealer of securities that are in the 13897
process of registration under the Securities Act of 1933, unless 13898
exempt under that act, and that are in the process of 13899
registration, if registration is required under this chapter, is 13900
exempt, provided that no sale of that nature shall be consummated 13901
prior to the registration by description or qualification of the 13902
securities. 13903

(T) The execution by a licensed dealer of orders for the 13904
purchase of any security is exempt, provided that the dealer acts 13905
only as agent for the purchaser, has made no solicitation of the 13906
order to purchase the security, has no interest in the 13907
distribution of the security, and delivers to the purchaser 13908
written confirmation of the transaction that clearly itemizes the 13909

dealer's commission. "Solicitation," as used in this division, 13910
means solicitation of the order for the specific security 13911
purchased and does not include general solicitations or 13912
advertisements of any kind. 13913

(U) The sale insofar as the security holders of a person are 13914
concerned, where, pursuant to statutory provisions of the 13915
jurisdiction under which that person is organized or pursuant to 13916
provisions contained in its articles of incorporation, certificate 13917
of incorporation, partnership agreement, declaration of trust, 13918
trust indenture, or similar controlling instrument, there is 13919
submitted to the security holders, for their vote or consent, (1) 13920
a plan or agreement for a reclassification of securities of that 13921
person that involves the substitution of a security of that person 13922
for another security of that person, (2) a plan or agreement of 13923
merger or consolidation or a similar plan or agreement of 13924
acquisition in which the securities of that person held by the 13925
security holders will become or be exchanged for securities of any 13926
other person, or (3) a plan or agreement for a combination as 13927
defined in division (Q) of section 1701.01 of the Revised Code or 13928
a similar plan or agreement for the transfer of assets of that 13929
person to another person in consideration of the issuance of 13930
securities of any person, is exempt if, with respect to any of the 13931
foregoing transactions, either of the following conditions is 13932
satisfied: 13933

(a) The securities to be issued to the security holders are 13934
effectively registered under sections 6 to 8 of the Securities Act 13935
of 1933 and offered and sold in compliance with section 5 of that 13936
act; 13937

(b) At least twenty days prior to the date on which a meeting 13938
of the security holders is held or the earliest date on which 13939
corporate action may be taken when no meeting is held, there is 13940
submitted to the security holders, by that person, or by the 13941

person whose securities are to be issued in the transaction, 13942
information substantially equivalent to the information that would 13943
be required to be included in a proxy statement or information 13944
statement prepared by or on behalf of the management of an issuer 13945
subject to section 14(a) or 14(c) of the Securities Exchange Act 13946
of 1934. 13947

(V) The sale of any security is exempt if the division by 13948
rule finds that registration is not necessary or appropriate in 13949
the public interest or for the protection of investors. 13950

(W) Any offer or sale of securities made in reliance on the 13951
exemptions provided by Rule 505 of Regulation D made pursuant to 13952
the Securities Act of 1933 and the conditions and definitions 13953
provided by Rules 501 to 503 thereunder is exempt if the offer or 13954
sale satisfies all of the following conditions: 13955

(1) No commission or other remuneration is given, directly or 13956
indirectly, to any person for soliciting or selling to any person 13957
in this state in reliance on the exemption under this division, 13958
except to dealers licensed in this state. 13959

(2)(a) Unless the cause for disqualification is waived under 13960
division (W)(2)(b) of this section, no exemption under this 13961
section is available for the securities of an issuer unless the 13962
issuer did not know and in the exercise of reasonable care could 13963
not have known that any of the following applies to any of the 13964
persons described in Rule 262(a) to (c) of Regulation A under the 13965
Securities Act of 1933: 13966

(i) The person has filed an application for registration or 13967
qualification that is the subject of an effective order entered 13968
against the issuer, its officers, directors, general partners, 13969
controlling persons or affiliates thereof, pursuant to the law of 13970
any state within five years before the filing of a notice required 13971
under division (W)(3) of this section denying effectiveness to, or 13972

suspending or revoking the effectiveness of, the registration 13973
statement. 13974

(ii) The person has been convicted of any offense in 13975
connection with the offer, sale, or purchase of any security or 13976
franchise, or any felony involving fraud or deceit, including, but 13977
not limited to, forgery, embezzlement, fraud, theft, or conspiracy 13978
to defraud. 13979

(iii) The person is subject to an effective administrative 13980
order or judgment that was entered by a state securities 13981
administrator within five years before the filing of a notice 13982
required under division (W)(3) of this section and that prohibits, 13983
denies, or revokes the use of any exemption from securities 13984
registration, prohibits the transaction of business by the person 13985
as a dealer, or is based on fraud, deceit, an untrue statement of 13986
a material fact, or an omission to state a material fact. 13987

(iv) The person is subject to any order, judgment, or decree 13988
of any court entered within five years before the filing of a 13989
notice required under division (W)(3) of this section, 13990
temporarily, preliminarily, or permanently restraining or 13991
enjoining the person from engaging in or continuing any conduct or 13992
practice in connection with the offer, sale, or purchase of any 13993
security, or the making of any false filing with any state. 13994

(b)(i) Any disqualification under this division involving a 13995
dealer may be waived if the dealer is or continues to be licensed 13996
in this state as a dealer after notifying the commissioner of the 13997
act or event causing disqualification. 13998

(ii) The commissioner may waive any disqualification under 13999
this paragraph upon a showing of good cause that it is not 14000
necessary under the circumstances that use of the exemption be 14001
denied. 14002

(3) Not later than five business days before the earlier of 14003

the date on which the first use of an offering document or the first sale is made in this state in reliance on the exemption under this division, there is filed with the commissioner a notice comprised of offering material in compliance with the requirements of Rule 502 of Regulation D under the Securities Act of 1933 and a fee of one hundred dollars. Material amendments to the offering document shall be filed with the commissioner not later than the date of their first use in this state.

(4) The aggregate commission, discount, and other remuneration paid or given, directly or indirectly, does not exceed twelve per cent of the initial offering price, excluding legal, accounting, and printing fees.

(X) Any offer or sale of securities made in reliance on the exemption provided in Rule 506 of Regulation D under the Securities Act of 1933, and in accordance with Rules 501 to 503 of Regulation D under the Securities Act of 1933, is exempt provided that all of the following apply:

(1) The issuer makes a notice filing with the division on form D of the securities and exchange commission within fifteen days of the first sale in this state;

(2) Any commission, discount, or other remuneration for sales of securities in this state is paid or given only to dealers or salespersons licensed under this chapter;

(3) The issuer pays a filing fee of one hundred dollars to the division; however, no filing fee shall be required to file amendments to the form D of the securities and exchange commission.

(Y) The offer or sale of securities by an issuer is exempt provided that all of the following apply:

(1) The sale of securities is made only to persons who are, or who the issuer reasonably believes are, accredited investors as

defined in Rule 501 of Regulation D under the Securities Act of 14035
1933. 14036

(2) The issuer reasonably believes that all purchasers are 14037
purchasing for investment and not with a view to or for sale in 14038
connection with a distribution of the security. Any resale of a 14039
security sold in reliance on this exemption within twelve months 14040
of sale shall be presumed to be with a view to distribution and 14041
not for investment, except a resale to which any of the following 14042
applies: 14043

(a) The resale is pursuant to a registration statement 14044
effective under section 1707.09 or 1707.091 of the Revised Code. 14045

(b) The resale is to an accredited investor, as defined in 14046
Rule 501 of Regulation D under the Securities Act of 1933. 14047

(c) The resale is to an institutional investor pursuant to 14048
the exemptions under division (B) or (D) of this section. 14049

(3) The exemption under this division is not available to an 14050
issuer that is in the development stage and that either has no 14051
specific business plan or purpose or has indicated that its 14052
business plan is to engage in a merger or acquisition with an 14053
unidentified company or companies, or other entities or persons. 14054

(4) The exemption under this division is not available to an 14055
issuer, if the issuer, any of the issuer's predecessors, any 14056
affiliated issuer, any of the issuer's directors, officers, 14057
general partners, or beneficial owners of ten per cent or more of 14058
any class of its equity securities, any of the issuer's promoters 14059
presently connected with the issuer in any capacity, any 14060
underwriter of the securities to be offered, or any partner, 14061
director, or officer of such underwriter: 14062

(a) Within the past five years, has filed a registration 14063
statement that is the subject of a currently effective 14064
registration stop order entered by any state securities 14065

administrator or the securities and exchange commission; 14066

(b) Within the past five years, has been convicted of any 14067
criminal offense in connection with the offer, purchase, or sale 14068
of any security, or involving fraud or deceit; 14069

(c) Is currently subject to any state or federal 14070
administrative enforcement order or judgment, entered within the 14071
past five years, finding fraud or deceit in connection with the 14072
purchase or sale of any security; 14073

(d) Is currently subject to any order, judgment, or decree of 14074
any court of competent jurisdiction, entered within the past five 14075
years, that temporarily, preliminarily, or permanently restrains 14076
or enjoins the party from engaging in or continuing to engage in 14077
any conduct or practice involving fraud or deceit in connection 14078
with the purchase or sale of any security. 14079

(5) Division (Y)(4) of this section is inapplicable if any of 14080
the following applies: 14081

(a) The party subject to the disqualification is licensed or 14082
registered to conduct securities business in the state in which 14083
the order, judgment, or decree creating the disqualification was 14084
entered against the party described in division (Y)(4) of this 14085
section. 14086

(b) Before the first offer is made under this exemption, the 14087
state securities administrator, or the court or regulatory 14088
authority that entered the order, judgment, or decree, waives the 14089
disqualification. 14090

(c) The issuer did not know and, in the exercise of 14091
reasonable care based on reasonable investigation, could not have 14092
known that a disqualification from the exemption existed under 14093
division (Y)(4) of this section. 14094

(6) A general announcement of the proposed offering may be 14095

made by any means; however, the general announcement shall include 14096
only the following information, unless additional information is 14097
specifically permitted by the division by rule: 14098

(a) The name, address, and telephone number of the issuer of 14099
the securities; 14100

(b) The name, a brief description, and price of any security 14101
to be issued; 14102

(c) A brief description of the business of the issuer; 14103

(d) The type, number, and aggregate amount of securities 14104
being offered; 14105

(e) The name, address, and telephone number of the person to 14106
contact for additional information; and 14107

(f) A statement indicating all of the following: 14108

(i) Sales will only be made to accredited investors as 14109
defined in Rule 501 of Regulation D under the Securities Act of 14110
1933; 14111

(ii) No money or other consideration is being solicited or 14112
will be accepted by way of this general announcement; 14113

(iii) The securities have not been registered with or 14114
approved by any state securities administrator or the securities 14115
and exchange commission and are being offered and sold pursuant to 14116
an exemption from registration. 14117

(7) The issuer, in connection with an offer, may provide 14118
information in addition to the general announcement described in 14119
division (Y)(6) of this section, provided that either of the 14120
following applies: 14121

(a) The information is delivered through an electronic 14122
database that is restricted to persons that are accredited 14123
investors as defined in Rule 501 of Regulation D under the 14124
Securities Act of 1933. 14125

(b) The information is delivered after the issuer reasonably believes that the prospective purchaser is an accredited investor as defined in Rule 501 of Regulation D under the Securities Act of 1933.

(8) No telephone solicitation shall be done, unless prior to placing the telephone call, the issuer reasonably believes that the prospective purchaser to be solicited is an accredited investor as defined in Rule 501 of Regulation D under the Securities Act of 1933.

(9) Dissemination of the general announcement described in division (Y)(6) of this section to persons that are not accredited investors, as defined in Rule 501 of Regulation D under the Securities Act of 1933, does not disqualify the issuer from claiming an exemption under this division.

(10) The issuer shall file with the division notice of the offering of securities within fifteen days after notice of the offering is made or a general announcement is made in this state. The filing shall be on forms adopted by the division and shall include a copy of the general announcement, if one is made regarding the proposed offering, and copies of any offering materials, circulars, or prospectuses. A filing fee of one hundred dollars also shall be included.

(Z) The offer or sale of securities by an OhioInvests issuer under sections 1707.05 to 1707.058 of the Revised Code is exempt.

Sec. 1707.04. (A) The division of securities may consider and conduct hearings upon any plan of reorganization, recapitalization, or refinancing of a corporation organized under the laws of this state, or having its principal place of business within this state, when such plan is proposed by such corporation or by any of its shareholders or creditors and contains a proposal to issue securities in exchange for one or more bona fide

outstanding securities, claims, or property interests, or partly 14157
in such exchange or partly for cash. The division may also approve 14158
the terms of such issuance and exchange and the fairness of such 14159
terms, after a hearing upon such fairness at which all persons to 14160
whom it is proposed to issue securities in such exchange have the 14161
right to appear, if application for such a hearing is made by such 14162
corporation, by the holders of a majority in amount of its debts, 14163
or by the holders of a majority in amount of any outstanding class 14164
of securities issued by it. Notice in person or by mail of the 14165
time and place of such hearing shall be given to all persons to 14166
whom it is proposed to issue such securities, and evidence 14167
satisfactory to the division that such notice has been given shall 14168
be filed with the division. Securities issued in accordance with a 14169
plan so approved by the division are exempt from sections 1707.01 14170
to ~~1707.45~~ 1707.50 of the Revised Code, relating to registration 14171
or qualification of securities or the registration of transactions 14172
therein. 14173

(B) "Reorganization," "recapitalization," and "refinancing," 14174
as used in this section, include the following: 14175

(1) A readjustment by modification of the terms of securities 14176
by agreement; 14177

(2) A readjustment by the exchange of securities by the 14178
issuer for others of its securities; 14179

(3) The exchange of securities by the issuer for securities 14180
of another issuer; 14181

(4) The acquisition of assets of a person, directly or 14182
indirectly, partly or wholly in consideration for securities 14183
distributed or to be distributed as part of the same transaction, 14184
directly or indirectly, to holders of securities issued by such 14185
person or secured by assets of such person; 14186

(5) A merger or consolidation. 14187

(C) Upon filing an application with the division under this section, the applicant shall pay to the division a filing fee of one hundred dollars and shall deposit with the division such sum, not in excess of one thousand dollars, as the division requires for the purpose of defraying the costs of the hearing provided for in this section and of any investigation which the division may make in connection herewith.

Sec. 1707.042. (A) No person who makes or opposes a control bid to offerees in this state shall knowingly do any of the following:

(1) Make any untrue statement of a material fact or omit to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading;

(2) Engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any such offeree;

(3) Engage in any manipulative act or practice.

(B) Any person who makes or opposes a control bid to offerees in this state, or who realizes any profit which inures to and is recoverable by a corporation, formed in this state, pursuant to section 1707.043 of the Revised Code, is conclusively presumed to have designated the secretary of state as its agent for the service of process in any action or proceeding under this chapter. Upon receipt of any such process, together with an affidavit showing the last known address of the person who made or opposed the control bid or who realized such profit, the secretary of state shall forthwith give notice by telegraph of the fact of the service of process and forward a copy of such process to such address by certified mail, return receipt requested. This section does not affect any right to serve process in any other manner

permitted by law. 14219

(C) Any person who makes or opposes a control bid is subject 14220
to the liabilities and penalties applicable to a seller, and an 14221
offeree is entitled to the remedies applicable to a purchaser, as 14222
set forth in sections 1707.41 to ~~1707.45~~ 1707.50 of the Revised 14223
Code. 14224

(D) In case any provision or application of any provision of 14225
this section is for any reason held to be illegal or invalid, such 14226
illegality or invalidity shall not affect any legal and valid 14227
provision or application of this section. 14228

Sec. 1707.05. As used in sections 1707.05 to 1707.058 of the 14229
Revised Code: 14230

(A) "OhioInvests issuer" means an entity organized under the 14231
laws of this state, other than a general partnership, that meets 14232
all of the following requirements: 14233

(1) The entity satisfies the requirements of 17 C.F.R. 14234
230.147A. 14235

(2) The entity meets at least one of the following 14236
conditions: 14237

(a) The principal office of the entity is located in this 14238
state. 14239

(b) As of the last day of the most recent semiannual fiscal 14240
period of the entity, at least eighty per cent, as described under 14241
17 C.F.R. 230.147A, of the entity's assets were located in this 14242
state. 14243

(c)(i) The entity derived at least eighty per cent, or other 14244
threshold permitted under 17 C.F.R. 230.147A, of the entity's 14245
gross revenues from the operation of a business in this state 14246
during the previous fiscal year, if the OhioInvests offering 14247
begins during the first six months of the entity's fiscal year, or 14248

during the twelve months ending on the last day of the sixth month 14249
of the entity's current fiscal year, if the OhioInvests offering 14250
begins following the last day. 14251

(ii) Division (A)(2)(c)(i) of this section does not apply to 14252
any entity whose gross revenue during the most recent period of 14253
twelve months did not exceed five thousand dollars. 14254

(3) As to itself or any other person, the entity does not 14255
attempt to limit any liability under, or avoid any prohibition in, 14256
this chapter. 14257

(4) The entity is not any of the following: 14258

(a) Engaged in the business of investing, reinvesting, 14259
owning, holding, or trading in securities, except that the entity 14260
may hold securities of one class in an entity that is not itself 14261
engaged in the business of investing, reinvesting, owning, 14262
holding, or trading in securities; 14263

(b) Subject to the reporting requirement of 15 U.S.C. 78m and 14264
78o(d); 14265

(c) Issuing fractional undivided interests in oil or gas 14266
rights, or a similar interest in other mineral rights, or engaging 14267
primarily in petroleum, gas, or hydraulic fracturing exploration, 14268
production, mining, or other extractive industries; 14269

(d) Issuing life settlement interests; 14270

(e) Engaged as a substantial part of its business in the 14271
purchase, sale, or development of commercial paper, notes, or 14272
other indebtedness, financial instruments, securities, or real 14273
property; purchasing, selling, or holding for investment 14274
commercial paper, notes, or other indebtedness, financial 14275
instruments, securities, or real property; or otherwise making 14276
investments; 14277

(f) A commodity pool, equipment leasing program, or a real 14278

estate investment trust. 14279

(B) "OhioInvests offering" means an offer, or an offer and sale, of securities by an OhioInvests issuer that is exempt from registration under section 1707.051 of the Revised Code. 14280
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(C) "OhioInvests portal" means a web site that is operated by a portal operator for the offer or sale of securities of an OhioInvests issuer and meets all of the following requirements: 14283
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(1) When conducting an OhioInvests offering, it implements steps to limit web site access to residents of only this state in accordance with 17 C.F.R. 230.147A. 14286
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(2) It does not allow an OhioInvests offering to be viewed by a prospective purchaser until both of the following occur: 14289
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(a) The portal operator verifies, through its exercise of reasonable steps, such as using a third-party verification service or as otherwise approved by the division of securities, that the prospective purchaser is a resident of this state. 14291
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(b) The prospective purchaser makes an affirmative acknowledgment, electronically through the portal, of the following: 14295
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"I am an Ohio resident. 14298

The securities and investment opportunities listed on this web site involve high-risk, speculative business ventures. If I choose to invest in any securities or investment opportunity listed on this web site, I may lose all of my investment, and I can afford such a loss. 14299
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The securities and investment opportunities listed on this web site have not been reviewed or approved by any state or federal securities commission or division or other regulatory authority, and no such person or authority has confirmed the accuracy or determined the adequacy of any disclosure made to 14304
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prospective investors relating to any offering. 14309

If I choose to invest in any securities or investment 14310
opportunity listed on this web site, I understand that the 14311
securities I will acquire may be difficult to transfer or sell, 14312
that there is no ready market for the sale of such securities, 14313
that it may be difficult or impossible for me to sell or otherwise 14314
dispose of this investment at any price, and that, accordingly, I 14315
may be required to hold this investment indefinitely." 14316

(3) It does not contain the word "OhioInvests" in its 14317
internet address. 14318

(D) "Portal operator" means an entity, including an issuer, 14319
that is authorized to do business in this state, is licensed with 14320
the division of securities under section 1707.054 of the Revised 14321
Code or is a licensed dealer, and satisfies any other conditions 14322
determined by the division. 14323

(E) "Executive management" includes executive officers, 14324
directors, governors, and managers. 14325

Sec. 1707.051. Subject to section 1707.058 of the Revised 14326
Code, the offer, sale, and issuance of securities is exempt from 14327
the requirements of sections 1707.08 to 1707.11 of the Revised 14328
Code if all of the following conditions are met: 14329

(A) The issuer is an OhioInvests issuer on the date that its 14330
securities are first offered for sale in the offering and 14331
continuously through the closing of the offering. 14332

(B) The offering meets the requirements of the federal 14333
exemption for intrastate offerings in 17 C.F.R. 230.147A. 14334

(C) The offering expires not more than twelve months after 14335
the offering commences. 14336

(D) In any twelve-month period, the issuer does not raise 14337
more than five million dollars, either in cash or other 14338

consideration, in connection with one or more OhioInvests offerings. 14339
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(E) The issuer uses at least eighty per cent of the net proceeds of the offering in connection with the operation of its business in this state. 14341
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(F) No single purchaser purchases more than ten thousand dollars in the aggregate in a twelve-month period of securities in connection with OhioInvests offerings unless the purchaser is an accredited investor, as defined in Rule 501 of Regulation D under the Securities Act of 1933. An accredited investor may purchase from all OhioInvests offerings in a twelve-month period up to ten thousand dollars or such greater amount that does not exceed ten per cent of the accredited investor's annual income or net worth, whichever is less. 14344
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(G) The sale of the securities is conducted exclusively through an OhioInvests portal. 14353
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(H)(1) Subject to division (H)(2) of this section, an investor may cancel the investment commitment for any reason for a period of time specified in the issuer's offering materials, which period shall be at least five business days after the date of commitment. 14355
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(2) During the forty-eight hours prior to the deadline identified in the issuer's offering materials, an investment commitment may not be canceled. 14360
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(I) The issuer requires the portal operator to do all of the following: 14363
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(1) Provide or make available to each prospective purchaser through the OhioInvests portal the following, as applicable: 14365
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(a) A copy of the issuer's balance sheet and income statement for the issuer's most recent fiscal year, if the issuer was in 14367
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existence for that period; 14369

(b) For offerings beginning more than ninety days after the issuer's most recent fiscal year end or if the issuer was not in existence the previous calendar year, a copy of the issuer's balance sheet as of a date not more than ninety days before the commencement of the offering for the issuer's most recently completed fiscal year, or such shorter portion the issuer was in existence during that period, and the year-to-date period, or inception-to-date period, if shorter, corresponding with the more recent balance sheet. 14370
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(2) Make available to each prospective purchaser through the OhioInvests portal a printable or downloadable disclosure document that meets the requirements of section 1707.052 of the Revised Code; 14379
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(3) Obtain from each prospective purchaser through the OhioInvests portal the certification described in section 1707.053 of the Revised Code, in either written or electronic form. 14383
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(J) All of the following apply: 14386

(1) All payments for the purchase of securities are held in escrow until the aggregate capital deposited into escrow from all purchasers is equal to or greater than the stated minimum offering amount. 14387
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(2) The escrow agent used is a bank, trust company, savings bank, savings association, or credit union authorized to do business in this state. 14391
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(3) Prior to the execution of the escrow agreement between the issuer and the escrow agent, the escrow agent conducts a search of the issuer and its executive management, as provided to the escrow agent by the portal operator, against the specially designated nationals list maintained by the office of foreign assets control of the United States department of the treasury. 14394
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(4) The escrow agent is only responsible to act at the direction of the party establishing the escrow account and does not have a duty or liability, contractual or otherwise, to an investor or other person except as set forth in the applicable escrow agreement or other contract.

(5) If the minimum offering amount is not raised by the expiration date stipulated in the disclosure document provided to the purchasers, all purchasers will receive a return of all their subscription funds.

(K) Not less than ten days before the beginning of an offering of securities in reliance on the exemption provided under this section, the issuer provides all of the following to the division of securities:

(1) A notice of claim of exemption from registration, specifying that the issuer will be conducting an offering in reliance on the exemption provided under this section;

(2) A copy of the disclosure document described in section 1707.052 of the Revised Code that will be provided to prospective purchasers in connection with the offering;

(3) A filing fee of fifty dollars.

(4) Any other information that the division requires from the issuer or portal for the protection of investors and to enable the division to determine that the sale of securities is entitled to an exemption.

(L) The issuer and the portal operator engage in solicitation and advertising of the OhioInvests offering only if all of the following apply:

(1) The advertisement contains disclaiming language that clearly states all of the following:

(a) The advertisement is not the offer and is for

<u>informational purposes only;</u>	14430
<u>(b) The offering is being made in reliance on the exemption provided under this section;</u>	14431
<u>(c) The offering is directed only to residents of this state;</u>	14432
<u>(d) All offers and sales are made through an OhioInvests portal.</u>	14433
<u>(2) In addition to the items listed in division (L)(1) of this section, the advertisement contains not more than the following:</u>	14434
<u>(a) The name and contact information of the issuer;</u>	14435
<u>(b) A brief description of the general type of business conducted by the issuer;</u>	14436
<u>(c) The minimum offering amount the issuer is attempting to raise through its offering;</u>	14437
<u>(d) A description of how the issuer will use the funds raised through the offering;</u>	14438
<u>(e) The duration that the offering will remain open;</u>	14439
<u>(f) The issuer's logo;</u>	14440
<u>(g) The OhioInvests portal through which the offering is being made.</u>	14441
<u>(3) The advertisement complies with all applicable state and federal laws.</u>	14442
<u>(M) Meets such other requirements as the division may, by rule, prescribe for the protection of investors and in the public interest.</u>	14443
<u>Sec. 1707.052. The disclosure document provided to each prospective purchaser through an OhioInvests portal shall contain all of the following:</u>	14444
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<u>(A) The following information regarding the OhioInvests issuer:</u>	14458
<u>(1) The type of entity it is;</u>	14459
<u>(2) The address and telephone number of its principal office;</u>	14460
<u>(3) Its formation history for the previous five years;</u>	14461
<u>(4) The identity of all persons owning more than ten per cent of any class of equity interest in the issuer;</u>	14462
<u>(5) The identity of its members, executive management, and any other persons occupying a similar status or performing similar functions in the name of and on behalf of the issuer, including their titles and their relevant experience;</u>	14463
<u>(6) The material facts of its business plan and capital structure;</u>	14464
<u>(7) Any material risks to the issuer and its business plan;</u>	14465
<u>(8) Its intended use of the offering proceeds, including any amounts to be paid, as compensation or otherwise, to an owner, member, person in executive management, or other person occupying a similar status or performing similar functions on behalf of the issuer.</u>	14466
<u>(B) The following information regarding the securities being offered:</u>	14467
<u>(1) The terms and conditions of the securities and a description of any outstanding securities of the issuer;</u>	14477
<u>(2) The minimum and maximum amount of securities being offered;</u>	14478
<u>(3) Either of the following:</u>	14479
<u>(a) The percentage economic ownership of the issuer represented by the offered securities, assuming the minimum and, if applicable, maximum number of securities being offered is sold;</u>	14480
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<u>(b) The valuation of the issuer implied by the price of the offered securities.</u>	14487
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<u>(4) The price per share, unit, or interest of the securities;</u>	14489
<u>(5) Any restrictions on transfer of the securities;</u>	14490
<u>(6) A statement that any future issuance of securities might dilute the value of the securities being offered;</u>	14491
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<u>(7) The date on which the offering will expire.</u>	14493
<u>(C) The identity of and consideration payable to a person who has been or will be retained by the issuer to assist the issuer in conducting the offering and sale of the securities, including a portal operator. This requirement does not apply to persons acting primarily as accountants or attorneys and employees whose primary job responsibilities involve operating the business of the issuer rather than assisting the issuer in raising capital.</u>	14494
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<u>(D) A description of any pending material litigation, legal proceedings, or regulatory action involving the issuer or any members, persons in executive management, or other persons occupying a similar status or performing similar functions in the name of and on behalf of the issuer;</u>	14501
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<u>(E) A copy of the escrow agreement between the escrow agent, the issuer, and, if applicable, the portal operator;</u>	14506
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<u>(F) A statement that the securities have not been registered under federal or state securities law and that the securities are subject to limitations on resale;</u>	14508
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<u>(G) A statement, printed in boldface type of the minimum size of ten points, as follows: "IN MAKING AN INVESTMENT DECISION, PURCHASERS MUST RELY ON THEIR OWN EXAMINATION OF THE ISSUER AND THE TERMS OF THE OFFERING, INCLUDING THE MERITS AND RISKS INVOLVED. THESE SECURITIES HAVE NOT BEEN RECOMMENDED BY ANY FEDERAL OR STATE SECURITIES COMMISSION OR DIVISION OR OTHER</u>	14511
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REGULATORY AUTHORITY. FURTHERMORE, THE FOREGOING AUTHORITIES HAVE 14517
NOT CONFIRMED THE ACCURACY OR DETERMINED THE ADEQUACY OF THIS 14518
DOCUMENT. ANY REPRESENTATION TO THE CONTRARY IS A CRIMINAL 14519
OFFENSE. THESE SECURITIES ARE SUBJECT TO RESTRICTIONS ON 14520
TRANSFERABILITY AND RESALE AND MAY NOT BE TRANSFERRED OR RESOLD 14521
EXCEPT AS PERMITTED BY 17 C.F.R. 230.147A(e) AND THE APPLICABLE 14522
STATE SECURITIES LAWS, PURSUANT TO REGISTRATION OR EXEMPTION 14523
THEREFROM. PURCHASERS SHOULD BE AWARE THAT THEY WILL BE REQUIRED 14524
TO BEAR THE FINANCIAL RISKS OF THIS INVESTMENT FOR AN INDEFINITE 14525
PERIOD OF TIME." 14526

(H) All material information necessary in order to make the 14527
statements made, in light of the circumstances under which they 14528
were made, not misleading and such other information as the 14529
division may require. 14530

Sec. 1707.053. The certification obtained by the portal 14531
operator from each prospective purchaser through an OhioInvests 14532
portal shall, at a minimum, state the following: 14533

"I UNDERSTAND AND ACKNOWLEDGE THAT: 14534

If I make an investment in an offering through this 14535
OhioInvests portal, it is very likely that I am investing in a 14536
high-risk, speculative business venture that could result in the 14537
complete loss of my investment, and I need to be able to afford 14538
such a loss. 14539

This offering has not been reviewed or approved by any state 14540
or federal securities commission or division or other regulatory 14541
authority and that no such person or authority has confirmed the 14542
accuracy or determined the adequacy of any disclosure made to me 14543
relating to this offering. 14544

If I make an investment in an offering through this 14545
OhioInvests portal, it is very likely that the investment will be 14546

difficult to transfer or sell and, accordingly, I may be required 14547
to hold the investment indefinitely. 14548

By entering into this transaction with the company, I am 14549
affirmatively representing myself as being an Ohio resident at the 14550
time that this contract is formed, and if this representation is 14551
subsequently shown to be false, the contract is void." 14552

Sec. 1707.054. (A) No person other than a dealer licensed 14553
under this chapter shall offer or sell securities pursuant to an 14554
OhioInvests offering or otherwise act as a portal operator unless 14555
the person is licensed as a portal operator by the division of 14556
securities or is transacting business through a portal operator 14557
licensed by the division. Application for a portal operator's 14558
license shall be made in accordance with this section and by 14559
filing with the division of securities the information, materials, 14560
and forms specified in rules adopted by the division, along with 14561
all of the following: 14562

(1) An application in the form prescribed by the division and 14563
all applicable schedules and supplemental information; 14564

(2) A copy of the articles of incorporation or other 14565
documents that indicate the entity's form of organization; 14566

(3) The filing fee as prescribed in section 1707.17 of the 14567
Revised Code. 14568

(B) If the division approves the entity as a portal operator, 14569
the division shall issue a license certificate to the entity. 14570

Sec. 1707.055. No portal operator that is not also a licensed 14571
dealer shall do any of the following: 14572

(A) Offer investment advice or recommendations, or solicit 14573
the purchase or sale of securities. For purposes of this division, 14574
a portal operator shall not be considered to be offering 14575

investment advice or recommendations merely because it selects, or 14576
may perform due diligence with respect to, issuers or offerings to 14577
be listed or merely because it provides general investor 14578
educational materials. 14579

(B) Provide transaction-based compensation for securities 14580
sold under this chapter to employees, agents, or other persons 14581
unless the employees, agents, or other persons are licensed under 14582
this chapter and permitted to receive such compensation. 14583

(C) Charge a fee to the issuer for an offering of securities 14584
on an OhioInvests portal unless the fee is one of the following: 14585

(1) A fixed amount for each offering; 14586

(2) A variable amount based on the length of time that the 14587
securities are offered on the portal; 14588

(3) A combination of such fixed or variable amounts. 14589

(D) Hold, manage, possess, or otherwise handle purchaser 14590
funds or securities, unless the portal operator is the issuer. 14591

(E) No portal operator shall allow its officers, directors, 14592
or partners, or any person occupying similar status or performing 14593
similar function, to have a financial interest in an OhioInvests 14594
issuer using the services of the portal operator, or receive a 14595
financial interest in the OhioInvests issuer as compensation for 14596
services provided to, or for the benefit of, the OhioInvests 14597
issuer, in connection with the offer and sale of its securities. 14598

Sec. 1707.056. (A) Each portal operator shall do all of the 14599
following: 14600

(1) Provide the division of securities with read-only access 14601
to the administrative sections of its OhioInvests portal; 14602

(2) Upon the written request of the division, furnish to the 14603
division any of the records required to be maintained and 14604

preserved under section 1707.057 of the Revised Code. 14605

(3) Take reasonable efforts to verify that no purchaser exceeds the purchase limitations set forth in division (F) of section 1707.051 of the Revised Code. 14606
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(B)(1) A portal operator shall not disclose, except to the division of securities, personal information without the written or electronic consent of the prospective purchaser or purchaser. For purposes of division (B) of this section, "personal information" means information provided to a portal operator by a prospective purchaser or purchaser that identifies, or can be used to identify, the prospective purchaser or purchaser. 14609
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(2) Division (B)(1) of this section does not apply with respect to records required to be furnished to the division under division (A)(2) of this section, the disclosure of personal information to an OhioInvests issuer relating to its OhioInvests offering, or the disclosure of personal information to the extent required or authorized under other law. 14616
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Sec. 1707.057. (A) Each portal operator shall maintain and preserve, for a period of at least five years from either the date of the closing or date of the termination of the securities offering, all of the following: 14622
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(1) The name of each issuer whose securities have been listed on its OhioInvests portal and the full name, residential address, social security number, date of birth, and copy of a state-issued identification of all owners with greater than ten per cent voting equity in the issuer; 14626
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(2) Copies of all offering materials that have been displayed on its OhioInvests portal; 14631
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(3) The names and other personal information of each purchaser who has registered at its OhioInvests portal; 14633
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<u>(4) Any agreements and contracts between the portal operator</u>	14635
<u>and an issuer;</u>	14636
<u>(5) Any information used to establish that a prospective</u>	14637
<u>purchaser or purchaser of securities through its OhioInvests</u>	14638
<u>portal is a resident of this state and that an issuer whose</u>	14639
<u>securities are listed on the portal has its principal office in</u>	14640
<u>this state;</u>	14641
<u>(6) Any other records the division requires by rule to be</u>	14642
<u>maintained and preserved.</u>	14643
<u>(B)(1) The records described in division (A) of this section</u>	14644
<u>shall be maintained and preserved in a manner, including by any</u>	14645
<u>electronic storage media, that does all of the following:</u>	14646
<u>(a) Permits the immediate location of any particular</u>	14647
<u>document;</u>	14648
<u>(b) Retains the documents exclusively in a nonrewriteable,</u>	14649
<u>nonerasable format;</u>	14650
<u>(c) Verifies automatically the quality and accuracy of the</u>	14651
<u>storage recording process;</u>	14652
<u>(d) Serializes the originals;</u>	14653
<u>(e) Allows indexes and records preserved to be downloaded to</u>	14654
<u>an acceptable medium.</u>	14655
<u>(2) If the records retention system commingles records</u>	14656
<u>required to be retained under this section with other records, the</u>	14657
<u>division of securities may review all of the commingled records.</u>	14658
<u>(C) Notwithstanding divisions (A) and (B) of this section,</u>	14659
<u>the failure of a portal operator that is not the issuer to comply</u>	14660
<u>with those divisions does not affect the OhioInvests issuers'</u>	14661
<u>exemption from registration under section 1707.051 of the Revised</u>	14662
<u>Code.</u>	14663

<u>Sec. 1707.058. (A) As used in this section, "affiliated</u>	14664
<u>party" means any of the following:</u>	14665
<u>(1) Any predecessor to the issuer;</u>	14666
<u>(2) Any affiliated issuer;</u>	14667
<u>(3) Any director, executive officer, other officer</u>	14668
<u>participating in the offering, general partner, or managing member</u>	14669
<u>of the issuer;</u>	14670
<u>(4) Any beneficial owner of twenty per cent or more of the</u>	14671
<u>issuer's outstanding voting equity securities, calculated on the</u>	14672
<u>basis of voting power;</u>	14673
<u>(5) Any promoter connected with the issuer in any capacity at</u>	14674
<u>the time of the sale;</u>	14675
<u>(6) Any investment manager of an issuer that is a pooled</u>	14676
<u>investment fund;</u>	14677
<u>(7) Any general partner or managing member of any investment</u>	14678
<u>manager participating in the offering;</u>	14679
<u>(8) Any director, executive officer, or other officer</u>	14680
<u>participating in the offering of any investment manager or general</u>	14681
<u>partner or managing member of the investment manager participating</u>	14682
<u>in the offering.</u>	14683
<u>(B) The exemption from registration provided under section</u>	14684
<u>1707.051 of the Revised Code is not available with respect to an</u>	14685
<u>offer, sale, and issuance of securities if the issuer of the</u>	14686
<u>securities or any affiliated party:</u>	14687
<u>(1) Has been convicted, within ten years before the offering</u>	14688
<u>of any felony or misdemeanor:</u>	14689
<u>(a) In connection with the purchase or sale of any security;</u>	14690
<u>(b) Involving the making of any false filing with the</u>	14691
<u>securities and exchange commission or a state securities</u>	14692

<u>commissioner; or</u>	14693
<u>(c) Arising out of the conduct of the business of an</u>	14694
<u>underwriter, broker, dealer, municipal securities dealer,</u>	14695
<u>investment adviser, or paid solicitor of purchasers of securities.</u>	14696
<u>(2) Is subject to any order, judgment, or decree of any court</u>	14697
<u>of competent jurisdiction, entered within five years before the</u>	14698
<u>sale, that, at the time of the sale, restrains or enjoins the</u>	14699
<u>person from engaging or continuing to engage in any conduct or</u>	14700
<u>practice:</u>	14701
<u>(a) In connection with the purchase or sale of any security;</u>	14702
<u>(b) Involving the making of any false filing with the</u>	14703
<u>securities and exchange commission or a state securities</u>	14704
<u>commissioner; or</u>	14705
<u>(c) Arising out of the conduct of the business of an</u>	14706
<u>underwriter, broker, dealer, municipal securities dealer,</u>	14707
<u>investment adviser, or paid solicitor of purchasers of securities.</u>	14708
<u>(3) Is subject to a final order of the securities and</u>	14709
<u>exchange commission; a state securities commission or an agency or</u>	14710
<u>officer of a state performing like functions; a state authority</u>	14711
<u>that supervises or examines banks, savings associations, or credit</u>	14712
<u>unions; a state insurance commission or an agency or officer of a</u>	14713
<u>state performing like functions; an appropriate federal banking</u>	14714
<u>agency; the United States commodity futures trading commission; or</u>	14715
<u>the national credit union administration that:</u>	14716
<u>(a) At the time of the offering, bars the person from</u>	14717
<u>associating with an entity regulated by the commission, authority,</u>	14718
<u>agency, or officer; engaging in the business of securities,</u>	14719
<u>insurance, or banking; or engaging in savings association or</u>	14720
<u>credit union activities; or</u>	14721
<u>(b) Constitutes a final order based on a violation of any law</u>	14722

or regulation that prohibits fraudulent, manipulative, or 14723
deceptive conduct entered within ten years before the offering. 14724

(4) Is subject to an order of the securities and exchange 14725
commission entered pursuant to 15 U.S.C. 78o(b), 78o-4(c), 14726
80b-3(e), or 80b-3(f), or an order of a state securities 14727
commission or an agency or officer of a state performing like 14728
functions, that, at the time of the offering, does any of the 14729
following: 14730

(a) Suspends or revokes the person's license or registration 14731
as a broker, dealer, municipal securities dealer, or investment 14732
adviser; 14733

(b) Places limitations on the activities, functions, or 14734
operations of the person; 14735

(c) Bars the person from being associated with any entity or 14736
from participating in the offering of any penny stock. 14737

(5) Is subject to any order of the securities exchange 14738
commission, or an order of a state securities commission or an 14739
agency or officer of a state performing like functions, entered 14740
within ten years before the sale, that, at the time of the sale, 14741
orders the person to cease and desist from committing or causing a 14742
violation or future violation of any of the following: 14743

(a) Any scienter-based antifraud provision of the federal 14744
securities laws, including, but not limited to, 15 U.S.C. 14745
77q(a)(1), 78j(b), 78o(c)(1), and 80b-6(1), and 17 C.F.R. 14746
240.10b-5 or any other regulation adopted thereunder; 14747

(b) 15 U.S.C. 77e, division (C)(1) of section 1707.44 of the 14748
Revised Code, or any state securities law that requires the 14749
registration of securities; 14750

(c) Any state securities law requiring state registration as 14751
a broker dealer, investment adviser, agent, salesperson, 14752

<u>investment adviser, or OhioInvests portal;</u>	14753
<u>(d) Any state securities law involving fraudulent,</u>	14754
<u>manipulative, or deceptive conduct.</u>	14755
<u>(6) Is suspended or expelled from membership in, or suspended</u>	14756
<u>or barred from association with a member of, a registered national</u>	14757
<u>securities exchange or a registered national or affiliated</u>	14758
<u>securities association for any act or omission to act constituting</u>	14759
<u>conduct inconsistent with just and equitable principles of trade;</u>	14760
<u>(7) Has filed as a registrant or issuer, or was or was named</u>	14761
<u>as an underwriter in, any registration statement or Regulation A</u>	14762
<u>offering statement filed with the securities and exchange</u>	14763
<u>commission or a state securities commissioner that, within five</u>	14764
<u>years before the sale, was the subject of a refusal order, stop</u>	14765
<u>order, or order suspending the Regulation A exemption;</u>	14766
<u>(8) Is, at the time of the sale, the subject of an</u>	14767
<u>investigation or proceeding to determine whether a stop order or a</u>	14768
<u>suspension order of the type described in division (B)(7) of this</u>	14769
<u>section should be issued;</u>	14770
<u>(9) Is subject to a United States postal service false</u>	14771
<u>representation order entered within five years before the</u>	14772
<u>offering;</u>	14773
<u>(10) Is, at the time of the offering, subject to a temporary</u>	14774
<u>restraining order or preliminary injunction with respect to</u>	14775
<u>conduct alleged by the United States postal service to constitute</u>	14776
<u>a scheme or device for obtaining money or property through the</u>	14777
<u>mail by means of false representations.</u>	14778
<u>(C) Division (B) of this section does not apply:</u>	14779
<u>(1) With respect to any conviction, order, judgment, decree,</u>	14780
<u>suspension, expulsion, or bar that occurred or was issued before</u>	14781
<u>the effective date of this section;</u>	14782

(2) Upon a showing of good cause and without prejudice to any other action by the securities and exchange commission or a state securities commissioner, if the division determines that it is not necessary under the circumstance that an exemption be denied; 14783
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(3) If, before the relevant offering, the court of regulatory authority that entered the relevant order, judgment, or decree advises in writing that the disqualification under division (B) of this section should not arise as a consequence of the order, judgment, or decree, whether the advice is contained in the relevant judgment, order, or decree or separately to the securities and exchange commission or a state securities commissioner or their staff; or 14787
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(4) If the issuer establishes to the division that it did not know and, in the exercise of reasonable care, could not have known that a disqualification existed under division (B) of this section. 14795
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(D) For purposes of division (B) of this section, events relating to any affiliated issuer that occurred before the affiliation arose will not be considered disqualifying if the affiliated entity is not either of the following: 14799
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(1) In control of the issuer; 14803

(2) Under common control with the issuer by a third party that was in control of the affiliated entity at the time of the events. 14804
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Sec. 1707.10. Any securities required by sections 1707.01 to ~~1707.45~~ 1707.50, inclusive, of the Revised Code, to be registered by qualification before being sold in this state may be offered for sale and sold preliminary to and pending their full qualification, where the division of securities is satisfied that the issuer is solvent and of good business repute and that such 14807
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preliminary offering will not deceive or tend to deceive the 14813
public; but no such preliminary offering shall be made until the 14814
division consents thereto in writing, and such consent shall be on 14815
condition that within thirty days from the date thereof, or within 14816
such further time as the division allows, there is filed in the 14817
office of the division application under such sections for the 14818
full qualification of said securities, or for a registration of 14819
such securities by description if, within such time, such 14820
securities become entitled to registration by description; and the 14821
entire proceeds of the sale of such securities, without deduction 14822
for commissions or other charges, shall be segregated or deposited 14823
in escrow in such manner and for such time as the division 14824
directs. 14825

No applicant which is an issuer not a resident of this state 14826
shall be entitled to the benefit of this section unless there 14827
shall also be on file with the division a consent to service as 14828
provided in section 1707.11 of the Revised Code. 14829

At the time of filing the statement prescribed in this 14830
section, the applicant shall pay to the division the filing fee 14831
prescribed by section 1707.09 of the Revised Code; and upon 14832
receipt of notice of the division's favorable action on the 14833
application, the applicant shall pay to the division the 14834
registration fee prescribed by such section for the qualification 14835
of securities. 14836

If the dealer is unable to complete such qualification or 14837
such registration by description, or if the division, acting upon 14838
more complete information furnished or obtained from its 14839
examination, does not finally register such security by 14840
description or qualification, the issuer or dealer who has sold it 14841
or offered it for sale shall withdraw the security from the market 14842
and return or tender to purchasers of the security, within such 14843
time as the division specifies, the amounts paid for it by them. 14844

Sec. 1707.13. The division of securities may suspend the 14845
registration by description or by qualification of any securities, 14846
or the right of any dealers or of the issuer, or of both, to buy, 14847
sell, or deal in any particular security whether it is registered, 14848
qualified, or exempt or even though transactions in it are 14849
registered or exempt, if the division finds that the issuer has 14850
violated sections 1707.01 to ~~1707.45~~ 1707.50, inclusive, of the 14851
Revised Code, or any lawful order or requirement of the division, 14852
has fraudulently conducted its business, or has been engaged in or 14853
is engaged or about to engage in deceptive or fraudulent acts, 14854
practices, or transactions; that such security is being disposed 14855
of or purchased on grossly unfair terms, in such manner as to 14856
deceive or defraud or as to tend to deceive or defraud purchasers 14857
or sellers, or in disregard of the lawful rules and regulations of 14858
the division applicable to such security or to transactions 14859
therein; or, in the case of securities being sold under a 14860
registration or qualification, that the issuer is insolvent. 14861
Notice of such suspension shall be mailed by the division to the 14862
issuer and to all licensed dealers concerned. Such notice shall 14863
specify the particular security whose registration is being 14864
suspended and shall set a date, not more than ten days later than 14865
the date of the order of suspension, for a hearing on the 14866
continuation or revocation of such suspension. For good cause the 14867
division may continue such hearing on application of any 14868
interested party. In conducting such hearing the division shall 14869
have all the authority and powers set forth in section 1707.23 of 14870
the Revised Code. Following such hearing the division shall either 14871
confirm or revoke such suspension. No such suspension shall 14872
invalidate any sale of securities made prior thereto; and the 14873
rights of persons defrauded by any sale shall in no wise be 14874
impaired. 14875

If the issuer of a security refuses to permit an examination 14876

to be made by the division of its books, records, and property, or 14877
refuses to furnish the division any information which it may 14878
lawfully require under sections 1707.01 to ~~1707.45~~ 1707.50, 14879
inclusive, of the Revised Code, such refusal is a sufficient 14880
ground for the division to suspend the registration by description 14881
or by qualification of such security, or the right of any dealers 14882
or of the issuer, or of both, to buy, sell, or deal in such 14883
security. 14884

If any interested party desires an investigation at a place 14885
other than the office of the division, such person may be required 14886
by the division to advance sufficient funds to pay the actual 14887
expenses of such investigation. 14888

Whenever the division determines, upon hearing, that any 14889
application for qualification was made, or that any securities or 14890
any transaction was registered by description, by a person who 14891
knew that untrue statements were contained in such application or 14892
description, the division may proceed under sections 1707.19, 14893
1707.23, and 1707.44 of the Revised Code, or any of them, against 14894
the person who filed such application or such registration by 14895
description. 14896

Sec. 1707.161. (A) No person shall act as an investment 14897
adviser representative, unless one of the following applies: 14898

(1) The person is licensed as an investment adviser 14899
representative by the division of securities. 14900

(2) The person is a natural person who is licensed as an 14901
investment adviser by the division, and does not act as an 14902
investment adviser representative for another investment adviser; 14903
however, a natural person who is licensed as an investment adviser 14904
by the division may act as an investment adviser representative 14905
for another investment adviser if the natural person also is 14906
licensed by the division, or is properly excepted from licensure, 14907

as an investment adviser representative of the other investment 14908
adviser. 14909

(3) The person is employed by or associated with an 14910
investment adviser registered under section 203 of the "Investment 14911
Advisers Act of 1940," 15 U.S.C. 80b-3, and does not have a place 14912
of business in this state. 14913

(4) The person is employed by or associated with an 14914
investment adviser that is excepted from licensure pursuant to 14915
division (A)(3), (4), (5), or (6) of section 1707.141 of the 14916
Revised Code or excepted from notice filing pursuant to division 14917
(B)(3) of section 1707.141 of the Revised Code. 14918

(B)(1) No investment adviser representative required to be 14919
licensed under this section shall act as an investment adviser 14920
representative for more than two investment advisers. An 14921
investment adviser representative that acts as an investment 14922
adviser representative for two investment advisers shall do so 14923
only after the occurrence of both of the following: 14924

(a) Being properly licensed, or properly excepted from 14925
licensure under this section, as an investment adviser 14926
representative for both investment advisers; 14927

(b) Complying with the requirements set forth in rules 14928
adopted by the division regarding consent of both investment 14929
advisers and notice. 14930

(2) Nothing in this section shall be construed to prohibit a 14931
natural person from being licensed by the division as both an 14932
investment adviser and an investment adviser representative. 14933

(3) Nothing in this section shall be construed to prohibit a 14934
natural person from being licensed by the division as both a 14935
salesperson and an investment adviser representative. 14936

(4) Nothing in this section shall be construed to prohibit a 14937

natural person from being licensed by the division as both a 14938
dealer and an investment adviser representative. 14939

(C) An investment adviser representative's license issued 14940
under this section shall not be effective during any period when 14941
the investment adviser representative is not employed by or 14942
associated with an investment adviser that is licensed by the 14943
division or that is in compliance with the notice filing 14944
requirements of division (B) of section 1707.141 of the Revised 14945
Code. Notice of the commencement and termination of the employment 14946
or association of an investment adviser representative licensed 14947
under this section shall be given to the division within thirty 14948
days after the commencement or termination by either of the 14949
following: 14950

(1) The investment adviser, in the case of an investment 14951
adviser representative licensed under this section and employed by 14952
or associated with, or formerly employed by or associated with, an 14953
investment adviser licensed under section 1707.141 of the Revised 14954
Code; 14955

(2) The investment adviser representative, in the case of an 14956
investment adviser representative licensed under this section and 14957
employed by or associated with, or formerly employed by or 14958
associated with, an investment adviser that is subject to the 14959
notice filings requirements of division (B) of section 1707.141 of 14960
the Revised Code. 14961

(D)(1) Application for an investment adviser representative 14962
license shall be made in accordance with this section and by 14963
filing with the division the information, materials, and forms 14964
specified in rules adopted by the division. 14965

(2) The division shall by rule require an applicant to pass 14966
an examination designated by the division or achieve a specified 14967
professional designation. 14968

(3) Prior to issuing the investment adviser representative license, the division may require the applicant to reimburse the division for the actual expenses incurred in investigating the applicant. An itemized statement of any such expenses that the applicant is required to pay shall be furnished to the applicant by the division.

(E) If the division finds that the applicant is of good business repute, appears to be qualified to act as an investment adviser representative, and has complied with sections 1707.01 to ~~1707.45~~ 1707.50 of the Revised Code and the rules adopted under those sections by the division, the division, upon payment of the fees prescribed by division (B) of section 1707.17 of the Revised Code, shall issue to the applicant a license authorizing the applicant to act as an investment adviser representative for the investment adviser, or investment advisers that are under common ownership or control, named in the application.

Sec. 1707.17. (A)(1) The license of every dealer in and salesperson of securities shall expire on the thirty-first day of December of each year, and may be renewed upon the filing with the division of securities of an application for renewal, and the payment of the fee prescribed in this section. The division shall give notice, without unreasonable delay, of its action on any application for renewal of a dealer's or salesperson's license.

(2) The license of every investment adviser and investment adviser representative licensed under section 1707.141 or 1707.161 of the Revised Code shall expire on the thirty-first day of December of each year. The licenses may be renewed upon the filing with the division of an application for renewal, and the payment of the fee prescribed in division (B) of this section. The division shall give notice, without unreasonable delay, of its action on any application for renewal.

(3) An investment adviser required to make a notice filing under division (B) of section 1707.141 of the Revised Code annually shall file with the division the notice filing and the fee prescribed in division (B) of this section, no later than the thirty-first day of December of each year.

(4) The license of every state retirement system investment officer licensed under section 1707.163 of the Revised Code and the license of a bureau of workers' compensation chief investment officer issued under section 1707.165 of the Revised Code shall expire on the thirtieth day of June of each year. The licenses may be renewed on the filing with the division of an application for renewal, and the payment of the fee prescribed in division (B) of this section. The division shall give notice, without unreasonable delay, of its action on any application for renewal.

(5) The license of every portal operator licensed under section 1707.054 of the Revised Code shall expire on the thirty-first day of December of each year. The license may be renewed upon the filing with the division an application for renewal, and payment of the fee prescribed in division (B) of this section. The division shall give notice, without unreasonable delay, of its action on any application for renewal.

(B)(1) The fee for each dealer's license, and for each annual renewal thereof, shall be two hundred dollars.

(2) The fee for each salesperson's license, and for each annual renewal thereof, shall be sixty dollars.

(3) The fee for each investment adviser's license, and for each annual renewal thereof, shall be one hundred dollars.

(4) The fee for each investment adviser notice filing required by division (B) of section 1707.141 of the Revised Code shall be one hundred dollars.

(5) The fee for each investment adviser representative's

license, and for each annual renewal thereof, shall be thirty-five 15031
dollars. 15032

(6) The fee for each state retirement system investment 15033
officer's license, and for each annual renewal thereof, shall be 15034
fifty dollars. 15035

(7) The fee for a bureau of workers' compensation chief 15036
investment officer's license, and for each annual renewal thereof, 15037
shall be fifty dollars. 15038

(8) The fee for a portal operator license, and for each 15039
annual renewal thereof, shall be one hundred dollars. 15040

(C) A dealer's, salesperson's, investment adviser's, 15041
investment adviser representative's, bureau of workers' 15042
compensation chief investment officer's, ~~or~~ state retirement 15043
system investment officer's, or portal operator's license may be 15044
issued at any time for the remainder of the calendar year. In that 15045
event, the annual fee shall not be reduced. 15046

(D) The division may, by rule or order, waive, in whole or in 15047
part, any of the fee requirements of this section for any person 15048
or class of persons if, in the same calendar year, the person or 15049
class of persons is required to pay an additional fee as a result 15050
of changes in federal law and regulations implemented under Title 15051
IV of the "Dodd-Frank Wall Street Reform and Consumer Protection 15052
Act of 2010," 124 Stat. 1576 (2010), 15 U.S.C. 80b-3a(a), under 15053
which a person or class of persons formerly subject to regulation 15054
under the United States securities and exchange commission is 15055
subject to state regulation under Chapter 1707. of the Revised 15056
Code. 15057

Sec. 1707.19. (A) An original license, or a renewal thereof, 15058
applied for by a dealer or salesperson of securities, or by an 15059
investment adviser, investment adviser representative, bureau of 15060

workers' compensation chief investment officer, ~~or~~ state 15061
retirement system investment officer, or portal operator as 15062
defined in section 1707.05 of the Revised Code may be refused, and 15063
any such license granted may be suspended and, after notice and 15064
hearing in accordance with Chapter 119. of the Revised Code, may 15065
be revoked, by the division of securities, if the division 15066
determines that the applicant or the licensed dealer, salesperson, 15067
investment adviser, investment adviser representative, bureau of 15068
workers' compensation chief investment officer, or state 15069
retirement system investment officer: 15070

(1) Is not of good business repute; 15071

(2) Is conducting an illegitimate or fraudulent business; 15072

(3) Is, in the case of a dealer ~~or~~, investment adviser, or 15073
portal operator, insolvent; 15074

(4) Has knowingly violated any provision of sections 1707.01 15075
to ~~1707.45~~ 1707.50 of the Revised Code, or any regulation or order 15076
made thereunder; 15077

(5) Has knowingly made a false statement of a material fact 15078
or an omission of a material fact in an application for a license, 15079
in a description or application that has been filed, or in any 15080
statement made to the division under such sections; 15081

(6) Has refused to comply with any lawful order or 15082
requirement of the division under section 1707.23 of the Revised 15083
Code; 15084

(7) Has been guilty of any fraudulent act in connection with 15085
the sale of any securities or in connection with acting as an 15086
investment adviser, investment adviser representative, bureau of 15087
workers' compensation chief investment officer, ~~or~~ state 15088
retirement system investment officer, or portal operator; 15089

(8) Conducts business in purchasing or selling securities at 15090

such variations from the existing market as in the light of all 15091
the circumstances are unconscionable; 15092

(9) Conducts business in violation of such rules and 15093
regulations as the division prescribes for the protection of 15094
investors, clients, or prospective clients; 15095

(10)(a) Has failed to furnish to the division any information 15096
with respect to the purchases or sales of securities within this 15097
state that may be reasonably requested by the division as 15098
pertinent to the protection of investors in this state. 15099

(b) Has failed to furnish to the division any information 15100
with respect to acting as an investment adviser, investment 15101
adviser representative, bureau of workers' compensation chief 15102
investment officer, ~~or~~ state retirement system investment officer, 15103
or portal operator within this state that may be reasonably 15104
requested by the division. 15105

(B) For the protection of investors the division may 15106
prescribe reasonable rules defining fraudulent, evasive, 15107
deceptive, or grossly unfair practices or devices in the purchase 15108
or sale of securities. 15109

(C) For the protection of investors, clients, or prospective 15110
clients, the division may prescribe reasonable rules regarding the 15111
acts and practices of an investment adviser or an investment 15112
adviser representative. 15113

(D) For the protection of investors, the division may 15114
prescribe reasonable rules regarding the acts and practices of a 15115
portal operator. 15116

(E) Pending any investigation or hearing provided for in 15117
sections 1707.01 to ~~1707.45~~ 1707.50 of the Revised Code, the 15118
division may order the suspension of any dealer's, salesperson's, 15119
investment adviser's, investment adviser representative's, bureau 15120
of workers' compensation chief investment officer's, ~~or~~ state 15121

retirement system investment officer's, or portal operator's 15122
license by notifying the party concerned of such suspension and 15123
the cause for it. If it is a salesperson whose license is 15124
suspended, the division shall also notify the dealer employing the 15125
salesperson. If it is an investment adviser representative whose 15126
license is suspended, the division also shall notify the 15127
investment adviser with whom the investment adviser representative 15128
is employed or associated. If it is a state retirement system 15129
investment officer whose license is suspended, the division shall 15130
also notify the state retirement system with whom the state 15131
retirement system investment officer is employed. If it is a 15132
bureau of workers' compensation chief investment officer whose 15133
license is suspended, the division shall also notify the bureau of 15134
workers' compensation. 15135

~~(E)~~(F)(1) The suspension or revocation of the dealer's 15136
license suspends the licenses of all the dealer's salespersons. 15137

(2) The suspension or revocation of the investment adviser's 15138
license suspends the licenses of all the investment adviser's 15139
investment adviser representatives. The suspension or revocation 15140
of an investment adviser's registration under section 203 of the 15141
"Investment Advisers Act of 1940," 15 U.S.C. 80b-3, suspends the 15142
licenses of all the investment adviser's investment adviser 15143
representatives. 15144

~~(F)~~(G) It is sufficient cause for refusal, revocation, or 15145
suspension of the license in case of a partnership, partnership 15146
association, corporation, or unincorporated association if any 15147
general partner of the partnership, manager of the partnership 15148
association, or executive officer of the corporation or 15149
unincorporated association is not of good business repute or has 15150
been guilty of any act or omission which would be cause for 15151
refusing or revoking the license of an individual dealer, 15152
salesperson, investment adviser, ~~or~~ investment adviser 15153

representative, or portal operator. 15154

Sec. 1707.20. (A)(1) The division of securities may adopt, 15155
amend, and rescind such rules, forms, and orders as are necessary 15156
to carry out sections 1707.01 to ~~1707.45~~ 1707.50 of the Revised 15157
Code, including rules and forms governing registration statements, 15158
applications, and reports, and defining any terms, whether or not 15159
used in sections 1707.01 to ~~1707.45~~ 1707.50 of the Revised Code, 15160
insofar as the definitions are not inconsistent with these 15161
sections. For the purpose of rules and forms, the division may 15162
classify securities, persons, and matters within its jurisdiction, 15163
and prescribe different requirements for different classes. 15164

(2) Notwithstanding sections 121.71 to 121.76 of the Revised 15165
Code, the division may incorporate by reference into its rules any 15166
statute enacted by the United States congress or any rule, 15167
regulation, or form promulgated by the securities and exchange 15168
commission, or by another federal agency, in a manner that also 15169
incorporates all future amendments to the statute, rule, 15170
regulation, or form. 15171

(B) No rule, form, or order may be made, amended, or 15172
rescinded unless the division finds that the action is necessary 15173
or appropriate in the public interest or for the protection of 15174
investors, clients, prospective clients, state retirement systems, 15175
or the workers' compensation system and consistent with the 15176
purposes fairly intended by the policy and provisions of sections 15177
1707.01 to ~~1707.45~~ 1707.50 of the Revised Code. In prescribing 15178
rules and forms and in otherwise administering sections 1707.01 to 15179
~~1707.45~~ 1707.50 of the Revised Code, the division may cooperate 15180
with the securities administrators of the other states and the 15181
securities and exchange commission with a view of effectuating the 15182
policy of this section to achieve maximum uniformity in the form 15183
and content of registration statements, applications, reports, and 15184

overall securities regulation wherever practicable.	15185
(C) The division may by rule or order prescribe:	15186
(1) The form and content of financial statements required	15187
under sections 1707.01 to 1707.45 <u>1707.50</u> of the Revised Code;	15188
(2) The circumstances under which consolidated financial	15189
statements will be filed;	15190
(3) Whether any required financial statements shall be	15191
certified <u>audited</u> by independent or certified public accountants,	15192
<u>specifying by rule the criteria necessary to be granted a hardship</u>	15193
<u>exemption from the audit requirement.</u> All financial statements	15194
shall be prepared in accordance with generally accepted accounting	15195
practices <u>principles and comply with other requirements specified</u>	15196
<u>by rule adopted or order issued under sections 1707.01 to 1707.50</u>	15197
<u>of the Revised Code.</u>	15198
(D) All rules and forms of the division shall be published;	15199
and in addition to fulfilling the requirements of Chapter 119. of	15200
the Revised Code, the division shall prescribe, and shall publish	15201
and make available its rules regarding the sale of securities, the	15202
administration of sections 1707.01 to 1707.45 <u>1707.50</u> of the	15203
Revised Code, and the procedure and practice before the division.	15204
(E)(1) No provision of sections 1707.01 to 1707.45 <u>1707.50</u> of	15205
the Revised Code imposing any liability applies to any act done or	15206
omitted in good faith in conformity with any rule, form, or order	15207
of the division of securities, notwithstanding that the rule,	15208
form, or order may later be amended or rescinded or be determined	15209
by judicial or other authority to be invalid for any reason,	15210
except that the issuance of an order granting effectiveness to a	15211
registration under section 1707.09 or 1707.091 of the Revised Code	15212
for the purposes of this division shall not be deemed an order	15213
other than as the establishment of the fact of registration.	15214
(2) No provision of sections 1707.01 to 1707.45 <u>1707.50</u> of	15215

the Revised Code imposing any liability, penalty, sanction, or 15216
disqualification applies to any act done or omitted in good faith 15217
in conformity with either of the following: 15218

(a) Any provision of sections 1707.01 to ~~1707.45~~ 1707.50 of 15219
the Revised Code that incorporates by reference a federal statute, 15220
rule, regulation, or form; 15221

(b) Any rule, form, or order of the division that 15222
incorporates by reference a federal statute, rule, regulation, or 15223
form. 15224

Division (E)(2) of this section applies notwithstanding that 15225
the incorporation by reference, or any application of the 15226
incorporated provision, is later determined by judicial or other 15227
authority to be unconstitutional or invalid for any reason. 15228

Sec. 1707.21. In so far as any information required to be 15229
filed with the division of securities under sections 1707.01 to 15230
~~1707.45~~ 1707.50, inclusive, of the Revised Code, is contained in a 15231
registration statement filed with the securities and exchange 15232
commission of the United States and such registration statement is 15233
in effect, such required information may, with the consent of the 15234
division, be furnished by filing with the division a copy of such 15235
registration statement together with an affidavit of an interested 15236
party that it is in effect. 15237

Sec. 1707.23. Whenever it appears to the division of 15238
securities, from its files, upon complaint, or otherwise, that any 15239
person has engaged in, is engaged in, or is about to engage in any 15240
practice declared to be illegal or prohibited by this chapter or 15241
rules adopted under this chapter by the division, or defined as 15242
fraudulent in this chapter or rules adopted under this chapter by 15243
the division, or any other deceptive scheme or practice in 15244
connection with the sale of securities, or acting as a dealer, a 15245

salesperson, an investment adviser, investment adviser 15246
representative, bureau of workers' compensation chief investment 15247
officer, ~~or~~ state retirement system investment officer, or portal 15248
operator as defined in section 1707.05 of the Revised Code or when 15249
the division believes it to be in the best interests of the public 15250
and necessary for the protection of investors, the division may do 15251
any of the following: 15252

(A) Require any person to file with it, on such forms as it 15253
prescribes, an original or additional statement or report in 15254
writing, under oath or otherwise, as to any facts or circumstances 15255
concerning the issuance, sale, or offer for sale of securities 15256
within this state by the person, as to the person's acts or 15257
practices as a dealer, a salesperson, an investment adviser, 15258
investment adviser representative, bureau of workers' compensation 15259
chief investment officer, ~~or~~ state retirement system investment 15260
officer, or portal operator within this state, and as to other 15261
information as it deems material or relevant thereto; 15262

(B) Examine any investment adviser, investment adviser 15263
representative, state retirement system investment officer, bureau 15264
of workers' compensation chief investment officer, or any seller, 15265
dealer, salesperson, or issuer of any securities, or any portal 15266
operator, and any of their agents, employees, partners, officers, 15267
directors, members, or shareholders, wherever located, under oath; 15268
and examine and produce records, books, documents, accounts, and 15269
papers as the division deems material or relevant to the inquiry; 15270

(C) Require the attendance of witnesses, and the production 15271
of books, records, and papers, as are required either by the 15272
division or by any party to a hearing before the division, and for 15273
that purpose issue a subpoena for any witness, or a subpoena duces 15274
tecum to compel the production of any books, records, or papers. 15275
The subpoena shall be served by personal service or by certified 15276

mail, return receipt requested. If the subpoena is returned 15277
because of inability to deliver, or if no return is received 15278
within thirty days of the date of mailing, the subpoena may be 15279
served by ordinary mail. If no return of ordinary mail is received 15280
within thirty days after the date of mailing, service shall be 15281
deemed to have been made. If the subpoena is returned because of 15282
inability to deliver, the division may designate a person or 15283
persons to effect either personal or residence service upon the 15284
witness. The person designated to effect personal or residence 15285
service under this division may be the sheriff of the county in 15286
which the witness resides or may be found or any other duly 15287
designated person. The fees and mileage of the person serving the 15288
subpoena shall be the same as those allowed by the courts of 15289
common pleas in criminal cases, and shall be paid from the funds 15290
of the division. Fees and mileage for the witness shall be 15291
determined under section 119.094 of the Revised Code, and shall be 15292
paid from the funds of the division upon request of the witness 15293
following the hearing. 15294

(D) Initiate criminal proceedings under section 1707.042 or 15295
1707.44 of the Revised Code or rules adopted under those sections 15296
by the division by laying before the prosecuting attorney of the 15297
proper county any evidence of criminality which comes to its 15298
knowledge; and in the event of the neglect or refusal of the 15299
prosecuting attorney to prosecute such violations, or at the 15300
request of the prosecuting attorney, the division shall submit the 15301
evidence to the attorney general, who may proceed in the 15302
prosecution with all the rights, privileges, and powers conferred 15303
by law on prosecuting attorneys, including the power to appear 15304
before grand juries and to interrogate witnesses before such grand 15305
juries. 15306

(E) Require any dealers immediately to furnish to the 15307
division copies of prospectuses, circulars, or advertisements 15308

respecting securities that they publish or generally distribute, 15309
or require any investment advisers immediately to furnish to the 15310
division copies of brochures, advertisements, publications, 15311
analyses, reports, or other writings that they publish or 15312
distribute; 15313

(F) Require any dealers to mail to the division, prior to 15314
sale, notices of intention to sell, in respect to all securities 15315
which are not exempt under section 1707.02 of the Revised Code, or 15316
which are sold in transactions not exempt under section 1707.03 or 15317
1707.04 of the Revised Code; 15318

(G) Issue and cause to be served by certified mail upon all 15319
persons affected an order requiring the person or persons to cease 15320
and desist from the acts or practices appearing to the division to 15321
constitute violations of this chapter or rules adopted under this 15322
chapter by the division. The order shall state specifically the 15323
section or sections of this chapter or the rule or rules adopted 15324
under this chapter by the division that appear to the division to 15325
have been violated and the facts constituting the violation. If 15326
after the issuance of the order it appears to the division that 15327
any person or persons affected by the order have engaged in any 15328
act or practice from which the person or persons shall have been 15329
required, by the order, to cease and desist, the director of 15330
commerce may apply to the court of common pleas of any county for, 15331
and upon proof of the validity of the order of the division, the 15332
delivery of the order to the person or persons affected, and of 15333
the illegality and the continuation of the acts or practices that 15334
are the subject of the order, the court may grant an injunction 15335
implementing the order of the division. 15336

(H) Issue and initiate contempt proceedings in this state 15337
regarding subpoenas and subpoenas duces tecum at the request of 15338
the securities administrator of another state, if it appears to 15339
the division that the activities for which the information is 15340

sought would violate this chapter if the activities had occurred 15341
in this state. 15342

(I) The remedies provided by this section are cumulative and 15343
concurrent with any other remedy provided in this chapter, and the 15344
exercise of one remedy does not preclude or require the exercise 15345
of any other remedy. 15346

Sec. 1707.24. In case any person fails to file any statement 15347
or report, to obey any subpoena, to give testimony, to answer 15348
questions, or to produce any books, records, or papers as required 15349
by the division of securities under sections 1707.01 to ~~1707.45~~ 15350
1707.50, inclusive, of the Revised Code, the court of common pleas 15351
of any county in the state, upon application made to it by the 15352
division and upon proof made to it by the division of such 15353
failure, may make an order awarding process of subpoena or 15354
subpoena duces tecum for such person to appear and testify before 15355
the division, and may order any person to give testimony and 15356
answer questions, and to produce books, records, or papers, as 15357
required by the division. Upon the filing of such order in the 15358
office of the clerk of the court of common pleas, said clerk, 15359
under the seal of said court, shall issue process of subpoena for 15360
such person to appear before the division at a time and place 15361
named in such subpoena, and thereafter from day to day until the 15362
examination of such person is completed. Such subpoena may contain 15363
a direction that such witness bring with ~~him~~ the witness to such 15364
examination any books, records, or papers mentioned in such 15365
subpoena. Said clerk shall also issue, under the seal of said 15366
court, such other orders, in reference to such examination, 15367
appearance, and production of books, records, or papers, as said 15368
court directs. If any person so summoned by subpoena fails to obey 15369
such subpoena, to give testimony, to answer questions as required, 15370
to produce any books, records, or papers so required, or to obey 15371
an order of the court, the court, on motion supported by proof, 15372

may order an attachment for contempt to be issued against the 15373
person charged with disobedience of any order or injunction issued 15374
by such court under sections 1707.01 to ~~1707.45~~ 1707.50, 15375
inclusive, of the Revised Code. If such person is brought before 15376
the court by virtue of said attachment, and if upon a hearing such 15377
disobedience appears, such court may order such offender to be 15378
committed and kept in close custody. 15379

Sec. 1707.25. In case any person fails to file any statement 15380
or report required by sections 1707.01 to ~~1707.45~~ 1707.50 of the 15381
Revised Code, to obey any subpoena the issuance of which is 15382
provided for in those sections, or to produce books, records, or 15383
papers, give testimony, or answer questions, as required by those 15384
sections, the director of commerce may apply to a court of common 15385
pleas of any county for, and upon proof of such failure the court 15386
may grant, an injunction restraining the acting as an investment 15387
adviser, investment adviser representative, bureau of workers' 15388
compensation chief investment officer, or state retirement system 15389
investment officer, or the issuance, sale, or offer for sale of 15390
any securities by the person or by its agents, employees, 15391
partners, officers, directors, or shareholders, until such failure 15392
has been remedied and other relief as the facts may warrant has 15393
been had. Such injunctive relief is available in addition to the 15394
other remedies provided for in sections 1707.01 to ~~1707.45~~ 1707.50 15395
of the Revised Code. 15396

Where the person refusing to comply with such order of court 15397
is an issuer of securities, the court may enjoin the sale by any 15398
dealer of any securities of the issuer, and the division of 15399
securities may revoke the qualification of the securities of the 15400
issuer, or suspend or revoke the sale of any securities of the 15401
issuer which have been registered by description, and such 15402
securities shall not thereafter be sold by any dealer until the 15403
order of the court or of the division is withdrawn. 15404

Sec. 1707.26. Whenever it appears to the division of 15405
securities, upon complaint or otherwise, that any person has 15406
engaged in, is engaging in, or is about to engage in, any 15407
deceptive, fraudulent, or manipulative act, practice, or 15408
transaction, in violation of sections 1707.01 to ~~1707.45~~ 1707.50 15409
of the Revised Code, the director of commerce may apply to a court 15410
of common pleas of any county in this state for, and upon proof of 15411
any of such offenses such court shall grant an injunction 15412
restraining such person and its agents, employees, partners, 15413
officers, directors, and shareholders from continuing, engaging 15414
in, or doing any acts in furtherance of, such acts, practices, or 15415
transactions, and may order such other equitable relief as the 15416
facts warrant. 15417

Sec. 1707.261. (A) If a court of common pleas grants an 15418
injunction pursuant to section 1707.26 of the Revised Code, after 15419
consultation with the attorney general the director of commerce 15420
may request that court to order the defendant or defendants that 15421
are subject to the injunction to make restitution or rescission to 15422
any purchaser or holder of securities damaged by the defendant's 15423
or defendants' violation of any provision of sections 1707.01 to 15424
~~1707.45~~ 1707.50 of the Revised Code. 15425

(B) If the court of common pleas is satisfied with the 15426
sufficiency of the director's request for restitution or 15427
rescission under division (A) of this section and with the 15428
sufficiency of the proof of a substantial violation of any 15429
provision of sections 1707.01 to ~~1707.45~~ 1707.50 of the Revised 15430
Code, or of the use of any act, practice, or transaction declared 15431
to be illegal or prohibited or defined as fraudulent by those 15432
sections or rules adopted under those sections by the division of 15433
securities, to the material prejudice of a purchaser or holder of 15434
securities, the court may order the defendant or defendants 15435

subject to the injunction to make restitution or rescission to any purchaser or holder of securities damaged by the defendant's or defendants' violation of sections 1707.01 to ~~1707.45~~ 1707.50 of the Revised Code.

(C) A court order granting restitution or rescission based upon a request made pursuant to division (A) of this section shall meet the requirements of division (B) of this section and may not be based solely upon a final order issued by the division of securities pursuant to Chapter 119. of the Revised Code or upon an action to enforce a final order issued by the division pursuant to that chapter. Notwithstanding the foregoing provision, a request for restitution or rescission pursuant to division (A) of this section may concern the same acts, practices, or transactions that were, or may later be, the subject of a division of securities action for a violation of any provision of sections 1707.01 to ~~1707.45~~ 1707.50 of the Revised Code. If a request for restitution or rescission pursuant to division (A) of this section concerns the same acts, practices, or transactions that were the subject of a final order issued by the division of securities pursuant to Chapter 119. of the Revised Code, the court shall review the request in accordance with division (B) of this section, and the standard of review in section 119.12 of the Revised Code shall not apply to the request.

(D) No purchaser or holder of securities who is entitled to restitution or rescission under this section shall recover, pursuant to this section or any other proceeding, a total amount in excess of the person's purchase price for the securities sold in violation of sections 1707.01 to ~~1707.45~~ 1707.50 of the Revised Code.

(E)(1) If a court of common pleas grants an injunction pursuant to section 1707.26 of the Revised Code against any state retirement system investment officer, after consultation with the

attorney general, the director of commerce may request that court 15468
to order the state retirement system investment officer or 15469
officers that are subject to the injunction to make restitution to 15470
the state retirement system damaged by the state retirement system 15471
investment officer's or officers' violation of any provision of 15472
sections 1707.01 to ~~1707.45~~ 1707.50 of the Revised Code. 15473

(2) If the court of common pleas is satisfied with the 15474
sufficiency of the director's request for restitution under 15475
division (E)(1) of this section and with the sufficiency of the 15476
proof of a substantial violation of any provision of sections 15477
1707.01 to ~~1707.45~~ 1707.50 of the Revised Code, or of the use of 15478
any act, practice, or transaction declared to be illegal or 15479
prohibited or defined as fraudulent by those sections or rules 15480
adopted under those sections by the division of securities, to the 15481
material prejudice of a state retirement system, the court may 15482
order the state retirement system investment officer or officers 15483
subject to the injunction to make restitution to the state 15484
retirement system damaged by the state retirement system 15485
investment officer's or officers' violation of sections 1707.01 to 15486
~~1707.45~~ 1707.50 of the Revised Code. A request for restitution 15487
pursuant to division (E)(1) of this section may concern the same 15488
acts, practices, or transactions that were, or may later be, the 15489
subject of a division of securities action for a violation of any 15490
provision of section 1707.01 to ~~1707.45~~ 1707.50 of the Revised 15491
Code. 15492

(F)(1) If a court of common pleas grants an injunction 15493
pursuant to section 1707.26 of the Revised Code against a bureau 15494
of workers' compensation chief investment officer, after 15495
consultation with the attorney general, the director of commerce 15496
may request that court to order the bureau of workers' 15497
compensation chief investment officer who is subject to the 15498
injunction to make restitution to the bureau of workers' 15499

compensation damaged by the bureau of workers' compensation chief 15500
investment officer's violation of any provision of sections 15501
1707.01 to ~~1707.45~~ 1707.50 of the Revised Code. 15502

(2) If the court of common pleas is satisfied with the 15503
sufficiency of the director's request for restitution under 15504
division (F)(1) of this section and with the sufficiency of the 15505
proof of a substantial violation of any provision of sections 15506
1707.01 to ~~1707.45~~ 1707.50 of the Revised Code, or of the use of 15507
any act, practice, or transaction declared to be illegal or 15508
prohibited or defined as fraudulent by those sections or rules 15509
adopted under those sections by the division of securities, to the 15510
material prejudice of the bureau of workers' compensation, the 15511
court may order the bureau of workers' compensation chief 15512
investment officer subject to the injunction to make restitution 15513
to the bureau of workers' compensation damaged by the bureau of 15514
workers' compensation chief investment officer's violation of 15515
sections 1707.01 to ~~1707.45~~ 1707.50 of the Revised Code. A request 15516
for restitution pursuant to division (F)(1) of this section may 15517
concern the same acts, practices, or transactions that were, or 15518
may later be, the subject of a division of securities action for a 15519
violation of any provision of section 1707.01 to ~~1707.45~~ 1707.50 15520
of the Revised Code. 15521

Sec. 1707.27. If the court of common pleas is satisfied with 15522
the sufficiency of the application for a receivership, and of the 15523
sufficiency of the proof of substantial violation of sections 15524
1707.01 to ~~1707.45~~ 1707.50 of the Revised Code, or of the use of 15525
any act, practice, or transaction declared to be illegal or 15526
prohibited, or defined as fraudulent by those sections or rules 15527
adopted under those sections by the division of securities, to the 15528
material prejudice of a purchaser or holder of securities, or 15529
client of an investment adviser or investment adviser 15530
representative, the court may appoint a receiver, for any person 15531

so violating sections 1707.01 to ~~1707.45~~ 1707.50 of the Revised 15532
Code or rules adopted under those sections by the division, with 15533
power to sue for, collect, receive, and take into the receiver's 15534
possession all the books, records, and papers of the person and 15535
all rights, credits, property, and choses in action acquired by 15536
the person by means of any such act, practice, or transaction, and 15537
also all property with which the property has been mingled, if the 15538
property cannot be identified in kind because of the commingling, 15539
and with power to sell, convey, and assign the property, and to 15540
hold and dispose of the proceeds under the direction of the court 15541
of common pleas. The court shall have jurisdiction of all 15542
questions arising in the proceedings and may make orders and 15543
decrees therein as justice and equity require. 15544

Sec. 1707.28. No prosecution or action by the division of 15545
securities or the director of commerce for a violation of any 15546
provision of sections 1707.01 to ~~1707.45~~ 1707.50 of the Revised 15547
Code shall bar any prosecution or action by the division of 15548
securities or the director of commerce, or be barred by any 15549
prosecution or other action, for the violation of any other 15550
provision of any of those sections or of any other statute; but 15551
prosecutions and actions by the division of securities or the 15552
director of commerce for a violation of any provision of sections 15553
1707.01 to ~~1707.45~~ 1707.50 of the Revised Code must be commenced 15554
within five years after the commission of the alleged violation. 15555

Sec. 1707.29. In any prosecution brought under sections 15556
1707.01 to ~~1707.45~~ 1707.50 of the Revised Code, except 15557
prosecutions brought for violation of division (A) of section 15558
1707.042 of the Revised Code, the accused shall be deemed to have 15559
had knowledge of any matter of fact, where in the exercise of 15560
reasonable diligence, ~~he~~ the accused should, prior to the alleged 15561
commission of the offense in question, have secured such 15562

knowledge. 15563

Sec. 1707.30. In any prosecution, action, or proceeding based 15564
upon sections 1707.01 to ~~1707.45~~ 1707.50, inclusive, of the 15565
Revised Code, a certificate signed by the division of securities, 15566
showing the filing of or the failure to file any statement, 15567
description, or application required by such sections, shall 15568
constitute prima-facie evidence of such filing or of such failure 15569
to file, and shall be admissible in evidence in any action at law 15570
or in equity to enforce sections 1707.01 to ~~1707.45~~ 1707.50, 15571
inclusive, of the Revised Code, or to prosecute violations of such 15572
sections. 15573

Sec. 1707.31. Copies of any statements and documents filed in 15574
the office of the division of securities and of any records of the 15575
division, if such copies are certified to by the division, shall 15576
be admissible in any prosecution, action, or proceeding based upon 15577
sections 1707.01 to ~~1707.45~~ 1707.50, inclusive, of the Revised 15578
Code, to the same effect as the originals of such statements, 15579
documents, or records would be. 15580

Sec. 1707.32. If an issuer of securities is incorporated or 15581
organized to make any insurance named in Title XXXIX of the 15582
Revised Code, the superintendent of insurance shall, for all the 15583
purposes of sections 1707.01 to ~~1707.45~~ 1707.50, inclusive, of the 15584
Revised Code, be substituted for the division of securities and 15585
the issuer and the beneficial owners of shares thereof shall be 15586
subject to section 3901.31 of the Revised Code. The superintendent 15587
of insurance shall have over any company disposing or attempting 15588
to dispose of any of its securities within this state the powers 15589
of regulation, supervision, and examination conferred on ~~him~~ the 15590
superintendent by law, with reference to companies licensed to 15591
transact the business of insurance within this state. 15592

No person shall, for the purpose of organizing or promoting
any insurance company, or of assisting in the sale of the
securities of any insurance company after its organization,
dispose or offer to dispose, within this state, of any such
securities, unless the contract of subscription or disposal is in
writing and contains a provision substantially in the following
language:

No sum shall be used for commission, promotion, and
organization expenses on account of any share of stock in this
company in excess of per cent of the amount actually
paid upon separate subscriptions, and the remainder of such
payment shall be invested as authorized by the law governing such
company and shall be held by the organizers of such company before
organization, and by its directors and officers after
organization, as bailees for the subscriber, to be used only in
the conduct of the business of such company after the company has
been licensed and authorized for such business by proper
authority.

In lieu of "in excess of per cent of the amount
actually paid upon separate subscriptions," the language of such
contract may be, "..... dollars per share from every
fully paid subscription"; and in lieu of "organizers" it may be
"trustees" if such payments are to be held by trustees.

Funds and securities held by such organizers, trustees,
directors, or officers, as bailees, shall be deposited with a bank
or trust company of this state, or invested as provided in
sections 3925.05 and 3925.08 of the Revised Code, until such
company has been licensed to transact the business of insurance in
this state.

The amount of such commission, promotion, and organization
expenses shall in no case exceed fifteen per cent of the amount
actually received upon the subscriptions; except that in the case

of joint-stock life insurance companies and joint-stock insurance 15625
companies other than life, the amount of such commission, 15626
promotion, and organization expenses shall in no case exceed ten 15627
per cent of the amount actually received upon the subscriptions. 15628

Sec. 1707.34. (A) Sections 1707.01 to ~~1707.45~~ 1707.50 of the 15629
Revised Code do not apply to the sale of warehouse receipts for 15630
intoxicating liquor to distillers, to rectifiers, or to any person 15631
engaged in the business of dealing in warehouse receipts. 15632

(B) Warehouse receipts for intoxicating liquor may be sold in 15633
this state in accord with and upon compliance with sections 15634
1707.01 to ~~1707.45~~ 1707.50 of the Revised Code. 15635

Sec. 1707.35. All securities which were "certificated" by the 15636
division of securities before July 22, 1929, are, if the 15637
"certification" remained unrevoked on such date, qualified for all 15638
purposes under sections 1707.01 to ~~1707.45~~ 1707.50, inclusive, of 15639
the Revised Code. 15640

All securities authorized to be sold by reason of the filing 15641
of information relative thereto before July 22, 1929, shall for 15642
all purposes be deemed registered by description under such 15643
sections, but the division shall have the same power to require 15644
further information with respect to the further sale of such 15645
securities as with respect to the further sale of securities 15646
registered by description or by qualification under sections 15647
1707.01 to ~~1707.45~~ 1707.50, inclusive, of the Revised Code. 15648

Sec. 1707.38. The issuance or sale of any security in 15649
violation of sections 1707.01 to ~~1707.45~~ 1707.50, inclusive, of 15650
the Revised Code, does not invalidate such security; but the 15651
rights of persons defrauded by any such issuance or sale shall not 15652
be impaired. 15653

Sec. 1707.39. When any securities have been sold without 15654
compliance with sections 1707.01 to ~~1707.45~~ 1707.50 of the Revised 15655
Code, or any former law in force at the time of such sale, any 15656
interested person may apply in writing to the division of 15657
securities for the qualification of such securities under such 15658
sections. If it appears to the division that no person has been 15659
defrauded, prejudiced, or damaged by such noncompliance or sale 15660
and that no person will be defrauded, prejudiced, or damaged by 15661
such qualification, the division may permit such securities to be 15662
so qualified upon the payment of a fee of one hundred dollars plus 15663
a fee of one-fifth of one per cent of the aggregate price at which 15664
the securities have been sold in this state, which fee shall in no 15665
case be less than one hundred dollars nor more than two thousand 15666
dollars. In addition, the division may require the applicant to 15667
advance sufficient funds to pay the actual expenses of an 15668
examination or investigation by the division, whether to be 15669
conducted in this state or outside this state. An itemized 15670
statement of such expenses shall be furnished to the applicant. 15671

Such qualification shall estop the division from proceeding 15672
under division (D) of section 1707.23 of the Revised Code against 15673
anyone who has violated division (C)(1) of section 1707.44 of the 15674
Revised Code for acts within the scope of the application, or from 15675
proceeding with administrative action pursuant to section 1707.13 15676
of the Revised Code. 15677

Sec. 1707.391. When any securities have been sold in reliance 15678
upon division (Q), (W), (X), or (Y) of section 1707.03 of the 15679
Revised Code, section 1707.08 of the Revised Code, or any other 15680
section of this chapter that the division of securities may 15681
specify by rule, but such reliance was improper because the 15682
required filings were not timely or properly made due to excusable 15683
neglect, upon the effective date of an application made to the 15684

division and payment of any applicable fee, if required and not 15685
already paid, and upon payment of a penalty fee equal to the 15686
greater of the fee or one hundred dollars, the sale of the 15687
securities shall be deemed exempt, qualified, or registered, as 15688
though timely and properly filed. The application shall become 15689
effective upon the expiration of fourteen days after the date of 15690
the filing in question if prior thereto the division did not give 15691
notice to the applicant that the application was denied based on a 15692
finding of lack of excusable neglect. The division shall promptly 15693
adopt and promulgate rules establishing provisions defining 15694
excusable neglect and otherwise establishing reasonable standards 15695
for determining excusable neglect. 15696

The effectiveness of an application under this section does 15697
not relieve anyone who has, other than for excusable neglect, 15698
violated sections 1707.01 to ~~1707.45~~ 1707.50 of the Revised Code, 15699
or any previous law in force at the time of sale, from prosecution 15700
thereunder. 15701

Sec. 1707.40. Except as provided in section 1707.261 of the 15702
Revised Code, sections 1707.01 to ~~1707.45~~ 1707.50 of the Revised 15703
Code create no new civil liabilities, and do not limit or restrict 15704
common law liabilities for deception or fraud other than as 15705
specified in sections 1707.042, 1707.043, 1707.41, 1707.42, and 15706
1707.43 of the Revised Code, and there is no civil liability for 15707
noncompliance with orders, requirements, rules, or regulations 15708
made by the division of securities under sections 1707.19, 15709
1707.20, 1707.201, and 1707.23 of the Revised Code. 15710

Sec. 1707.431. For purposes of this section, the following 15711
persons shall not be deemed to have effected, participated in, or 15712
aided the seller in any way in making, a sale or contract of sale 15713
in violation of sections 1707.01 to ~~1707.45~~ 1707.50 of the Revised 15714
Code: 15715

(A) Any attorney, accountant, or engineer whose performance 15716
is incidental to the practice of the person's profession; 15717

(B) Any person, other than an investment adviser, investment 15718
adviser representative, bureau of workers' compensation chief 15719
investment officer, or state retirement system investment officer, 15720
who brings any issuer together with any potential investor, 15721
without receiving, directly or indirectly, a commission, fee, or 15722
other remuneration based on the sale of any securities by the 15723
issuer to the investor. Remuneration received by the person solely 15724
for the purpose of offsetting the reasonable out-of-pocket costs 15725
incurred by the person shall not be deemed a commission, fee, or 15726
other remuneration. 15727

Any person claiming exemption under this division for a 15728
publicly advertised meeting shall file a notice with the division 15729
of securities indicating an intent to cause or hold such a meeting 15730
at least twenty-one days prior to the meeting. The division may, 15731
upon receipt of such notice, issue an order denying the 15732
availability of an exemption under this division not more than 15733
fourteen days after receipt of the notice based on a finding that 15734
the applicant is not entitled to the exemption. Notwithstanding 15735
the notice described in this section, a failure to file the notice 15736
does not create a presumption that a person was participating in 15737
or aiding in the making of a sale or contract of sale in violation 15738
of this chapter. 15739

(C) Any person whom the division exempts from this provision 15740
by rule. 15741

Sec. 1707.44. (A)(1) No person shall engage in any act or 15742
practice that violates division (A), (B), or (C) of section 15743
1707.14 of the Revised Code, and no salesperson shall sell 15744
securities in this state without being licensed pursuant to 15745
section 1707.16 of the Revised Code. 15746

(2) No person shall engage in any act or practice that violates division (A) of section 1707.141 or section 1707.161 of the Revised Code.

(3) No person shall engage in any act or practice that violates section 1707.162 of the Revised Code.

(4) No person shall engage in any act or practice that violates section 1707.164 of the Revised Code.

(5) No person shall knowingly engage in any act or practice that violates division (A) of section 1707.054 or section 1707.055 of the Revised Code.

(B) No person shall knowingly make or cause to be made any false representation concerning a material and relevant fact, in any oral statement or in any prospectus, circular, description, application, or written statement, for any of the following purposes:

(1) Registering securities or transactions, or exempting securities or transactions from registration, under this chapter;

(2) Securing the qualification of any securities under this chapter;

(3) Procuring the licensing of any dealer, salesperson, investment adviser, investment adviser representative, bureau of workers' compensation chief investment officer, ~~or~~ state retirement system investment officer, or portal operator as defined in section 1707.05 of the Revised Code under this chapter;

(4) Selling any securities in this state;

(5) Advising for compensation, as to the value of securities or as to the advisability of investing in, purchasing, or selling securities;

(6) Submitting a notice filing to the division under division (X) of section 1707.03 or section 1707.092 or 1707.141 of the

Revised Code. 15777

(C) No person shall knowingly sell, cause to be sold, offer 15778
for sale, or cause to be offered for sale, any security which 15779
comes under any of the following descriptions: 15780

(1) Is not exempt under section 1707.02 of the Revised Code, 15781
nor the subject matter of one of the transactions exempted in 15782
section 1707.03, 1707.04, or 1707.34 of the Revised Code, has not 15783
been registered by coordination or qualification, and is not the 15784
subject matter of a transaction that has been registered by 15785
description; 15786

(2) The prescribed fees for registering by description, by 15787
coordination, or by qualification have not been paid in respect to 15788
such security; 15789

(3) The person has been notified by the division, or has 15790
knowledge of the notice, that the right to buy, sell, or deal in 15791
such security has been suspended or revoked, or that the 15792
registration by description, by coordination, or by qualification 15793
under which it may be sold has been suspended or revoked; 15794

(4) The offer or sale is accompanied by a statement that the 15795
security offered or sold has been or is to be in any manner 15796
indorsed by the division. 15797

(D) No person who is an officer, director, or trustee of, or 15798
a dealer, or portal operator for, any issuer, and who knows such 15799
issuer to be insolvent in that the liabilities of the issuer 15800
exceed its assets, shall sell any securities of or for any such 15801
issuer, without disclosing the fact of the insolvency to the 15802
purchaser. 15803

(E) No person with intent to aid in the sale of any 15804
securities on behalf of the issuer, shall knowingly make any 15805
representation not authorized by such issuer or at material 15806
variance with statements and documents filed with the division by 15807

such issuer. 15808

(F) No person, with intent to deceive, shall sell, cause to 15809
be sold, offer for sale, or cause to be offered for sale, any 15810
securities of an insolvent issuer, with knowledge that such issuer 15811
is insolvent in that the liabilities of the issuer exceed its 15812
assets, taken at their fair market value. 15813

(G) No person in purchasing or selling securities shall 15814
knowingly engage in any act or practice that is, in this chapter, 15815
declared illegal, defined as fraudulent, or prohibited. 15816

(H) No licensed dealer shall refuse to buy from, sell to, or 15817
trade with any person because the person appears on a blacklist 15818
issued by, or is being boycotted by, any foreign corporate or 15819
governmental entity, nor sell any securities of or for any issuer 15820
who is known in relation to the issuance or sale of the securities 15821
to have engaged in such practices. 15822

(I) No dealer in securities, knowing that the dealer's 15823
liabilities exceed the reasonable value of the dealer's assets, 15824
shall accept money or securities, except in payment of or as 15825
security for an existing debt, from a customer who is ignorant of 15826
the dealer's insolvency, and thereby cause the customer to lose 15827
any part of the customer's securities or the value of those 15828
securities, by doing either of the following without the 15829
customer's consent: 15830

(1) Pledging, selling, or otherwise disposing of such 15831
securities, when the dealer has no lien on or any special property 15832
in such securities; 15833

(2) Pledging such securities for more than the amount due, or 15834
otherwise disposing of such securities for the dealer's own 15835
benefit, when the dealer has a lien or indebtedness on such 15836
securities. 15837

It is an affirmative defense to a charge under this division 15838

that, at the time the securities involved were pledged, sold, or 15839
disposed of, the dealer had in the dealer's possession or control, 15840
and available for delivery, securities of the same kinds and in 15841
amounts sufficient to satisfy all customers entitled to the 15842
securities, upon demand and tender of any amount due on the 15843
securities. 15844

(J) No person, with purpose to deceive, shall make, issue, 15845
publish, or cause to be made, issued, or published any statement 15846
or advertisement as to the value of securities, or as to alleged 15847
facts affecting the value of securities, or as to the financial 15848
condition of any issuer of securities, when the person knows that 15849
the statement or advertisement is false in any material respect. 15850

(K) No person, with purpose to deceive, shall make, record, 15851
or publish or cause to be made, recorded, or published, a report 15852
of any transaction in securities which is false in any material 15853
respect. 15854

(L) No dealer shall engage in any act that violates the 15855
provisions of section 15(c) or 15(g) of the "Securities Exchange 15856
Act of 1934," 48 Stat. 881, 15 U.S.C.A. 78o(c) or (g), or any rule 15857
or regulation promulgated by the securities and exchange 15858
commission thereunder. 15859

(M)(1) No investment adviser or investment adviser 15860
representative shall do any of the following: 15861

(a) Employ any device, scheme, or artifice to defraud any 15862
person; 15863

(b) Engage in any act, practice, or course of business that 15864
operates or would operate as a fraud or deceit upon any person; 15865

(c) In acting as principal for the investment adviser's or 15866
investment adviser representative's own account, knowingly sell 15867
any security to or purchase any security from a client, or in 15868
acting as salesperson for a person other than such client, 15869

knowingly effect any sale or purchase of any security for the 15870
account of such client, without disclosing to the client in 15871
writing before the completion of the transaction the capacity in 15872
which the investment adviser or investment adviser representative 15873
is acting and obtaining the consent of the client to the 15874
transaction. Division (M)(1)(c) of this section does not apply to 15875
any investment adviser registered with the securities and exchange 15876
commission under section 203 of the "Investment Advisers Act of 15877
1940," 15 U.S.C. 80b-3, or to any transaction with a customer of a 15878
licensed dealer or salesperson if the licensed dealer or 15879
salesperson is not acting as an investment adviser or investment 15880
adviser representative in relation to the transaction. 15881

(d) Engage in any act, practice, or course of business that 15882
is fraudulent, deceptive, or manipulative. The division of 15883
securities may adopt rules reasonably designed to prevent acts, 15884
practices, or courses of business that are fraudulent, deceptive, 15885
or manipulative. 15886

(2) No investment adviser or investment adviser 15887
representative licensed or required to be licensed under this 15888
chapter shall take or have custody of any securities or funds of 15889
any person, except as provided in rules adopted by the division. 15890

(3) In the solicitation of clients or prospective clients, no 15891
person shall make any untrue statement of a material fact or omit 15892
to state a material fact necessary in order to make the statements 15893
made not misleading in light of the circumstances under which the 15894
statements were made. 15895

(N) No person knowingly shall influence, coerce, manipulate, 15896
or mislead any person engaged in the preparation, compilation, 15897
review, or audit of financial statements to be used in the 15898
purchase or sale of securities for the purpose of rendering the 15899
financial statements materially misleading. 15900

(O) No state retirement system investment officer shall do	15901
any of the following:	15902
(1) Employ any device, scheme, or artifice to defraud any	15903
state retirement system;	15904
(2) Engage in any act, practice, or course of business that	15905
operates or would operate as a fraud or deceit on any state	15906
retirement system;	15907
(3) Engage in any act, practice, or course of business that	15908
is fraudulent, deceptive, or manipulative. The division of	15909
securities may adopt rules reasonably designed to prevent such	15910
acts, practices, or courses of business as are fraudulent,	15911
deceptive, or manipulative;	15912
(4) Knowingly fail to comply with any policy adopted	15913
regarding the officer established pursuant to section 145.094,	15914
742.104, 3307.043, 3309.043, or 5505.065 of the Revised Code.	15915
(P) No bureau of workers' compensation chief investment	15916
officer shall do any of the following:	15917
(1) Employ any device, scheme, or artifice to defraud the	15918
workers' compensation system;	15919
(2) Engage in any act, practice, or course of business that	15920
operates or would operate as a fraud or deceit on the workers'	15921
compensation system;	15922
(3) Engage in any act, practice, or course of business that	15923
is fraudulent, deceptive, or manipulative. The division of	15924
securities may adopt rules reasonably designed to prevent such	15925
acts, practices, or courses of business as are fraudulent,	15926
deceptive, or manipulative;	15927
(4) Knowingly fail to comply with any policy adopted	15928
regarding the officer established pursuant to section 4123.441 of	15929
the Revised Code.	15930

<u>(O)(1) No portal operator shall knowingly do any of the</u>	15931
<u>following:</u>	15932
<u>(a) Employ any device, scheme, or artifice to defraud;</u>	15933
<u>(b) Engage in any act, practice, or course of business that</u>	15934
<u>operates as a fraud or deceit;</u>	15935
<u>(c) Engage in any act, practice, or course of business that</u>	15936
<u>is fraudulent, deceptive, or manipulative.</u>	15937
<u>(2) The division of securities may adopt rules reasonably</u>	15938
<u>designed to prevent such acts, practices, or courses of business</u>	15939
<u>that are fraudulent, deceptive, or manipulative.</u>	15940
<u>Sec. 1707.50. (A) As used in this section, "violation" means</u>	15941
<u>a violation of any provision of this chapter in connection with</u>	15942
<u>the sale of securities under sections 1707.05 to 1707.058 of the</u>	15943
<u>Revised Code where the filing is made pursuant to division (K) of</u>	15944
<u>section 1707.051 of the Revised Code and the securities are sold</u>	15945
<u>through an OhioInvests portal.</u>	15946
<u>(B)(1) If the division of securities finds, after notice and</u>	15947
<u>opportunity for a hearing in accordance with Chapter 119. of the</u>	15948
<u>Revised Code, that any person has committed a violation, the</u>	15949
<u>division may, in its discretion and in addition to or in lieu of</u>	15950
<u>any other remedy or sanction provided in this chapter, order the</u>	15951
<u>payment of an administrative penalty of up to one thousand dollars</u>	15952
<u>per violation, provided that the total penalty shall not exceed</u>	15953
<u>the total amount of the OhioInvests offering or offerings involved</u>	15954
<u>in the violation.</u>	15955
<u>(2) All administrative penalties collected by the division</u>	15956
<u>under division (B)(1) of this section shall be deposited into the</u>	15957
<u>state treasury to the credit of the division of securities</u>	15958
<u>investor education and enforcement expense fund created in section</u>	15959
<u>1707.37 of the Revised Code.</u>	15960

(C)(1) A purchaser may commence an individual or putative class action to seek recovery of the civil penalty provided for under division (C)(2) of this section for an alleged violation if all of the following requirements are met: 15961
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(a) The purchaser or the purchaser's representative brings the action within two years after commission of the alleged violation or within two years after the purchaser discovered or should have discovered the ground for the violation, whichever is later. 15965
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(b) Not later than ten days after the commencement of the action, the purchaser or purchaser's representative mails to the division, by certified mail, a file-stamped copy of the complaint that includes the case number assigned by the court. 15970
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(c) Not later than ten days from a judgment becoming final and any subsequent appeals becoming final, the purchaser or purchaser's representative mails to the division, by certified mail, a file-stamped copy of the final judgment and appellate decisions. 15974
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(2) The civil penalty provided for under this section shall be as follows: 15979
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(a) One hundred dollars per violation, if at the time of the violation the total amount of money raised in the OhioInvests offering is less than twenty-five thousand dollars, provided that the total penalty shall not exceed the total amount of the OhioInvests offering or offerings involved in the violation. 15981
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(b) Two hundred fifty dollars per violation, if at the time of the violation the total amount of money raised in the OhioInvests offering is twenty-five thousand dollars or more, provided that the total penalty shall not exceed the total amount of the OhioInvests offering or offerings involved in the violation. 15986
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(3) In any civil action by a purchaser or purchaser's representative seeking recovery of a civil penalty under this section, a court may award a lesser amount than the amount specified in division (C)(2) of this section if, based on the facts and circumstances of the particular case, to do otherwise would result in an award that is unjust, arbitrary and oppressive, or confiscatory. 15992
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(4) Civil penalties recovered by a purchaser or purchasers in accordance with this section shall be distributed as follows: 15999
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(a) Twenty-five per cent to the state to be deposited into the state treasury to the credit of the general revenue fund and set aside for payment of debt service on outstanding bonds that are direct obligations of the state; 16001
16002
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16004

(b) Seventy-five per cent to the purchaser, purchasers, or purchaser class. 16005
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(5) Purchasers or purchaser classes that prevail in a civil action brought under this section shall be entitled to reasonable attorney's fees and costs in the action as determined by the court. 16007
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(6) Nothing in division (C) of this section shall preclude a purchaser or purchaser's representative from also proceeding with a cause of action otherwise available under any other provision of this chapter or other theory of law. 16011
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(D) No person shall knowingly engage in any act, practice, or course of business that would interfere with a purchaser's ability to bring an individual or putative class action pursuant to division (C) of this section. 16015
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(E) Nothing in this section shall be construed to alter or limit the authority of the division under any other provision of this chapter, including but not limited to the ability of the division to investigate or prosecute any complaints or allegations 16019
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under this chapter. Upon timely application, the division may 16023
intervene as of right on behalf of the state in any private action 16024
or appeal that is pending under this section. 16025

(F) The division may adopt rules in accordance with Chapter 16026
119. of the Revised Code to implement the provisions of this 16027
section. 16028

Sec. 1707.99. Whoever commits any act described in division 16029
(A) of section 1707.042 or section 1707.44 of the Revised Code is 16030
guilty of a violation of sections 1707.01 to ~~1707.45~~ 1707.50 of 16031
the Revised Code and the following apply to the offender: 16032

(A) If the value of the funds or securities involved in the 16033
offense or the loss to the victim is less than one thousand 16034
dollars, the offender is guilty of a felony of the fifth degree, 16035
and the court may impose upon the offender an additional fine of 16036
not more than two thousand five hundred dollars. 16037

(B) If the value of the funds or securities involved in the 16038
offense or the loss to the victim is one thousand dollars or more 16039
but less than seven thousand five hundred dollars, the offender is 16040
guilty of a felony of the fourth degree, and the court may impose 16041
upon the offender an additional fine of not more than five 16042
thousand dollars. 16043

(C) If the value of the funds or securities involved in the 16044
offense or the loss to the victim is seven thousand five hundred 16045
dollars or more but less than thirty-seven thousand five hundred 16046
dollars, the offender is guilty of a felony of the third degree, 16047
and the court may impose upon the offender an additional fine of 16048
not more than ten thousand dollars. 16049

(D) If the value of the funds or securities involved in the 16050
offense or the loss to the victim is thirty-seven thousand five 16051
hundred dollars or more but less than one hundred fifty thousand 16052

dollars, the offender is guilty of a felony of the second degree, 16053
and the court may impose upon the offender an additional fine of 16054
not more than fifteen thousand dollars. 16055

(E) If the value of the funds or securities involved in the 16056
offense or the loss to the victim is one hundred fifty thousand 16057
dollars or more, the offender is guilty of a felony of the first 16058
degree, and the court may impose upon the offender an additional 16059
fine of not more than twenty thousand dollars. 16060

Sec. 1711.52. (A) The advisory council on amusement ride 16061
safety shall do both of the following: 16062

~~(A)~~(1) Study any subject pertaining to amusement ride safety, 16063
including administrative, engineering, and technical subjects, and 16064
make findings and recommendations to the director of agriculture 16065
in accordance with division (B) of this section; 16066

~~(B)~~(2) Prior to the adoption of any rules or amendments to 16067
those rules under division (B) of section 1711.53 and division (B) 16068
of section 1711.551 of the Revised Code, study the proposed rules 16069
to be adopted by the director regarding amusement ride safety, 16070
advise the director, and make findings and recommendations to the 16071
director in accordance with division (B) of this section. 16072

~~(C) Not later than December 31, 2006, prepare and submit a 16073
report to the governor, the speaker and the minority leader of the 16074
house of representatives, the president and the minority leader of 16075
the senate, and the director concerning the advisory council's 16076
recommendations for alternative funding sources for the amusement 16077
ride safety program established under this chapter.~~(B) Prior to 16078
submitting any findings or recommendations, the advisory council 16079
shall vote on whether to submit such findings or recommendations 16080
to the director. The advisory council shall submit only those 16081
findings and recommendations that receive a majority vote of the 16082
advisory council. 16083

(C) The director shall make available to the advisory council 16084
any information, reports, and studies requested by the advisory 16085
council. 16086

Sec. 1711.53. (A)(1) No person shall operate an amusement 16087
ride within the state without a permit issued by the director of 16088
agriculture under division (A)(2) of this section. The owner of an 16089
amusement ride, whether the ride is a temporary amusement ride or 16090
a permanent amusement ride, who desires to operate the amusement 16091
ride within the state shall, prior to the operation of the 16092
amusement ride and annually thereafter, submit to the department 16093
of agriculture an application for a permit, together with the 16094
appropriate permit and inspection fee, on a form to be furnished 16095
by the department. Prior to issuing any permit the department 16096
shall, within thirty days after the date on which it receives the 16097
application, inspect each amusement ride described in the 16098
application. The owner of an amusement ride shall have the 16099
amusement ride ready for inspection not later than two hours after 16100
the time that is requested by the person for the inspection. 16101

(2) For each amusement ride found to comply with the rules 16102
adopted by the director under division (B) of this section and 16103
division (B) of section 1711.551 of the Revised Code, the director 16104
shall issue an annual permit, provided that evidence of liability 16105
insurance coverage for the amusement ride as required by section 16106
1711.54 of the Revised Code is on file with the department. 16107

(3) The director shall issue with each permit a decal 16108
indicating that the amusement ride has been issued the permit. The 16109
owner of the amusement ride shall affix the decal on the ride at a 16110
location where the decal is easily visible to the patrons of the 16111
ride. A copy of the permit shall be kept on file at the same 16112
address as the location of the amusement ride identified on the 16113
permit, and shall be made available for inspection, upon 16114

reasonable demand, by any person. An owner may operate an 16115
amusement ride prior to obtaining a permit, provided that the 16116
operation is for the purpose of testing the amusement ride or 16117
training amusement ride operators and other employees of the owner 16118
and the amusement ride is not open to the public. 16119

(B) The director, in accordance with Chapter 119. of the 16120
Revised Code, shall adopt rules providing for a schedule of fines, 16121
with no fine exceeding five thousand dollars, for violations of 16122
sections 1711.50 to 1711.57 of the Revised Code or any rules 16123
adopted under this division and for the classification of 16124
amusement rides and rules for the safe operation and inspection of 16125
all amusement rides as are necessary for amusement ride safety and 16126
for the protection of the general public. Rules adopted by the 16127
director for the safe operation and inspection of amusement rides 16128
shall be reasonable and based upon generally accepted engineering 16129
standards and practices. In adopting rules under this section, the 16130
director may adopt by reference, in whole or in part, the national 16131
fire code or the national electrical code (NEC) prepared by the 16132
national fire protection association, the standards of the 16133
American society for testing and materials (ASTM) or the American 16134
national standards institute (ANSI), or any other principles, 16135
tests, or standards of nationally recognized technical or 16136
scientific authorities. Insofar as is practicable and consistent 16137
with sections 1711.50 to 1711.57 of the Revised Code, rules 16138
adopted under this division shall be consistent with the rules of 16139
other states. The department shall cause sections 1711.50 to 16140
1711.57 of the Revised Code and the rules adopted in accordance 16141
with this division and division (B) of section 1711.551 of the 16142
Revised Code to be published in pamphlet form and a copy to be 16143
furnished without charge to each owner of an amusement ride who 16144
holds a current permit or is an applicant therefor. 16145

(C) With respect to an application for a permit for an 16146

amusement ride, an owner may apply to the director for a waiver or 16147
modification of any rule adopted under division (B) of this 16148
section if there are practical difficulties or unnecessary 16149
hardships for the amusement ride to comply with the rules. Any 16150
application shall set forth the reasons for the request. The 16151
director, with the approval of the advisory council on amusement 16152
ride safety, may waive or modify the application of a rule to any 16153
amusement ride if the public safety is secure. Any authorization 16154
by the director under this division shall be in writing and shall 16155
set forth the conditions under which the waiver or modification is 16156
authorized, and the department shall retain separate records of 16157
all proceedings under this division. 16158

(D)(1) The director shall employ and provide for training of 16159
a chief inspector and additional inspectors and employees as may 16160
be necessary to administer and enforce sections 1711.50 to 1711.57 16161
of the Revised Code. The director may appoint or contract with 16162
other persons to perform inspections of amusement rides, provided 16163
that the persons meet the qualifications for inspectors 16164
established by rules adopted under division (B) of this section 16165
and are not owners, or employees of owners, of any amusement ride 16166
subject to inspection under sections 1711.50 to 1711.57 of the 16167
Revised Code. No person shall inspect an amusement ride who, 16168
within six months prior to the date of inspection, was an employee 16169
of the owner of the ride. 16170

(2) Before the director contracts with other persons to 16171
inspect amusement rides, the director shall seek the advice of the 16172
advisory council on amusement ride safety on whether to contract 16173
with those persons. The advice shall not be binding upon the 16174
director. After having received the advice of the council, the 16175
director may proceed to contract with inspectors in accordance 16176
with the procedures specified in division (E)(2) of section 16177
1711.11 of the Revised Code. 16178

(3) With the advice and consent of the advisory council on 16179
amusement ride safety, the director may employ a special 16180
consultant to conduct an independent investigation of an amusement 16181
ride accident. This consultant need not be in the civil service of 16182
the state, but shall have qualifications to conduct the 16183
investigation acceptable to the council. 16184

(E)(1) Except as otherwise provided in division (E)(1) of 16185
this section, the department shall charge the following amusement 16186
ride fees: 16187

Permit \$ ~~150~~ 16188
225

Annual inspection and reinspection per ride: 16189

Kiddie rides \$ ~~100~~ 16190
150

Roller coaster \$ ~~1,200~~ 16191
1,250

Aerial lifts or bungee jumping facilities \$ ~~450~~ 16192
500

Go karts, per kart \$ 5 16193
16194

Other rides \$ ~~160~~ 16195
210

Midseason operational inspection per ride \$ 25 16196

Expedited inspection per ride \$ 100 16197

Failure to cancel scheduled inspection per ride \$ 100 16198

Failure to have amusement ride ready for inspection 16199

per ride \$ 100 16200

The go kart inspection fee is in addition to the inspection 16201

fee for the go kart track. 16202

The director shall adopt rules in accordance with Chapter 16203

119. of the Revised Code establishing an annual fee that is less 16204

than one hundred ~~five~~ fifty-four dollars for an inspection and 16205

reinspection of an inflatable ride. In adopting the rules, the 16206
director shall ensure that the fee reasonably reflects the costs 16207
of inspection and reinspection of an inflatable ride. If the 16208
director issues a permit for an inflatable ride for a time period 16209
of less than one year, the director shall charge a prorated fee 16210
for the permit equal to one-twelfth of the annual permit fee 16211
multiplied by the number of full months for which the permit is 16212
issued. 16213

The fees for an expedited inspection, failure to cancel a 16214
scheduled inspection, and failure to have an amusement ride ready 16215
for inspection do not apply to go karts. 16216

As used in division (E)(1) of this section, "expedited 16217
inspection" means an inspection of an amusement ride by the 16218
department not later than ten days after the owner of the 16219
amusement ride files an application for a permit under this 16220
section. 16221

(2) All fees and fines collected by the department under 16222
sections 1711.50 to 1711.57 of the Revised Code shall be deposited 16223
in the state treasury to the credit of the amusement ride 16224
inspection fund, which is hereby created, and shall be used only 16225
for the purpose of administering and enforcing sections 1711.11 16226
and 1711.50 to 1711.57 of the Revised Code. 16227

(3) The owner of an amusement ride shall be required to pay a 16228
reinspection fee only if the reinspection was conducted at the 16229
owner's request under division (F) of this section, if the 16230
reinspection is required by division (F) of this section because 16231
of an accident, or if the reinspection is required by division (F) 16232
of section 1711.55 of the Revised Code. If a reinspection is 16233
conducted at the request of the chief officer of a fair, festival, 16234
or event where the ride is operating, the reinspection fee shall 16235
be charged to the fair, festival, or event. 16236

(4) The rules adopted under division (B) of this section shall define "roller coaster," "aerial lifts," "go karts," and "other rides" for purposes of determining the fees under division (E) of this section. The rules shall define "other rides" to include go kart tracks.

(F) A reinspection of an amusement ride shall take place if an accident occurs, if the owner of the ride or the chief officer of the fair, festival, or event where the ride is operating requests a reinspection, or if the reinspection is required by division (F) of section 1711.55 of the Revised Code.

(G) As a supplement to its annual inspection of a temporary amusement ride, the department may inspect the ride during each scheduled event, as listed in the schedule of events provided to the department by the owner pursuant to division (C) of section 1711.55 of the Revised Code, at which the ride is operated in this state. These supplemental inspections are in addition to any other inspection or reinspection of the ride as may be required under sections 1711.50 to 1711.57 of the Revised Code, and the owner of the temporary amusement ride is not required to pay an inspection or reinspection fee for this supplemental inspection. Nothing in this division shall be construed to prohibit the owner of a temporary amusement ride having a valid permit to operate in this state from operating the ride at a scheduled event before the department conducts a supplemental inspection.

(H) The department may annually conduct a midseason operational inspection of every amusement ride upon which it conducts an annual inspection pursuant to division (A) of this section. The midseason operational inspection is in addition to any other inspection or reinspection of the amusement ride as may be required pursuant to sections 1711.50 to 1711.57 of the Revised Code. The owner of an amusement ride shall submit to the department, at the time determined by the department, the

midseason operational inspection fee specified in division (E) of 16269
this section. The director, in accordance with Chapter 119. of the 16270
Revised Code, shall adopt rules specifying the time period during 16271
which the department will conduct midseason operational 16272
inspections. 16273

Sec. 1711.532. Not later than November 1, 2019, and annually 16274
thereafter, the director of agriculture shall submit a detailed 16275
financial report to the speaker of the house of representatives 16276
and to the president of the senate that includes all of the 16277
following information applicable to the twelve months immediately 16278
preceding the report's submission: 16279

(A) The revenue from fees collected under section 1711.53 of 16280
the Revised Code and any other revenue collected for the amusement 16281
ride safety program; 16282

(B) Expenses relating to the operation of the department of 16283
agriculture's amusement ride safety program established under 16284
sections 1711.50 to 1711.57 of the Revised Code; 16285

(C) Any proposed changes to the fee schedule established 16286
under section 1711.53 of the Revised Code that the director 16287
determines are necessary for purposes of issuing amusement ride 16288
permits and conducting amusement ride inspections and 16289
reinspections; 16290

(D) The amount expended from any appropriations made for the 16291
department of agriculture's amusement ride safety program; 16292

(E) Any additional revenue that the director determines is 16293
necessary to meet the expenses of the amusement ride safety 16294
program during the twelve months immediately following the 16295
submission of the report; 16296

(F) Any other information that the director determines is 16297
necessary to include in the report. 16298

Sec. 1713.032. On or after December 31, 2019, the chancellor 16299
of higher education shall not grant or renew a certificate of 16300
authorization under this chapter to a regionally accredited 16301
private, nonprofit institution of higher education that was 16302
created by the governors of several states. 16303

Sec. 1724.02. (A) In furtherance of the purposes set forth in 16304
section 1724.01 of the Revised Code, a community improvement 16305
corporation shall have the following powers: 16306

(1)(a) To borrow money for any of the purposes of the 16307
community improvement corporation by means of loans, lines of 16308
credit, or any other financial instruments or securities, 16309
including the issuance of its bonds, debentures, notes, or other 16310
evidences of indebtedness, whether secured or unsecured, and to 16311
secure the same by mortgage, pledge, deed of trust, or other lien 16312
on its property, franchises, rights, and privileges of every kind 16313
and nature or any part thereof or interest therein; and 16314

(b) If the community improvement corporation is a county land 16315
reutilization corporation, the corporation may request, by 16316
resolution: 16317

(i) That the board of county commissioners of the county 16318
served by the corporation pledge a specifically identified source 16319
or sources of revenue pursuant to division (C) of section 307.78 16320
of the Revised Code as security for such borrowing by the 16321
corporation; and 16322

(ii)(I) If the land subject to reutilization is located 16323
within an unincorporated area of the county, that the board of 16324
county commissioners issue notes under section 307.082 of the 16325
Revised Code for the purpose of constructing public infrastructure 16326
improvements and take other actions as the board determines are in 16327
the interest of the county and are authorized under sections 16328

5709.78 to 5709.81 of the Revised Code or bonds or notes under 16329
section 5709.81 of the Revised Code for the refunding purposes set 16330
forth in that section; or 16331

(II) If the land subject to reutilization is located within 16332
the corporate boundaries of a municipal corporation, that the 16333
municipal corporation issue bonds for the purpose of constructing 16334
public infrastructure improvements and take such other actions as 16335
the municipal corporation determines are in its interest and are 16336
authorized under sections 5709.40 to 5709.43 of the Revised Code. 16337

(2) To make loans to any person, firm, partnership, 16338
corporation, joint stock company, association, or trust, and to 16339
establish and regulate the terms and conditions with respect to 16340
any such loans; provided that an economic development corporation 16341
shall not approve any application for a loan unless and until the 16342
person applying for said loan shows that the person has applied 16343
for the loan through ordinary banking or commercial channels and 16344
that the loan has been refused by at least one bank or other 16345
financial institution. Nothing in this division shall preclude a 16346
county land reutilization corporation from making revolving loans 16347
to community development corporations, private entities, or any 16348
person for the purposes contained in the corporation's plan under 16349
section 1724.10 of the Revised Code. 16350

(3) To purchase, receive, hold, manage, lease, 16351
lease-purchase, or otherwise acquire and to sell, convey, 16352
transfer, lease, sublease, or otherwise dispose of real and 16353
personal property, together with such rights and privileges as may 16354
be incidental and appurtenant thereto and the use thereof, 16355
including but not restricted to, any real or personal property 16356
acquired by the community improvement corporation from time to 16357
time in the satisfaction of debts or enforcement of obligations, 16358
and to enter into contracts with third parties, including the 16359
federal government, the state, any political subdivision, or any 16360

other entity. A county land reutilization corporation shall not 16361
acquire an interest in real property if such acquisition causes 16362
the number of occupied real properties held by the corporation to 16363
exceed the greater of either fifty properties or twenty-five per 16364
cent of all real property held by the corporation for 16365
reutilization, reclamation, or rehabilitation. For the purposes of 16366
this division, "occupied real properties" includes all real 16367
properties that are not unoccupied as that term is defined in 16368
section 323.65 of the Revised Code. 16369

(4) To acquire the good will, business, rights, real and 16370
personal property, and other assets, or any part thereof, or 16371
interest therein, of any persons, firms, partnerships, 16372
corporations, joint stock companies, associations, or trusts, and 16373
to assume, undertake, or pay the obligations, debts, and 16374
liabilities of any such person, firm, partnership, corporation, 16375
joint stock company, association, or trust; to acquire, reclaim, 16376
manage, or contract for the management of improved or unimproved 16377
and underutilized real estate for the purpose of constructing 16378
industrial plants, other business establishments, or housing 16379
thereon, or causing the same to occur, for the purpose of 16380
assembling and enhancing utilization of the real estate, or for 16381
the purpose of disposing of such real estate to others in whole or 16382
in part for the construction of industrial plants, other business 16383
establishments, or housing; and to acquire, reclaim, manage, 16384
contract for the management of, construct or reconstruct, alter, 16385
repair, maintain, operate, sell, convey, transfer, lease, 16386
sublease, or otherwise dispose of industrial plants, business 16387
establishments, or housing. 16388

(5) To acquire, subscribe for, own, hold, sell, assign, 16389
transfer, mortgage, pledge, or otherwise dispose of the stock, 16390
shares, bonds, debentures, notes, or other securities and 16391
evidences of interest in, or indebtedness of, any person, firm, 16392

corporation, joint stock company, association, or trust, and while 16393
the owner or holder thereof, to exercise all the rights, powers, 16394
and privileges of ownership, including the right to vote therein, 16395
provided that no tax revenue, if any, received by a community 16396
improvement corporation shall be used for such acquisition or 16397
subscription. 16398

(6) To mortgage, pledge, or otherwise encumber any property 16399
acquired pursuant to the powers contained in division (A)(3), (4), 16400
or (5) of this section. 16401

(7) Nothing in this section shall limit the right of a 16402
community improvement corporation to become a member of or a 16403
stockholder in a corporation formed under Chapter 1726. of the 16404
Revised Code. 16405

(8) To serve as an agent for grant applications and for the 16406
administration of grants, or to make applications as principal for 16407
grants for county land reutilization corporations. 16408

(9) To exercise the powers enumerated under Chapter 5722. of 16409
the Revised Code on behalf of a county that organizes or contracts 16410
with a county land reutilization corporation. 16411

(10) To engage in code enforcement and nuisance abatement, 16412
including, but not limited to, cutting grass and weeds, boarding 16413
up vacant or abandoned structures, and demolishing condemned 16414
structures on properties that are subject to a delinquent tax or 16415
assessment lien, or property for which a municipal corporation or 16416
township has contracted with a county land reutilization 16417
corporation to provide code enforcement or nuisance abatement 16418
assistance. 16419

(11) To charge fees or exchange in-kind goods or services for 16420
services rendered to political subdivisions and other persons or 16421
entities for whom services are rendered. 16422

(12) To employ and provide compensation for an executive 16423

director who shall manage the operations of a county land reutilization corporation and employ others for the benefit of the corporation as approved and funded by the board of directors. No employee of the corporation is or shall be deemed to be an employee of the political subdivision for whose benefit the corporation is organized solely because the employee is employed by the corporation.

(13) To purchase tax certificates at auction, negotiated sale, or from a third party who purchased and is a holder of one or more tax certificates issued pursuant to sections 5721.30 to 5721.43 of the Revised Code.

(14) To be assigned a mortgage on real property from a mortgagee in lieu of acquiring such real property subject to a mortgage.

(15) To act as a portal operator for purposes of an OhioInvests offering under sections 1707.05 to 1707.058 of the Revised Code.

(16) To do all acts and things necessary or convenient to carry out the purposes of section 1724.01 of the Revised Code and the powers especially created for a community improvement corporation in Chapter 1724. of the Revised Code, including, but not limited to, contracting with the federal government, the state or any political subdivision, a board of county commissioners pursuant to section 307.07 of the Revised Code, a county auditor pursuant to section 319.10 of the Revised Code, a county treasurer pursuant to section 321.49 of the Revised Code, and any other party, whether nonprofit or for-profit. An employee of a board of county commissioners, county auditor, or county treasurer who, pursuant to a contract entered into in accordance with section 307.07, 319.10, or 321.49 of the Revised Code, provides services to a county land reutilization corporation shall remain an employee of the county during the provision of those services.

(B) The powers enumerated in this chapter shall not be construed to limit the general powers of a community improvement corporation. The powers granted under this chapter are in addition to those powers granted by any other chapter of the Revised Code, but, as to a county land reutilization corporation, shall be used only for the purposes enumerated under division (B)(2) of section 1724.01 of the Revised Code.

(C) Ownership of real property by an economic development corporation does not constitute public ownership unless the economic development corporation has applied for and been granted a tax exemption for the property under section 5709.08 of the Revised Code.

Sec. 1739.05. (A) A multiple employer welfare arrangement that is created pursuant to sections 1739.01 to 1739.22 of the Revised Code and that operates a group self-insurance program may be established only if any of the following applies:

(1) The arrangement has and maintains a minimum enrollment of three hundred employees of two or more employers.

(2) The arrangement has and maintains a minimum enrollment of three hundred self-employed individuals.

(3) The arrangement has and maintains a minimum enrollment of three hundred employees or self-employed individuals in any combination of divisions (A)(1) and (2) of this section.

(B) A multiple employer welfare arrangement that is created pursuant to sections 1739.01 to 1739.22 of the Revised Code and that operates a group self-insurance program shall comply with all laws applicable to self-funded programs in this state, including sections 3901.04, 3901.041, 3901.19 to 3901.26, 3901.38, 3901.381 to 3901.3814, 3901.40, 3901.45, 3901.46, 3901.491, 3902.01 to 3902.14, 3923.041, 3923.24, 3923.282, 3923.30, 3923.301, 3923.38,

3923.581, 3923.602, 3923.63, 3923.80, 3923.84, 3923.85, 3923.851, 16486
3923.86, 3923.87, 3923.89, 3923.90, 3924.031, 3924.032, and 16487
3924.27 of the Revised Code. 16488

(C) A multiple employer welfare arrangement created pursuant 16489
to sections 1739.01 to 1739.22 of the Revised Code shall solicit 16490
enrollments only through agents or solicitors licensed pursuant to 16491
Chapter 3905. of the Revised Code to sell or solicit sickness and 16492
accident insurance. 16493

(D) A multiple employer welfare arrangement created pursuant 16494
to sections 1739.01 to 1739.22 of the Revised Code shall provide 16495
benefits only to individuals who are members, employees of 16496
members, or the dependents of members or employees, or are 16497
eligible for continuation of coverage under section 1751.53 or 16498
3923.38 of the Revised Code or under Title X of the "Consolidated 16499
Omnibus Budget Reconciliation Act of 1985," 100 Stat. 227, 29 16500
U.S.C.A. 1161, as amended. 16501

(E) A multiple employer welfare arrangement created pursuant 16502
to sections 1739.01 to 1739.22 of the Revised Code is subject to, 16503
and shall comply with, sections 3903.81 to 3903.93 of the Revised 16504
Code in the same manner as other life or health insurers, as 16505
defined in section 3903.81 of the Revised Code. 16506

Sec. 1751.77. As used in sections 1751.77 to 1751.87 of the 16507
Revised Code, unless otherwise specifically provided or as 16508
otherwise required pursuant to applicable federal law or 16509
regulations: 16510

(A) "Adverse determination" means a determination by a health 16511
insuring corporation or its designee utilization review 16512
organization that an admission, availability of care, continued 16513
stay, or other health care service has been reviewed and, based 16514
upon the information provided, the health care service does not 16515
meet the requirements for benefit payment under the health 16516

insuring corporation's policy, contract, or agreement, and 16517
coverage is therefore denied, reduced, or terminated. 16518

(B) "Ambulatory review" means utilization review of health 16519
care services performed or provided in an outpatient setting. 16520

(C) "Authorized person" means a parent, guardian, or other 16521
person authorized to act on behalf of an enrollee with respect to 16522
health care decisions. 16523

(D) "Case management" means a coordinated set of activities 16524
conducted for individual patient management of serious, 16525
complicated, protracted, or other specified health conditions. 16526

(E) "Certification" means a determination by a health 16527
insuring corporation or its designee utilization review 16528
organization that an admission, availability of care, continued 16529
stay, or other health care service has been reviewed and, based 16530
upon the information provided, the health care service satisfies 16531
the requirements for benefit payment under the health insuring 16532
corporation's policy, contract, or agreement. 16533

(F) "Clinical peer" means a physician when an evaluation is 16534
to be made of the clinical appropriateness of health care services 16535
provided by a physician. If an evaluation is to be made of the 16536
clinical appropriateness of health care services provided by a 16537
provider who is not a physician, "clinical peer" means either a 16538
physician or a provider holding the same license as the provider 16539
who provided the health care services. 16540

(G) "Clinical review criteria" means the written screening 16541
procedures, decision abstracts, clinical protocols, and practice 16542
guidelines used by a health insuring corporation to determine the 16543
necessity and appropriateness of health care services. 16544

(H) "Concurrent review" means utilization review conducted 16545
during a patient's hospital stay or course of treatment. 16546

(I) "Discharge planning" means the formal process for
determining, prior to a patient's discharge from a health care
facility, the coordination and management of the care that the
patient is to receive following discharge from a health care
facility.

(J) "Participating provider" means a provider or health care
facility that, under a contract with a health insuring corporation
or with its contractor or subcontractor, has agreed to provide
health care services to enrollees with an expectation of receiving
payment, other than coinsurance, copayments, or deductibles,
directly or indirectly from the health insuring corporation.

(K) "Physician" means a provider who holds a ~~certificate~~
license issued under Chapter 4731. of the Revised Code authorizing
the practice of medicine and surgery or osteopathic medicine and
surgery or a comparable license ~~or certificate~~ from another state.

(L) "Prospective review" means utilization review that is
conducted prior to an admission or a course of treatment.

(M) "Retrospective review" means utilization review of
medical necessity that is conducted after health care services
have been provided to a patient. "Retrospective review" does not
include the review of a claim that is limited to an evaluation of
reimbursement levels, veracity of documentation, accuracy of
coding, or adjudication of payment.

(N) "Second opinion" means an opportunity or requirement to
obtain a clinical evaluation by a provider other than the provider
originally making a recommendation for proposed health care
services to assess the clinical necessity and appropriateness of
the proposed health care services.

(O) "Utilization review" means a process used to monitor the
use of, or evaluate the clinical necessity, appropriateness,
efficacy, or efficiency of, health care services, procedures, or

settings. Areas of review may include ambulatory review, 16578
prospective review, second opinion, certification, concurrent 16579
review, case management, discharge planning, or retrospective 16580
review. 16581

(P) "Utilization review organization" means an entity that 16582
conducts utilization review, other than a health insuring 16583
corporation performing a review of its own health care plans. 16584

Sec. 1751.92. Each health insuring corporation shall comply 16585
with the requirements of section 3959.20 of the Revised Code as 16586
they pertain to health plan issuers. 16587

As used in this section, "health plan issuer" has the same 16588
meaning as in section 3922.01 of the Revised Code. 16589

Sec. 1901.123. (A)(1) Subject to reimbursement under division 16590
(B) of this section, the treasurer of the county in which a 16591
county-operated municipal court or other municipal court is 16592
located shall pay the per diem compensation to which an acting 16593
judge appointed pursuant to division (A)(2)(a), (B)(1), or (C)(1) 16594
of section 1901.121 of the Revised Code is entitled pursuant to 16595
division (A)(1) of section 1901.122 of the Revised Code. 16596

(2) Subject to reimbursement under division ~~(B)~~(C) of this 16597
section, the ~~treasurer of the county in which a county-operated~~ 16598
~~municipal court or other municipal court is located~~ supreme court 16599
shall pay the per diem compensation to which an assigned judge 16600
assigned pursuant to division (A)(1), (A)(2)(b), (B)(2), (C)(2), 16601
or (D) of section 1901.121 of the Revised Code is entitled 16602
pursuant to division (B) of section 1901.122 of the Revised Code. 16603

(B) The treasurer of a county that, pursuant to division 16604
(A)(1) of this section, is required to pay any compensation to 16605
which an acting judge ~~or assigned judge~~ is entitled under division 16606
(A)(5) or (6) of section 141.04 of the Revised Code, shall submit 16607

to the administrative director of the supreme court quarterly 16608
requests for reimbursements of the per diem amounts so paid. The 16609
requests shall include verifications of the payment of those 16610
amounts and an affidavit from the acting judge ~~or assigned judge~~ 16611
stating the days and hours worked. The administrative director 16612
shall cause reimbursements of those amounts to be issued to the 16613
county if the administrative director verifies that those amounts 16614
were, in fact, so paid. 16615

(C) The supreme court, pursuant to division (A)(2) of this 16616
section, is required to pay any compensation to which an assigned 16617
judge is entitled under division (A)(5) or (6) of section 141.04 16618
of the Revised Code. Annually, on the first day of August, the 16619
administrative director of the supreme court shall issue a billing 16620
to the county treasurer of any county to which such a judge was 16621
assigned to a municipal court for reimbursement of the county or 16622
local portion of the compensation previously paid by the state for 16623
the twelve-month period preceding the last day of June. The county 16624
or local portion of the compensation shall be that part of each 16625
per diem paid by the state which is proportional to the county or 16626
local shares of the total compensation of a resident judge of such 16627
court. The county treasurer shall forward the payment within 16628
thirty days. After forwarding the payment, the county treasurer 16629
shall seek reimbursement from the applicable local municipalities 16630
as appropriate. 16631

Sec. 1901.26. (A) Subject to division (E) of this section, 16632
costs in a municipal court shall be fixed and taxed as follows: 16633

(1)(a) The municipal court shall require an advance deposit 16634
for the filing of any new civil action or proceeding when required 16635
by division (C) of this section, subject to its waiver pursuant to 16636
that division, and in all other cases, by rule, shall establish a 16637
schedule of fees and costs to be taxed in any civil or criminal 16638

action or proceeding. 16639

(b)(i) The legislative authority of a municipal corporation 16640
may by ordinance establish a schedule of fees to be taxed as costs 16641
in any civil, criminal, or traffic action or proceeding in a 16642
municipal court for the performance by officers or other employees 16643
of the municipal corporation's police department or marshal's 16644
office of any of the services specified in sections 311.17 and 16645
509.15 of the Revised Code. No fee in the schedule shall be higher 16646
than the fee specified in section 311.17 of the Revised Code for 16647
the performance of the same service by the sheriff. If a fee 16648
established in the schedule conflicts with a fee for the same 16649
service established in another section of the Revised Code or a 16650
rule of court, the fee established in the other section of the 16651
Revised Code or the rule of court shall apply. 16652

(ii) When an officer or employee of a municipal police 16653
department or marshal's office performs in a civil, criminal, or 16654
traffic action or proceeding in a municipal court a service 16655
specified in section 311.17 or 509.15 of the Revised Code for 16656
which a taxable fee has been established under this or any other 16657
section of the Revised Code, the applicable legal fees and any 16658
other extraordinary expenses, including overtime, provided for the 16659
service shall be taxed as costs in the case. The clerk of the 16660
court shall pay those legal fees and other expenses, when 16661
collected, into the general fund of the municipal corporation that 16662
employs the officer or employee. 16663

(iii) If a bailiff of a municipal court performs in a civil, 16664
criminal, or traffic action or proceeding in that court a service 16665
specified in section 311.17 or 509.15 of the Revised Code for 16666
which a taxable fee has been established under this section or any 16667
other section of the Revised Code, the fee for the service is the 16668
same and is taxable to the same extent as if the service had been 16669
performed by an officer or employee of the police department or 16670

marshal's office of the municipal corporation in which the court 16671
is located. The clerk of that court shall pay the fee, when 16672
collected, into the general fund of the entity or entities that 16673
fund the bailiff's salary, in the same prorated amount as the 16674
salary is funded. 16675

(iv) Division (A)(1)(b) of this section does not authorize or 16676
require any officer or employee of a police department or 16677
marshal's office of a municipal corporation or any bailiff of a 16678
municipal court to perform any service not otherwise authorized by 16679
law. 16680

(2) The municipal court, by rule, may require an advance 16681
deposit for the filing of any civil action or proceeding and 16682
publication fees as provided in section 2701.09 of the Revised 16683
Code. The court shall waive the requirement for advance deposit 16684
for a party that the court determines qualifies as an indigent 16685
litigant as set forth in section 2323.311 of the Revised Code. 16686

(3) When a jury trial is demanded in any civil action or 16687
proceeding, the party making the demand may be required to make an 16688
advance deposit as fixed by rule of court, unless the court 16689
determines that the party qualifies as an indigent litigant as set 16690
forth in section 2323.311 of the Revised Code. If a jury is 16691
called, the fees of a jury shall be taxed as costs. 16692

(4) In any civil or criminal action or proceeding, each 16693
witness shall receive twelve dollars for each full day's 16694
attendance and six dollars for each half day's attendance. Each 16695
witness in a municipal court that is not a county-operated 16696
municipal court also shall receive fifty and one-half cents for 16697
each mile necessarily traveled to and from the witness's place of 16698
residence to the action or proceeding. 16699

(5) A reasonable charge for driving, towing, carting, 16700
storing, keeping, and preserving motor vehicles and other personal 16701

property recovered or seized in any proceeding may be taxed as 16702
part of the costs in a trial of the cause, in an amount that shall 16703
be fixed by rule of court. 16704

(6) Chattel property seized under any writ or process issued 16705
by the court shall be preserved pending final disposition for the 16706
benefit of all persons interested and may be placed in storage 16707
when necessary or proper for that preservation. The custodian of 16708
any chattel property so stored shall not be required to part with 16709
the possession of the property until a reasonable charge, to be 16710
fixed by the court, is paid. 16711

(7) The municipal court, as it determines, may refund all 16712
deposits and advance payments of fees and costs, including those 16713
for jurors and summoning jurors, when they have been paid by the 16714
losing party. 16715

(8) Charges for the publication of legal notices required by 16716
statute or order of court may be taxed as part of the costs, as 16717
provided by section 7.13 of the Revised Code. 16718

(B)(1)(a) The municipal court may determine that, for the 16719
efficient operation of the court, additional funds are necessary 16720
to acquire and pay for special projects of the court including, 16721
but not limited to, the acquisition of additional facilities or 16722
the rehabilitation of existing facilities, the acquisition of 16723
equipment, the hiring and training of staff, community service 16724
programs, mediation or dispute resolution services, the employment 16725
of magistrates, the training and education of judges, acting 16726
judges, and magistrates, and other related services. Upon that 16727
determination, the court by rule may charge a fee, in addition to 16728
all other court costs, on the filing of each criminal cause, civil 16729
action or proceeding, or judgment by confession. 16730

(b) If the municipal court offers a special program or 16731
service in cases of a specific type, the municipal court by rule 16732

may assess an additional charge in a case of that type, over and 16733
above court costs, to cover the special program or service. The 16734
municipal court shall adjust the special assessment periodically, 16735
but not retroactively, so that the amount assessed in those cases 16736
does not exceed the actual cost of providing the service or 16737
program. 16738

(c) Any fee or charge assessed under division (B)(1)(a) or 16739
(b) of this section on the filing of a civil action or proceeding 16740
shall be waived if the court determines that the person on whom 16741
the fee or charge is assessed qualifies as an indigent litigant as 16742
set forth in section 2323.311 of the Revised Code. 16743

(d) All moneys collected under division (B) of this section 16744
shall be paid to the county treasurer if the court is a 16745
county-operated municipal court or to the city treasurer if the 16746
court is not a county-operated municipal court for deposit into 16747
either a general special projects fund or a fund established for a 16748
specific special project. Moneys from a fund of that nature shall 16749
be disbursed upon an order of the court in an amount no greater 16750
than the actual cost to the court of a project. If a specific fund 16751
is terminated because of the discontinuance of a program or 16752
service established under division (B) of this section, the 16753
municipal court may order that moneys remaining in the fund be 16754
transferred to an account established under this division for a 16755
similar purpose. 16756

(2) As used in division (B) of this section: 16757

(a) "Criminal cause" means a charge alleging the violation of 16758
a statute or ordinance, or subsection of a statute or ordinance, 16759
that requires a separate finding of fact or a separate plea before 16760
disposition and of which the defendant may be found guilty, 16761
whether filed as part of a multiple charge on a single summons, 16762
citation, or complaint or as a separate charge on a single 16763
summons, citation, or complaint. "Criminal cause" does not include 16764

separate violations of the same statute or ordinance, or 16765
subsection of the same statute or ordinance, unless each charge is 16766
filed on a separate summons, citation, or complaint. 16767

(b) "Civil action or proceeding" means any civil litigation 16768
that must be determined by judgment entry. 16769

(C) The municipal court shall collect in all its divisions 16770
except the small claims division the sum of twenty-six dollars as 16771
additional filing fees in each new civil action or proceeding for 16772
the charitable public purpose of providing financial assistance to 16773
legal aid societies that operate within the state and to support 16774
the office of the state public defender. The municipal court shall 16775
collect in its small claims division the sum of eleven dollars as 16776
additional filing fees in each new civil action or proceeding for 16777
the charitable public purpose of providing financial assistance to 16778
legal aid societies that operate within the state and to support 16779
the office of the state public defender. This division does not 16780
apply to any execution on a judgment, proceeding in aid of 16781
execution, or other post-judgment proceeding arising out of a 16782
civil action. The filing fees required to be collected under this 16783
division shall be in addition to any other court costs imposed in 16784
the action or proceeding and shall be collected at the time of the 16785
filing of the action or proceeding. The court shall not waive the 16786
payment of the additional filing fees in a new civil action or 16787
proceeding unless the court waives the advanced payment of all 16788
filing fees in the action or proceeding for the party that the 16789
court determines is qualified as an indigent litigant as set forth 16790
in section 2323.311 of the Revised Code. All such moneys collected 16791
during a month except for an amount equal to up to one per cent of 16792
those moneys retained to cover administrative costs shall be 16793
transmitted on or before the twentieth day of the following month 16794
by the clerk of the court to the treasurer of state in a manner 16795
prescribed by the treasurer of state or by the Ohio ~~legal~~ 16796

~~assistance~~ access to justice foundation. The treasurer of state 16797
shall deposit four per cent of the funds collected under this 16798
division to the credit of the civil case filing fee fund 16799
established under section 120.07 of the Revised Code and 16800
ninety-six per cent of the funds collected under this division to 16801
the credit of the legal aid fund established under section 120.52 16802
of the Revised Code. 16803

The court may retain up to one per cent of the moneys it 16804
collects under this division to cover administrative costs, 16805
including the hiring of any additional personnel necessary to 16806
implement this division. If the court fails to transmit to the 16807
treasurer of state the moneys the court collects under this 16808
division in a manner prescribed by the treasurer of state or by 16809
the Ohio ~~legal assistance~~ access to justice foundation, the court 16810
shall forfeit the moneys the court retains under this division to 16811
cover administrative costs, including the hiring of any additional 16812
personnel necessary to implement this division, and shall transmit 16813
to the treasurer of state all moneys collected under this 16814
division, including the forfeited amount retained for 16815
administrative costs, for deposit in the legal aid fund. 16816

(D) In the Cleveland municipal court, reasonable charges for 16817
investigating titles of real estate to be sold or disposed of 16818
under any writ or process of the court may be taxed as part of the 16819
costs. 16820

(E) Under the circumstances described in sections 2969.21 to 16821
2969.27 of the Revised Code, the clerk of the municipal court 16822
shall charge the fees and perform the other duties specified in 16823
those sections. 16824

(F) As used in this section: 16825

(1) "Full day's attendance" means a day on which a witness is 16826
required or requested to be present at an action or proceeding 16827

before and after twelve noon, regardless of whether the witness 16828
actually testifies. 16829

(2) "Half day's attendance" means a day on which a witness is 16830
required or requested to be present at an action or proceeding 16831
either before or after twelve noon, but not both, regardless of 16832
whether the witness actually testifies. 16833

Sec. 1907.143. (A)(1) Subject to reimbursement under division 16834
(B) of this section, the treasurer of the county in which a county 16835
court is located shall pay the per diem compensation to which an 16836
acting judge appointed pursuant to division (A)(2)(b), (B)(1), or 16837
(C)(1) of section 1907.141 of the Revised Code is entitled 16838
pursuant to division (A) of section 1907.142 of the Revised Code. 16839
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(2) Subject to reimbursement under division ~~(B)~~(C) of this 16841
section, the ~~treasurer of the county in which a county court is~~ 16842
~~located~~ supreme court shall pay the per diem compensation to which 16843
an assigned judge assigned pursuant to division (A)(1), (A)(2)(b), 16844
(B)(2), or (C)(2) of section 1907.141 of the Revised Code is 16845
entitled pursuant to division (B) of section 1907.142 of the 16846
Revised Code. 16847

(B) The treasurer of a county that, pursuant to division 16848
(A)(1) of this section, is required to pay any compensation to 16849
which an acting judge ~~or assigned judge~~ is entitled under division 16850
(A)(5) or (6) of section 141.04 of the Revised Code, shall submit 16851
to the administrative director of the supreme court quarterly 16852
requests for reimbursements of the per diem amounts so paid. The 16853
requests shall include verifications of the payment of those 16854
amounts and an affidavit from the acting judge ~~or assigned judge~~ 16855
stating the days and hours worked. The administrative director 16856
shall cause reimbursements of those amounts to be issued to the 16857
county if the administrative director verifies that those amounts 16858

were, in fact, so paid. 16859

(C) The supreme court, pursuant to division (A)(2) of this section, is required to pay any compensation to which an assigned judge is entitled under division (A)(5) or (6) of section 141.04 of the Revised Code. Annually, on the first day of August, the administrative director of the supreme court shall issue a billing to the county treasurer of any county to which such a judge was assigned to a county court for reimbursement of the county portion of the compensation previously paid by the state for the twelve-month period preceding the last day of June. The county portion of the compensation shall be that part of each per diem paid by the state which is proportional to the county shares of the total compensation of a resident judge of such court. The county treasurer shall forward the payment within thirty days. After forwarding the payment, the county treasurer shall seek reimbursement from the applicable local municipalities as appropriate. 16860
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Sec. 1907.24. (A) Subject to division (C) of this section, a county court shall fix and tax fees and costs as follows: 16876
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(1) The county court shall require an advance deposit for the filing of any new civil action or proceeding when required by division (C) of this section, subject to its waiver pursuant to that division, and, in all other cases, shall establish a schedule of fees and costs to be taxed in any civil or criminal action or proceeding. 16878
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(2) The county court by rule may require an advance deposit for the filing of a civil action or proceeding and publication fees as provided in section 2701.09 of the Revised Code. The court shall waive an advance deposit requirement for a party that the court determines qualifies as an indigent litigant as set forth in section 2323.311 of the Revised Code. 16884
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(3) When a party demands a jury trial in a civil action or proceeding, the county court may require the party to make an advance deposit as fixed by rule of court, unless the court determines that the party qualifies as an indigent litigant as set forth in section 2323.311 of the Revised Code. If a jury is called, the county court shall tax the fees of a jury as costs.

(4) In a civil or criminal action or proceeding, the county court shall fix the fees of witnesses in accordance with sections 2335.06 and 2335.08 of the Revised Code.

(5) A county court may tax as part of the costs in a trial of the cause, in an amount fixed by rule of court, a reasonable charge for driving, towing, carting, storing, keeping, and preserving motor vehicles and other personal property recovered or seized in a proceeding.

(6) The court shall preserve chattel property seized under a writ or process issued by the court pending final disposition for the benefit of all interested persons. The court may place the chattel property in storage when necessary or proper for its preservation. The custodian of chattel property so stored shall not be required to part with the possession of the property until a reasonable charge, to be fixed by the court, is paid.

(7) The county court, as it determines, may refund all deposits and advance payments of fees and costs, including those for jurors and summoning jurors, when they have been paid by the losing party.

(8) The court may tax as part of costs charges for the publication of legal notices required by statute or order of court, as provided by section 7.13 of the Revised Code.

(B)(1)(a) The county court may determine that, for the efficient operation of the court, additional funds are necessary to acquire and pay for special projects of the court including,

but not limited to, the acquisition of additional facilities or 16921
the rehabilitation of existing facilities, the acquisition of 16922
equipment, the hiring and training of staff, community service 16923
programs, mediation or dispute resolution services, the employment 16924
of magistrates, the training and education of judges, acting 16925
judges, and magistrates, and other related services. Upon that 16926
determination, the court by rule may charge a fee, in addition to 16927
all other court costs, on the filing of each criminal cause, civil 16928
action or proceeding, or judgment by confession. 16929

(b) If the county court offers a special program or service 16930
in cases of a specific type, the county court by rule may assess 16931
an additional charge in a case of that type, over and above court 16932
costs, to cover the special program or service. The county court 16933
shall adjust the special assessment periodically, but not 16934
retroactively, so that the amount assessed in those cases does not 16935
exceed the actual cost of providing the service or program. 16936

(c) Any fee or charge assessed under division (B)(1)(a) or 16937
(b) of this section on the filing of a civil action or proceeding 16938
shall be waived if the court determines that the person on whom 16939
the fee or charge is assessed qualifies as an indigent litigant as 16940
set forth in section 2323.311 of the Revised Code. 16941

(d) All moneys collected under division (B) of this section 16942
shall be paid to the county treasurer for deposit into either a 16943
general special projects fund or a fund established for a specific 16944
special project. Moneys from a fund of that nature shall be 16945
disbursed upon an order of the court in an amount no greater than 16946
the actual cost to the court of a project. If a specific fund is 16947
terminated because of the discontinuance of a program or service 16948
established under division (B) of this section, the county court 16949
may order that moneys remaining in the fund be transferred to an 16950
account established under this division for a similar purpose. 16951

(2) As used in division (B) of this section: 16952

(a) "Criminal cause" means a charge alleging the violation of a statute or ordinance, or subsection of a statute or ordinance, that requires a separate finding of fact or a separate plea before disposition and of which the defendant may be found guilty, whether filed as part of a multiple charge on a single summons, citation, or complaint or as a separate charge on a single summons, citation, or complaint. "Criminal cause" does not include separate violations of the same statute or ordinance, or subsection of the same statute or ordinance, unless each charge is filed on a separate summons, citation, or complaint.

(b) "Civil action or proceeding" means any civil litigation that must be determined by judgment entry.

(c) Subject to division (E) of this section, the county court shall collect in all its divisions except the small claims division the sum of twenty-six dollars as additional filing fees in each new civil action or proceeding for the charitable public purpose of providing financial assistance to legal aid societies that operate within the state and to support the office of the state public defender. Subject to division (E) of this section, the county court shall collect in its small claims division the sum of eleven dollars as additional filing fees in each new civil action or proceeding for the charitable public purpose of providing financial assistance to legal aid societies that operate within the state and to support the office of the state public defender. This division does not apply to any execution on a judgment, proceeding in aid of execution, or other post-judgment proceeding arising out of a civil action. The filing fees required to be collected under this division shall be in addition to any other court costs imposed in the action or proceeding and shall be collected at the time of the filing of the action or proceeding. The court shall not waive the payment of the additional filing fees in a new civil action or proceeding unless the court waives

the advanced payment of all filing fees in the action or 16985
proceeding for the party that the court determines is qualified as 16986
an indigent litigant as set forth in section 2323.311 of the 16987
Revised Code. All such moneys collected during a month except for 16988
an amount equal to up to one per cent of those moneys retained to 16989
cover administrative costs shall be transmitted on or before the 16990
twentieth day of the following month by the clerk of the court to 16991
the treasurer of state in a manner prescribed by the treasurer of 16992
state or by the Ohio ~~legal assistance~~ access to justice 16993
foundation. The treasurer of state shall deposit four per cent of 16994
the funds collected under this division to the credit of the civil 16995
case filing fee fund established under section 120.07 of the 16996
Revised Code and ninety-six per cent of the funds collected under 16997
this division to the credit of the legal aid fund established 16998
under section 120.52 of the Revised Code. 16999

The court may retain up to one per cent of the moneys it 17000
collects under this division to cover administrative costs, 17001
including the hiring of any additional personnel necessary to 17002
implement this division. If the court fails to transmit to the 17003
treasurer of state the moneys the court collects under this 17004
division in a manner prescribed by the treasurer of state or by 17005
the Ohio ~~legal assistance~~ access to justice foundation, the court 17006
shall forfeit the moneys the court retains under this division to 17007
cover administrative costs, including the hiring of any additional 17008
personnel necessary to implement this division, and shall transmit 17009
to the treasurer of state all moneys collected under this 17010
division, including the forfeited amount retained for 17011
administrative costs, for deposit in the legal aid fund. 17012

(D) The county court shall establish by rule a schedule of 17013
fees for miscellaneous services performed by the county court or 17014
any of its judges in accordance with law. If judges of the court 17015
of common pleas perform similar services, the fees prescribed in 17016

the schedule shall not exceed the fees for those services 17017
prescribed by the court of common pleas. 17018

(E) Under the circumstances described in sections 2969.21 to 17019
2969.27 of the Revised Code, the clerk of the county court shall 17020
charge the fees and perform the other duties specified in those 17021
sections. 17022

Sec. 2151.23. (A) The juvenile court has exclusive original 17023
jurisdiction under the Revised Code as follows: 17024

(1) Concerning any child who on or about the date specified 17025
in the complaint, indictment, or information is alleged to have 17026
violated section 2151.87 of the Revised Code or an order issued 17027
under that section or to be a juvenile traffic offender or a 17028
delinquent, unruly, abused, neglected, or dependent child and, 17029
based on and in relation to the allegation pertaining to the 17030
child, concerning the parent, guardian, or other person having 17031
care of a child who is alleged to be an unruly child for being an 17032
habitual truant or who is alleged to be a delinquent child for 17033
violating a court order regarding the child's prior adjudication 17034
as an unruly child for being an habitual truant; 17035

(2) Subject to divisions (G), (K), and (V) of section 2301.03 17036
of the Revised Code, to determine the custody of any child not a 17037
ward of another court of this state; 17038

(3) To hear and determine any application for a writ of 17039
habeas corpus involving the custody of a child; 17040

(4) To exercise the powers and jurisdiction given the probate 17041
division of the court of common pleas in Chapter 5122. of the 17042
Revised Code, if the court has probable cause to believe that a 17043
child otherwise within the jurisdiction of the court is a mentally 17044
ill person subject to court order, as defined in section 5122.01 17045
of the Revised Code; 17046

(5) To hear and determine all criminal cases charging adults with the violation of any section of this chapter;	17047 17048
(6) To hear and determine all criminal cases in which an adult is charged with a violation of division (C) of section 2919.21, division (B)(1) of section 2919.22, section 2919.222, division (B) of section 2919.23, or section 2919.24 of the Revised Code, provided the charge is not included in an indictment that also charges the alleged adult offender with the commission of a felony arising out of the same actions that are the basis of the alleged violation of division (C) of section 2919.21, division (B)(1) of section 2919.22, section 2919.222, division (B) of section 2919.23, or section 2919.24 of the Revised Code;	17049 17050 17051 17052 17053 17054 17055 17056 17057 17058
(7) Under the interstate compact on juveniles in section 2151.56 of the Revised Code;	17059 17060
(8) Concerning any child who is to be taken into custody pursuant to section 2151.31 of the Revised Code, upon being notified of the intent to take the child into custody and the reasons for taking the child into custody;	17061 17062 17063 17064
(9) To hear and determine requests for the extension of temporary custody agreements, and requests for court approval of permanent custody agreements, that are filed pursuant to section 5103.15 of the Revised Code;	17065 17066 17067 17068
(10) To hear and determine applications for consent to marry pursuant to section 3101.04 of the Revised Code;	17069 17070
(11) Subject to divisions (G), (K), and (V) of section 2301.03 of the Revised Code, to hear and determine a request for an order for the support of any child if the request is not ancillary to an action for divorce, dissolution of marriage, annulment, or legal separation, a criminal or civil action involving an allegation of domestic violence, or an action for support brought under Chapter 3115. of the Revised Code;	17071 17072 17073 17074 17075 17076 17077

(12) Concerning an action commenced under section 121.38 of the Revised Code;	17078 17079
(13) To hear and determine violations of section 3321.38 of the Revised Code;	17080 17081
(14) To exercise jurisdiction and authority over the parent, guardian, or other person having care of a child alleged to be a delinquent child, unruly child, or juvenile traffic offender, based on and in relation to the allegation pertaining to the child;	17082 17083 17084 17085 17086
(15) To conduct the hearings, and to make the determinations, adjudications, and orders authorized or required under sections 2152.82 to 2152.86 and Chapter 2950. of the Revised Code regarding a child who has been adjudicated a delinquent child and to refer the duties conferred upon the juvenile court judge under sections 2152.82 to 2152.86 and Chapter 2950. of the Revised Code to magistrates appointed by the juvenile court judge in accordance with Juvenile Rule 40;	17087 17088 17089 17090 17091 17092 17093 17094
(16) To hear and determine a petition for a protection order against a child under section 2151.34 or 3113.31 of the Revised Code and to enforce a protection order issued or a consent agreement approved under either section against a child until a date certain but not later than the date the child attains nineteen years of age;	17095 17096 17097 17098 17099 17100
<u>(17) Concerning emancipated young adults under sections 2151.45 to 2151.455 of the Revised Code.</u>	17101 17102
(B) Except as provided in divisions (G) and (I) of section 2301.03 of the Revised Code, the juvenile court has original jurisdiction under the Revised Code:	17103 17104 17105
(1) To hear and determine all cases of misdemeanors charging adults with any act or omission with respect to any child, which act or omission is a violation of any state law or any municipal	17106 17107 17108

ordinance;	17109
(2) To determine the paternity of any child alleged to have been born out of wedlock pursuant to sections 3111.01 to 3111.18 of the Revised Code;	17110 17111 17112
(3) Under the uniform interstate family support act in Chapter 3115. of the Revised Code;	17113 17114
(4) To hear and determine an application for an order for the support of any child, if the child is not a ward of another court of this state;	17115 17116 17117
(5) To hear and determine an action commenced under section 3111.28 of the Revised Code;	17118 17119
(6) To hear and determine a motion filed under section 3119.961 of the Revised Code;	17120 17121
(7) To receive filings under section 3109.74 of the Revised Code, and to hear and determine actions arising under sections 3109.51 to 3109.80 of the Revised Code.	17122 17123 17124
(8) To enforce an order for the return of a child made under the Hague Convention on the Civil Aspects of International Child Abduction pursuant to section 3127.32 of the Revised Code;	17125 17126 17127
(9) To grant any relief normally available under the laws of this state to enforce a child custody determination made by a court of another state and registered in accordance with section 3127.35 of the Revised Code.	17128 17129 17130 17131
(C) The juvenile court, except as to juvenile courts that are a separate division of the court of common pleas or a separate and independent juvenile court, has jurisdiction to hear, determine, and make a record of any action for divorce or legal separation that involves the custody or care of children and that is filed in the court of common pleas and certified by the court of common pleas with all the papers filed in the action to the juvenile	17132 17133 17134 17135 17136 17137 17138

court for trial, provided that no certification of that nature 17139
shall be made to any juvenile court unless the consent of the 17140
juvenile judge first is obtained. After a certification of that 17141
nature is made and consent is obtained, the juvenile court shall 17142
proceed as if the action originally had been begun in that court, 17143
except as to awards for spousal support or support due and unpaid 17144
at the time of certification, over which the juvenile court has no 17145
jurisdiction. 17146

(D) The juvenile court, except as provided in divisions (G) 17147
and (I) of section 2301.03 of the Revised Code, has jurisdiction 17148
to hear and determine all matters as to custody and support of 17149
children duly certified by the court of common pleas to the 17150
juvenile court after a divorce decree has been granted, including 17151
jurisdiction to modify the judgment and decree of the court of 17152
common pleas as the same relate to the custody and support of 17153
children. 17154

(E) The juvenile court, except as provided in divisions (G) 17155
and (I) of section 2301.03 of the Revised Code, has jurisdiction 17156
to hear and determine the case of any child certified to the court 17157
by any court of competent jurisdiction if the child comes within 17158
the jurisdiction of the juvenile court as defined by this section. 17159

(F)(1) The juvenile court shall exercise its jurisdiction in 17160
child custody matters in accordance with sections 3109.04 and 17161
3127.01 to 3127.53 of the Revised Code and, as applicable, 17162
sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the Revised 17163
Code. 17164

(2) The juvenile court shall exercise its jurisdiction in 17165
child support matters in accordance with section 3109.05 of the 17166
Revised Code. 17167

(G) Any juvenile court that makes or modifies an order for 17168
child support shall comply with Chapters 3119., 3121., 3123., and 17169

3125. of the Revised Code. If any person required to pay child support under an order made by a juvenile court on or after April 15, 1985, or modified on or after December 1, 1986, is found in contempt of court for failure to make support payments under the order, the court that makes the finding, in addition to any other penalty or remedy imposed, shall assess all court costs arising out of the contempt proceeding against the person and require the person to pay any reasonable attorney's fees of any adverse party, as determined by the court, that arose in relation to the act of contempt.

(H) If a child who is charged with an act that would be an offense if committed by an adult was fourteen years of age or older and under eighteen years of age at the time of the alleged act and if the case is transferred for criminal prosecution pursuant to section 2152.12 of the Revised Code, except as provided in section 2152.121 of the Revised Code, the juvenile court does not have jurisdiction to hear or determine the case subsequent to the transfer. The court to which the case is transferred for criminal prosecution pursuant to that section has jurisdiction subsequent to the transfer to hear and determine the case in the same manner as if the case originally had been commenced in that court, subject to section 2152.121 of the Revised Code, including, but not limited to, jurisdiction to accept a plea of guilty or another plea authorized by Criminal Rule 11 or another section of the Revised Code and jurisdiction to accept a verdict and to enter a judgment of conviction pursuant to the Rules of Criminal Procedure against the child for the commission of the offense that was the basis of the transfer of the case for criminal prosecution, whether the conviction is for the same degree or a lesser degree of the offense charged, for the commission of a lesser-included offense, or for the commission of another offense that is different from the offense charged.

(I) If a person under eighteen years of age allegedly commits an act that would be a felony if committed by an adult and if the person is not taken into custody or apprehended for that act until after the person attains twenty-one years of age, the juvenile court does not have jurisdiction to hear or determine any portion of the case charging the person with committing that act. In those circumstances, divisions (A) and (B) of section 2152.12 of the Revised Code do not apply regarding the act, and the case charging the person with committing the act shall be a criminal prosecution commenced and heard in the appropriate court having jurisdiction of the offense as if the person had been eighteen years of age or older when the person committed the act. All proceedings pertaining to the act shall be within the jurisdiction of the court having jurisdiction of the offense, and that court has all the authority and duties in the case that it has in other criminal cases in that court.

(J) In exercising its exclusive original jurisdiction under division (A)(16) of this section with respect to any proceedings brought under section 2151.34 or 3113.31 of the Revised Code in which the respondent is a child, the juvenile court retains all dispositional powers consistent with existing rules of juvenile procedure and may also exercise its discretion to adjudicate proceedings as provided in sections 2151.34 and 3113.31 of the Revised Code, including the issuance of protection orders or the approval of consent agreements under those sections.

Sec. 2151.353. (A) If a child is adjudicated an abused, neglected, or dependent child, the court may make any of the following orders of disposition:

(1) Place the child in protective supervision;

(2) Commit the child to the temporary custody of any of the following:

(a) A public children services agency;	17233
(b) A private child placing agency;	17234
(c) Either parent;	17235
(d) A relative residing within or outside the state;	17236
(e) A probation officer for placement in a certified foster home;	17237 17238
(f) Any other person approved by the court.	17239
(3) Award legal custody of the child to either parent or to any other person who, prior to the dispositional hearing, files a motion requesting legal custody of the child or is identified as a proposed legal custodian in a complaint or motion filed prior to the dispositional hearing by any party to the proceedings. A person identified in a complaint or motion filed by a party to the proceedings as a proposed legal custodian shall be awarded legal custody of the child only if the person identified signs a statement of understanding for legal custody that contains at least the following provisions:	17240 17241 17242 17243 17244 17245 17246 17247 17248 17249
(a) That it is the intent of the person to become the legal custodian of the child and the person is able to assume legal responsibility for the care and supervision of the child;	17250 17251 17252
(b) That the person understands that legal custody of the child in question is intended to be permanent in nature and that the person will be responsible as the custodian for the child until the child reaches the age of majority. Responsibility as custodian for the child shall continue beyond the age of majority if, at the time the child reaches the age of majority, the child is pursuing a diploma granted by the board of education or other governing authority, successful completion of the curriculum of any high school, successful completion of an individualized education program developed for the student by any high school, or	17253 17254 17255 17256 17257 17258 17259 17260 17261 17262

an age and schooling certificate. Responsibility beyond the age of 17263
majority shall terminate when the child ceases to continuously 17264
pursue such an education, completes such an education, or is 17265
excused from such an education under standards adopted by the 17266
state board of education, whichever occurs first. 17267

(c) That the parents of the child have residual parental 17268
rights, privileges, and responsibilities, including, but not 17269
limited to, the privilege of reasonable visitation, consent to 17270
adoption, the privilege to determine the child's religious 17271
affiliation, and the responsibility for support; 17272

(d) That the person understands that the person must be 17273
present in court for the dispositional hearing in order to affirm 17274
the person's intention to become legal custodian, to affirm that 17275
the person understands the effect of the custodianship before the 17276
court, and to answer any questions that the court or any parties 17277
to the case may have. 17278

(4) Commit the child to the permanent custody of a public 17279
children services agency or private child placing agency, if the 17280
court determines in accordance with division (E) of section 17281
2151.414 of the Revised Code that the child cannot be placed with 17282
one of the child's parents within a reasonable time or should not 17283
be placed with either parent and determines in accordance with 17284
division (D)(1) of section 2151.414 of the Revised Code that the 17285
permanent commitment is in the best interest of the child. If the 17286
court grants permanent custody under this division, the court, 17287
upon the request of any party, shall file a written opinion 17288
setting forth its findings of fact and conclusions of law in 17289
relation to the proceeding. 17290

(5) Place the child in a planned permanent living arrangement 17291
with a public children services agency or private child placing 17292
agency, if a public children services agency or private child 17293
placing agency requests the court to place the child in a planned 17294

permanent living arrangement and if the court finds, by clear and 17295
convincing evidence, that a planned permanent living arrangement 17296
is in the best interest of the child, that the child is sixteen 17297
years of age or older, and that one of the following exists: 17298

(a) The child, because of physical, mental, or psychological 17299
problems or needs, is unable to function in a family-like setting 17300
and must remain in residential or institutional care now and for 17301
the foreseeable future beyond the date of the dispositional 17302
hearing held pursuant to section 2151.35 of the Revised Code. 17303

(b) The parents of the child have significant physical, 17304
mental, or psychological problems and are unable to care for the 17305
child because of those problems, adoption is not in the best 17306
interest of the child, as determined in accordance with division 17307
(D)(1) of section 2151.414 of the Revised Code, and the child 17308
retains a significant and positive relationship with a parent or 17309
relative. 17310

(c) The child has been counseled on the permanent placement 17311
options available to the child, and is unwilling to accept or 17312
unable to adapt to a permanent placement. 17313

(6) Order the removal from the child's home until further 17314
order of the court of the person who committed abuse as described 17315
in section 2151.031 of the Revised Code against the child, who 17316
caused or allowed the child to suffer neglect as described in 17317
section 2151.03 of the Revised Code, or who is the parent, 17318
guardian, or custodian of a child who is adjudicated a dependent 17319
child and order any person not to have contact with the child or 17320
the child's siblings. 17321

(B)(1) When making a determination on whether to place a 17322
child in a planned permanent living arrangement pursuant to 17323
division (A)(5)(b) or (c) of this section, the court shall 17324
consider all relevant information that has been presented to the 17325

court, including information gathered from the child, the child's guardian ad litem, and the public children services agency or private child placing agency.

(2) A child who is placed in a planned permanent living arrangement pursuant to division (A)(5)(b) or (c) of this section shall be placed in an independent living setting or in a family setting in which the caregiver has been provided by the agency that has custody of the child with a notice that addresses the following:

(a) The caregiver understands that the planned permanent living arrangement is intended to be permanent in nature and that the caregiver will provide a stable placement for the child through the child's emancipation or until the court releases the child from the custody of the agency, whichever occurs first.

(b) The caregiver is expected to actively participate in the youth's independent living case plan, attend agency team meetings and court hearings as appropriate, complete training, as provided in division (B) of section 5103.035 of the Revised Code, related to providing the child independent living services, and assist in the child's transition into adulthood.

(3) The department of job and family services shall develop a model notice to be provided by an agency that has custody of a child to a caregiver under division (B)(2) of this section. The agency may modify the model notice to apply to the needs of the agency.

(C) No order for permanent custody or temporary custody of a child or the placement of a child in a planned permanent living arrangement shall be made pursuant to this section unless the complaint alleging the abuse, neglect, or dependency contains a prayer requesting permanent custody, temporary custody, or the placement of the child in a planned permanent living arrangement

as desired, the summons served on the parents of the child 17357
contains as is appropriate a full explanation that the granting of 17358
an order for permanent custody permanently divests them of their 17359
parental rights, a full explanation that an adjudication that the 17360
child is an abused, neglected, or dependent child may result in an 17361
order of temporary custody that will cause the removal of the 17362
child from their legal custody until the court terminates the 17363
order of temporary custody or permanently divests the parents of 17364
their parental rights, or a full explanation that the granting of 17365
an order for a planned permanent living arrangement will result in 17366
the removal of the child from their legal custody if any of the 17367
conditions listed in divisions (A)(5)(a) to (c) of this section 17368
are found to exist, and the summons served on the parents contains 17369
a full explanation of their right to be represented by counsel and 17370
to have counsel appointed pursuant to Chapter 120. of the Revised 17371
Code if they are indigent. 17372

If after making disposition as authorized by division (A)(2) 17373
of this section, a motion is filed that requests permanent custody 17374
of the child, the court may grant permanent custody of the child 17375
to the movant in accordance with section 2151.414 of the Revised 17376
Code. 17377

(D) If the court issues an order for protective supervision 17378
pursuant to division (A)(1) of this section, the court may place 17379
any reasonable restrictions upon the child, the child's parents, 17380
guardian, or custodian, or any other person, including, but not 17381
limited to, any of the following: 17382

(1) Order a party, within forty-eight hours after the 17383
issuance of the order, to vacate the child's home indefinitely or 17384
for a specified period of time; 17385

(2) Order a party, a parent of the child, or a physical 17386
custodian of the child to prevent any particular person from 17387
having contact with the child; 17388

(3) Issue an order restraining or otherwise controlling the 17389
conduct of any person which conduct would not be in the best 17390
interest of the child. 17391

(E) As part of its dispositional order, the court shall 17392
journalize a case plan for the child. The journalized case plan 17393
shall not be changed except as provided in section 2151.412 of the 17394
Revised Code. 17395

(F)(1) The court shall retain jurisdiction over any child for 17396
whom the court issues an order of disposition pursuant to division 17397
(A) of this section or pursuant to section 2151.414 or 2151.415 of 17398
the Revised Code until the child attains the age of eighteen years 17399
if the child is not mentally retarded, developmentally disabled, 17400
or physically impaired, the child attains the age of twenty-one 17401
years if the child is mentally retarded, developmentally disabled, 17402
or physically impaired, or the child is adopted and a final decree 17403
of adoption is issued, except that the court may retain 17404
jurisdiction over the child and continue any order of disposition 17405
under division (A) of this section or under section 2151.414 or 17406
2151.415 of the Revised Code for a specified period of time to 17407
enable the child to graduate from high school or vocational 17408
school. ~~The court shall retain jurisdiction over a person who~~ 17409
~~meets the requirements described in division (A)(1) of section~~ 17410
~~5101.1411 of the Revised Code and who is subject to a voluntary~~ 17411
~~participation agreement that is in effect.~~ The court shall make an 17412
entry continuing its jurisdiction under this division in the 17413
journal. 17414

(2) Any public children services agency, any private child 17415
placing agency, the department of job and family services, or any 17416
party, other than any parent whose parental rights with respect to 17417
the child have been terminated pursuant to an order issued under 17418
division (A)(4) of this section, by filing a motion with the 17419
court, may at any time request the court to modify or terminate 17420

any order of disposition issued pursuant to division (A) of this 17421
section or section 2151.414 or 2151.415 of the Revised Code. The 17422
court shall hold a hearing upon the motion as if the hearing were 17423
the original dispositional hearing and shall give all parties to 17424
the action and the guardian ad litem notice of the hearing 17425
pursuant to the Juvenile Rules. If applicable, the court shall 17426
comply with section 2151.42 of the Revised Code. 17427

(G) Any temporary custody order issued pursuant to division 17428
(A) of this section shall terminate one year after the earlier of 17429
the date on which the complaint in the case was filed or the child 17430
was first placed into shelter care, except that, upon the filing 17431
of a motion pursuant to section 2151.415 of the Revised Code, the 17432
temporary custody order shall continue and not terminate until the 17433
court issues a dispositional order under that section. In 17434
resolving the motion, the court shall not order an existing 17435
temporary custody order to continue beyond two years after the 17436
date on which the complaint was filed or the child was first 17437
placed into shelter care, whichever date is earlier, regardless of 17438
whether any extensions have been previously ordered pursuant to 17439
division (D) of section 2151.415 of the Revised Code. 17440

(H)(1) No later than one year after the earlier of the date 17441
the complaint in the case was filed or the child was first placed 17442
in shelter care, a party may ask the court to extend an order for 17443
protective supervision for six months or to terminate the order. A 17444
party requesting extension or termination of the order shall file 17445
a written request for the extension or termination with the court 17446
and give notice of the proposed extension or termination in 17447
writing before the end of the day after the day of filing it to 17448
all parties and the child's guardian ad litem. If a public 17449
children services agency or private child placing agency requests 17450
termination of the order, the agency shall file a written status 17451
report setting out the facts supporting termination of the order 17452

at the time it files the request with the court. If no party 17453
requests extension or termination of the order, the court shall 17454
notify the parties that the court will extend the order for six 17455
months or terminate it and that it may do so without a hearing 17456
unless one of the parties requests a hearing. All parties and the 17457
guardian ad litem shall have seven days from the date a notice is 17458
sent pursuant to this division to object to and request a hearing 17459
on the proposed extension or termination. 17460

(a) If it receives a timely request for a hearing, the court 17461
shall schedule a hearing to be held no later than thirty days 17462
after the request is received by the court. The court shall give 17463
notice of the date, time, and location of the hearing to all 17464
parties and the guardian ad litem. At the hearing, the court shall 17465
determine whether extension or termination of the order is in the 17466
child's best interest. If termination is in the child's best 17467
interest, the court shall terminate the order. If extension is in 17468
the child's best interest, the court shall extend the order for 17469
six months. 17470

(b) If it does not receive a timely request for a hearing, 17471
the court may extend the order for six months or terminate it 17472
without a hearing and shall journalize the order of extension or 17473
termination not later than fourteen days after receiving the 17474
request for extension or termination or after the date the court 17475
notifies the parties that it will extend or terminate the order. 17476
If the court does not extend or terminate the order, it shall 17477
schedule a hearing to be held no later than thirty days after the 17478
expiration of the applicable fourteen-day time period and give 17479
notice of the date, time, and location of the hearing to all 17480
parties and the child's guardian ad litem. At the hearing, the 17481
court shall determine whether extension or termination of the 17482
order is in the child's best interest. If termination is in the 17483
child's best interest, the court shall terminate the order. If 17484

extension is in the child's best interest, the court shall issue 17485
an order extending the order for protective supervision six 17486
months. 17487

(2) If the court grants an extension of the order for 17488
protective supervision pursuant to division (H)(1) of this 17489
section, a party may, prior to termination of the extension, file 17490
with the court a request for an additional extension of six months 17491
or for termination of the order. The court and the parties shall 17492
comply with division (H)(1) of this section with respect to 17493
extending or terminating the order. 17494

(3) If a court grants an extension pursuant to division 17495
(H)(2) of this section, the court shall terminate the order for 17496
protective supervision at the end of the extension. 17497

(I) The court shall not issue a dispositional order pursuant 17498
to division (A) of this section that removes a child from the 17499
child's home unless the court complies with section 2151.419 of 17500
the Revised Code and includes in the dispositional order the 17501
findings of fact required by that section. 17502

(J) If a motion or application for an order described in 17503
division (A)(6) of this section is made, the court shall not issue 17504
the order unless, prior to the issuance of the order, it provides 17505
to the person all of the following: 17506

(1) Notice and a copy of the motion or application; 17507

(2) The grounds for the motion or application; 17508

(3) An opportunity to present evidence and witnesses at a 17509
hearing regarding the motion or application; 17510

(4) An opportunity to be represented by counsel at the 17511
hearing. 17512

(K) The jurisdiction of the court shall terminate one year 17513
after the date of the award or, if the court takes any further 17514

action in the matter subsequent to the award, the date of the 17515
latest further action subsequent to the award, if the court awards 17516
legal custody of a child to either of the following: 17517

(1) A legal custodian who, at the time of the award of legal 17518
custody, resides in a county of this state other than the county 17519
in which the court is located; 17520

(2) A legal custodian who resides in the county in which the 17521
court is located at the time of the award of legal custody, but 17522
moves to a different county of this state prior to one year after 17523
the date of the award or, if the court takes any further action in 17524
the matter subsequent to the award, one year after the date of the 17525
latest further action subsequent to the award. 17526

The court in the county in which the legal custodian resides 17527
then shall have jurisdiction in the matter. 17528

Sec. 2151.421. (A)(1)(a) No person described in division 17529
(A)(1)(b) of this section who is acting in an official or 17530
professional capacity and knows, or has reasonable cause to 17531
suspect based on facts that would cause a reasonable person in a 17532
similar position to suspect, that a child under eighteen years of 17533
age, or a person under twenty-one years of age with a 17534
developmental disability or physical impairment, has suffered or 17535
faces a threat of suffering any physical or mental wound, injury, 17536
disability, or condition of a nature that reasonably indicates 17537
abuse or neglect of the child shall fail to immediately report 17538
that knowledge or reasonable cause to suspect to the entity or 17539
persons specified in this division. Except as otherwise provided 17540
in this division or section 5120.173 of the Revised Code, the 17541
person making the report shall make it to the public children 17542
services agency or a peace officer in the county in which the 17543
child resides or in which the abuse or neglect is occurring or has 17544
occurred. If the person making the report is a peace officer, the 17545

officer shall make it to the public children services agency in 17546
the county in which the child resides or in which the abuse or 17547
neglect is occurring or has occurred. In the circumstances 17548
described in section 5120.173 of the Revised Code, the person 17549
making the report shall make it to the entity specified in that 17550
section. 17551

(b) Division (A)(1)(a) of this section applies to any person 17552
who is an attorney; health care professional; practitioner of a 17553
limited branch of medicine as specified in section 4731.15 of the 17554
Revised Code; licensed school psychologist; independent marriage 17555
and family therapist or marriage and family therapist; coroner; 17556
administrator or employee of a child day-care center; 17557
administrator or employee of a residential camp, child day camp, 17558
or private, nonprofit therapeutic wilderness camp; administrator 17559
or employee of a certified child care agency or other public or 17560
private children services agency; school teacher; school employee; 17561
school authority; peace officer; agent of a county humane society; 17562
person, other than a cleric, rendering spiritual treatment through 17563
prayer in accordance with the tenets of a well-recognized 17564
religion; employee of a county department of job and family 17565
services who is a professional and who works with children and 17566
families; superintendent or regional administrator employed by the 17567
department of youth services; superintendent, board member, or 17568
employee of a county board of developmental disabilities; 17569
investigative agent contracted with by a county board of 17570
developmental disabilities; employee of the department of 17571
developmental disabilities; employee of a facility or home that 17572
provides respite care in accordance with section 5123.171 of the 17573
Revised Code; employee of an entity that provides homemaker 17574
services; foster caregiver; a person performing the duties of an 17575
assessor pursuant to Chapter 3107. or 5103. of the Revised Code; 17576
third party employed by a public children services agency to 17577

assist in providing child or family related services; court 17578
appointed special advocate; or guardian ad litem. 17579

(c) If two or more health care professionals, after providing 17580
health care services to a child, determine or suspect that the 17581
child has been or is being abused or neglected, the health care 17582
professionals may designate one of the health care professionals 17583
to report the abuse or neglect. A single report made under this 17584
division shall meet the reporting requirements of division (A)(1) 17585
of this section. 17586

(2) Except as provided in division (A)(3) of this section, an 17587
attorney or a physician is not required to make a report pursuant 17588
to division (A)(1) of this section concerning any communication 17589
the attorney or physician receives from a client or patient in an 17590
attorney-client or physician-patient relationship, if, in 17591
accordance with division (A) or (B) of section 2317.02 of the 17592
Revised Code, the attorney or physician could not testify with 17593
respect to that communication in a civil or criminal proceeding. 17594

(3) The client or patient in an attorney-client or 17595
physician-patient relationship described in division (A)(2) of 17596
this section is deemed to have waived any testimonial privilege 17597
under division (A) or (B) of section 2317.02 of the Revised Code 17598
with respect to any communication the attorney or physician 17599
receives from the client or patient in that attorney-client or 17600
physician-patient relationship, and the attorney or physician 17601
shall make a report pursuant to division (A)(1) of this section 17602
with respect to that communication, if all of the following apply: 17603

(a) The client or patient, at the time of the communication, 17604
is a child under eighteen years of age or is a person under 17605
twenty-one years of age with a developmental disability or 17606
physical impairment. 17607

(b) The attorney or physician knows, or has reasonable cause 17608

to suspect based on facts that would cause a reasonable person in 17609
similar position to suspect that the client or patient has 17610
suffered or faces a threat of suffering any physical or mental 17611
wound, injury, disability, or condition of a nature that 17612
reasonably indicates abuse or neglect of the client or patient. 17613

(c) The abuse or neglect does not arise out of the client's 17614
or patient's attempt to have an abortion without the notification 17615
of her parents, guardian, or custodian in accordance with section 17616
2151.85 of the Revised Code. 17617

(4)(a) No cleric and no person, other than a volunteer, 17618
designated by any church, religious society, or faith acting as a 17619
leader, official, or delegate on behalf of the church, religious 17620
society, or faith who is acting in an official or professional 17621
capacity, who knows, or has reasonable cause to believe based on 17622
facts that would cause a reasonable person in a similar position 17623
to believe, that a child under eighteen years of age, or a person 17624
under twenty-one years of age with a developmental disability or 17625
physical impairment, has suffered or faces a threat of suffering 17626
any physical or mental wound, injury, disability, or condition of 17627
a nature that reasonably indicates abuse or neglect of the child, 17628
and who knows, or has reasonable cause to believe based on facts 17629
that would cause a reasonable person in a similar position to 17630
believe, that another cleric or another person, other than a 17631
volunteer, designated by a church, religious society, or faith 17632
acting as a leader, official, or delegate on behalf of the church, 17633
religious society, or faith caused, or poses the threat of 17634
causing, the wound, injury, disability, or condition that 17635
reasonably indicates abuse or neglect shall fail to immediately 17636
report that knowledge or reasonable cause to believe to the entity 17637
or persons specified in this division. Except as provided in 17638
section 5120.173 of the Revised Code, the person making the report 17639
shall make it to the public children services agency or a peace 17640

officer in the county in which the child resides or in which the 17641
abuse or neglect is occurring or has occurred. In the 17642
circumstances described in section 5120.173 of the Revised Code, 17643
the person making the report shall make it to the entity specified 17644
in that section. 17645

(b) Except as provided in division (A)(4)(c) of this section, 17646
a cleric is not required to make a report pursuant to division 17647
(A)(4)(a) of this section concerning any communication the cleric 17648
receives from a penitent in a cleric-penitent relationship, if, in 17649
accordance with division (C) of section 2317.02 of the Revised 17650
Code, the cleric could not testify with respect to that 17651
communication in a civil or criminal proceeding. 17652

(c) The penitent in a cleric-penitent relationship described 17653
in division (A)(4)(b) of this section is deemed to have waived any 17654
testimonial privilege under division (C) of section 2317.02 of the 17655
Revised Code with respect to any communication the cleric receives 17656
from the penitent in that cleric-penitent relationship, and the 17657
cleric shall make a report pursuant to division (A)(4)(a) of this 17658
section with respect to that communication, if all of the 17659
following apply: 17660

(i) The penitent, at the time of the communication, is a 17661
child under eighteen years of age or is a person under twenty-one 17662
years of age with a developmental disability or physical 17663
impairment. 17664

(ii) The cleric knows, or has reasonable cause to believe 17665
based on facts that would cause a reasonable person in a similar 17666
position to believe, as a result of the communication or any 17667
observations made during that communication, the penitent has 17668
suffered or faces a threat of suffering any physical or mental 17669
wound, injury, disability, or condition of a nature that 17670
reasonably indicates abuse or neglect of the penitent. 17671

(iii) The abuse or neglect does not arise out of the penitent's attempt to have an abortion performed upon a child under eighteen years of age or upon a person under twenty-one years of age with a developmental disability or physical impairment without the notification of her parents, guardian, or custodian in accordance with section 2151.85 of the Revised Code.

(d) Divisions (A)(4)(a) and (c) of this section do not apply in a cleric-penitent relationship when the disclosure of any communication the cleric receives from the penitent is in violation of the sacred trust.

(e) As used in divisions (A)(1) and (4) of this section, "cleric" and "sacred trust" have the same meanings as in section 2317.02 of the Revised Code.

(B) Anyone who knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in similar circumstances to suspect, that a child under eighteen years of age, or a person under twenty-one years of age with a developmental disability or physical impairment, has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or other condition of a nature that reasonably indicates abuse or neglect of the child may report or cause reports to be made of that knowledge or reasonable cause to suspect to the entity or persons specified in this division. Except as provided in section 5120.173 of the Revised Code, a person making a report or causing a report to be made under this division shall make it or cause it to be made to the public children services agency or to a peace officer. In the circumstances described in section 5120.173 of the Revised Code, a person making a report or causing a report to be made under this division shall make it or cause it to be made to the entity specified in that section.

(C) Any report made pursuant to division (A) or (B) of this

section shall be made forthwith either by telephone or in person 17704
and shall be followed by a written report, if requested by the 17705
receiving agency or officer. The written report shall contain: 17706

(1) The names and addresses of the child and the child's 17707
parents or the person or persons having custody of the child, if 17708
known; 17709

(2) The child's age and the nature and extent of the child's 17710
injuries, abuse, or neglect that is known or reasonably suspected 17711
or believed, as applicable, to have occurred or of the threat of 17712
injury, abuse, or neglect that is known or reasonably suspected or 17713
believed, as applicable, to exist, including any evidence of 17714
previous injuries, abuse, or neglect; 17715

(3) Any other information, including, but not limited to, 17716
results and reports of any medical examinations, tests, or 17717
procedures performed under division (D) of this section, that 17718
might be helpful in establishing the cause of the injury, abuse, 17719
or neglect that is known or reasonably suspected or believed, as 17720
applicable, to have occurred or of the threat of injury, abuse, or 17721
neglect that is known or reasonably suspected or believed, as 17722
applicable, to exist. 17723

(D)(1) Any person, who is required by division (A) of this 17724
section to report child abuse or child neglect that is known or 17725
reasonably suspected or believed to have occurred, may take or 17726
cause to be taken color photographs of areas of trauma visible on 17727
a child and, if medically necessary for the purpose of diagnosing 17728
or treating injuries that are suspected to have occurred as a 17729
result of child abuse or child neglect, perform or cause to be 17730
performed radiological examinations and any other medical 17731
examinations of, and tests or procedures on, the child. 17732

(2) The results and any available reports of examinations, 17733
tests, or procedures made under division (D)(1) of this section 17734

shall be included in a report made pursuant to division (A) of 17735
this section. Any additional reports of examinations, tests, or 17736
procedures that become available shall be provided to the public 17737
children services agency, upon request. 17738

(3) If a health care professional provides health care 17739
services in a hospital, children's advocacy center, or emergency 17740
medical facility to a child about whom a report has been made 17741
under division (A) of this section, the health care professional 17742
may take any steps that are reasonably necessary for the release 17743
or discharge of the child to an appropriate environment. Before 17744
the child's release or discharge, the health care professional may 17745
obtain information, or consider information obtained, from other 17746
entities or individuals that have knowledge about the child. 17747
Nothing in division (D)(3) of this section shall be construed to 17748
alter the responsibilities of any person under sections 2151.27 17749
and 2151.31 of the Revised Code. 17750

(4) A health care professional may conduct medical 17751
examinations, tests, or procedures on the siblings of a child 17752
about whom a report has been made under division (A) of this 17753
section and on other children who reside in the same home as the 17754
child, if the professional determines that the examinations, 17755
tests, or procedures are medically necessary to diagnose or treat 17756
the siblings or other children in order to determine whether 17757
reports under division (A) of this section are warranted with 17758
respect to such siblings or other children. The results of the 17759
examinations, tests, or procedures on the siblings and other 17760
children may be included in a report made pursuant to division (A) 17761
of this section. 17762

(5) Medical examinations, tests, or procedures conducted 17763
under divisions (D)(1) and (4) of this section and decisions 17764
regarding the release or discharge of a child under division 17765
(D)(3) of this section do not constitute a law enforcement 17766

investigation or activity. 17767

(E)(1) When a peace officer receives a report made pursuant 17768
to division (A) or (B) of this section, upon receipt of the 17769
report, the peace officer who receives the report shall refer the 17770
report to the appropriate public children services agency, unless 17771
an arrest is made at the time of the report that results in the 17772
appropriate public children services agency being contacted 17773
concerning the possible abuse or neglect of a child or the 17774
possible threat of abuse or neglect of a child. 17775

(2) When a public children services agency receives a report 17776
pursuant to this division or division (A) or (B) of this section, 17777
upon receipt of the report, the public children services agency 17778
shall do both of the following: 17779

(a) Comply with section 2151.422 of the Revised Code; 17780

(b) If the county served by the agency is also served by a 17781
children's advocacy center and the report alleges sexual abuse of 17782
a child or another type of abuse of a child that is specified in 17783
the memorandum of understanding that creates the center as being 17784
within the center's jurisdiction, comply regarding the report with 17785
the protocol and procedures for referrals and investigations, with 17786
the coordinating activities, and with the authority or 17787
responsibility for performing or providing functions, activities, 17788
and services stipulated in the interagency agreement entered into 17789
under section 2151.428 of the Revised Code relative to that 17790
center. 17791

(F) No peace officer shall remove a child about whom a report 17792
is made pursuant to this section from the child's parents, 17793
stepparents, or guardian or any other persons having custody of 17794
the child without consultation with the public children services 17795
agency, unless, in the judgment of the officer, and, if the report 17796
was made by physician, the physician, immediate removal is 17797

considered essential to protect the child from further abuse or 17798
neglect. The agency that must be consulted shall be the agency 17799
conducting the investigation of the report as determined pursuant 17800
to section 2151.422 of the Revised Code. 17801

(G)(1) Except as provided in section 2151.422 of the Revised 17802
Code or in an interagency agreement entered into under section 17803
2151.428 of the Revised Code that applies to the particular 17804
report, the public children services agency shall investigate, 17805
within twenty-four hours, each report of child abuse or child 17806
neglect that is known or reasonably suspected or believed to have 17807
occurred and of a threat of child abuse or child neglect that is 17808
known or reasonably suspected or believed to exist that is 17809
referred to it under this section to determine the circumstances 17810
surrounding the injuries, abuse, or neglect or the threat of 17811
injury, abuse, or neglect, the cause of the injuries, abuse, 17812
neglect, or threat, and the person or persons responsible. The 17813
investigation shall be made in cooperation with the law 17814
enforcement agency and in accordance with the memorandum of 17815
understanding prepared under division (K) of this section. A 17816
representative of the public children services agency shall, at 17817
the time of initial contact with the person subject to the 17818
investigation, inform the person of the specific complaints or 17819
allegations made against the person. The information shall be 17820
given in a manner that is consistent with division (I)(1) of this 17821
section and protects the rights of the person making the report 17822
under this section. 17823

A failure to make the investigation in accordance with the 17824
memorandum is not grounds for, and shall not result in, the 17825
dismissal of any charges or complaint arising from the report or 17826
the suppression of any evidence obtained as a result of the report 17827
and does not give, and shall not be construed as giving, any 17828
rights or any grounds for appeal or post-conviction relief to any 17829

person. The public children services agency shall report each case 17830
to the uniform statewide automated child welfare information 17831
system that the department of job and family services shall 17832
maintain in accordance with section 5101.13 of the Revised Code. 17833
The public children services agency shall submit a report of its 17834
investigation, in writing, to the law enforcement agency. 17835

(2) The public children services agency shall make any 17836
recommendations to the county prosecuting attorney or city 17837
director of law that it considers necessary to protect any 17838
children that are brought to its attention. 17839

(H)(1)(a) Except as provided in divisions (H)(1)(b) and 17840
(I)(3) of this section, any person, health care professional, 17841
hospital, institution, school, health department, or agency shall 17842
be immune from any civil or criminal liability for injury, death, 17843
or loss to person or property that otherwise might be incurred or 17844
imposed as a result of any of the following: 17845

(i) Participating in the making of reports pursuant to 17846
division (A) of this section or in the making of reports in good 17847
faith, pursuant to division (B) of this section; 17848

(ii) Participating in medical examinations, tests, or 17849
procedures under division (D) of this section; 17850

(iii) Providing information used in a report made pursuant to 17851
division (A) of this section or providing information in good 17852
faith used in a report made pursuant to division (B) of this 17853
section; 17854

(iv) Participating in a judicial proceeding resulting from a 17855
report made pursuant to division (A) of this section or 17856
participating in good faith in a proceeding resulting from a 17857
report made pursuant to division (B) of this section. 17858

(b) Immunity under division (H)(1)(a)(ii) of this section 17859
shall not apply when a health care provider has deviated from the 17860

standard of care applicable to the provider's profession. 17861

(c) Notwithstanding section 4731.22 of the Revised Code, the 17862
physician-patient privilege shall not be a ground for excluding 17863
evidence regarding a child's injuries, abuse, or neglect, or the 17864
cause of the injuries, abuse, or neglect in any judicial 17865
proceeding resulting from a report submitted pursuant to this 17866
section. 17867

(2) In any civil or criminal action or proceeding in which it 17868
is alleged and proved that participation in the making of a report 17869
under this section was not in good faith or participation in a 17870
judicial proceeding resulting from a report made under this 17871
section was not in good faith, the court shall award the 17872
prevailing party reasonable attorney's fees and costs and, if a 17873
civil action or proceeding is voluntarily dismissed, may award 17874
reasonable attorney's fees and costs to the party against whom the 17875
civil action or proceeding is brought. 17876

(I)(1) Except as provided in divisions (I)(4) and (O) of this 17877
section, a report made under this section is confidential. The 17878
information provided in a report made pursuant to this section and 17879
the name of the person who made the report shall not be released 17880
for use, and shall not be used, as evidence in any civil action or 17881
proceeding brought against the person who made the report. Nothing 17882
in this division shall preclude the use of reports of other 17883
incidents of known or suspected abuse or neglect in a civil action 17884
or proceeding brought pursuant to division (N) of this section 17885
against a person who is alleged to have violated division (A)(1) 17886
of this section, provided that any information in a report that 17887
would identify the child who is the subject of the report or the 17888
maker of the report, if the maker of the report is not the 17889
defendant or an agent or employee of the defendant, has been 17890
redacted. In a criminal proceeding, the report is admissible in 17891
evidence in accordance with the Rules of Evidence and is subject 17892

to discovery in accordance with the Rules of Criminal Procedure. 17893

(2)(a) Except as provided in division (I)(2)(b) of this 17894
section, no person shall permit or encourage the unauthorized 17895
dissemination of the contents of any report made under this 17896
section. 17897

(b) A health care professional that obtains the same 17898
information contained in a report made under this section from a 17899
source other than the report may disseminate the information, if 17900
its dissemination is otherwise permitted by law. 17901

(3) A person who knowingly makes or causes another person to 17902
make a false report under division (B) of this section that 17903
alleges that any person has committed an act or omission that 17904
resulted in a child being an abused child or a neglected child is 17905
guilty of a violation of section 2921.14 of the Revised Code. 17906

(4) If a report is made pursuant to division (A) or (B) of 17907
this section and the child who is the subject of the report dies 17908
for any reason at any time after the report is made, but before 17909
the child attains eighteen years of age, the public children 17910
services agency or peace officer to which the report was made or 17911
referred, on the request of the child fatality review board or the 17912
director of health pursuant to guidelines established under 17913
section 3701.70 of the Revised Code, shall submit a summary sheet 17914
of information providing a summary of the report to the review 17915
board of the county in which the deceased child resided at the 17916
time of death or to the director. On the request of the review 17917
board or director, the agency or peace officer may, at its 17918
discretion, make the report available to the review board or 17919
director. If the county served by the public children services 17920
agency is also served by a children's advocacy center and the 17921
report of alleged sexual abuse of a child or another type of abuse 17922
of a child is specified in the memorandum of understanding that 17923
creates the center as being within the center's jurisdiction, the 17924

agency or center shall perform the duties and functions specified 17925
in this division in accordance with the interagency agreement 17926
entered into under section 2151.428 of the Revised Code relative 17927
to that advocacy center. 17928

(5) A public children services agency shall advise a person 17929
alleged to have inflicted abuse or neglect on a child who is the 17930
subject of a report made pursuant to this section, including a 17931
report alleging sexual abuse of a child or another type of abuse 17932
of a child referred to a children's advocacy center pursuant to an 17933
interagency agreement entered into under section 2151.428 of the 17934
Revised Code, in writing of the disposition of the investigation. 17935
The agency shall not provide to the person any information that 17936
identifies the person who made the report, statements of 17937
witnesses, or police or other investigative reports. 17938

(J) Any report that is required by this section, other than a 17939
report that is made to the state highway patrol as described in 17940
section 5120.173 of the Revised Code, shall result in protective 17941
services and emergency supportive services being made available by 17942
the public children services agency on behalf of the children 17943
about whom the report is made, in an effort to prevent further 17944
neglect or abuse, to enhance their welfare, and, whenever 17945
possible, to preserve the family unit intact. The agency required 17946
to provide the services shall be the agency conducting the 17947
investigation of the report pursuant to section 2151.422 of the 17948
Revised Code. 17949

(K)(1) Each public children services agency shall prepare a 17950
memorandum of understanding that is signed by all of the 17951
following: 17952

(a) If there is only one juvenile judge in the county, the 17953
juvenile judge of the county or the juvenile judge's 17954
representative; 17955

(b) If there is more than one juvenile judge in the county, a juvenile judge or the juvenile judges' representative selected by the juvenile judges or, if they are unable to do so for any reason, the juvenile judge who is senior in point of service or the senior juvenile judge's representative;

(c) The county peace officer;

(d) All chief municipal peace officers within the county;

(e) Other law enforcement officers handling child abuse and neglect cases in the county;

(f) The prosecuting attorney of the county;

(g) If the public children services agency is not the county department of job and family services, the county department of job and family services;

(h) The county humane society;

(i) If the public children services agency participated in the execution of a memorandum of understanding under section 2151.426 of the Revised Code establishing a children's advocacy center, each participating member of the children's advocacy center established by the memorandum.

(2) A memorandum of understanding shall set forth the normal operating procedure to be employed by all concerned officials in the execution of their respective responsibilities under this section and division (C) of section 2919.21, division (B)(1) of section 2919.22, division (B) of section 2919.23, and section 2919.24 of the Revised Code and shall have as two of its primary goals the elimination of all unnecessary interviews of children who are the subject of reports made pursuant to division (A) or (B) of this section and, when feasible, providing for only one interview of a child who is the subject of any report made pursuant to division (A) or (B) of this section. A failure to

follow the procedure set forth in the memorandum by the concerned 17986
officials is not grounds for, and shall not result in, the 17987
dismissal of any charges or complaint arising from any reported 17988
case of abuse or neglect or the suppression of any evidence 17989
obtained as a result of any reported child abuse or child neglect 17990
and does not give, and shall not be construed as giving, any 17991
rights or any grounds for appeal or post-conviction relief to any 17992
person. 17993

(3) A memorandum of understanding shall include all of the 17994
following: 17995

(a) The roles and responsibilities for handling emergency and 17996
nonemergency cases of abuse and neglect; 17997

(b) Standards and procedures to be used in handling and 17998
coordinating investigations of reported cases of child abuse and 17999
reported cases of child neglect, methods to be used in 18000
interviewing the child who is the subject of the report and who 18001
allegedly was abused or neglected, and standards and procedures 18002
addressing the categories of persons who may interview the child 18003
who is the subject of the report and who allegedly was abused or 18004
neglected. 18005

(4) If a public children services agency participated in the 18006
execution of a memorandum of understanding under section 2151.426 18007
of the Revised Code establishing a children's advocacy center, the 18008
agency shall incorporate the contents of that memorandum in the 18009
memorandum prepared pursuant to this section. 18010

(5) The clerk of the court of common pleas in the county may 18011
sign the memorandum of understanding prepared under division 18012
(K)(1) of this section. If the clerk signs the memorandum of 18013
understanding, the clerk shall execute all relevant 18014
responsibilities as required of officials specified in the 18015
memorandum. 18016

(L)(1) Except as provided in division (L)(4) or (5) of this section, a person who is required to make a report pursuant to division (A) of this section may make a reasonable number of requests of the public children services agency that receives or is referred the report, or of the children's advocacy center that is referred the report if the report is referred to a children's advocacy center pursuant to an interagency agreement entered into under section 2151.428 of the Revised Code, to be provided with the following information:

(a) Whether the agency or center has initiated an investigation of the report;

(b) Whether the agency or center is continuing to investigate the report;

(c) Whether the agency or center is otherwise involved with the child who is the subject of the report;

(d) The general status of the health and safety of the child who is the subject of the report;

(e) Whether the report has resulted in the filing of a complaint in juvenile court or of criminal charges in another court.

(2) A person may request the information specified in division (L)(1) of this section only if, at the time the report is made, the person's name, address, and telephone number are provided to the person who receives the report.

When a peace officer or employee of a public children services agency receives a report pursuant to division (A) or (B) of this section the recipient of the report shall inform the person of the right to request the information described in division (L)(1) of this section. The recipient of the report shall include in the initial child abuse or child neglect report that the person making the report was so informed and, if provided at

the time of the making of the report, shall include the person's 18048
name, address, and telephone number in the report. 18049

Each request is subject to verification of the identity of 18050
the person making the report. If that person's identity is 18051
verified, the agency shall provide the person with the information 18052
described in division (L)(1) of this section a reasonable number 18053
of times, except that the agency shall not disclose any 18054
confidential information regarding the child who is the subject of 18055
the report other than the information described in those 18056
divisions. 18057

(3) A request made pursuant to division (L)(1) of this 18058
section is not a substitute for any report required to be made 18059
pursuant to division (A) of this section. 18060

(4) If an agency other than the agency that received or was 18061
referred the report is conducting the investigation of the report 18062
pursuant to section 2151.422 of the Revised Code, the agency 18063
conducting the investigation shall comply with the requirements of 18064
division (L) of this section. 18065

(5) A health care professional who made a report under 18066
division (A) of this section, or on whose behalf such a report was 18067
made as provided in division (A)(1)(c) of this section, may 18068
authorize a person to obtain the information described in division 18069
(L)(1) of this section if the person requesting the information is 18070
associated with or acting on behalf of the health care 18071
professional who provided health care services to the child about 18072
whom the report was made. 18073

(M) The director of job and family services shall adopt rules 18074
in accordance with Chapter 119. of the Revised Code to implement 18075
this section. The department of job and family services may enter 18076
into a plan of cooperation with any other governmental entity to 18077
aid in ensuring that children are protected from abuse and 18078

neglect. The department shall make recommendations to the attorney 18079
general that the department determines are necessary to protect 18080
children from child abuse and child neglect. 18081

(N) Whoever violates division (A) of this section is liable 18082
for compensatory and exemplary damages to the child who would have 18083
been the subject of the report that was not made. A person who 18084
brings a civil action or proceeding pursuant to this division 18085
against a person who is alleged to have violated division (A)(1) 18086
of this section may use in the action or proceeding reports of 18087
other incidents of known or suspected abuse or neglect, provided 18088
that any information in a report that would identify the child who 18089
is the subject of the report or the maker of the report, if the 18090
maker is not the defendant or an agent or employee of the 18091
defendant, has been redacted. 18092

(O)(1) As used in this division: 18093

(a) "Out-of-home care" includes a nonchartered nonpublic 18094
school if the alleged child abuse or child neglect, or alleged 18095
threat of child abuse or child neglect, described in a report 18096
received by a public children services agency allegedly occurred 18097
in or involved the nonchartered nonpublic school and the alleged 18098
perpetrator named in the report holds a certificate, permit, or 18099
license issued by the state board of education under section 18100
3301.071 or Chapter 3319. of the Revised Code. 18101

(b) "Administrator, director, or other chief administrative 18102
officer" means the superintendent of the school district if the 18103
out-of-home care entity subject to a report made pursuant to this 18104
section is a school operated by the district. 18105

(2) No later than the end of the day following the day on 18106
which a public children services agency receives a report of 18107
alleged child abuse or child neglect, or a report of an alleged 18108
threat of child abuse or child neglect, that allegedly occurred in 18109

or involved an out-of-home care entity, the agency shall provide 18110
written notice of the allegations contained in and the person 18111
named as the alleged perpetrator in the report to the 18112
administrator, director, or other chief administrative officer of 18113
the out-of-home care entity that is the subject of the report 18114
unless the administrator, director, or other chief administrative 18115
officer is named as an alleged perpetrator in the report. If the 18116
administrator, director, or other chief administrative officer of 18117
an out-of-home care entity is named as an alleged perpetrator in a 18118
report of alleged child abuse or child neglect, or a report of an 18119
alleged threat of child abuse or child neglect, that allegedly 18120
occurred in or involved the out-of-home care entity, the agency 18121
shall provide the written notice to the owner or governing board 18122
of the out-of-home care entity that is the subject of the report. 18123
The agency shall not provide witness statements or police or other 18124
investigative reports. 18125

(3) No later than three days after the day on which a public 18126
children services agency that conducted the investigation as 18127
determined pursuant to section 2151.422 of the Revised Code makes 18128
a disposition of an investigation involving a report of alleged 18129
child abuse or child neglect, or a report of an alleged threat of 18130
child abuse or child neglect, that allegedly occurred in or 18131
involved an out-of-home care entity, the agency shall send written 18132
notice of the disposition of the investigation to the 18133
administrator, director, or other chief administrative officer and 18134
the owner or governing board of the out-of-home care entity. The 18135
agency shall not provide witness statements or police or other 18136
investigative reports. 18137

(P) As used in this section: 18138

(1) "Children's advocacy center" and "sexual abuse of a 18139
child" have the same meanings as in section 2151.425 of the 18140
Revised Code. 18141

(2) "Health care professional" means an individual who 18142
provides health-related services including a physician, hospital 18143
intern or resident, dentist, podiatrist, registered nurse, 18144
licensed practical nurse, visiting nurse, licensed psychologist, 18145
speech pathologist, audiologist, person engaged in social work or 18146
the practice of professional counseling, and employee of a home 18147
health agency. "Health care professional" does not include a 18148
practitioner of a limited branch of medicine as specified in 18149
section 4731.15 of the Revised Code, licensed school psychologist, 18150
independent marriage and family therapist or marriage and family 18151
therapist, or coroner. 18152

(3) "Investigation" means the public children services 18153
agency's response to an accepted report of child abuse or neglect 18154
through either an alternative response or a traditional response. 18155

(4) "Peace officer" means a sheriff, deputy sheriff, 18156
constable, police officer of a township or joint police district, 18157
marshal, deputy marshal, municipal police officer, or a state 18158
highway patrol trooper. 18159

Sec. 2151.424. (A) If a child has been placed in a certified 18160
foster home or is in the custody of, or has been placed with, a 18161
~~relative of the child, other than a parent of the child~~ kinship 18162
caregiver as defined in section 5101.85 of the Revised Code, a 18163
court, prior to conducting any hearing pursuant to division (F)(2) 18164
or (3) of section 2151.412 or section 2151.28, 2151.33, 2151.35, 18165
2151.414, 2151.415, 2151.416, or 2151.417 of the Revised Code with 18166
respect to the child, shall notify the foster caregiver or 18167
~~relative~~ kinship caregiver of the date, time, and place of the 18168
hearing. At the hearing, the foster caregiver or ~~relative~~ kinship 18169
caregiver shall have the right to ~~present evidence~~ be heard. 18170

(B) If a public children services agency or private child 18171
placing agency has permanent custody of a child and a petition to 18172

adopt the child has been filed under Chapter 3107. of the Revised 18173
Code, the agency, prior to conducting a review under section 18174
2151.416 of the Revised Code, or a court, prior to conducting a 18175
hearing under division (F)(2) or (3) of section 2151.412 or 18176
section 2151.416 or 2151.417 of the Revised Code, shall notify the 18177
prospective adoptive parent of the date, time, and place of the 18178
review or hearing. At the review or hearing, the prospective 18179
adoptive parent shall have the right to ~~present evidence~~ be heard. 18180

(C) The notice and the opportunity to ~~present evidence~~ be 18181
heard do not make the foster caregiver, ~~relative kinship~~ 18182
caregiver, or prospective adoptive parent a party in the action or 18183
proceeding pursuant to which the review or hearing is conducted. 18184

Sec. 2151.45. As used in sections 2151.45 to 2151.455 of the 18185
Revised Code, "emancipated young adult" and "representative" have 18186
the same meanings as in section 5101.141 of the Revised Code. 18187

Sec. 2151.451. The juvenile court of the county in which an 18188
emancipated young adult described under division (A)(1) of section 18189
5101.1411 of the Revised Code resides shall have jurisdiction over 18190
the emancipated young adult for purposes of sections 2151.45 to 18191
2151.455 of the Revised Code. A juvenile court, on its own motion 18192
or the motion of any party, may transfer a proceeding under those 18193
sections to a juvenile court with jurisdiction as provided in this 18194
section. 18195

Sec. 2151.452. A juvenile court shall do both of the 18196
following regarding an emancipated young adult described under 18197
division (A)(1) of section 5101.1411 of the Revised Code: 18198

(A) Not later than one hundred eighty days after the 18199
voluntary participation agreement becomes effective, make a 18200
determination as to whether the emancipated young adult's best 18201
interest is served by continuing the care and placement with the 18202

department of job and family services or its representative. An 18203
emancipated young adult shall not be eligible for continued care 18204
and placement if the court finds it is not in the emancipated 18205
young adult's best interest. 18206

(B) Not later than twelve months after the date that the 18207
voluntary participation agreement is signed, and annually 18208
thereafter, make a determination as to whether reasonable efforts 18209
have been made to prepare the emancipated young adult for 18210
independence. 18211

Sec. 2151.453. If any determination required under division 18212
(B) of section 2151.452 of the Revised Code is not timely made, 18213
the federal payments for foster care under division (A)(1) of 18214
section 5101.1411 of the Revised Code for the emancipated young 18215
adult shall be suspended. The payments shall resume upon a 18216
subsequent determination that reasonable efforts have been made to 18217
prepare the emancipated young adult for independence, but only if 18218
both of the following apply: 18219

(A) The emancipated young adult complies with division (A)(1) 18220
of section 5101.1411 of the Revised Code. 18221

(B) There has been a timely determination of best interest 18222
under division (A) of section 2151.452 of the Revised Code. 18223

Sec. 2151.454. For purposes of a determination under section 18224
2151.452 of the Revised Code, the department of job and family 18225
services or its representative may file any documents and appear 18226
before the court in relation to such filings. Nothing in this 18227
section shall prohibit an emancipated young adult from obtaining 18228
legal representation pursuant to section 2151.455 of the Revised 18229
Code. 18230

Sec. 2151.455. (A) An emancipated young adult is entitled to 18231

representation by legal counsel at all stages of proceedings 18232
conducted under section 2151.45 to 2151.455 of the Revised Code. 18233

(B) If, as an indigent person, the emancipated young adult is 18234
unable to employ counsel, the emancipated young adult is entitled 18235
to have counsel provided pursuant to Chapter 120. of the Revised 18236
Code. 18237

(C) If an emancipated young adult appears without counsel, 18238
the court shall determine whether the emancipated young adult 18239
knows of the right to counsel, and to be provided with counsel, if 18240
indigent. 18241

(D) The court may continue the case to enable an emancipated 18242
young adult to obtain counsel, to be represented by the county 18243
public defender or the joint county public defender, or to be 18244
appointed counsel upon request pursuant to Chapter 120. of the 18245
Revised Code. 18246

(E) Upon written request, prior to any hearing involving the 18247
emancipated young adult, any report concerning an emancipated 18248
young adult that is used in, or is pertinent to, a hearing, shall 18249
for good cause shown be made available to any attorney 18250
representing the emancipated young adult and to any attorney 18251
representing any other party to the case. 18252

Sec. 2151.86. (A)(1) The appointing or hiring officer of any 18253
entity that appoints or employs any person responsible for a 18254
child's care in out-of-home care shall request the superintendent 18255
of BCII to conduct a criminal records check with respect to any 18256
person who is under final consideration for appointment or 18257
employment as a person responsible for a child's care in 18258
out-of-home care, ~~except that section 3319.39 of the Revised Code~~ 18259
~~shall apply instead of this section if.~~ The request shall be made 18260
at the time of initial application for appointment or employment 18261
and every four years thereafter. If the out-of-home care entity is 18262

a public school, educational service center, or chartered
nonpublic school, then section 3319.39 of the Revised Code shall
apply instead. If the out-of-home care entity is a child day-care
center, type A family day-care home, type B family day-care home,
certified in-home aide, or child day camp, then section 5104.013
of the Revised Code shall apply instead.

(2) At the times specified in this division, the
administrative director of an agency, or attorney, who arranges an
adoption for a prospective adoptive parent shall request the
superintendent of BCII to conduct a criminal records check with
respect to that prospective adoptive parent and a criminal records
check with respect to all persons eighteen years of age or older
who reside with the prospective adoptive parent. The
administrative director or attorney shall request a criminal
records check pursuant to this division at the time of the initial
home study, every four years after the initial home study at the
time of an update, and at the time that an adoptive home study is
completed as a new home study.

(3) Before a recommending agency submits a recommendation to
the department of job and family services on whether the
department should issue a certificate to a foster home under
section 5103.03 of the Revised Code, and every four years
thereafter prior to a recertification under that section, the
administrative director of the agency shall request that the
superintendent of BCII conduct a criminal records check with
respect to the prospective foster caregiver and a criminal records
check with respect to all other persons eighteen years of age or
older who reside with the foster caregiver.

~~(B)(1) If a person subject to a criminal records check under
division (A)(1) of this section does not present proof that the
person has been a resident of this state for the five-year period
immediately prior to the date upon which the criminal records~~

~~check is requested or does not provide evidence that within that~~ 18295
~~five year period the superintendent of BCII has requested~~ 18296
~~information about the person from the federal bureau of~~ 18297
~~investigation in a criminal records check, the appointing or~~ 18298
~~hiring officer shall request that the superintendent of BCII~~ 18299
~~obtain information from the federal bureau of investigation as a~~ 18300
~~part of the criminal records check, including fingerprint based~~ 18301
~~checks of national crime information databases as described in 42~~ 18302
~~U.S.C. 671. If a person subject to a criminal records check under~~ 18303
~~division (A)(1) of this section presents proof that the person has~~ 18304
~~been a resident of this state for that five year period, the~~ 18305
~~appointing or hiring officer or attorney may request that the~~ 18306
~~superintendent of BCII include information from the federal bureau~~ 18307
~~of investigation in the criminal records check, including~~ 18308
~~fingerprint based checks of national crime information databases~~ 18309
~~as described in 42 U.S.C. 671~~ When the appointing or hiring 18310
officer requests, at the time of initial application for 18311
appointment or employment, a criminal records check for a person 18312
subject to division (A)(1) of this section, the officer shall 18313
request that the superintendent of BCII obtain information from 18314
the federal bureau of investigation as part of the criminal 18315
records check, including fingerprint-based checks of national 18316
crime information databases as described in 42 U.S.C. 671, for the 18317
person subject to the criminal records check. In all other cases 18318
in which the appointing or hiring officer requests a criminal 18319
records check for a person pursuant to division (A)(1) of this 18320
section, the officer may request that the superintendent of BCII 18321
obtain information from the federal bureau of investigation as 18322
part of the criminal records check, including fingerprint-based 18323
checks of national crime information databases as described in 42 18324
U.S.C. 671, for the person subject to the criminal records check. 18325

When the administrative director of an agency, or attorney, 18326
who arranges an adoption for a prospective parent requests, at the 18327

time of the initial home study, a criminal records check for a 18328
person pursuant to division (A)(2) of this section, the 18329
administrative director or attorney shall request that the 18330
superintendent of BCII obtain information from the federal bureau 18331
of investigation as part of the criminal records check, including 18332
fingerprint-based checks of national crime information databases 18333
as described in 42 U.S.C. 671, for the person subject to the 18334
criminal records check. In all other cases in which the 18335
administrative director of an agency, or attorney, who arranges an 18336
adoption for a prospective parent requests a criminal records 18337
check for a person pursuant to division (A)(2) of this section, 18338
the administrative director or attorney may request that the 18339
superintendent of BCII include information from the federal bureau 18340
of investigation in the criminal records check, including 18341
fingerprint-based checks of national crime information databases 18342
as described in 42 U.S.C. 671. 18343

When the administrative director of a recommending agency 18344
requests, before submitting a recommendation to the department of 18345
job and family services on whether the department should issue a 18346
certificate to a foster home under section 5103.03 of the Revised 18347
Code, a criminal records check for a person pursuant to division 18348
(A)(3) of this section, the administrative director shall request 18349
that the superintendent of BCII obtain information from the 18350
federal bureau of investigation as part of a criminal records 18351
check, including fingerprint-based checks of national crime 18352
information databases as described in 42 U.S.C. 671, for the 18353
person subject to the criminal records check. In all other cases 18354
in which the administrative director of a recommending agency 18355
requests a criminal records check for a person pursuant to 18356
division (A)(3) of this section, the administrative director may 18357
request that the superintendent of BCII include information from 18358
the federal bureau of investigation in the criminal records check, 18359
including fingerprint-based checks of national crime information 18360

databases as described in 42 U.S.C. 671. 18361

Prior to a hearing on a final decree of adoption or 18362
interlocutory order of adoption by a probate court, the 18363
administrative director of an agency, or an attorney, who arranges 18364
an adoption for a prospective parent shall provide to the clerk of 18365
the probate court either of the following: 18366

(a) Any information received pursuant to a request made under 18367
this division from the superintendent of BCII or the federal 18368
bureau of investigation as part of the criminal records check, 18369
including fingerprint-based checks of national crime information 18370
databases as described in 42 U.S.C. 671, for the person subject to 18371
the criminal records check; 18372

(b) Written notification that the person subject to a 18373
criminal records check pursuant to this division failed upon 18374
request to provide the information necessary to complete the form 18375
or failed to provide impressions of the person's fingerprints as 18376
required under division (B)(2) of this section. 18377

(2) An appointing or hiring officer, administrative director, 18378
or attorney required by division (A) of this section to request a 18379
criminal records check shall provide to each person subject to a 18380
criminal records check a copy of the form prescribed pursuant to 18381
division (C)(1) of section 109.572 of the Revised Code and a 18382
standard impression sheet to obtain fingerprint impressions 18383
prescribed pursuant to division (C)(2) of section 109.572 of the 18384
Revised Code, obtain the completed form and impression sheet from 18385
the person, and forward the completed form and impression sheet to 18386
the superintendent of BCII at the time the criminal records check 18387
is requested. 18388

Any person subject to a criminal records check who receives 18389
pursuant to this division a copy of the form prescribed pursuant 18390
to division (C)(1) of section 109.572 of the Revised Code and a 18391

copy of an impression sheet prescribed pursuant to division (C)(2) 18392
of that section and who is requested to complete the form and 18393
provide a set of fingerprint impressions shall complete the form 18394
or provide all the information necessary to complete the form and 18395
shall provide the impression sheet with the impressions of the 18396
person's fingerprints. If a person subject to a criminal records 18397
check, upon request, fails to provide the information necessary to 18398
complete the form or fails to provide impressions of the person's 18399
fingerprints, the appointing or hiring officer shall not appoint 18400
or employ the person as a person responsible for a child's care in 18401
out-of-home care, a probate court may not issue a final decree of 18402
adoption or an interlocutory order of adoption making the person 18403
an adoptive parent, and the department of job and family services 18404
shall not issue a certificate authorizing the prospective foster 18405
caregiver to operate a foster home. 18406

(C)(1) No appointing or hiring officer shall appoint or 18407
employ a person as a person responsible for a child's care in 18408
out-of-home care, the department of job and family services shall 18409
not issue a certificate under section 5103.03 of the Revised Code 18410
authorizing a prospective foster caregiver to operate a foster 18411
home, and no probate court shall issue a final decree of adoption 18412
or an interlocutory order of adoption making a person an adoptive 18413
parent if the person or, in the case of a prospective foster 18414
caregiver or prospective adoptive parent, any person eighteen 18415
years of age or older who resides with the prospective foster 18416
caregiver or prospective adoptive parent previously has been 18417
convicted of or pleaded guilty to any of the violations described 18418
in division (A)(4) of section 109.572 of the Revised Code, unless 18419
the person meets rehabilitation standards established in rules 18420
adopted under division (F) of this section. 18421

~~(2) The appointing or hiring officer may appoint or employ a 18422
person as a person responsible for a child's care in out of home 18423~~

~~care conditionally until the criminal records check required by 18424
this section is completed and the officer receives the results of 18425
the criminal records check. If the results of the criminal records 18426
check indicate that, pursuant to division (C)(1) of this section, 18427
the person subject to the criminal records check does not qualify 18428
for appointment or employment, the officer shall release the 18429
person from appointment or employment. 18430~~

~~(3) Prior to certification or recertification under section 18431
5103.03 of the Revised Code, the prospective foster caregiver 18432
subject to a criminal records check under division (A)(3) of this 18433
section shall notify the recommending agency of the revocation of 18434
any foster home license, certificate, or other similar 18435
authorization in another state occurring within the five years 18436
prior to the date of application to become a foster caregiver in 18437
this state. The failure of a prospective foster caregiver to 18438
notify the recommending agency of any revocation of that type in 18439
another state that occurred within that five-year period shall be 18440
grounds for denial of the person's foster home application or the 18441
revocation of the person's foster home certification, whichever is 18442
applicable. If a person has had a revocation in another state 18443
within the five years prior to the date of the application, the 18444
department of job and family services shall not issue a foster 18445
home certificate to the prospective foster caregiver. 18446~~

~~(D) The appointing or hiring officer, administrative 18447
director, or attorney shall pay to the bureau of criminal 18448
identification and investigation the fee prescribed pursuant to 18449
division (C)(3) of section 109.572 of the Revised Code for each 18450
criminal records check conducted in accordance with that section 18451
upon a request pursuant to division (A) of this section. The 18452
officer, director, or attorney may charge the person subject to 18453
the criminal records check a fee for the costs the officer, 18454
director, or attorney incurs in obtaining the criminal records 18455~~

check. A fee charged under this division shall not exceed the 18456
amount of fees the officer, director, or attorney pays for the 18457
criminal records check. If a fee is charged under this division, 18458
the officer, director, or attorney shall notify the person who is 18459
the applicant at the time of the person's initial application for 18460
appointment or employment, an adoption to be arranged, or a 18461
certificate to operate a foster home of the amount of the fee and 18462
that, unless the fee is paid, the person who is the applicant will 18463
not be considered for appointment or employment or as an adoptive 18464
parent or foster caregiver. 18465

(E) The report of any criminal records check conducted by the 18466
bureau of criminal identification and investigation in accordance 18467
with section 109.572 of the Revised Code and pursuant to a request 18468
made under division (A) of this section is not a public record for 18469
the purposes of section 149.43 of the Revised Code and shall not 18470
be made available to any person other than the following: 18471

(1) The person who is the subject of the criminal records 18472
check or the person's representative; 18473

(2) The appointing or hiring officer, administrative 18474
director, or attorney requesting the criminal records check or the 18475
officer's, director's, or attorney's representative; 18476

(3) The department of job and family services, a county 18477
department of job and family services, or a public children 18478
services agency; 18479

(4) Any court, hearing officer, or other necessary individual 18480
involved in a case dealing with the denial of employment, a final 18481
decree of adoption or interlocutory order of adoption, or a foster 18482
home certificate. 18483

(F) The director of job and family services shall adopt rules 18484
in accordance with Chapter 119. of the Revised Code to implement 18485
this section. The rules shall include rehabilitation standards a 18486

person who has been convicted of or pleaded guilty to an offense 18487
listed in division (A)(4) of section 109.572 of the Revised Code 18488
must meet for an appointing or hiring officer to appoint or employ 18489
the person as a person responsible for a child's care in 18490
out-of-home care, a probate court to issue a final decree of 18491
adoption or interlocutory order of adoption making the person an 18492
adoptive parent, or the department to issue a certificate 18493
authorizing the prospective foster caregiver to operate a foster 18494
home or not revoke a foster home certificate for a violation 18495
specified in section 5103.0328 of the Revised Code. 18496

(G) An appointing or hiring officer, administrative director, 18497
or attorney required by division (A) of this section to request a 18498
criminal records check shall inform each person who is the 18499
applicant, at the time of the person's initial application for 18500
appointment or employment, an adoption to be arranged, or a foster 18501
home certificate, that the person subject to the criminal records 18502
check is required to provide a set of impressions of the person's 18503
fingerprints and that a criminal records check is required to be 18504
conducted and satisfactorily completed in accordance with section 18505
109.572 of the Revised Code. 18506

(H) As used in this section: 18507

(1) "Children's hospital" means any of the following: 18508

(a) A hospital registered under section 3701.07 of the 18509
Revised Code that provides general pediatric medical and surgical 18510
care, and in which at least seventy-five per cent of annual 18511
inpatient discharges for the preceding two calendar years were 18512
individuals less than eighteen years of age; 18513

(b) A distinct portion of a hospital registered under section 18514
3701.07 of the Revised Code that provides general pediatric 18515
medical and surgical care, has a total of at least one hundred 18516
fifty registered pediatric special care and pediatric acute care 18517

beds, and in which at least seventy-five per cent of annual 18518
inpatient discharges for the preceding two calendar years were 18519
individuals less than eighteen years of age; 18520

(c) A distinct portion of a hospital, if the hospital is 18521
registered under section 3701.07 of the Revised Code as a 18522
children's hospital and the children's hospital meets all the 18523
requirements of division (H)(1)(a) of this section. 18524

(2) "Criminal records check" has the same meaning as in 18525
section 109.572 of the Revised Code. 18526

(3) "Person responsible for a child's care in out-of-home 18527
care" has the same meaning as in section 2151.011 of the Revised 18528
Code, except that it does not include a prospective employee of 18529
the department of youth services or a person responsible for a 18530
child's care in a hospital or medical clinic other than a 18531
children's hospital. 18532

(4) "Person subject to a criminal records check" means the 18533
following: 18534

(a) A person who is under final consideration for appointment 18535
or employment as a person responsible for a child's care in 18536
out-of-home care; 18537

(b) A prospective or current adoptive parent; 18538

(c) A prospective or current foster caregiver; 18539

(d) A person eighteen years old or older who resides with a 18540
prospective or current foster caregiver or a prospective or 18541
current adoptive parent. 18542

(5) "Recommending agency" means a public children services 18543
agency, private child placing agency, or private noncustodial 18544
agency to which the department of job and family services has 18545
delegated a duty to inspect and approve foster homes. 18546

(6) "Superintendent of BCII" means the superintendent of the 18547

bureau of criminal identification and investigation. 18548

Sec. 2303.201. (A)(1) The court of common pleas of any county 18549
may determine that for the efficient operation of the court 18550
additional funds are required to computerize the court, to make 18551
available computerized legal research services, or to do both. 18552
Upon making a determination that additional funds are required for 18553
either or both of those purposes, the court shall authorize and 18554
direct the clerk of the court of common pleas to charge one 18555
additional fee, not to exceed six dollars, on the filing of each 18556
cause of action or appeal under divisions (A), (Q), and (U) of 18557
section 2303.20 of the Revised Code. 18558

(2) All fees collected under division (A)(1) of this section 18559
shall be paid to the county treasurer. The treasurer shall place 18560
the funds from the fees in a separate fund to be disbursed either 18561
upon an order of the court, subject to an appropriation by the 18562
board of county commissioners, or upon an order of the court, 18563
subject to the court making an annual report available to the 18564
public listing the use of all such funds, in an amount not greater 18565
than the actual cost to the court of procuring and maintaining 18566
computerization of the court, computerized legal research 18567
services, or both. 18568

(3) If the court determines that the funds in the fund 18569
described in division (A)(2) of this section are more than 18570
sufficient to satisfy the purpose for which the additional fee 18571
described in division (A)(1) of this section was imposed, the 18572
court may declare a surplus in the fund and, subject to an 18573
appropriation by the board of county commissioners, expend those 18574
surplus funds, or upon an order of the court, subject to the court 18575
making an annual report available to the public listing the use of 18576
all such funds, expend those surplus funds, for other appropriate 18577
technological expenses of the court. 18578

(B)(1) The court of common pleas of any county may determine 18579
that, for the efficient operation of the court, additional funds 18580
are required to make technological advances in or to computerize 18581
the office of the clerk of the court of common pleas and, upon 18582
that determination, authorize and direct the clerk of the court of 18583
common pleas to charge an additional fee, not to exceed twenty 18584
dollars, on the filing of each cause of action or appeal, on the 18585
filing, docketing, and endorsing of each certificate of judgment, 18586
or on the docketing and indexing of each aid in execution or 18587
petition to vacate, revive, or modify a judgment under divisions 18588
(A), (P), (Q), (T), and (U) of section 2303.20 of the Revised Code 18589
and not to exceed one dollar each for the services described in 18590
divisions (B), (C), (D), (F), (H), and (L) of section 2303.20 of 18591
the Revised Code. Subject to division (B)(2) of this section, all 18592
moneys collected under division (B)(1) of this section shall be 18593
paid to the county treasurer to be disbursed, upon an order of the 18594
court of common pleas and subject to appropriation by the board of 18595
county commissioners, in an amount no greater than the actual cost 18596
to the court of procuring and maintaining technology and computer 18597
systems for the office of the clerk of the court of common pleas. 18598

(2) If the court of common pleas of a county makes the 18599
determination described in division (B)(1) of this section, the 18600
board of county commissioners of that county may issue one or more 18601
general obligation bonds for the purpose of procuring and 18602
maintaining the technology and computer systems for the office of 18603
the clerk of the court of common pleas. In addition to the 18604
purposes stated in division (B)(1) of this section for which the 18605
moneys collected under that division may be expended, the moneys 18606
additionally may be expended to pay debt charges on and financing 18607
costs related to any general obligation bonds issued pursuant to 18608
division (B)(2) of this section as they become due. General 18609
obligation bonds issued pursuant to division (B)(2) of this 18610
section are Chapter 133. securities. 18611

(C) The court of common pleas shall collect the sum of 18612
twenty-six dollars as additional filing fees in each new civil 18613
action or proceeding for the charitable public purpose of 18614
providing financial assistance to legal aid societies that operate 18615
within the state and to support the office of the state public 18616
defender. This division does not apply to a juvenile division of a 18617
court of common pleas, except that an additional filing fee of 18618
fifteen dollars shall apply to custody, visitation, and parentage 18619
actions; to a probate division of a court of common pleas, except 18620
that the additional filing fees shall apply to name change, 18621
guardianship, adoption, and decedents' estate proceedings; or to 18622
an execution on a judgment, proceeding in aid of execution, or 18623
other post-judgment proceeding arising out of a civil action. The 18624
filing fees required to be collected under this division shall be 18625
in addition to any other filing fees imposed in the action or 18626
proceeding and shall be collected at the time of the filing of the 18627
action or proceeding. The court shall not waive the payment of the 18628
additional filing fees in a new civil action or proceeding unless 18629
the court waives the advanced payment of all filing fees in the 18630
action or proceeding. All such moneys collected during a month 18631
except for an amount equal to up to one per cent of those moneys 18632
retained to cover administrative costs shall be transmitted on or 18633
before the twentieth day of the following month by the clerk of 18634
the court to the treasurer of state in a manner prescribed by the 18635
treasurer of state or by the Ohio ~~legal assistance~~ access to 18636
justice foundation. The treasurer of state shall deposit four per 18637
cent of the funds collected under this division to the credit of 18638
the civil case filing fee fund established under section 120.07 of 18639
the Revised Code and ninety-six per cent of the funds collected 18640
under this division to the credit of the legal aid fund 18641
established under section 120.52 of the Revised Code. 18642

The court may retain up to one per cent of the moneys it 18643
collects under this division to cover administrative costs, 18644

including the hiring of any additional personnel necessary to 18645
implement this division. If the court fails to transmit to the 18646
treasurer of state the moneys the court collects under this 18647
division in a manner prescribed by the treasurer of state or by 18648
the Ohio ~~legal assistance~~ access to justice foundation, the court 18649
shall forfeit the moneys the court retains under this division to 18650
cover administrative costs, including the hiring of any additional 18651
personnel necessary to implement this division, and shall transmit 18652
to the treasurer of state all moneys collected under this 18653
division, including the forfeited amount retained for 18654
administrative costs, for deposit in the legal aid fund. 18655

(D) On and after the thirtieth day after December 9, 1994, 18656
the court of common pleas shall collect the sum of thirty-two 18657
dollars as additional filing fees in each new action or proceeding 18658
for annulment, divorce, or dissolution of marriage for the purpose 18659
of funding shelters for victims of domestic violence pursuant to 18660
sections 3113.35 to 3113.39 of the Revised Code. The filing fees 18661
required to be collected under this division shall be in addition 18662
to any other filing fees imposed in the action or proceeding and 18663
shall be collected at the time of the filing of the action or 18664
proceeding. The court shall not waive the payment of the 18665
additional filing fees in a new action or proceeding for 18666
annulment, divorce, or dissolution of marriage unless the court 18667
waives the advanced payment of all filing fees in the action or 18668
proceeding. On or before the twentieth day of each month, all 18669
moneys collected during the immediately preceding month pursuant 18670
to this division shall be deposited by the clerk of the court into 18671
the county treasury in the special fund used for deposit of 18672
additional marriage license fees as described in section 3113.34 18673
of the Revised Code. Upon their deposit into the fund, the moneys 18674
shall be retained in the fund and expended only as described in 18675
section 3113.34 of the Revised Code. 18676

(E)(1) The court of common pleas may determine that, for the efficient operation of the court, additional funds are necessary to acquire and pay for special projects of the court, including, but not limited to, the acquisition of additional facilities or the rehabilitation of existing facilities, the acquisition of equipment, the hiring and training of staff, community service programs, mediation or dispute resolution services, the employment of magistrates, the training and education of judges, acting judges, and magistrates, and other related services. Upon that determination, the court by rule may charge a fee, in addition to all other court costs, on the filing of each criminal cause, civil action or proceeding, or judgment by confession.

If the court of common pleas offers or requires a special program or additional services in cases of a specific type, the court by rule may assess an additional charge in a case of that type, over and above court costs, to cover the special program or service. The court shall adjust the special assessment periodically, but not retroactively, so that the amount assessed in those cases does not exceed the actual cost of providing the service or program.

All moneys collected under division (E) of this section shall be paid to the county treasurer for deposit into either a general special projects fund or a fund established for a specific special project. Moneys from a fund of that nature shall be disbursed upon an order of the court, subject to an appropriation by the board of county commissioners, in an amount no greater than the actual cost to the court of a project. If a specific fund is terminated because of the discontinuance of a program or service established under division (E) of this section, the court may order, subject to an appropriation by the board of county commissioners, that moneys remaining in the fund be transferred to an account established under this division for a similar purpose.

(2) As used in division (E) of this section: 18709

(a) "Criminal cause" means a charge alleging the violation of 18710
a statute or ordinance, or subsection of a statute or ordinance, 18711
that requires a separate finding of fact or a separate plea before 18712
disposition and of which the defendant may be found guilty, 18713
whether filed as part of a multiple charge on a single summons, 18714
citation, or complaint or as a separate charge on a single 18715
summons, citation, or complaint. "Criminal cause" does not include 18716
separate violations of the same statute or ordinance, or 18717
subsection of the same statute or ordinance, unless each charge is 18718
filed on a separate summons, citation, or complaint. 18719

(b) "Civil action or proceeding" means any civil litigation 18720
that must be determined by judgment entry. 18721

Sec. 2305.011. (A) As used in this section: 18722

(1) "Nature" means the phenomena of the physical world 18723
collectively, including plants, animals, the landscape, other 18724
features and products of the earth, the natural environment or 18725
wilderness, and generally areas that are not human or human 18726
creations, have not been substantially altered by humans, or that 18727
persist despite human intervention. 18728

(2) "Ecosystem" means a complex community of living organisms 18729
in conjunction with their physical environments, all interacting 18730
and linked together as a system through nutrient cycles and energy 18731
flows in a particular unit of space. 18732

(B) Nature or any ecosystem does not have standing to 18733
participate in or bring an action in any court of common pleas. 18734

(C)(1) No person, on behalf of or representing nature or an 18735
ecosystem, shall bring an action in any court of common pleas. 18736

(2) No person shall bring an action in any court of common 18737
pleas against a person who is acting on behalf of or representing 18738

nature or an ecosystem. 18739

(3) No person, on behalf of or representing nature or an ecosystem, shall intervene in any manner, such as by filing a counterclaim, cross-claim, or third-party complaint, in any action brought in any court of common pleas. 18740
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(D) Nothing in this section shall be construed to prevent the state or any of its agencies from enforcing the laws pertaining to environmental pollution, conservation, wild animals, or other natural communities or ecosystems. 18744
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Sec. 2305.231. (A) As used in this section: 18748

(1) "Dentist" means a person who is licensed under Chapter 4715. of the Revised Code to practice dentistry. 18749
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(2) "Physician" means a person ~~who holds a certificate issued by the state medical board~~ authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery. 18751
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(3) "Registered nurse" means a nurse who is licensed as a registered nurse under Chapter 4723. of the Revised Code. 18755
18756

(4) "Therapeutic recreation" means adoptive recreation services to persons with illnesses or disabling conditions in order to do any of the following: 18757
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18759

(a) Restore, remediate, or rehabilitate; 18760

(b) Improve functioning and independence; 18761

(c) Reduce or eliminate the effects of illness or disability. 18762

(B) No physician who volunteers the physician's services as a team physician or team podiatrist to a school's athletics program, no dentist who volunteers the dentist's services as a team dentist to a school's athletics program, and no registered nurse who volunteers the registered nurse's services as a team nurse to a 18763
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school's athletics program is liable in damages in a civil action 18768
for administering emergency medical care, emergency dental care, 18769
other emergency professional care, or first aid treatment to a 18770
participant in an athletic event involving the school, at the 18771
scene of the event or while the participant is being transported 18772
to a hospital, physician's or dentist's office, or other medical 18773
or dental facility, or for acts performed in administering the 18774
care or treatment, unless the acts of the physician, dentist, or 18775
registered nurse constitute willful or wanton misconduct. 18776

(C)(1) No physician who volunteers the physician's services 18777
as a camp physician at a camp that specializes in therapeutic 18778
recreation, and no registered nurse who volunteers the registered 18779
nurse's services at such a camp, is liable in damages in a civil 18780
action for either of the following: 18781

(a) Administering medical care, or emergency professional 18782
care, or first aid treatment to a participant in the camp or while 18783
the participant is being transported to a hospital, physician's or 18784
dentist's office, or other medical or dental facility; 18785

(b) Acts performed in administering that care or treatment. 18786

(2) Division (C)(1) of this section does not apply if the 18787
acts of the physician or registered nurse constitute willful or 18788
wanton misconduct. 18789

(D) This section does not apply if the administration of 18790
emergency medical care, emergency dental care, other emergency 18791
professional care, or first aid treatment is rendered for 18792
remuneration, or with the expectation of remuneration, from the 18793
recipient of the care or treatment or from someone on the 18794
recipient's behalf. 18795

Sec. 2305.41. As used in sections 2305.41 to 2305.49 of the 18796
Revised Code: 18797

(A) "Disabled condition" means the condition of being unconscious, semiconscious, incoherent, or otherwise incapacitated to communicate.	18798 18799 18800
(B) "Disabled person" means a person in a disabled condition.	18801
(C) "Emergency symbol" means the caduceus inscribed within a six-barred cross used by the American medical association to denote emergency information.	18802 18803 18804
(D) "Identifying device" means an identifying bracelet, necklace, metal tag, or similar device bearing the emergency symbol and the information needed in an emergency.	18805 18806 18807
(E) "Identification card" means any card containing the holder's name, type of medical condition, physician's name, and other medical information. "Identification card" does not include any license or permit issued pursuant to Chapter 4507. of the Revised Code.	18808 18809 18810 18811 18812
(F) "Medical practitioner" means an individual who holds a current valid certificate issued <u>authorized</u> under Chapter 4731. of the Revised Code authorizing the <u>to</u> practice of medicine and surgery or osteopathic medicine and surgery.	18813 18814 18815 18816
(G) "Paramedic" has the meaning given in section 4765.01 of the Revised Code.	18817 18818
Sec. 2317.54. No hospital, home health agency, ambulatory surgical facility, or provider of a hospice care program or pediatric respite care program shall be held liable for a physician's failure to obtain an informed consent from the physician's patient prior to a surgical or medical procedure or course of procedures, unless the physician is an employee of the hospital, home health agency, ambulatory surgical facility, or provider of a hospice care program or pediatric respite care program.	18819 18820 18821 18822 18823 18824 18825 18826 18827

Written consent to a surgical or medical procedure or course 18828
of procedures shall, to the extent that it fulfills all the 18829
requirements in divisions (A), (B), and (C) of this section, be 18830
presumed to be valid and effective, in the absence of proof by a 18831
preponderance of the evidence that the person who sought such 18832
consent was not acting in good faith, or that the execution of the 18833
consent was induced by fraudulent misrepresentation of material 18834
facts, or that the person executing the consent was not able to 18835
communicate effectively in spoken and written English or any other 18836
language in which the consent is written. Except as herein 18837
provided, no evidence shall be admissible to impeach, modify, or 18838
limit the authorization for performance of the procedure or 18839
procedures set forth in such written consent. 18840

(A) The consent sets forth in general terms the nature and 18841
purpose of the procedure or procedures, and what the procedures 18842
are expected to accomplish, together with the reasonably known 18843
risks, and, except in emergency situations, sets forth the names 18844
of the physicians who shall perform the intended surgical 18845
procedures. 18846

(B) The person making the consent acknowledges that such 18847
disclosure of information has been made and that all questions 18848
asked about the procedure or procedures have been answered in a 18849
satisfactory manner. 18850

(C) The consent is signed by the patient for whom the 18851
procedure is to be performed, or, if the patient for any reason 18852
including, but not limited to, competence, minority, or the fact 18853
that, at the latest time that the consent is needed, the patient 18854
is under the influence of alcohol, hallucinogens, or drugs, lacks 18855
legal capacity to consent, by a person who has legal authority to 18856
consent on behalf of such patient in such circumstances, including 18857
either of the following: 18858

(1) The parent, whether the parent is an adult or a minor, of 18859

the parent's minor child; 18860

(2) An adult whom the parent of the minor child has given 18861
written authorization to consent to a surgical or medical 18862
procedure or course of procedures for the parent's minor child. 18863

Any use of a consent form that fulfills the requirements 18864
stated in divisions (A), (B), and (C) of this section has no 18865
effect on the common law rights and liabilities, including the 18866
right of a physician to obtain the oral or implied consent of a 18867
patient to a medical procedure, that may exist as between 18868
physicians and patients on July 28, 1975. 18869

As used in this section the term "hospital" has the same 18870
meaning as in section 2305.113 of the Revised Code; "home health 18871
agency" has the same meaning as in section 5101.61 of the Revised 18872
Code; "ambulatory surgical facility" has the same meaning as in 18873
~~division (A) of~~ section 3702.30 of the Revised Code; and "hospice 18874
care program" and "pediatric respite care program" have the same 18875
meanings as in section 3712.01 of the Revised Code. The provisions 18876
of this division apply to hospitals, doctors of medicine, doctors 18877
of osteopathic medicine, and doctors of podiatric medicine. 18878

Sec. 2323.52. (A) As used in this section: 18879

(1) "Conduct" has the same meaning as in section 2323.51 of 18880
the Revised Code. 18881

(2) "Vexatious conduct" means conduct of a party in a civil 18882
action that satisfies any of the following: 18883

(a) The conduct obviously serves merely to harass or 18884
maliciously injure another party to the civil action. 18885

(b) The conduct is not warranted under existing law and 18886
cannot be supported by a good faith argument for an extension, 18887
modification, or reversal of existing law. 18888

(c) The conduct is imposed solely for delay. 18889

(3) "Vexatious litigator" means any person who has 18890
habitually, persistently, and without reasonable grounds engaged 18891
in vexatious conduct in a civil action or actions, whether in the 18892
court of claims or in a court of appeals, court of common pleas, 18893
municipal court, or county court, whether the person or another 18894
person instituted the civil action or actions, and whether the 18895
vexatious conduct was against the same party or against different 18896
parties in the civil action or actions. "Vexatious litigator" does 18897
not include a person who is authorized to practice law in the 18898
courts of this state under the Ohio Supreme Court Rules for the 18899
Government of the Bar of Ohio unless that person is representing 18900
or has represented self pro se in the civil action or actions. For 18901
the purposes of division (A)(3) of this section, "civil action" 18902
includes a proceeding under section 2743.75 of the Revised Code. 18903

(B) A person, the office of the attorney general, or a 18904
prosecuting attorney, city director of law, village solicitor, or 18905
similar chief legal officer of a municipal corporation who has 18906
defended against habitual and persistent vexatious conduct in the 18907
court of claims or in a court of appeals, court of common pleas, 18908
municipal court, or county court may commence a civil action in a 18909
court of common pleas with jurisdiction over the person who 18910
allegedly engaged in the habitual and persistent vexatious conduct 18911
to have that person declared a vexatious litigator. The person, 18912
office of the attorney general, prosecuting attorney, city 18913
director of law, village solicitor, or similar chief legal officer 18914
of a municipal corporation may commence this civil action while 18915
the civil action or actions in which the habitual and persistent 18916
vexatious conduct occurred are still pending or within one year 18917
after the termination of the civil action or actions in which the 18918
habitual and persistent vexatious conduct occurred. 18919

(C) A civil action to have a person declared a vexatious 18920
litigator shall proceed as any other civil action, and the Ohio 18921

Rules of Civil Procedure apply to the action. 18922

(D)(1) If the person alleged to be a vexatious litigator is 18923
found to be a vexatious litigator, subject to division (D)(2) of 18924
this section, the court of common pleas may enter an order 18925
prohibiting the vexatious litigator from doing one or more of the 18926
following without first obtaining the leave of that court to 18927
proceed: 18928

(a) Instituting legal proceedings in the court of claims or 18929
in a court of common pleas, municipal court, or county court; 18930

(b) Continuing any legal proceedings that the vexatious 18931
litigator had instituted in any of the courts specified in 18932
division (D)(1)(a) of this section prior to the entry of the 18933
order; 18934

(c) Making any application, other than an application for 18935
leave to proceed under division (F)(1) of this section, in any 18936
legal proceedings instituted by the vexatious litigator or another 18937
person in any of the courts specified in division (D)(1)(a) of 18938
this section. 18939

(2) If the court of common pleas finds a person who is 18940
authorized to practice law in the courts of this state under the 18941
Ohio Supreme Court Rules for the Government of the Bar of Ohio to 18942
be a vexatious litigator and enters an order described in division 18943
(D)(1) of this section in connection with that finding, the order 18944
shall apply to the person only insofar as the person would seek to 18945
institute proceedings described in division (D)(1)(a) of this 18946
section on a pro se basis, continue proceedings described in 18947
division (D)(1)(b) of this section on a pro se basis, or make an 18948
application described in division (D)(1)(c) of this section on a 18949
pro se basis. The order shall not apply to the person insofar as 18950
the person represents one or more other persons in the person's 18951
capacity as a licensed and registered attorney in a civil or 18952

criminal action or proceeding or other matter in a court of common 18953
pleas, municipal court, or county court or in the court of claims. 18954
Division (D)(2) of this section does not affect any remedy that is 18955
available to a court or an adversely affected party under section 18956
2323.51 or another section of the Revised Code, under Civil Rule 18957
11 or another provision of the Ohio Rules of Civil Procedure, or 18958
under the common law of this state as a result of frivolous 18959
conduct or other inappropriate conduct by an attorney who 18960
represents one or more clients in connection with a civil or 18961
criminal action or proceeding or other matter in a court of common 18962
pleas, municipal court, or county court or in the court of claims. 18963

(3) A person who is subject to an order entered pursuant to 18964
division (D)(1) of this section may not institute legal 18965
proceedings in a court of appeals, continue any legal proceedings 18966
that the vexatious litigator had instituted in a court of appeals 18967
prior to entry of the order, or make any application, other than 18968
the application for leave to proceed allowed by division (F)(2) of 18969
this section, in any legal proceedings instituted by the vexatious 18970
litigator or another person in a court of appeals without first 18971
obtaining leave of the court of appeals to proceed pursuant to 18972
division (F)(2) of this section. 18973

(E) An order that is entered under division (D)(1) of this 18974
section shall remain in force indefinitely unless the order 18975
provides for its expiration after a specified period of time. 18976

(F)(1) A court of common pleas that entered an order under 18977
division (D)(1) of this section shall not grant a person found to 18978
be a vexatious litigator leave for the institution or continuance 18979
of, or the making of an application in, legal proceedings in the 18980
court of claims or in a court of common pleas, municipal court, or 18981
county court unless the court of common pleas that entered that 18982
order is satisfied that the proceedings or application are not an 18983
abuse of process of the court in question and that there are 18984

reasonable grounds for the proceedings or application. If a person 18985
who has been found to be a vexatious litigator under this section 18986
requests the court of common pleas that entered an order under 18987
division (D)(1) of this section to grant the person leave to 18988
proceed as described in division (F)(1) of this section, the 18989
period of time commencing with the filing with that court of an 18990
application for the issuance of an order granting leave to proceed 18991
and ending with the issuance of an order of that nature shall not 18992
be computed as a part of an applicable period of limitations 18993
within which the legal proceedings or application involved 18994
generally must be instituted or made. 18995

(2) A person who is subject to an order entered pursuant to 18996
division (D)(1) of this section and who seeks to institute or 18997
continue any legal proceedings in a court of appeals or to make an 18998
application, other than an application for leave to proceed under 18999
division (F)(2) of this section, in any legal proceedings in a 19000
court of appeals shall file an application for leave to proceed in 19001
the court of appeals in which the legal proceedings would be 19002
instituted or are pending. The court of appeals shall not grant a 19003
person found to be a vexatious litigator leave for the institution 19004
or continuance of, or the making of an application in, legal 19005
proceedings in the court of appeals unless the court of appeals is 19006
satisfied that the proceedings or application are not an abuse of 19007
process of the court and that there are reasonable grounds for the 19008
proceedings or application. If a person who has been found to be a 19009
vexatious litigator under this section requests the court of 19010
appeals to grant the person leave to proceed as described in 19011
division (F)(2) of this section, the period of time commencing 19012
with the filing with the court of an application for the issuance 19013
of an order granting leave to proceed and ending with the issuance 19014
of an order of that nature shall not be computed as a part of an 19015
applicable period of limitations within which the legal 19016
proceedings or application involved generally must be instituted 19017

or made. 19018

(G) During the period of time that the order entered under 19019
division (D)(1) of this section is in force, no appeal by the 19020
person who is the subject of that order shall lie from a decision 19021
of the court of common pleas or court of appeals under division 19022
(F) of this section that denies that person leave for the 19023
institution or continuance of, or the making of an application in, 19024
legal proceedings in the court of claims or in a court of appeals, 19025
court of common pleas, municipal court, or county court. 19026

(H) The clerk of the court of common pleas that enters an 19027
order under division (D)(1) of this section shall send a certified 19028
copy of the order to the supreme court for publication in a manner 19029
that the supreme court determines is appropriate and that will 19030
facilitate the clerk of the court of claims and a clerk of a court 19031
of appeals, court of common pleas, municipal court, or county 19032
court in refusing to accept pleadings or other papers submitted 19033
for filing by persons who have been found to be a vexatious 19034
litigator under this section and who have failed to obtain leave 19035
to proceed under this section. 19036

(I) Whenever it appears by suggestion of the parties or 19037
otherwise that a person found to be a vexatious litigator under 19038
this section has instituted, continued, or made an application in 19039
legal proceedings without obtaining leave to proceed from the 19040
appropriate court of common pleas or court of appeals to do so 19041
under division (F) of this section, the court in which the legal 19042
proceedings are pending shall dismiss the proceedings or 19043
application of the vexatious litigator. 19044

(J) A person who is subject to an order entered pursuant to 19045
division (D)(1) of this section shall not be permitted to request 19046
public records under section 149.43 of the Revised Code without 19047
first receiving both leave to proceed from the court of common 19048
pleas as described in this section and an accompanying order from 19049

the court that specifies with particularity what public records 19050
the person may request. Until the requirements set forth in this 19051
division are satisfied and evidence of satisfaction is presented 19052
to the public office or person responsible for public records, the 19053
public office or person responsible for public records is under no 19054
duty to respond to a public records request submitted by a person 19055
who is subject to an order entered pursuant to division (D)(1) of 19056
this section. 19057

Sec. 2925.01. As used in this chapter: 19058

(A) "Administer," "controlled substance," "controlled 19059
substance analog," "dispense," "distribute," "hypodermic," 19060
"manufacturer," "official written order," "person," "pharmacist," 19061
"pharmacy," "sale," "schedule I," "schedule II," "schedule III," 19062
"schedule IV," "schedule V," and "wholesaler" have the same 19063
meanings as in section 3719.01 of the Revised Code. 19064

(B) "Drug dependent person" and "drug of abuse" have the same 19065
meanings as in section 3719.011 of the Revised Code. 19066

(C) "Drug," "dangerous drug," "licensed health professional 19067
authorized to prescribe drugs," and "prescription" have the same 19068
meanings as in section 4729.01 of the Revised Code. 19069

(D) "Bulk amount" of a controlled substance means any of the 19070
following: 19071

(1) For any compound, mixture, preparation, or substance 19072
included in schedule I, schedule II, or schedule III, with the 19073
exception of any controlled substance analog, marihuana, cocaine, 19074
L.S.D., heroin, any fentanyl-related compound, a d hashish and 19075
except as provided in division (D)(2), (5), or (6) of this 19076
section, whichever of the following is applicable: 19077

(a) An amount equal to or exceeding ten grams or twenty-five 19078
unit doses of a compound, mixture, preparation, or substance that 19079

is or contains any amount of a schedule I opiate or opium 19080
derivative; 19081

(b) An amount equal to or exceeding ten grams of a compound, 19082
mixture, preparation, or substance that is or contains any amount 19083
of raw or gum opium; 19084

(c) An amount equal to or exceeding thirty grams or ten unit 19085
doses of a compound, mixture, preparation, or substance that is or 19086
contains any amount of a schedule I hallucinogen other than 19087
tetrahydrocannabinol or lysergic acid amide, or a schedule I 19088
stimulant or depressant; 19089

(d) An amount equal to or exceeding twenty grams or five 19090
times the maximum daily dose in the usual dose range specified in 19091
a standard pharmaceutical reference manual of a compound, mixture, 19092
preparation, or substance that is or contains any amount of a 19093
schedule II opiate or opium derivative; 19094

(e) An amount equal to or exceeding five grams or ten unit 19095
doses of a compound, mixture, preparation, or substance that is or 19096
contains any amount of phencyclidine; 19097

(f) An amount equal to or exceeding one hundred twenty grams 19098
or thirty times the maximum daily dose in the usual dose range 19099
specified in a standard pharmaceutical reference manual of a 19100
compound, mixture, preparation, or substance that is or contains 19101
any amount of a schedule II stimulant that is in a final dosage 19102
form manufactured by a person authorized by the "Federal Food, 19103
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as 19104
amended, and the federal drug abuse control laws, as defined in 19105
section 3719.01 of the Revised Code, that is or contains any 19106
amount of a schedule II depressant substance or a schedule II 19107
hallucinogenic substance; 19108

(g) An amount equal to or exceeding three grams of a 19109
compound, mixture, preparation, or substance that is or contains 19110

any amount of a schedule II stimulant, or any of its salts or isomers, that is not in a final dosage form manufactured by a person authorized by the Federal Food, Drug, and Cosmetic Act and the federal drug abuse control laws.

(2) An amount equal to or exceeding one hundred twenty grams or thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule III or IV substance other than an anabolic steroid or a schedule III opiate or opium derivative;

(3) An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule III opiate or opium derivative;

(4) An amount equal to or exceeding two hundred fifty milliliters or two hundred fifty grams of a compound, mixture, preparation, or substance that is or contains any amount of a schedule V substance;

(5) An amount equal to or exceeding two hundred solid dosage units, sixteen grams, or sixteen milliliters of a compound, mixture, preparation, or substance that is or contains any amount of a schedule III anabolic steroid;

(6) For any compound, mixture, preparation, or substance that is a combination of a fentanyl-related compound and any other compound, mixture, preparation, or substance included in schedule III, schedule IV, or schedule V, if the defendant is charged with a violation of section 2925.11 of the Revised Code and the sentencing provisions set forth in divisions (C)(10)(b) and (C)(11) of that section will not apply regarding the defendant and the violation, the bulk amount of the controlled substance for

purposes of the violation is the amount specified in division 19142
(D)(1), (2), (3), (4), or (5) of this section for the other 19143
schedule III, IV, or V controlled substance that is combined with 19144
the fentanyl-related compound. 19145

(E) "Unit dose" means an amount or unit of a compound, 19146
mixture, or preparation containing a controlled substance that is 19147
separately identifiable and in a form that indicates that it is 19148
the amount or unit by which the controlled substance is separately 19149
administered to or taken by an individual. 19150

(F) "Cultivate" includes planting, watering, fertilizing, or 19151
tilling. 19152

(G) "Drug abuse offense" means any of the following: 19153

(1) A violation of division (A) of section 2913.02 that 19154
constitutes theft of drugs, or a violation of section 2925.02, 19155
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 19156
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or 19157
2925.37 of the Revised Code; 19158

(2) A violation of an existing or former law of this or any 19159
other state or of the United States that is substantially 19160
equivalent to any section listed in division (G)(1) of this 19161
section; 19162

(3) An offense under an existing or former law of this or any 19163
other state, or of the United States, of which planting, 19164
cultivating, harvesting, processing, making, manufacturing, 19165
producing, shipping, transporting, delivering, acquiring, 19166
possessing, storing, distributing, dispensing, selling, inducing 19167
another to use, administering to another, using, or otherwise 19168
dealing with a controlled substance is an element; 19169

(4) A conspiracy to commit, attempt to commit, or complicity 19170
in committing or attempting to commit any offense under division 19171
(G)(1), (2), or (3) of this section. 19172

(H) "Felony drug abuse offense" means any drug abuse offense	19173
that would constitute a felony under the laws of this state, any	19174
other state, or the United States.	19175
(I) "Harmful intoxicant" does not include beer or	19176
intoxicating liquor but means any of the following:	19177
(1) Any compound, mixture, preparation, or substance the gas,	19178
fumes, or vapor of which when inhaled can induce intoxication,	19179
excitement, giddiness, irrational behavior, depression,	19180
stupefaction, paralysis, unconsciousness, asphyxiation, or other	19181
harmful physiological effects, and includes, but is not limited	19182
to, any of the following:	19183
(a) Any volatile organic solvent, plastic cement, model	19184
cement, fingernail polish remover, lacquer thinner, cleaning	19185
fluid, gasoline, or other preparation containing a volatile	19186
organic solvent;	19187
(b) Any aerosol propellant;	19188
(c) Any fluorocarbon refrigerant;	19189
(d) Any anesthetic gas.	19190
(2) Gamma Butyrolactone;	19191
(3) 1,4 Butanediol.	19192
(J) "Manufacture" means to plant, cultivate, harvest,	19193
process, make, prepare, or otherwise engage in any part of the	19194
production of a drug, by propagation, extraction, chemical	19195
synthesis, or compounding, or any combination of the same, and	19196
includes packaging, repackaging, labeling, and other activities	19197
incident to production.	19198
(K) "Possess" or "possession" means having control over a	19199
thing or substance, but may not be inferred solely from mere	19200
access to the thing or substance through ownership or occupation	19201
of the premises upon which the thing or substance is found.	19202

(L) "Sample drug" means a drug or pharmaceutical preparation 19203
that would be hazardous to health or safety if used without the 19204
supervision of a licensed health professional authorized to 19205
prescribe drugs, or a drug of abuse, and that, at one time, had 19206
been placed in a container plainly marked as a sample by a 19207
manufacturer. 19208

(M) "Standard pharmaceutical reference manual" means the 19209
current edition, with cumulative changes if any, of references 19210
that are approved by the state board of pharmacy. 19211

(N) "Juvenile" means a person under eighteen years of age. 19212

(O) "Counterfeit controlled substance" means any of the 19213
following: 19214

(1) Any drug that bears, or whose container or label bears, a 19215
trademark, trade name, or other identifying mark used without 19216
authorization of the owner of rights to that trademark, trade 19217
name, or identifying mark; 19218

(2) Any unmarked or unlabeled substance that is represented 19219
to be a controlled substance manufactured, processed, packed, or 19220
distributed by a person other than the person that manufactured, 19221
processed, packed, or distributed it; 19222

(3) Any substance that is represented to be a controlled 19223
substance but is not a controlled substance or is a different 19224
controlled substance; 19225

(4) Any substance other than a controlled substance that a 19226
reasonable person would believe to be a controlled substance 19227
because of its similarity in shape, size, and color, or its 19228
markings, labeling, packaging, distribution, or the price for 19229
which it is sold or offered for sale. 19230

(P) An offense is "committed in the vicinity of a school" if 19231
the offender commits the offense on school premises, in a school 19232

building, or within one thousand feet of the boundaries of any 19233
school premises, regardless of whether the offender knows the 19234
offense is being committed on school premises, in a school 19235
building, or within one thousand feet of the boundaries of any 19236
school premises. 19237

(Q) "School" means any school operated by a board of 19238
education, any community school established under Chapter 3314. of 19239
the Revised Code, or any nonpublic school for which the state 19240
board of education prescribes minimum standards under section 19241
3301.07 of the Revised Code, whether or not any instruction, 19242
extracurricular activities, or training provided by the school is 19243
being conducted at the time a criminal offense is committed. 19244

(R) "School premises" means either of the following: 19245

(1) The parcel of real property on which any school is 19246
situated, whether or not any instruction, extracurricular 19247
activities, or training provided by the school is being conducted 19248
on the premises at the time a criminal offense is committed; 19249

(2) Any other parcel of real property that is owned or leased 19250
by a board of education of a school, the governing authority of a 19251
community school established under Chapter 3314. of the Revised 19252
Code, or the governing body of a nonpublic school for which the 19253
state board of education prescribes minimum standards under 19254
section 3301.07 of the Revised Code and on which some of the 19255
instruction, extracurricular activities, or training of the school 19256
is conducted, whether or not any instruction, extracurricular 19257
activities, or training provided by the school is being conducted 19258
on the parcel of real property at the time a criminal offense is 19259
committed. 19260

(S) "School building" means any building in which any of the 19261
instruction, extracurricular activities, or training provided by a 19262
school is conducted, whether or not any instruction, 19263

extracurricular activities, or training provided by the school is 19264
being conducted in the school building at the time a criminal 19265
offense is committed. 19266

(T) "Disciplinary counsel" means the disciplinary counsel 19267
appointed by the board of commissioners on grievances and 19268
discipline of the supreme court under the Rules for the Government 19269
of the Bar of Ohio. 19270

(U) "Certified grievance committee" means a duly constituted 19271
and organized committee of the Ohio state bar association or of 19272
one or more local bar associations of the state of Ohio that 19273
complies with the criteria set forth in Rule V, section 6 of the 19274
Rules for the Government of the Bar of Ohio. 19275

(V) "Professional license" means any license, permit, 19276
certificate, registration, qualification, admission, temporary 19277
license, temporary permit, temporary certificate, or temporary 19278
registration that is described in divisions (W)(1) to (37) of this 19279
section and that qualifies a person as a professionally licensed 19280
person. 19281

(W) "Professionally licensed person" means any of the 19282
following: 19283

(1) A person who has received a certificate or temporary 19284
certificate as a certified public accountant or who has registered 19285
as a public accountant under Chapter 4701. of the Revised Code and 19286
who holds an Ohio permit issued under that chapter; 19287

(2) A person who holds a certificate of qualification to 19288
practice architecture issued or renewed and registered under 19289
Chapter 4703. of the Revised Code; 19290

(3) A person who is registered as a landscape architect under 19291
Chapter 4703. of the Revised Code or who holds a permit as a 19292
landscape architect issued under that chapter; 19293

(4) A person licensed under Chapter 4707. of the Revised Code;	19294 19295
(5) A person who has been issued a certificate of registration as a registered barber under Chapter 4709. of the Revised Code;	19296 19297 19298
(6) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Chapter 4710. of the Revised Code;	19299 19300 19301
(7) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced cosmetologist's license, advanced hair designer's license, advanced manicurist's license, advanced esthetician's license, advanced natural hair stylist's license, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under Chapter 4713. of the Revised Code;	19302 19303 19304 19305 19306 19307 19308 19309 19310 19311
(8) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license, or a dental hygienist's teacher's certificate under Chapter 4715. of the Revised Code;	19312 19313 19314 19315 19316
(9) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license, or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under Chapter 4717. of the Revised Code;	19317 19318 19319 19320
(10) A person who has been licensed as a registered nurse or practical nurse, or who has been issued a certificate for the practice of nurse-midwifery under Chapter 4723. of the Revised Code;	19321 19322 19323 19324

(11) A person who has been licensed to practice optometry or to engage in optical dispensing under Chapter 4725. of the Revised Code;	19325 19326 19327
(12) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;	19328 19329
(13) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;	19330 19331
(14) A person licensed under Chapter 4729. of the Revised Code as a pharmacist or pharmacy intern or registered under that chapter as a registered pharmacy technician, certified pharmacy technician, or pharmacy technician trainee;	19332 19333 19334 19335
(15) A person licensed under Chapter 4729. of the Revised Code as a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, wholesale distributor of dangerous drugs, or terminal distributor of dangerous drugs;	19336 19337 19338 19339 19340
(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	19341 19342
(17) A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under Chapter 4731. of the Revised Code or has been issued a certificate to practice a limited branch of medicine under that chapter;	19343 19344 19345 19346 19347
(18) A person licensed as a psychologist or school psychologist under Chapter 4732. of the Revised Code;	19348 19349
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	19350 19351
(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	19352 19353
(21) A person licensed to act as a real estate broker or real	19354

estate salesperson under Chapter 4735. of the Revised Code;	19355
(22) A person registered as a registered sanitarian under Chapter 4736. of the Revised Code;	19356 19357
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	19358 19359
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	19360 19361
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	19362 19363
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	19364 19365 19366 19367
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	19368 19369 19370
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	19371 19372 19373
(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	19374 19375 19376
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	19377 19378 19379
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	19380 19381
(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family	19382 19383 19384

therapist, or marriage and family therapist, or registered as a	19385
social work assistant under Chapter 4757. of the Revised Code;	19386
(33) A person issued a license to practice dietetics under	19387
Chapter 4759. of the Revised Code;	19388
(34) A person who has been issued a license or limited permit	19389
to practice respiratory therapy under Chapter 4761. of the Revised	19390
Code;	19391
(35) A person who has been issued a real estate appraiser	19392
certificate under Chapter 4763. of the Revised Code;	19393
(36) A person who has been issued a home inspector license	19394
under Chapter 4764. of the Revised Code;	19395
(37) A person who has been admitted to the bar by order of	19396
the supreme court in compliance with its prescribed and published	19397
rules.	19398
(X) "Cocaine" means any of the following:	19399
(1) A cocaine salt, isomer, or derivative, a salt of a	19400
cocaine isomer or derivative, or the base form of cocaine;	19401
(2) Coca leaves or a salt, compound, derivative, or	19402
preparation of coca leaves, including ecgonine, a salt, isomer, or	19403
derivative of ecgonine, or a salt of an isomer or derivative of	19404
ecgonine;	19405
(3) A salt, compound, derivative, or preparation of a	19406
substance identified in division (X)(1) or (2) of this section	19407
that is chemically equivalent to or identical with any of those	19408
substances, except that the substances shall not include	19409
decocainized coca leaves or extraction of coca leaves if the	19410
extractions do not contain cocaine or ecgonine.	19411
(Y) "L.S.D." means lysergic acid diethylamide.	19412
(Z) "Hashish" means the resin or a preparation of the resin	19413
contained in marihuana, whether in solid form or in a liquid	19414

concentrate, liquid extract, or liquid distillate form. 19415

(AA) "Marihuana" has the same meaning as in section 3719.01 19416
of the Revised Code, except that it does not include hashish. 19417

(BB) An offense is "committed in the vicinity of a juvenile" 19418
if the offender commits the offense within one hundred feet of a 19419
juvenile or within the view of a juvenile, regardless of whether 19420
the offender knows the age of the juvenile, whether the offender 19421
knows the offense is being committed within one hundred feet of or 19422
within view of the juvenile, or whether the juvenile actually 19423
views the commission of the offense. 19424

(CC) "Presumption for a prison term" or "presumption that a 19425
prison term shall be imposed" means a presumption, as described in 19426
division (D) of section 2929.13 of the Revised Code, that a prison 19427
term is a necessary sanction for a felony in order to comply with 19428
the purposes and principles of sentencing under section 2929.11 of 19429
the Revised Code. 19430

(DD) "Major drug offender" has the same meaning as in section 19431
2929.01 of the Revised Code. 19432

(EE) "Minor drug possession offense" means either of the 19433
following: 19434

(1) A violation of section 2925.11 of the Revised Code as it 19435
existed prior to July 1, 1996; 19436

(2) A violation of section 2925.11 of the Revised Code as it 19437
exists on and after July 1, 1996, that is a misdemeanor or a 19438
felony of the fifth degree. 19439

(FF) "Mandatory prison term" has the same meaning as in 19440
section 2929.01 of the Revised Code. 19441

(GG) "Adulterate" means to cause a drug to be adulterated as 19442
described in section 3715.63 of the Revised Code. 19443

(HH) "Public premises" means any hotel, restaurant, tavern, 19444

store, arena, hall, or other place of public accommodation,	19445
business, amusement, or resort.	19446
(II) "Methamphetamine" means methamphetamine, any salt,	19447
isomer, or salt of an isomer of methamphetamine, or any compound,	19448
mixture, preparation, or substance containing methamphetamine or	19449
any salt, isomer, or salt of an isomer of methamphetamine.	19450
(JJ) "Deception" has the same meaning as in section 2913.01	19451
of the Revised Code.	19452
(KK) "Fentanyl-related compound" means any of the following:	19453
(1) Fentanyl;	19454
(2) Alpha-methylfentanyl	19455
(N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide;	19456
1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);	19457
(3) Alpha-methylthiofentanyl	19458
(N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);	19459
(4) Beta-hydroxyfentanyl	19460
(N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl]-N-phenylpropanamide);	19461
(5) Beta-hydroxy-3-methylfentanyl (other name:	19462
N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-	19463
phenylpropanamide);	19464
(6) 3-methylfentanyl	19465
(N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N- phenylpropanamide);	19466
(7) 3-methylthiofentanyl	19467
(N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide);	19468
(8) Para-fluorofentanyl	19469
(N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide;	19470
(9) Thiofentanyl	19471
(N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide;	19472
(10) Alfentanil;	19473

(11) Carfentanil;	19474
(12) Remifentanil;	19475
(13) Sufentanil;	19476
(14) Acetyl-alpha-methylfentanyl	19477
(N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide);	19478
and	19479
(15) Any compound that meets all of the following fentanyl	19480
pharmacophore requirements to bind at the mu receptor, as	19481
identified by a report from an established forensic laboratory,	19482
including acetylfentanyl, furanylfentanyl, valerylfentanyl,	19483
butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl,	19484
para-fluorobutyrylfentanyl, acrylfentanyl, and	19485
ortho-fluorofentanyl:	19486
(a) A chemical scaffold consisting of both of the following:	19487
(i) A five, six, or seven member ring structure containing a	19488
nitrogen, whether or not further substituted;	19489
(ii) An attached nitrogen to the ring, whether or not that	19490
nitrogen is enclosed in a ring structure, including an attached	19491
aromatic ring or other lipophilic group to that nitrogen.	19492
(b) A polar functional group attached to the chemical	19493
scaffold, including but not limited to a hydroxyl, ketone, amide,	19494
or ester;	19495
(c) An alkyl or aryl substitution off the ring nitrogen of	19496
the chemical scaffold; and	19497
(d) The compound has not been approved for medical use by the	19498
United States food and drug administration.	19499
(LL) "First degree felony mandatory prison term" means one of	19500
the definite prison terms prescribed in division (A)(1)(b) of	19501
section 2929.14 of the Revised Code for a felony of the first	19502
degree, except that if the violation for which sentence is being	19503

imposed is committed on or after the effective date of this 19504
amendment, it means one of the minimum prison terms prescribed in 19505
division (A)(1)(a) of that section for a felony of the first 19506
degree. 19507

(MM) "Second degree felony mandatory prison term" means one 19508
of the definite prison terms prescribed in division (A)(2)(b) of 19509
section 2929.14 of the Revised Code for a felony of the second 19510
degree, except that if the violation for which sentence is being 19511
imposed is committed on or after the effective date of this 19512
amendment, it means one of the minimum prison terms prescribed in 19513
division (A)(2)(a) of that section for a felony of the second 19514
degree. 19515

(NN) "Maximum first degree felony mandatory prison term" 19516
means the maximum definite prison term prescribed in division 19517
(A)(1)(b) of section 2929.14 of the Revised Code for a felony of 19518
the first degree, except that if the violation for which sentence 19519
is being imposed is committed on or after the effective date of 19520
this amendment, it means the longest minimum prison term 19521
prescribed in division (A)(1)(a) of that section for a felony of 19522
the first degree. 19523

(OO) "Maximum second degree felony mandatory prison term" 19524
means the maximum definite prison term prescribed in division 19525
(A)(2)(b) of section 2929.14 of the Revised Code for a felony of 19526
the second degree, except that if the violation for which sentence 19527
is being imposed is committed on or after the effective date of 19528
this amendment, it means the longest minimum prison term 19529
prescribed in division (A)(2)(a) of that section for a felony of 19530
the second degree. 19531

Sec. 2927.02. (A) As used in this section and sections 19532
2927.021 and 2927.022 of the Revised Code: 19533

(1) "Age verification" means a service provided by an 19534

independent third party (other than a manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes) that compares information available from a commercially available database, or aggregate of databases, that regularly are used by government and businesses for the purpose of age and identity verification to personal information provided during an internet sale or other remote method of sale to establish that the purchaser is ~~eighteen~~ twenty-one years of age or older.

(2)(a) "Alternative nicotine product" means, subject to division (A)(2)(b) of this section, an electronic ~~cigarette smoking device, vapor product,~~ or any other product or device that consists of or contains nicotine that can be ingested into the body by any means, including, but not limited to, chewing, smoking, absorbing, dissolving, or inhaling.

(b) "Alternative nicotine product" does not include any of the following:

(i) Any cigarette or other tobacco product;

(ii) Any product that is a "drug" as that term is defined in 21 U.S.C. 321(g)(1);

(iii) Any product that is a "device" as that term is defined in 21 U.S.C. 321(h);

(iv) Any product that is a "combination product" as described in 21 U.S.C. 353(g).

~~(3) "Child" has the same meaning as in section 2151.011 of the Revised Code.~~

~~(4)~~ "Cigarette" includes clove cigarettes and hand-rolled cigarettes.

~~(5)~~(4) "Distribute" means to furnish, give, or provide

cigarettes, other tobacco products, alternative nicotine products, 19565
or papers used to roll cigarettes to the ultimate consumer of the 19566
cigarettes, other tobacco products, alternative nicotine products, 19567
or papers used to roll cigarettes. 19568

~~(6)(a)(5)~~ "Electronic e-cigarette smoking device" means, 19569
~~subject to division (A)(6)(b) of this section, any electronic~~ 19570
~~product or device that produces a vapor that delivers~~ any device 19571
that can be used to deliver aerosolized or vaporized nicotine or 19572
any other substance to the person inhaling from the device ~~to~~ 19573
~~simulate smoking and that is likely to be offered to or purchased~~ 19574
~~by consumers as~~ including an electronic cigarette, electronic 19575
cigar, electronic eigarille hookah, vaping pen, or electronic 19576
pipe. "Electronic smoking device" includes any component, part, or 19577
accessory of such a device, whether or not sold separately, and 19578
includes any substance intended to be aerosolized or vaporized 19579
during the use of the device. "Electronic smoking device" does not 19580
include any product that is a drug, device, or combination 19581
product, as those terms are defined or described in 21 U.S.C. 321 19582
and 353(g). 19583

~~(b) "Electronic cigarette" does not include any item,~~ 19584
~~product, or device described in divisions (A)(2)(b)(i) to (iv) of~~ 19585
~~this section.~~ 19586

~~(7)(6)~~ "Proof of age" means a driver's license, a commercial 19587
driver's license, a military identification card, a passport, or 19588
an identification card issued under sections 4507.50 to 4507.52 of 19589
the Revised Code that shows that a person is eighteen years of age 19590
or older. 19591

~~(8)(7)~~ "Tobacco product" means any product that is made or 19592
derived from tobacco or that contains any form of nicotine, if it 19593
is intended for human consumption or is likely to be consumed, 19594
whether smoked, heated, chewed, absorbed, dissolved, inhaled, or 19595
ingested by any other means, including, but not limited to, a 19596

cigarette, a cigar, pipe tobacco, chewing tobacco, ~~or~~ snuff, or 19597
snus. "Tobacco product" also means any component or accessory used 19598
in the consumption of a tobacco product, such as filters, rolling 19599
papers, pipes, blunt or hemp wraps, and liquids used in electronic 19600
smoking devices, whether or not they contain nicotine. "Tobacco 19601
product" does not include any product that is a drug, device, or 19602
combination product, as those terms are defined or described in 21 19603
U.S.C. 321 and 353(g). 19604

~~(9)~~(8) "Vapor product" means a product, other than a 19605
cigarette or other tobacco product as defined in Chapter 5743. of 19606
the Revised Code, that contains or is made or derived from 19607
nicotine and that is intended and marketed for human consumption, 19608
including by smoking, inhaling, snorting, or sniffing. "Vapor 19609
product" includes any component, part, or additive that is 19610
intended for use in an electronic smoking device, a mechanical 19611
heating element, battery, or electronic circuit and is used to 19612
deliver the product. "Vapor product" does not include any product 19613
that is a drug, device, or combination product, as those terms are 19614
defined or described in 21 U.S.C. 321 and 353(g). "Vapor product" 19615
includes any product containing nicotine, regardless of 19616
concentration. 19617

(9) "Vending machine" has the same meaning as "coin machine" 19618
in section 2913.01 of the Revised Code. 19619

(B) No manufacturer, producer, distributor, wholesaler, or 19620
retailer of cigarettes, other tobacco products, alternative 19621
nicotine products, or papers used to roll cigarettes, no agent, 19622
employee, or representative of a manufacturer, producer, 19623
distributor, wholesaler, or retailer of cigarettes, other tobacco 19624
products, alternative nicotine products, or papers used to roll 19625
cigarettes, and no other person shall do any of the following: 19626

(1) Give, sell, or otherwise distribute cigarettes, other 19627
tobacco products, alternative nicotine products, or papers used to 19628

roll cigarettes to any ~~child~~ person under twenty-one years of age; 19629

(2) Give away, sell, or distribute cigarettes, other tobacco 19630
products, alternative nicotine products, or papers used to roll 19631
cigarettes in any place that does not have posted in a conspicuous 19632
place a legibly printed sign in letters at least one-half inch 19633
high stating that giving, selling, or otherwise distributing 19634
cigarettes, other tobacco products, alternative nicotine products, 19635
or papers used to roll cigarettes to a person under ~~eighteen~~ 19636
twenty-one years of age is prohibited by law; 19637

(3) Knowingly furnish any false information regarding the 19638
name, age, or other identification of any ~~child~~ person under 19639
twenty-one years of age with purpose to obtain cigarettes, other 19640
tobacco products, alternative nicotine products, or papers used to 19641
roll cigarettes for that ~~child~~ person; 19642

(4) Manufacture, sell, or distribute in this state any pack 19643
or other container of cigarettes containing fewer than twenty 19644
cigarettes or any package of roll-your-own tobacco containing less 19645
than six-tenths of one ounce of tobacco; 19646

(5) Sell cigarettes or alternative nicotine products in a 19647
smaller quantity than that placed in the pack or other container 19648
by the manufacturer; 19649

(6) Give, sell, or otherwise distribute alternative nicotine 19650
products, papers used to roll cigarettes, or tobacco products 19651
other than cigarettes over the internet or through another remote 19652
method without age verification. 19653

(C) No person shall sell or offer to sell cigarettes, other 19654
tobacco products, or alternative nicotine products by or from a 19655
vending machine, except in the following locations: 19656

(1) An area within a factory, business, office, or other 19657
place not open to the general public; 19658

(2) An area to which ~~children~~ persons under twenty-one years
of age are not generally permitted access; 19659
19660

(3) Any other place not identified in division (C)(1) or (2) 19661
of this section, upon all of the following conditions: 19662

(a) The vending machine is located within the immediate 19663
vicinity, plain view, and control of the person who owns or 19664
operates the place, or an employee of that person, so that all 19665
cigarettes, other tobacco product, and alternative nicotine 19666
product purchases from the vending machine will be readily 19667
observed by the person who owns or operates the place or an 19668
employee of that person. For the purpose of this section, a 19669
vending machine located in any unmonitored area, including an 19670
unmonitored coatroom, restroom, hallway, or outer waiting area, 19671
shall not be considered located within the immediate vicinity, 19672
plain view, and control of the person who owns or operates the 19673
place, or an employee of that person. 19674

(b) The vending machine is inaccessible to the public when 19675
the place is closed. 19676

(c) A clearly visible notice is posted in the area where the 19677
vending machine is located that states the following in letters 19678
that are legibly printed and at least one-half inch high: 19679

"It is illegal for any person under the age of 21 to purchase 19680
tobacco or alternative nicotine products." 19681

(D) The following are affirmative defenses to a charge under 19682
division (B)(1) of this section: 19683

(1) The ~~child~~ person under twenty-one years of age was 19684
accompanied by a parent, spouse who is ~~eighteen~~ twenty-one years 19685
of age or older, or legal guardian of the ~~child~~ person under 19686
twenty-one years of age. 19687

(2) The person who gave, sold, or distributed cigarettes, 19688

other tobacco products, alternative nicotine products, or papers 19689
used to roll cigarettes to a ~~child~~ person under twenty-one years 19690
of age under division (B)(1) of this section is a parent, spouse 19691
who is ~~eighteen~~ twenty-one years of age or older, or legal 19692
guardian of the ~~child~~ person under twenty-one years of age. 19693

(E) It is not a violation of division (B)(1) or (2) of this 19694
section for a person to give or otherwise distribute to a ~~child~~ 19695
person under twenty-one years of age cigarettes, other tobacco 19696
products, alternative nicotine products, or papers used to roll 19697
cigarettes while the ~~child~~ person under twenty-one years of age is 19698
participating in a research protocol if all of the following 19699
apply: 19700

(1) The parent, guardian, or legal custodian of the ~~child~~ 19701
person under twenty-one years of age has consented in writing to 19702
the ~~child~~ person under twenty-one years of age participating in 19703
the research protocol. 19704

(2) An institutional human subjects protection review board, 19705
or an equivalent entity, has approved the research protocol. 19706

(3) The ~~child~~ person under twenty-one years of age is 19707
participating in the research protocol at the facility or location 19708
specified in the research protocol. 19709

(F)(1) Whoever violates division (B)(1), (2), (4), (5), or 19710
(6) or (C) of this section is guilty of illegal distribution of 19711
cigarettes, other tobacco products, or alternative nicotine 19712
products. Except as otherwise provided in this division, illegal 19713
distribution of cigarettes, other tobacco products, or alternative 19714
nicotine products is a misdemeanor of the fourth degree. If the 19715
offender previously has been convicted of a violation of division 19716
(B)(1), (2), (4), (5), or (6) or (C) of this section, illegal 19717
distribution of cigarettes, other tobacco products, or alternative 19718
nicotine products is a misdemeanor of the third degree. 19719

(2) Whoever violates division (B)(3) of this section is 19720
guilty of permitting ~~children~~ a person under twenty-one years of 19721
age to use cigarettes, other tobacco products, or alternative 19722
nicotine products. Except as otherwise provided in this division, 19723
permitting ~~children~~ a person under twenty-one years of age to use 19724
cigarettes, other tobacco products, or alternative nicotine 19725
products is a misdemeanor of the fourth degree. If the offender 19726
previously has been convicted of a violation of division (B)(3) of 19727
this section, permitting ~~children~~ a person under twenty-one years 19728
of age to use cigarettes, other tobacco products, or alternative 19729
nicotine products is a misdemeanor of the third degree. 19730

(G) Any cigarettes, other tobacco products, alternative 19731
nicotine products, or papers used to roll cigarettes that are 19732
given, sold, or otherwise distributed to a ~~child~~ person under 19733
twenty-one years of age in violation of this section and that are 19734
used, possessed, purchased, or received by a ~~child~~ person under 19735
twenty-one years of age in violation of section 2151.87 of the 19736
Revised Code are subject to seizure and forfeiture as contraband 19737
under Chapter 2981. of the Revised Code. 19738

Sec. 2927.022. (A) A seller or an agent or employee of a 19739
seller may not be found guilty of a charge of a violation of 19740
section 2927.02 of the Revised Code in which the age of the 19741
purchaser or other recipient of cigarettes, other tobacco 19742
products, or alternative nicotine products is an element of the 19743
alleged violation, if the seller, agent, or employee raises and 19744
proves as an affirmative defense that all of the following 19745
occurred: 19746

(1) A card holder attempting to purchase or receive 19747
cigarettes, other tobacco products, or alternative nicotine 19748
products presented a driver's or commercial driver's license or an 19749
identification card. 19750

(2) A transaction scan of the driver's or commercial driver's license or identification card that the card holder presented indicated that the license or card was valid.

(3) The cigarettes, other tobacco products, or alternative nicotine products were sold, given away, or otherwise distributed to the card holder in reasonable reliance upon the identification presented and the completed transaction scan.

(B) In determining whether a seller or an agent or employee of a seller has proven the affirmative defense provided by division (A) of this section, the trier of fact in the action for the alleged violation of section 2927.02 of the Revised Code shall consider any written policy that the seller has adopted and implemented and that is intended to prevent violations of section 2927.02 of the Revised Code. For purposes of division (A)(3) of this section, the trier of fact shall consider that reasonable reliance upon the identification presented and the completed transaction scan may require a seller or an agent or employee of a seller to exercise reasonable diligence to determine, and that the use of a transaction scan device does not excuse a seller or an agent or employee of a seller from exercising reasonable diligence to determine, the following:

(1) Whether a person to whom the seller or agent or employee of a seller sells, gives away, or otherwise distributes cigarettes, other tobacco products, or alternative nicotine products is ~~eighteen~~ twenty-one years of age or older;

(2) Whether the description and picture appearing on the driver's or commercial driver's license or identification card presented by a card holder is that of the card holder.

(C) In any criminal action in which the affirmative defense provided by division (A) of this section is raised, the registrar of motor vehicles or a deputy registrar who issued an

identification card under sections 4507.50 to 4507.52 of the 19782
Revised Code shall be permitted to submit certified copies of the 19783
records of that issuance in lieu of the testimony of the personnel 19784
of or contractors with the bureau of motor vehicles in the action. 19785

Sec. 2929.13. (A) Except as provided in division (E), (F), or 19786
(G) of this section and unless a specific sanction is required to 19787
be imposed or is precluded from being imposed pursuant to law, a 19788
court that imposes a sentence upon an offender for a felony may 19789
impose any sanction or combination of sanctions on the offender 19790
that are provided in sections 2929.14 to 2929.18 of the Revised 19791
Code. 19792

If the offender is eligible to be sentenced to community 19793
control sanctions, the court shall consider the appropriateness of 19794
imposing a financial sanction pursuant to section 2929.18 of the 19795
Revised Code or a sanction of community service pursuant to 19796
section 2929.17 of the Revised Code as the sole sanction for the 19797
offense. Except as otherwise provided in this division, if the 19798
court is required to impose a mandatory prison term for the 19799
offense for which sentence is being imposed, the court also shall 19800
impose any financial sanction pursuant to section 2929.18 of the 19801
Revised Code that is required for the offense and may impose any 19802
other financial sanction pursuant to that section but may not 19803
impose any additional sanction or combination of sanctions under 19804
section 2929.16 or 2929.17 of the Revised Code. 19805

If the offender is being sentenced for a fourth degree felony 19806
OVI offense or for a third degree felony OVI offense, in addition 19807
to the mandatory term of local incarceration or the mandatory 19808
prison term required for the offense by division (G)(1) or (2) of 19809
this section, the court shall impose upon the offender a mandatory 19810
fine in accordance with division (B)(3) of section 2929.18 of the 19811
Revised Code and may impose whichever of the following is 19812

applicable: 19813

(1) For a fourth degree felony OVI offense for which sentence 19814
is imposed under division (G)(1) of this section, an additional 19815
community control sanction or combination of community control 19816
sanctions under section 2929.16 or 2929.17 of the Revised Code. If 19817
the court imposes upon the offender a community control sanction 19818
and the offender violates any condition of the community control 19819
sanction, the court may take any action prescribed in division (B) 19820
of section 2929.15 of the Revised Code relative to the offender, 19821
including imposing a prison term on the offender pursuant to that 19822
division. 19823

(2) For a third or fourth degree felony OVI offense for which 19824
sentence is imposed under division (G)(2) of this section, an 19825
additional prison term as described in division (B)(4) of section 19826
2929.14 of the Revised Code or a community control sanction as 19827
described in division (G)(2) of this section. 19828

(B)(1)(a) Except as provided in division (B)(1)(b) of this 19829
section, if an offender is convicted of or pleads guilty to a 19830
felony of the fourth or fifth degree that is not an offense of 19831
violence or that is a qualifying assault offense, the court shall 19832
sentence the offender to a community control sanction or 19833
combination of community control sanctions if all of the following 19834
apply: 19835

(i) The offender previously has not been convicted of or 19836
pleaded guilty to a felony offense. 19837

(ii) The most serious charge against the offender at the time 19838
of sentencing is a felony of the fourth or fifth degree. 19839

~~(iii) If the court made a request of the department of 19840
rehabilitation and correction pursuant to division (B)(1)(c) of 19841
this section, the department, within the forty five day period 19842
specified in that division, provided the court with the names of, 19843~~

~~contact information for, and program details of one or more~~ 19844
~~community control sanctions that are available for persons~~ 19845
~~sentenced by the court.~~ 19846

~~(iv)~~ The offender previously has not been convicted of or 19847
pleaded guilty to a misdemeanor offense of violence that the 19848
offender committed within two years prior to the offense for which 19849
sentence is being imposed. 19850

(b) The court has discretion to impose a prison term upon an 19851
offender who is convicted of or pleads guilty to a felony of the 19852
fourth or fifth degree that is not an offense of violence or that 19853
is a qualifying assault offense if any of the following apply: 19854

(i) The offender committed the offense while having a firearm 19855
on or about the offender's person or under the offender's control. 19856

(ii) If the offense is a qualifying assault offense, the 19857
offender caused serious physical harm to another person while 19858
committing the offense, and, if the offense is not a qualifying 19859
assault offense, the offender caused physical harm to another 19860
person while committing the offense. 19861

(iii) The offender violated a term of the conditions of bond 19862
as set by the court. 19863

~~(iv) The court made a request of the department of~~ 19864
~~rehabilitation and correction pursuant to division (B)(1)(c) of~~ 19865
~~this section, and the department, within the forty five day period~~ 19866
~~specified in that division, did not provide the court with the~~ 19867
~~name of, contact information for, and program details of any~~ 19868
~~community control sanction that is available for persons sentenced~~ 19869
~~by the court.~~ 19870

~~(v)~~ The offense is a sex offense that is a fourth or fifth 19871
degree felony violation of any provision of Chapter 2907. of the 19872
Revised Code. 19873

~~(vi)~~(v) In committing the offense, the offender attempted to cause or made an actual threat of physical harm to a person with a deadly weapon. 19874
19875
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~~(vii)~~(vi) In committing the offense, the offender attempted to cause or made an actual threat of physical harm to a person, and the offender previously was convicted of an offense that caused physical harm to a person. 19877
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~~(viii)~~(vii) The offender held a public office or position of trust, and the offense related to that office or position; the offender's position obliged the offender to prevent the offense or to bring those committing it to justice; or the offender's professional reputation or position facilitated the offense or was likely to influence the future conduct of others. 19881
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~~(ix)~~(viii) The offender committed the offense for hire or as part of an organized criminal activity. 19887
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~~(x)~~(ix) The offender at the time of the offense was serving, or the offender previously had served, a prison term. 19889
19890

~~(xi)~~(x) The offender committed the offense while under a community control sanction, while on probation, or while released from custody on a bond or personal recognizance. 19891
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~~(c) If a court that is sentencing an offender who is convicted of or pleads guilty to a felony of the fourth or fifth degree that is not an offense of violence or that is a qualifying assault offense believes that no community control sanctions are available for its use that, if imposed on the offender, will adequately fulfill the overriding principles and purposes of sentencing, the court shall contact the department of rehabilitation and correction and ask the department to provide the court with the names of, contact information for, and program details of one or more community control sanctions that are available for persons sentenced by the court. Not later than~~ 19894
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~~forty five days after receipt of a request from a court under this 19905
division, the department shall provide the court with the names 19906
of, contact information for, and program details of one or more 19907
community control sanctions that are available for persons 19908
sentenced by the court, if any. Upon making a request under this 19909
division that relates to a particular offender, a court shall 19910
defer sentencing of that offender until it receives from the 19911
department the names of, contact information for, and program 19912
details of one or more community control sanctions that are 19913
available for persons sentenced by the court or for forty five 19914
days, whichever is the earlier. 19915~~

~~If the department provides the court with the names of, 19916
contact information for, and program details of one or more 19917
community control sanctions that are available for persons 19918
sentenced by the court within the forty five day period specified 19919
in this division, the court shall impose upon the offender a 19920
community control sanction under division (B)(1)(a) of this 19921
section, except that the court may impose a prison term under 19922
division (B)(1)(b) of this section if a factor described in 19923
division (B)(1)(b)(i) or (ii) of this section applies. If the 19924
department does not provide the court with the names of, contact 19925
information for, and program details of one or more community 19926
control sanctions that are available for persons sentenced by the 19927
court within the forty five day period specified in this division, 19928
the court may impose upon the offender a prison term under 19929
division (B)(1)(b)(iv) of this section. 19930~~

~~(d) A sentencing court may impose an additional penalty under 19931
division (B) of section 2929.15 of the Revised Code upon an 19932
offender sentenced to a community control sanction under division 19933
(B)(1)(a) of this section if the offender violates the conditions 19934
of the community control sanction, violates a law, or leaves the 19935
state without the permission of the court or the offender's 19936~~

probation officer. 19937

(2) If division (B)(1) of this section does not apply, except 19938
as provided in division (E), (F), or (G) of this section, in 19939
determining whether to impose a prison term as a sanction for a 19940
felony of the fourth or fifth degree, the sentencing court shall 19941
comply with the purposes and principles of sentencing under 19942
section 2929.11 of the Revised Code and with section 2929.12 of 19943
the Revised Code. 19944

(C) Except as provided in division (D), (E), (F), or (G) of 19945
this section, in determining whether to impose a prison term as a 19946
sanction for a felony of the third degree or a felony drug offense 19947
that is a violation of a provision of Chapter 2925. of the Revised 19948
Code and that is specified as being subject to this division for 19949
purposes of sentencing, the sentencing court shall comply with the 19950
purposes and principles of sentencing under section 2929.11 of the 19951
Revised Code and with section 2929.12 of the Revised Code. 19952

(D)(1) Except as provided in division (E) or (F) of this 19953
section, for a felony of the first or second degree, for a felony 19954
drug offense that is a violation of any provision of Chapter 19955
2925., 3719., or 4729. of the Revised Code for which a presumption 19956
in favor of a prison term is specified as being applicable, and 19957
for a violation of division (A)(4) or (B) of section 2907.05 of 19958
the Revised Code for which a presumption in favor of a prison term 19959
is specified as being applicable, it is presumed that a prison 19960
term is necessary in order to comply with the purposes and 19961
principles of sentencing under section 2929.11 of the Revised 19962
Code. Division (D)(2) of this section does not apply to a 19963
presumption established under this division for a violation of 19964
division (A)(4) of section 2907.05 of the Revised Code. 19965

(2) Notwithstanding the presumption established under 19966
division (D)(1) of this section for the offenses listed in that 19967
division other than a violation of division (A)(4) or (B) of 19968

section 2907.05 of the Revised Code, the sentencing court may 19969
impose a community control sanction or a combination of community 19970
control sanctions instead of a prison term on an offender for a 19971
felony of the first or second degree or for a felony drug offense 19972
that is a violation of any provision of Chapter 2925., 3719., or 19973
4729. of the Revised Code for which a presumption in favor of a 19974
prison term is specified as being applicable if it makes both of 19975
the following findings: 19976

(a) A community control sanction or a combination of 19977
community control sanctions would adequately punish the offender 19978
and protect the public from future crime, because the applicable 19979
factors under section 2929.12 of the Revised Code indicating a 19980
lesser likelihood of recidivism outweigh the applicable factors 19981
under that section indicating a greater likelihood of recidivism. 19982

(b) A community control sanction or a combination of 19983
community control sanctions would not demean the seriousness of 19984
the offense, because one or more factors under section 2929.12 of 19985
the Revised Code that indicate that the offender's conduct was 19986
less serious than conduct normally constituting the offense are 19987
applicable, and they outweigh the applicable factors under that 19988
section that indicate that the offender's conduct was more serious 19989
than conduct normally constituting the offense. 19990

(E)(1) Except as provided in division (F) of this section, 19991
for any drug offense that is a violation of any provision of 19992
Chapter 2925. of the Revised Code and that is a felony of the 19993
third, fourth, or fifth degree, the applicability of a presumption 19994
under division (D) of this section in favor of a prison term or of 19995
division (B) or (C) of this section in determining whether to 19996
impose a prison term for the offense shall be determined as 19997
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 19998
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 19999
Revised Code, whichever is applicable regarding the violation. 20000

(2) If an offender who was convicted of or pleaded guilty to a felony violates the conditions of a community control sanction imposed for the offense solely by reason of producing positive results on a drug test or by acting pursuant to division (B)(2)(b) of section 2925.11 of the Revised Code with respect to a minor drug possession offense, the court, as punishment for the violation of the sanction, shall not order that the offender be imprisoned unless the court determines on the record either of the following:

(a) The offender had been ordered as a sanction for the felony to participate in a drug treatment program, in a drug education program, or in narcotics anonymous or a similar program, and the offender continued to use illegal drugs after a reasonable period of participation in the program.

(b) The imprisonment of the offender for the violation is consistent with the purposes and principles of sentencing set forth in section 2929.11 of the Revised Code.

(3) A court that sentences an offender for a drug abuse offense that is a felony of the third, fourth, or fifth degree may require that the offender be assessed by a properly credentialed professional within a specified period of time. The court shall require the professional to file a written assessment of the offender with the court. If the offender is eligible for a community control sanction and after considering the written assessment, the court may impose a community control sanction that includes addiction services and recovery supports included in a community-based continuum of care established under section 340.032 of the Revised Code. If the court imposes addiction services and recovery supports as a community control sanction, the court shall direct the level and type of addiction services and recovery supports after considering the assessment and recommendation of community addiction services providers.

(F) Notwithstanding divisions (A) to (E) of this section, the court shall impose a prison term or terms under sections 2929.02 to 2929.06, section 2929.14, section 2929.142, or section 2971.03 of the Revised Code and except as specifically provided in section 2929.20, divisions (C) to (I) of section 2967.19, or section 2967.191 of the Revised Code or when parole is authorized for the offense under section 2967.13 of the Revised Code shall not reduce the term or terms pursuant to section 2929.20, section 2967.19, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code for any of the following offenses:

(1) Aggravated murder when death is not imposed or murder;

(2) Any rape, regardless of whether force was involved and regardless of the age of the victim, or an attempt to commit rape if, had the offender completed the rape that was attempted, the offender would have been guilty of a violation of division (A)(1)(b) of section 2907.02 of the Revised Code and would be sentenced under section 2971.03 of the Revised Code;

(3) Gross sexual imposition or sexual battery, if the victim is less than thirteen years of age and if any of the following applies:

(a) Regarding gross sexual imposition, the offender previously was convicted of or pleaded guilty to rape, the former offense of felonious sexual penetration, gross sexual imposition, or sexual battery, and the victim of the previous offense was less than thirteen years of age;

(b) Regarding gross sexual imposition, the offense was committed on or after August 3, 2006, and evidence other than the testimony of the victim was admitted in the case corroborating the violation.

(c) Regarding sexual battery, either of the following

applies:	20064
(i) The offense was committed prior to August 3, 2006, the offender previously was convicted of or pleaded guilty to rape, the former offense of felonious sexual penetration, or sexual battery, and the victim of the previous offense was less than thirteen years of age.	20065 20066 20067 20068 20069
(ii) The offense was committed on or after August 3, 2006.	20070
(4) A felony violation of section 2903.04, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, or 2923.132 of the Revised Code if the section requires the imposition of a prison term;	20071 20072 20073 20074
(5) A first, second, or third degree felony drug offense for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 4729.99 of the Revised Code, whichever is applicable regarding the violation, requires the imposition of a mandatory prison term;	20075 20076 20077 20078 20079
(6) Any offense that is a first or second degree felony and that is not set forth in division (F)(1), (2), (3), or (4) of this section, if the offender previously was convicted of or pleaded guilty to aggravated murder, murder, any first or second degree felony, or an offense under an existing or former law of this state, another state, or the United States that is or was substantially equivalent to one of those offenses;	20080 20081 20082 20083 20084 20085 20086
(7) Any offense that is a third degree felony and either is a violation of section 2903.04 of the Revised Code or an attempt to commit a felony of the second degree that is an offense of violence and involved an attempt to cause serious physical harm to a person or that resulted in serious physical harm to a person if the offender previously was convicted of or pleaded guilty to any of the following offenses:	20087 20088 20089 20090 20091 20092 20093
(a) Aggravated murder, murder, involuntary manslaughter,	20094

rape, felonious sexual penetration as it existed under section 20095
2907.12 of the Revised Code prior to September 3, 1996, a felony 20096
of the first or second degree that resulted in the death of a 20097
person or in physical harm to a person, or complicity in or an 20098
attempt to commit any of those offenses; 20099

(b) An offense under an existing or former law of this state, 20100
another state, or the United States that is or was substantially 20101
equivalent to an offense listed in division (F)(7)(a) of this 20102
section that resulted in the death of a person or in physical harm 20103
to a person. 20104

(8) Any offense, other than a violation of section 2923.12 of 20105
the Revised Code, that is a felony, if the offender had a firearm 20106
on or about the offender's person or under the offender's control 20107
while committing the felony, with respect to a portion of the 20108
sentence imposed pursuant to division (B)(1)(a) of section 2929.14 20109
of the Revised Code for having the firearm; 20110

(9) Any offense of violence that is a felony, if the offender 20111
wore or carried body armor while committing the felony offense of 20112
violence, with respect to the portion of the sentence imposed 20113
pursuant to division (B)(1)(d) of section 2929.14 of the Revised 20114
Code for wearing or carrying the body armor; 20115

(10) Corrupt activity in violation of section 2923.32 of the 20116
Revised Code when the most serious offense in the pattern of 20117
corrupt activity that is the basis of the offense is a felony of 20118
the first degree; 20119

(11) Any violent sex offense or designated homicide, assault, 20120
or kidnapping offense if, in relation to that offense, the 20121
offender is adjudicated a sexually violent predator; 20122

(12) A violation of division (A)(1) or (2) of section 2921.36 20123
of the Revised Code, or a violation of division (C) of that 20124
section involving an item listed in division (A)(1) or (2) of that 20125

section, if the offender is an officer or employee of the 20126
department of rehabilitation and correction; 20127

(13) A violation of division (A)(1) or (2) of section 2903.06 20128
of the Revised Code if the victim of the offense is a peace 20129
officer, as defined in section 2935.01 of the Revised Code, or an 20130
investigator of the bureau of criminal identification and 20131
investigation, as defined in section 2903.11 of the Revised Code, 20132
with respect to the portion of the sentence imposed pursuant to 20133
division (B)(5) of section 2929.14 of the Revised Code; 20134

(14) A violation of division (A)(1) or (2) of section 2903.06 20135
of the Revised Code if the offender has been convicted of or 20136
pleaded guilty to three or more violations of division (A) or (B) 20137
of section 4511.19 of the Revised Code or an equivalent offense, 20138
as defined in section 2941.1415 of the Revised Code, or three or 20139
more violations of any combination of those divisions and 20140
offenses, with respect to the portion of the sentence imposed 20141
pursuant to division (B)(6) of section 2929.14 of the Revised 20142
Code; 20143

(15) Kidnapping, in the circumstances specified in section 20144
2971.03 of the Revised Code and when no other provision of 20145
division (F) of this section applies; 20146

(16) Kidnapping, abduction, compelling prostitution, 20147
promoting prostitution, engaging in a pattern of corrupt activity, 20148
a violation of division (A)(1) or (2) of section 2907.323 of the 20149
Revised Code that involves a minor, or endangering children in 20150
violation of division (B)(1), (2), (3), (4), or (5) of section 20151
2919.22 of the Revised Code, if the offender is convicted of or 20152
pleads guilty to a specification as described in section 2941.1422 20153
of the Revised Code that was included in the indictment, count in 20154
the indictment, or information charging the offense; 20155

(17) A felony violation of division (A) or (B) of section 20156

2919.25 of the Revised Code if division (D)(3), (4), or (5) of 20157
that section, and division (D)(6) of that section, require the 20158
imposition of a prison term; 20159

(18) A felony violation of section 2903.11, 2903.12, or 20160
2903.13 of the Revised Code, if the victim of the offense was a 20161
woman that the offender knew was pregnant at the time of the 20162
violation, with respect to a portion of the sentence imposed 20163
pursuant to division (B)(8) of section 2929.14 of the Revised 20164
Code; 20165

(19)(a) Any violent felony offense if the offender is a 20166
violent career criminal and had a firearm on or about the 20167
offender's person or under the offender's control during the 20168
commission of the violent felony offense and displayed or 20169
brandished the firearm, indicated that the offender possessed a 20170
firearm, or used the firearm to facilitate the offense, with 20171
respect to the portion of the sentence imposed under division (K) 20172
of section 2929.14 of the Revised Code. 20173

(b) As used in division (F)(19)(a) of this section, "violent 20174
career criminal" and "violent felony offense" have the same 20175
meanings as in section 2923.132 of the Revised Code; 20176

(20) Any violation of division (A)(1) of section 2903.11 of 20177
the Revised Code if the offender used an accelerant in committing 20178
the violation and the serious physical harm to another or 20179
another's unborn caused by the violation resulted in a permanent, 20180
serious disfigurement or permanent, substantial incapacity or any 20181
violation of division (A)(2) of that section if the offender used 20182
an accelerant in committing the violation, the violation caused 20183
physical harm to another or another's unborn, and the physical 20184
harm resulted in a permanent, serious disfigurement or permanent, 20185
substantial incapacity, with respect to a portion of the sentence 20186
imposed pursuant to division (B)(9) of section 2929.14 of the 20187
Revised Code. The provisions of this division and of division 20188

(D)(2) of section 2903.11, divisions (B)(9) and (C)(6) of section 2929.14, and section 2941.1425 of the Revised Code shall be known as "Judy's Law."

(21) Any violation of division (A) of section 2903.11 of the Revised Code if the victim of the offense suffered permanent disabling harm as a result of the offense and the victim was under ten years of age at the time of the offense, with respect to a portion of the sentence imposed pursuant to division (B)(10) of section 2929.14 of the Revised Code.

(22) A felony violation of section 2925.03, 2925.05, or 2925.11 of the Revised Code, if the drug involved in the violation is a fentanyl-related compound or a compound, mixture, preparation, or substance containing a fentanyl-related compound and the offender is convicted of or pleads guilty to a specification of the type described in division (B) of section 2941.1410 of the Revised Code that was included in the indictment, count in the indictment, or information charging the offense, with respect to the portion of the sentence imposed under division (B)(11) of section 2929.14 of the Revised Code.

(G) Notwithstanding divisions (A) to (E) of this section, if an offender is being sentenced for a fourth degree felony OVI offense or for a third degree felony OVI offense, the court shall impose upon the offender a mandatory term of local incarceration or a mandatory prison term in accordance with the following:

(1) If the offender is being sentenced for a fourth degree felony OVI offense and if the offender has not been convicted of and has not pleaded guilty to a specification of the type described in section 2941.1413 of the Revised Code, the court may impose upon the offender a mandatory term of local incarceration of sixty days or one hundred twenty days as specified in division (G)(1)(d) of section 4511.19 of the Revised Code. The court shall not reduce the term pursuant to section 2929.20, 2967.193, or any

other provision of the Revised Code. The court that imposes a 20221
mandatory term of local incarceration under this division shall 20222
specify whether the term is to be served in a jail, a 20223
community-based correctional facility, a halfway house, or an 20224
alternative residential facility, and the offender shall serve the 20225
term in the type of facility specified by the court. A mandatory 20226
term of local incarceration imposed under division (G)(1) of this 20227
section is not subject to any other Revised Code provision that 20228
pertains to a prison term except as provided in division (A)(1) of 20229
this section. 20230

(2) If the offender is being sentenced for a third degree 20231
felony OVI offense, or if the offender is being sentenced for a 20232
fourth degree felony OVI offense and the court does not impose a 20233
mandatory term of local incarceration under division (G)(1) of 20234
this section, the court shall impose upon the offender a mandatory 20235
prison term of one, two, three, four, or five years if the 20236
offender also is convicted of or also pleads guilty to a 20237
specification of the type described in section 2941.1413 of the 20238
Revised Code or shall impose upon the offender a mandatory prison 20239
term of sixty days or one hundred twenty days as specified in 20240
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 20241
if the offender has not been convicted of and has not pleaded 20242
guilty to a specification of that type. Subject to divisions (C) 20243
to (I) of section 2967.19 of the Revised Code, the court shall not 20244
reduce the term pursuant to section 2929.20, 2967.19, 2967.193, or 20245
any other provision of the Revised Code. The offender shall serve 20246
the one-, two-, three-, four-, or five-year mandatory prison term 20247
consecutively to and prior to the prison term imposed for the 20248
underlying offense and consecutively to any other mandatory prison 20249
term imposed in relation to the offense. In no case shall an 20250
offender who once has been sentenced to a mandatory term of local 20251
incarceration pursuant to division (G)(1) of this section for a 20252
fourth degree felony OVI offense be sentenced to another mandatory 20253

term of local incarceration under that division for any violation 20254
of division (A) of section 4511.19 of the Revised Code. In 20255
addition to the mandatory prison term described in division (G)(2) 20256
of this section, the court may sentence the offender to a 20257
community control sanction under section 2929.16 or 2929.17 of the 20258
Revised Code, but the offender shall serve the prison term prior 20259
to serving the community control sanction. The department of 20260
rehabilitation and correction may place an offender sentenced to a 20261
mandatory prison term under this division in an intensive program 20262
prison established pursuant to section 5120.033 of the Revised 20263
Code if the department gave the sentencing judge prior notice of 20264
its intent to place the offender in an intensive program prison 20265
established under that section and if the judge did not notify the 20266
department that the judge disapproved the placement. Upon the 20267
establishment of the initial intensive program prison pursuant to 20268
section 5120.033 of the Revised Code that is privately operated 20269
and managed by a contractor pursuant to a contract entered into 20270
under section 9.06 of the Revised Code, both of the following 20271
apply: 20272

(a) The department of rehabilitation and correction shall 20273
make a reasonable effort to ensure that a sufficient number of 20274
offenders sentenced to a mandatory prison term under this division 20275
are placed in the privately operated and managed prison so that 20276
the privately operated and managed prison has full occupancy. 20277

(b) Unless the privately operated and managed prison has full 20278
occupancy, the department of rehabilitation and correction shall 20279
not place any offender sentenced to a mandatory prison term under 20280
this division in any intensive program prison established pursuant 20281
to section 5120.033 of the Revised Code other than the privately 20282
operated and managed prison. 20283

(H) If an offender is being sentenced for a sexually oriented 20284
offense or child-victim oriented offense that is a felony 20285

committed on or after January 1, 1997, the judge shall require the 20286
offender to submit to a DNA specimen collection procedure pursuant 20287
to section 2901.07 of the Revised Code. 20288

(I) If an offender is being sentenced for a sexually oriented 20289
offense or a child-victim oriented offense committed on or after 20290
January 1, 1997, the judge shall include in the sentence a summary 20291
of the offender's duties imposed under sections 2950.04, 2950.041, 20292
2950.05, and 2950.06 of the Revised Code and the duration of the 20293
duties. The judge shall inform the offender, at the time of 20294
sentencing, of those duties and of their duration. If required 20295
under division (A)(2) of section 2950.03 of the Revised Code, the 20296
judge shall perform the duties specified in that section, or, if 20297
required under division (A)(6) of section 2950.03 of the Revised 20298
Code, the judge shall perform the duties specified in that 20299
division. 20300

(J)(1) Except as provided in division (J)(2) of this section, 20301
when considering sentencing factors under this section in relation 20302
to an offender who is convicted of or pleads guilty to an attempt 20303
to commit an offense in violation of section 2923.02 of the 20304
Revised Code, the sentencing court shall consider the factors 20305
applicable to the felony category of the violation of section 20306
2923.02 of the Revised Code instead of the factors applicable to 20307
the felony category of the offense attempted. 20308

(2) When considering sentencing factors under this section in 20309
relation to an offender who is convicted of or pleads guilty to an 20310
attempt to commit a drug abuse offense for which the penalty is 20311
determined by the amount or number of unit doses of the controlled 20312
substance involved in the drug abuse offense, the sentencing court 20313
shall consider the factors applicable to the felony category that 20314
the drug abuse offense attempted would be if that drug abuse 20315
offense had been committed and had involved an amount or number of 20316
unit doses of the controlled substance that is within the next 20317

lower range of controlled substance amounts than was involved in 20318
the attempt. 20319

(K) As used in this section: 20320

(1) "Community addiction services provider" has the same 20321
meaning as in section 5119.01 of the Revised Code. 20322

(2) "Drug abuse offense" has the same meaning as in section 20323
2925.01 of the Revised Code. 20324

(3) "Minor drug possession offense" has the same meaning as 20325
in section 2925.11 of the Revised Code. 20326

(4) "Qualifying assault offense" means a violation of section 20327
2903.13 of the Revised Code for which the penalty provision in 20328
division (C)(8)(b) or (C)(9)(b) of that section applies. 20329

(L) At the time of sentencing an offender for any sexually 20330
oriented offense, if the offender is a tier III sex 20331
offender/child-victim offender relative to that offense and the 20332
offender does not serve a prison term or jail term, the court may 20333
require that the offender be monitored by means of a global 20334
positioning device. If the court requires such monitoring, the 20335
cost of monitoring shall be borne by the offender. If the offender 20336
is indigent, the cost of compliance shall be paid by the crime 20337
victims reparations fund. 20338

Sec. 2929.15. (A)(1) If in sentencing an offender for a 20339
felony the court is not required to impose a prison term, a 20340
mandatory prison term, or a term of life imprisonment upon the 20341
offender, the court may directly impose a sentence that consists 20342
of one or more community control sanctions authorized pursuant to 20343
section 2929.16, 2929.17, or 2929.18 of the Revised Code. If the 20344
court is sentencing an offender for a fourth degree felony OVI 20345
offense under division (G)(1) of section 2929.13 of the Revised 20346
Code, in addition to the mandatory term of local incarceration 20347

imposed under that division and the mandatory fine required by 20348
division (B)(3) of section 2929.18 of the Revised Code, the court 20349
may impose upon the offender a community control sanction or 20350
combination of community control sanctions in accordance with 20351
sections 2929.16 and 2929.17 of the Revised Code. If the court is 20352
sentencing an offender for a third or fourth degree felony OVI 20353
offense under division (G)(2) of section 2929.13 of the Revised 20354
Code, in addition to the mandatory prison term or mandatory prison 20355
term and additional prison term imposed under that division, the 20356
court also may impose upon the offender a community control 20357
sanction or combination of community control sanctions under 20358
section 2929.16 or 2929.17 of the Revised Code, but the offender 20359
shall serve all of the prison terms so imposed prior to serving 20360
the community control sanction. 20361

The duration of all community control sanctions imposed upon 20362
an offender under this division shall not exceed five years. If 20363
the offender absconds or otherwise leaves the jurisdiction of the 20364
court in which the offender resides without obtaining permission 20365
from the court or the offender's probation officer to leave the 20366
jurisdiction of the court, or if the offender is confined in any 20367
institution for the commission of any offense while under a 20368
community control sanction, the period of the community control 20369
sanction ceases to run until the offender is brought before the 20370
court for its further action. If the court sentences the offender 20371
to one or more nonresidential sanctions under section 2929.17 of 20372
the Revised Code, the court shall impose as a condition of the 20373
nonresidential sanctions that, during the period of the sanctions, 20374
the offender must abide by the law and must not leave the state 20375
without the permission of the court or the offender's probation 20376
officer. The court may impose any other conditions of release 20377
under a community control sanction that the court considers 20378
appropriate, including, but not limited to, requiring that the 20379

offender not ingest or be injected with a drug of abuse and submit 20380
to random drug testing as provided in division (D) of this section 20381
to determine whether the offender ingested or was injected with a 20382
drug of abuse and requiring that the results of the drug test 20383
indicate that the offender did not ingest or was not injected with 20384
a drug of abuse. 20385

(2)(a) If a court sentences an offender to any community 20386
control sanction or combination of community control sanctions 20387
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of the 20388
Revised Code, the court shall place the offender under the general 20389
control and supervision of a department of probation in the county 20390
that serves the court for purposes of reporting to the court a 20391
violation of any condition of the sanctions, any condition of 20392
release under a community control sanction imposed by the court, a 20393
violation of law, or the departure of the offender from this state 20394
without the permission of the court or the offender's probation 20395
officer. Alternatively, if the offender resides in another county 20396
and a county department of probation has been established in that 20397
county or that county is served by a multicounty probation 20398
department established under section 2301.27 of the Revised Code, 20399
the court may request the court of common pleas of that county to 20400
receive the offender into the general control and supervision of 20401
that county or multicounty department of probation for purposes of 20402
reporting to the court a violation of any condition of the 20403
sanctions, any condition of release under a community control 20404
sanction imposed by the court, a violation of law, or the 20405
departure of the offender from this state without the permission 20406
of the court or the offender's probation officer, subject to the 20407
jurisdiction of the trial judge over and with respect to the 20408
person of the offender, and to the rules governing that department 20409
of probation. 20410

If there is no department of probation in the county that 20411

serves the court, the court shall place the offender, regardless 20412
of the offender's county of residence, under the general control 20413
and supervision of the adult parole authority if the court has 20414
entered into an agreement with the authority as described in 20415
division (B) of section 2301.32 of the Revised Code or under an 20416
entity authorized under division (B) of section 2301.27 of the 20417
Revised Code to provide probation and supervisory services to 20418
counties for purposes of reporting to the court a violation of any 20419
of the sanctions, any condition of release under a community 20420
control sanction imposed by the court, a violation of law, or the 20421
departure of the offender from this state without the permission 20422
of the court or the offender's probation officer. 20423

(b) If the court imposing sentence upon an offender sentences 20424
the offender to any community control sanction or combination of 20425
community control sanctions authorized pursuant to section 20426
2929.16, 2929.17, or 2929.18 of the Revised Code, and if the 20427
offender violates any condition of the sanctions, any condition of 20428
release under a community control sanction imposed by the court, 20429
violates any law, or departs the state without the permission of 20430
the court or the offender's probation officer, the public or 20431
private person or entity that operates or administers the sanction 20432
or the program or activity that comprises the sanction shall 20433
report the violation or departure directly to the sentencing 20434
court, or shall report the violation or departure to the county or 20435
multicounty department of probation with general control and 20436
supervision over the offender under division (A)(2)(a) of this 20437
section or the officer of that department who supervises the 20438
offender, or, if there is no such department with general control 20439
and supervision over the offender under that division, to the 20440
adult parole authority if the court has entered into an agreement 20441
with the authority as described in division (B) of section 2301.32 20442
of the Revised Code, or an entity authorized under division (B) of 20443
section 2301.27 of the Revised Code to provide probation and 20444

supervisory services to the county. If the public or private 20445
person or entity that operates or administers the sanction or the 20446
program or activity that comprises the sanction reports the 20447
violation or departure to the county or multicounty department of 20448
probation, the adult parole authority, or any other entity 20449
providing probation and supervisory services to the county, the 20450
department's, authority's, or other entity's officers may treat 20451
the offender as if the offender were on probation and in violation 20452
of the probation, and shall report the violation of the condition 20453
of the sanction, any condition of release under a community 20454
control sanction imposed by the court, the violation of law, or 20455
the departure from the state without the required permission to 20456
the sentencing court. 20457

(3) If an offender who is eligible for community control 20458
sanctions under this section admits to being drug addicted or the 20459
court has reason to believe that the offender is drug addicted, 20460
and if the offense for which the offender is being sentenced was 20461
related to the addiction, the court may require that the offender 20462
be assessed by a properly credentialed professional within a 20463
specified period of time and shall require the professional to 20464
file a written assessment of the offender with the court. If a 20465
court imposes treatment and recovery support services as a 20466
community control sanction, the court shall direct the level and 20467
type of treatment and recovery support services after 20468
consideration of the written assessment, if available at the time 20469
of sentencing, and recommendations of the professional and other 20470
treatment and recovery support services providers. 20471

(4) If an assessment completed pursuant to division (A)(3) of 20472
this section indicates that the offender is addicted to drugs or 20473
alcohol, the court may include in any community control sanction 20474
imposed for a violation of section 2925.02, 2925.03, 2925.04, 20475
2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 20476

2925.37 of the Revised Code a requirement that the offender 20477
participate in alcohol and drug addiction services and recovery 20478
supports certified under section 5119.36 of the Revised Code or 20479
offered by a properly credentialed community addiction services 20480
provider. 20481

(B)(1) If the conditions of a community control sanction are 20482
violated or if the offender violates a law or leaves the state 20483
without the permission of the court or the offender's probation 20484
officer, the sentencing court may impose upon the violator one or 20485
more of the following penalties: 20486

(a) A longer time under the same sanction if the total time 20487
under the sanctions does not exceed the five-year limit specified 20488
in division (A) of this section; 20489

(b) A more restrictive sanction under section 2929.16, 20490
2929.17, or 2929.18 of the Revised Code, including but not limited 20491
to, a new term in a community-based correctional facility, halfway 20492
house, or jail pursuant to division (A)(6) of section 2929.16 of 20493
the Revised Code; 20494

(c) A prison term on the offender pursuant to section 2929.14 20495
of the Revised Code and division (B)(3) of this section, provided 20496
that a prison term imposed under this division is subject to the 20497
following limitations, as applicable: 20498

(i) If the prison term is imposed for any technical violation 20499
of the conditions of a community control sanction imposed for a 20500
felony of the fifth degree or for any violation of law committed 20501
while under a community control sanction imposed for such a felony 20502
that consists of a new criminal offense and that is not a felony, 20503
the prison term shall not exceed ninety days. 20504

(ii) If the prison term is imposed for any technical 20505
violation of the conditions of a community control sanction 20506
imposed for a felony of the fourth degree that is not an offense 20507

of violence and is not a sexually oriented offense or for any 20508
violation of law committed while under a community control 20509
sanction imposed for such a felony that consists of a new criminal 20510
offense and that is not a felony, the prison term shall not exceed 20511
one hundred eighty days. 20512

(2) If an offender was acting pursuant to division (B)(2)(b) 20513
of section 2925.11 of the Revised Code and in so doing violated 20514
the conditions of a community control sanction based on a minor 20515
drug possession offense, as defined in section 2925.11 of the 20516
Revised Code, the sentencing court may consider the offender's 20517
conduct in seeking or obtaining medical assistance for another in 20518
good faith or for self or may consider the offender being the 20519
subject of another person seeking or obtaining medical assistance 20520
in accordance with that division as a mitigating factor before 20521
imposing any of the penalties described in division (B)(1) of this 20522
section. 20523

(3) The prison term, if any, imposed upon a violator pursuant 20524
to this division and division (B)(1) of this section shall be 20525
within the range of prison terms described in this division and 20526
shall not exceed the prison term specified in the notice provided 20527
to the offender at the sentencing hearing pursuant to division 20528
(B)(2) of section 2929.19 of the Revised Code. The court may 20529
reduce the longer period of time that the offender is required to 20530
spend under the longer sanction, the more restrictive sanction, or 20531
a prison term imposed pursuant to division (B)(1) of this section 20532
by the time the offender successfully spent under the sanction 20533
that was initially imposed. Except as otherwise specified in this 20534
division, the prison term imposed under this division and division 20535
(B)(1) of this section shall be within the range of prison terms 20536
available as a definite term for the offense for which the 20537
sanction that was violated was imposed. If the offense for which 20538
the sanction that was violated was imposed is a felony of the 20539

first or second degree committed on or after ~~the effective date of~~ 20540
~~this amendment~~ March 22, 2019, the prison term so imposed under 20541
this division shall be within the range of prison terms available 20542
as a minimum term for the offense under division (A)(1)(a) or 20543
(2)(a) of section 2929.14 of the Revised Code. 20544

(C) If an offender, for a significant period of time, 20545
fulfills the conditions of a sanction imposed pursuant to section 20546
2929.16, 2929.17, or 2929.18 of the Revised Code in an exemplary 20547
manner, the court may reduce the period of time under the sanction 20548
or impose a less restrictive sanction, but the court shall not 20549
permit the offender to violate any law or permit the offender to 20550
leave the state without the permission of the court or the 20551
offender's probation officer. 20552

(D)(1) If a court under division (A)(1) of this section 20553
imposes a condition of release under a community control sanction 20554
that requires the offender to submit to random drug testing, the 20555
department of probation, the adult parole authority, or any other 20556
entity that has general control and supervision of the offender 20557
under division (A)(2)(a) of this section may cause the offender to 20558
submit to random drug testing performed by a laboratory or entity 20559
that has entered into a contract with any of the governmental 20560
entities or officers authorized to enter into a contract with that 20561
laboratory or entity under section 341.26, 753.33, or 5120.63 of 20562
the Revised Code. 20563

(2) If no laboratory or entity described in division (D)(1) 20564
of this section has entered into a contract as specified in that 20565
division, the department of probation, the adult parole authority, 20566
or any other entity that has general control and supervision of 20567
the offender under division (A)(2)(a) of this section shall cause 20568
the offender to submit to random drug testing performed by a 20569
reputable public laboratory to determine whether the individual 20570
who is the subject of the drug test ingested or was injected with 20571

a drug of abuse. 20572

(3) A laboratory or entity that has entered into a contract 20573
pursuant to section 341.26, 753.33, or 5120.63 of the Revised Code 20574
shall perform the random drug tests under division (D)(1) of this 20575
section in accordance with the applicable standards that are 20576
included in the terms of that contract. A public laboratory shall 20577
perform the random drug tests under division (D)(2) of this 20578
section in accordance with the standards set forth in the policies 20579
and procedures established by the department of rehabilitation and 20580
correction pursuant to section 5120.63 of the Revised Code. An 20581
offender who is required under division (A)(1) of this section to 20582
submit to random drug testing as a condition of release under a 20583
community control sanction and whose test results indicate that 20584
the offender ingested or was injected with a drug of abuse shall 20585
pay the fee for the drug test if the department of probation, the 20586
adult parole authority, or any other entity that has general 20587
control and supervision of the offender requires payment of a fee. 20588
A laboratory or entity that performs the random drug testing on an 20589
offender under division (D)(1) or (2) of this section shall 20590
transmit the results of the drug test to the appropriate 20591
department of probation, the adult parole authority, or any other 20592
entity that has general control and supervision of the offender 20593
under division (A)(2)(a) of this section. 20594

Sec. 2929.34. (A) A person who is convicted of or pleads 20595
guilty to aggravated murder, murder, or an offense punishable by 20596
life imprisonment and who is sentenced to a term of life 20597
imprisonment or a prison term pursuant to that conviction shall 20598
serve that term in an institution under the control of the 20599
department of rehabilitation and correction. 20600

(B)(1) A person who is convicted of or pleads guilty to a 20601
felony other than aggravated murder, murder, or an offense 20602

punishable by life imprisonment and who is sentenced to a term of 20603
imprisonment or a prison term pursuant to that conviction shall 20604
serve that term as follows: 20605

(a) Subject to divisions (B)(1)(b), (B)(2), and (B)(3) of 20606
this section, in an institution under the control of the 20607
department of rehabilitation and correction if the term is a 20608
prison term or as otherwise determined by the sentencing court 20609
pursuant to section 2929.16 of the Revised Code if the term is not 20610
a prison term; 20611

(b) In a facility of a type described in division (G)(1) of 20612
section 2929.13 of the Revised Code, if the offender is sentenced 20613
pursuant to that division. 20614

(2) If the term is a prison term, the person may be 20615
imprisoned in a jail that is not a minimum security jail pursuant 20616
to agreement under section 5120.161 of the Revised Code between 20617
the department of rehabilitation and correction and the local 20618
authority that operates the jail. 20619

(3)(a) As used in divisions (B)(3)(a) to (d) of this section: 20620

~~(i) "Target county" means Franklin county, Cuyahoga county, 20621
Hamilton county, Summit county, Montgomery county, Lucas county, 20622
Butler county, Stark county, Lorain county, and Mahoning county. 20623~~

~~(ii) "Voluntary, "voluntary county" means any county in which 20624
the board of county commissioners of the county and the 20625
administrative judge of the general division of the court of 20626
common pleas of the county enter into an agreement of the type 20627
described in division (B)(3)(b) of this section and in which the 20628
agreement has not been terminated as described in that division. 20629~~

(b) In any voluntary county ~~other than a target county~~, the 20630
board of county commissioners of the county and the administrative 20631
judge of the general division of the court of common pleas of the 20632
county may agree to having the county participate in the 20633

procedures regarding local and state confinement established under 20634
division (B)(3)(c) of this section. A board of county 20635
commissioners and an administrative judge of a court of common 20636
pleas that enter into an agreement of the type described in this 20637
division may terminate the agreement, but a termination under this 20638
division shall take effect only at the end of the state fiscal 20639
biennium in which the termination decision is made. 20640

(c) Except as provided in division (B)(3)(d) of this section, 20641
on and after July 1, 2018, no person sentenced by the court of 20642
common pleas of a ~~target county or of a~~ voluntary county to a 20643
prison term ~~that is twelve months or less~~ for a felony of the 20644
fifth degree shall serve the term in an institution under the 20645
control of the department of rehabilitation and correction. The 20646
person shall instead serve the sentence as a term of confinement 20647
in a facility of a type described in division (C) or (D) of this 20648
section. Nothing in this division relieves the state of its 20649
obligation to pay for the cost of confinement of the person in a 20650
community-based correctional facility under division (D) of this 20651
section. 20652

(d) Division (B)(3)(c) of this section does not apply to any 20653
person to whom any of the following apply: 20654

(i) The felony of the fifth degree was an offense of 20655
violence, as defined in section 2901.01 of the Revised Code, a sex 20656
offense under Chapter 2907. of the Revised Code, a violation of 20657
section 2925.03 of the Revised Code, or any offense for which a 20658
mandatory prison term is required. 20659

(ii) The person previously has been convicted of or pleaded 20660
guilty to any felony offense of violence, as defined in section 20661
2901.01 of the Revised Code, unless the felony of the fifth degree 20662
for which the person is being sentenced is a violation of division 20663
(I)(1) of section 2903.43 of the Revised Code. 20664

(iii) The person previously has been convicted of or pleaded guilty to any felony sex offense under Chapter 2907. of the Revised Code. 20665
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(iv) The person's sentence is required to be served concurrently to any other sentence imposed upon the person for a felony that is required to be served in an institution under the control of the department of rehabilitation and correction. 20668
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(C) A person who is convicted of or pleads guilty to one or more misdemeanors and who is sentenced to a jail term or term of imprisonment pursuant to the conviction or convictions shall serve that term in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse; in a community alternative sentencing center or district community alternative sentencing center when authorized by section 307.932 of the Revised Code; or, if the misdemeanor or misdemeanors are not offenses of violence, in a minimum security jail. 20672
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(D) Nothing in this section prohibits the commitment, referral, or sentencing of a person who is convicted of or pleads guilty to a felony to a community-based correctional facility. 20681
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Sec. 2941.51. (A) Counsel appointed to a case or selected by an indigent person under division (E) of section 120.16 or division (E) of section 120.26 of the Revised Code, or otherwise appointed by the court, except for counsel appointed by the court to provide legal representation for a person charged with a violation of an ordinance of a municipal corporation, shall be paid for their services by the county the compensation and expenses that the trial court approves. Each request for payment shall include a financial disclosure form completed by the indigent person on a form prescribed by the state public defender. Compensation and expenses shall not exceed the amounts fixed by the board of county commissioners pursuant to division (B) of this 20684
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section. 20696

(B) The board of county commissioners shall establish a 20697
schedule of fees by case or on an hourly basis to be paid by the 20698
county for legal services provided by appointed counsel. Prior to 20699
establishing such schedule, the board shall request the bar 20700
association or associations of the county to submit a proposed 20701
schedule for cases other than capital cases. The schedule 20702
submitted shall be subject to the review, amendment, and approval 20703
of the board of county commissioners, except with respect to 20704
capital cases. With respect to capital cases, the schedule shall 20705
provide for fees by case or on an hourly basis to be paid to 20706
counsel in the amount or at the rate set by the capital case 20707
attorney fee council pursuant to division (D) of section 120.33 of 20708
the Revised Code, and the board of county commissioners shall 20709
approve that amount or rate. 20710

With respect to capital cases, counsel shall be paid 20711
compensation and expenses in accordance with the amount or at the 20712
rate set by the capital case attorney fee council pursuant to 20713
division (D) of section 120.33 of the Revised Code. 20714

(C) In a case where counsel have been appointed to conduct an 20715
appeal under Chapter 120. of the Revised Code, such compensation 20716
shall be fixed by the court of appeals or the supreme court, as 20717
provided in divisions (A) and (B) of this section. 20718

(D) The fees and expenses approved by the court under this 20719
section shall not be taxed as part of the costs and shall be paid 20720
by the county. However, if the person represented has, or 20721
reasonably may be expected to have, the means to meet some part of 20722
the cost of the services rendered to the person, the person shall 20723
pay the county an amount that the person reasonably can be 20724
expected to pay. Pursuant to section 120.04 of the Revised Code, 20725
the county shall pay to the state public defender a percentage of 20726
the payment received from the person in an amount proportionate to 20727

the percentage of the costs of the person's case that were paid to 20728
the county by the state public defender pursuant to this section. 20729
The money paid to the state public defender shall be credited to 20730
the client payment fund created pursuant to division (B)(5) of 20731
section 120.04 of the Revised Code. 20732

(E) The county auditor shall draw a warrant on the county 20733
treasurer for the payment of such counsel in the amount fixed by 20734
the court, plus the expenses that the court fixes and certifies to 20735
the auditor. The county auditor shall report periodically, but not 20736
less than annually, to the board of county commissioners and to 20737
the Ohio public defender commission the amounts paid out pursuant 20738
to the approval of the court under this section, separately 20739
stating costs and expenses that are reimbursable under section 20740
120.35 of the Revised Code. The board, after review and approval 20741
of the auditor's report, may then certify it to the state public 20742
defender for reimbursement. The request for reimbursement shall be 20743
accompanied by a financial disclosure form completed by each 20744
indigent person for whom counsel was provided on a form prescribed 20745
by the state public defender. The state public defender shall 20746
review the report and, in accordance with the standards, 20747
guidelines, and maximums established pursuant to divisions (B)(7) 20748
and (8) of section 120.04 of the Revised Code, pay ~~fifty per cent~~ 20749
~~of up to~~ the total cost, other than costs and expenses that are 20750
reimbursable under section 120.35 of the Revised Code, if any, of 20751
paying appointed counsel in each county and pay ~~fifty per cent of~~ 20752
costs and expenses that are reimbursable under section 120.35 of 20753
the Revised Code, if any, to the board. 20754

(F) If any county system for paying appointed counsel fails 20755
to maintain the standards for the conduct of the system 20756
established by the rules of the Ohio public defender commission 20757
pursuant to divisions (B) and (C) of section 120.03 of the Revised 20758
Code or the standards established by the state public defender 20759

pursuant to division (B)(7) of section 120.04 of the Revised Code, 20760
the commission shall notify the board of county commissioners of 20761
the county that the county system for paying appointed counsel has 20762
failed to comply with its rules. Unless the board corrects the 20763
conduct of its appointed counsel system to comply with the rules 20764
within ninety days after the date of the notice, the state public 20765
defender may deny all or part of the county's reimbursement from 20766
the state provided for in this section. 20767

Sec. 2950.08. (A) Subject to division (B) of this section, 20768
the statements, information, photographs, fingerprints, and 20769
material required by sections 2950.04, 2950.041, 2950.05, and 20770
2950.06 of the Revised Code and provided by a person who 20771
registers, who provides notice of a change of residence, school, 20772
institution of higher education, or place of employment address 20773
and registers the new residence, school, institution of higher 20774
education, or place of employment address, or who provides 20775
verification of a current residence, school, institution of higher 20776
education, or place of employment address pursuant to those 20777
sections and that are in the possession of the bureau of criminal 20778
identification and investigation and the information in the 20779
possession of the bureau that was received by the bureau pursuant 20780
to section 2950.14 of the Revised Code shall not be open to 20781
inspection by the public or by any person other than the following 20782
persons: 20783

(1) A regularly employed peace officer or other law 20784
enforcement officer; 20785

(2) An authorized employee of the bureau of criminal 20786
identification and investigation for the purpose of providing 20787
information to a board, administrator, or person pursuant to 20788
division (F) or (G) of section 109.57 of the Revised Code; 20789

(3) The registrar of motor vehicles, or an employee of the 20790

registrar of motor vehicles, for the purpose of verifying and 20791
updating any of the information so provided, upon the request of 20792
the bureau of criminal identification and investigation; 20793

(4) The director of job and family services, or an employee 20794
of the director, for the purpose of complying with division (D) of 20795
section 5104.013 of the Revised Code. 20796

(B) Division (A) of this section does not apply to any 20797
information that is contained in the internet sex offender and 20798
child-victim offender database established by the attorney general 20799
under division (A)(11) of section 2950.13 of the Revised Code 20800
regarding offenders and that is disseminated as described in that 20801
division. 20802

Sec. 3107.035. (A) At the time of the initial home study, and 20803
every two years thereafter, if the home study is updated, and 20804
until it becomes part of a final decree of adoption or an 20805
interlocutory order of adoption, the agency or attorney that 20806
arranges an adoption for the prospective adoptive parent shall 20807
conduct a search of the United States department of justice 20808
national sex offender public web site regarding the prospective 20809
adoptive parent and all persons eighteen years of age or older who 20810
reside with the prospective adoptive parent. 20811

(B) A petition for adoption may be denied based solely on the 20812
results of the search of the national sex offender public web 20813
site. 20814

(C) The director of job and family services shall adopt rules 20815
in accordance with Chapter 119. of the Revised Code necessary for 20816
the implementation and execution of this section. 20817

Sec. 3107.14. (A) The petitioner and the person sought to be 20818
adopted shall appear at the hearing on the petition, unless the 20819
presence of either is excused by the court for good cause shown. 20820

(B) The court may continue the hearing from time to time to 20821
permit further observation, investigation, or consideration of any 20822
facts or circumstances affecting the granting of the petition, and 20823
may examine the petitioners separate and apart from each other. 20824

(C) If, at the conclusion of the hearing, the court finds 20825
that the required consents have been obtained or excused and that 20826
the adoption is in the best interest of the person sought to be 20827
adopted as supported by the evidence, it may issue, subject to 20828
division (C)(1)~~(a)~~ of section 2151.86, section 3107.064, and 20829
division (E) of section 3107.09 of the Revised Code, and any other 20830
limitations specified in this chapter, a final decree of adoption 20831
or an interlocutory order of adoption, which by its own terms 20832
automatically becomes a final decree of adoption on a date 20833
specified in the order, which, except as provided in division (B) 20834
of section 3107.13 of the Revised Code, shall not be less than six 20835
months or more than one year from the date the person to be 20836
adopted is placed in the petitioner's home, unless sooner vacated 20837
by the court for good cause shown. In determining whether the 20838
adoption is in the best interest of the person sought to be 20839
adopted, the court shall not consider the age of the petitioner if 20840
the petitioner is old enough to adopt as provided by section 20841
3107.03 of the Revised Code. 20842

In an interlocutory order of adoption, the court shall 20843
provide for observation, investigation, and a further report on 20844
the adoptive home during the interlocutory period. 20845

(D) If the requirements for a decree under division (C) of 20846
this section have not been satisfied or the court vacates an 20847
interlocutory order of adoption, or if the court finds that a 20848
person sought to be adopted was placed in the home of the 20849
petitioner in violation of law, the court shall dismiss the 20850
petition and may determine the agency or person to have temporary 20851
or permanent custody of the person, which may include the agency 20852

or person that had custody prior to the filing of the petition or 20853
the petitioner, if the court finds it is in the best interest of 20854
the person as supported by the evidence, or if the person is a 20855
minor, the court may certify the case to the juvenile court of the 20856
county where the minor is then residing for appropriate action and 20857
disposition. 20858

(E) The issuance of a final decree or interlocutory order of 20859
adoption for an adult adoption under division (A)(4) of section 20860
3107.02 of the Revised Code shall not disqualify that adult for 20861
services under section 2151.82 or 2151.83 of the Revised Code. 20862

Sec. 3119.023. (A) At least once every four years, the 20863
department of job and family services shall review the basic child 20864
support schedule issued by the department pursuant to section 20865
3119.021 of the Revised Code to determine whether child support 20866
orders issued in accordance with that schedule and the worksheets 20867
created under rules adopted under section 3119.022 of the Revised 20868
Code adequately provide for the needs of children who are subject 20869
to the child support orders. ~~The department may consider the~~ 20870
~~adequacy and appropriateness of the current schedule, whether~~ 20871
~~there are substantial and permanent changes in household~~ 20872
~~consumption and savings patterns, particularly those resulting in~~ 20873
~~substantial and permanent changes in the per cent of total~~ 20874
~~household expenditures on children, and whether there have been~~ 20875
~~substantial and permanent changes to the federal and state income~~ 20876
~~tax code other than inflationary adjustments to such things as the~~ 20877
~~exemption amount and income tax brackets, and other factors when~~ 20878
~~conducting its review.~~ The review is in addition to, and 20879
independent of, any schedule update completed as set forth in 20880
section 3119.021 of the Revised Code. The department shall prepare 20881
a report of its review and include recommendations for statutory 20882
changes, and submit a copy of the report to both houses of the 20883
general assembly. 20884

(B) <u>Each review shall include all of the following:</u>	20885
(1) <u>Consideration of all of the following:</u>	20886
(a) <u>Economic data on the cost of raising children:</u>	20887
(b) <u>Labor market data, such as unemployment rates, employment rates, hours worked, and earnings, by occupation and skill level for the state and local job markets;</u>	20888 20889 20890
(c) <u>The impact of guidelines policies and amounts on custodial and noncustodial parents who have family incomes below two hundred per cent of the federal poverty level;</u>	20891 20892 20893
(d) <u>Factors that influence employment rates among noncustodial parents and compliance with child support orders.</u>	20894 20895
(2) <u>Analysis of all of the following, to be used to ensure that deviations from the basic child support schedule are limited and that support amounts are appropriate based on criteria established under division (G) of section 3119.05 of the Revised Code:</u>	20896 20897 20898 20899 20900
(a) <u>Case data on the application of and deviations from the basic child support schedule, as gathered through sampling or other methods;</u>	20901 20902 20903
(b) <u>Rates of default, child support orders with imputed income, and orders determined using low-income adjustments such as a self-support reserve or another method as determined by the state;</u>	20904 20905 20906 20907
(c) <u>A comparison of payments on child support orders by case characteristics, including whether the order was entered by default, based on imputed income, or determined using the low-income adjustment, as described in division (B)(2)(b) of this section.</u>	20908 20909 20910 20911 20912
(3) <u>Meaningful opportunity for public input, including input from low-income custodial and noncustodial parents and their</u>	20913 20914

representatives. 20915

(C) For each review, the department shall establish a child support guideline advisory council to assist the department in the completion of its reviews and reports. Each council shall be composed of: 20916
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20919

(1) Obligors; 20920

(2) Obligees; 20921

(3) Judges of courts of common pleas who have jurisdiction over domestic relations and juvenile court cases that involve the determination of child support; 20922
20923
20924

(4) Attorneys whose practice includes a significant number of domestic relations or juvenile court cases that involve the determination of child support; 20925
20926
20927

(5) Representatives of child support enforcement agencies; 20928

(6) Other persons interested in the welfare of children; 20929

(7) Three members of the senate appointed by the president of the senate, not more than two of whom are members of the same political party; and 20930
20931
20932

(8) Three members of the house of representatives appointed by the speaker of the house, not more than two of whom are members of the same political party. 20933
20934
20935

~~(C)~~(D) The department shall consider input from the council prior to the completion of any report under this section. The department shall submit its report on or before the first day of March of every fourth year after 2015. 20936
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~~(D)~~(E) The department shall publish on the internet and make accessible to the public all of the following: 20940
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(1) All reports of the council; 20942

(2) The membership of the council; 20943

(3) The effective date of new or modified guidelines adopted 20944
after the review; 20945

(4) The date of the next review. 20946

(F) The advisory council shall cease to exist at the time 20947
that the department submits its review to the general assembly 20948
under this section. 20949

~~(E)~~(G) Any expenses incurred by an advisory council shall be 20950
paid by the department. 20951

Sec. 3119.05. When a court computes the amount of child 20952
support required to be paid under a court child support order or a 20953
child support enforcement agency computes the amount of child 20954
support to be paid pursuant to an administrative child support 20955
order, all of the following apply: 20956

(A) The parents' current and past income and personal 20957
earnings shall be verified by electronic means or with suitable 20958
documents, including, but not limited to, paystubs, employer 20959
statements, receipts and expense vouchers related to 20960
self-generated income, tax returns, and all supporting 20961
documentation and schedules for the tax returns. 20962

(B) The annual amount of any court-ordered spousal support 20963
actually paid, excluding any ordered payment on arrears, shall be 20964
deducted from the annual income of that parent to the extent that 20965
payment of that court-ordered spousal support is verified by 20966
supporting documentation. 20967

(C) The court or agency shall adjust the amount of child 20968
support paid by a parent to give credit for children not included 20969
in the current calculation. When calculating the adjusted amount, 20970
the court or agency shall use the schedule and do the following: 20971

(1) Determine the amount of child support that each parent 20972
would be ordered to pay for all children for whom the parent has 20973

the legal duty to support, according to each parent's annual 20974
income. If the number of children subject to the order is greater 20975
than six, multiply the amount for three children in accordance 20976
with division (C)(4) of this section to determine the amount of 20977
child support. 20978

(2) Compute a child support credit amount for each parent's 20979
children who are not subject to this order by dividing the amount 20980
determined in division (C)(1) of this section by the total number 20981
of children whom the parent is obligated to support and 20982
multiplying that number by the number of the parent's children who 20983
are not subject to this order. 20984

(3) Determine the adjusted income of the parents by 20985
subtracting the credit for minor children not subject to this 20986
order computed under division (C)(2) of this section, from the 20987
annual income of each parent for the children each has a duty to 20988
support that are not subject to this order. 20989

(4) If the number of children is greater than six, multiply 20990
the amount for three children by: 20991

(a) 1.440 for seven children; 20992

(b) 1.540 for eight children; 20993

(c) 1.638 for nine children; 20994

(d) 1.734 for ten children; 20995

(e) 1.827 for eleven children; 20996

(f) 1.919 for twelve children; 20997

(g) 2.008 for thirteen children; 20998

(h) 2.096 for fourteen children; 20999

(i) 2.182 for more than fourteen children. 21000

(D) When the court or agency calculates the annual income of 21001
a parent, it shall include the lesser of the following as income 21002

from overtime and bonuses: 21003

(1) The yearly average of all overtime, commissions, and 21004
bonuses received during the three years immediately prior to the 21005
time when the person's child support obligation is being computed; 21006

(2) The total overtime, commissions, and bonuses received 21007
during the year immediately prior to the time when the person's 21008
child support obligation is being computed. 21009

(E) When the court or agency calculates the annual income of 21010
a parent, it shall not include any income earned by the spouse of 21011
that parent. 21012

(F) The court shall issue a separate medical support order 21013
for extraordinary medical expenses, including orthodontia, dental, 21014
optical, and psychological services. 21015

If the court makes an order for payment of private education, 21016
and other appropriate expenses, it shall do so by issuing a 21017
separate order. 21018

The court may consider these expenses in adjusting a child 21019
support order. 21020

(G) When a court or agency calculates the amount of child 21021
support to be paid pursuant to a court child support order or an 21022
administrative child support order, the following shall apply: 21023

(1) The court or agency shall apply the basic child support 21024
schedule to the parents' combined annual incomes and to each 21025
parent's individual income. 21026

(2) If the combined annual income of both parents or the 21027
individual annual income of a parent is an amount that is between 21028
two amounts set forth in the first column of the schedule, the 21029
court or agency may use the basic child support obligation that 21030
corresponds to the higher of the two amounts in the first column 21031
of the schedule, use the basic child support obligation that 21032

corresponds to the lower of the two amounts in the first column of 21033
the schedule, or calculate a basic child support obligation that 21034
is between those two amounts and corresponds proportionally to the 21035
parents' actual combined annual income or the individual parent's 21036
annual income. 21037

(3) If the annual individual income of either or both of the 21038
parents is within the self-sufficiency reserve in the basic child 21039
support schedule, the court or agency shall do both of the 21040
following: 21041

(a) Calculate the basic child support obligation for the 21042
parents using the schedule amount applicable to the combined 21043
annual income and the schedule amount applicable to the income in 21044
the self-sufficiency reserve; 21045

(b) Determine the lesser of the following amounts to be the 21046
applicable basic child support obligation: 21047

(i) The amount that results from using the combined annual 21048
income of the parents not in the self-sufficiency reserve of the 21049
schedule; or 21050

(ii) The amount that results from using the individual 21051
parent's income within the self-sufficiency reserve of the 21052
schedule. 21053

(H) When the court or agency calculates annual income, the 21054
court or agency, when appropriate, may average income over a 21055
reasonable period of years. 21056

(I) Unless it would be unjust or inappropriate and therefore 21057
not in the best interests of the child, a court or agency shall 21058
not determine a parent to be voluntarily unemployed or 21059
underemployed and shall not impute income to that parent if any of 21060
the following conditions exist: 21061

(1) The parent is receiving recurring monetary income from 21062

means-tested public assistance benefits, including cash assistance 21063
payments under the Ohio works first program established under 21064
Chapter 5107. of the Revised Code, general assistance under former 21065
Chapter 5113. of the Revised Code, supplemental security income, 21066
or means-tested veterans' benefits; 21067

(2) The parent is approved for social security disability 21068
insurance benefits because of a mental or physical disability, or 21069
the court or agency determines that the parent is unable to work 21070
based on medical documentation that includes a physician's 21071
diagnosis and a physician's opinion regarding the parent's mental 21072
or physical disability and inability to work. 21073

(3) The parent has proven that the parent has made continuous 21074
and diligent efforts without success to find and accept 21075
employment, including temporary employment, part-time employment, 21076
or employment at less than the parent's previous salary or wage. 21077

(4) The parent is complying with court-ordered family 21078
reunification efforts in a child abuse, neglect, or dependency 21079
proceeding, to the extent that compliance with those efforts 21080
limits the parent's ability to earn income. 21081

(5) The parent is ~~incarcerated or~~ institutionalized for a 21082
period of twelve months or more with no other available income or 21083
~~assets, unless the parent is incarcerated for an offense relating~~ 21084
~~to the abuse or neglect of a child who is the subject of the~~ 21085
~~support order or an offense under Title XXIX of the Revised Code~~ 21086
~~against the obligee or a child who is the subject of the support~~ 21087
~~order.~~ 21088

(J) When a court or agency calculates the income of a parent, 21089
it shall not determine a parent to be voluntarily unemployed or 21090
underemployed and shall not impute income to that parent if the 21091
parent is incarcerated. 21092

(K) When a court or agency requires a parent to pay an amount 21093

for that parent's failure to support a child for a period of time 21094
prior to the date the court modifies or issues a court child 21095
support order or an agency modifies or issues an administrative 21096
child support order for the current support of the child, the 21097
court or agency shall calculate that amount using the basic child 21098
support schedule, worksheets, and child support laws in effect, 21099
and the incomes of the parents as they existed, for that prior 21100
period of time. 21101

~~(K)~~(L) A court or agency may disregard a parent's additional 21102
income from overtime or additional employment when the court or 21103
agency finds that the additional income was generated primarily to 21104
support a new or additional family member or members, or under 21105
other appropriate circumstances. 21106

~~(L)~~(M) If both parents involved in the immediate child 21107
support determination have a prior order for support relative to a 21108
minor child or children born to both parents, the court or agency 21109
shall collect information about the existing order or orders and 21110
consider those together with the current calculation for support 21111
to ensure that the total of all orders for all children of the 21112
parties does not exceed the amount that would have been ordered if 21113
all children were addressed in a single judicial or administrative 21114
proceeding. 21115

~~(M)~~(N) A support obligation of a parent with annual income 21116
subject to the self-sufficiency reserve of the basic child support 21117
schedule shall not exceed the support obligation that would result 21118
from application of the schedule without the reserve. 21119

~~(N)~~(O) Any non-means tested benefit received by the child or 21120
children subject to the order resulting from the claims of either 21121
parent shall be deducted from that parent's annual child support 21122
obligation after all other adjustments have been made. If that 21123
non-means tested benefit exceeds the child support obligation of 21124
the parent from whose claim the benefit is realized, the child 21125

support obligation for that parent shall be zero. 21126

~~(O)~~(P) As part of the child support calculation, the parents 21127
shall be ordered to share the costs of child care. Subject to the 21128
limitations in this division, a child support obligor shall pay an 21129
amount equal to the obligor's income share of the child care cost 21130
incurred for the child or children subject to the order. 21131

(1) The child care cost used in the calculation: 21132

(a) Shall be for the child determined to be necessary to 21133
allow a parent to work, or for activities related to employment 21134
training; 21135

(b) Shall be verifiable by credible evidence as determined by 21136
a court or child support enforcement agency; 21137

(c) Shall exclude any reimbursed or subsidized child care 21138
cost, including any state or federal tax credit for child care 21139
available to the parent or caretaker, whether or not claimed; 21140

(d) Shall not exceed the maximum state-wide average cost 21141
estimate ~~issued by the department of job and family services,~~ 21142
~~using the data collected and reported as required in section~~ 21143
~~5104.04 of the Revised Code~~ determined in accordance with 45 21144
C.F.R. 98.45. 21145

(2) When the annual income of the obligor is subject to the 21146
self-sufficiency reserve of the basic support schedule, the share 21147
of the child care cost paid by the obligor shall be equal to the 21148
lower of the obligor's income share of the child care cost, or 21149
fifty per cent of the child care cost. 21150

(O) As used in this section, a parent is considered 21151
"incarcerated" if the parent is confined under a sentence imposed 21152
for an offense or serving a term of imprisonment, jail, or local 21153
incarceration, or other term under a sentence imposed by a 21154
government entity authorized to order such confinement. 21155

Sec. 3119.23. The court may consider any of the following	21156
factors in determining whether to grant a deviation pursuant to	21157
section 3119.22 of the Revised Code:	21158
(A) Special and unusual needs of the child or children,	21159
including needs arising from the physical or psychological	21160
condition of the child or children;	21161
(B) Other court-ordered payments;	21162
(C) Extended parenting time or extraordinary costs associated	21163
with parenting time, including extraordinary travel expenses when	21164
exchanging the child or children for parenting time;	21165
(D) The financial resources and the earning ability of the	21166
child or children;	21167
(E) The relative financial resources, including the disparity	21168
in income between parties or households, other assets, and the	21169
needs of each parent;	21170
(F) The obligee's income, if the obligee's annual income is	21171
equal to or less than one hundred per cent of the federal poverty	21172
level;	21173
(G) Benefits that either parent receives from remarriage or	21174
sharing living expenses with another person;	21175
(H) The amount of federal, state, and local taxes actually	21176
paid or estimated to be paid by a parent or both of the parents;	21177
(I) Significant in-kind contributions from a parent,	21178
including, but not limited to, direct payment for lessons, sports	21179
equipment, schooling, or clothing;	21180
(J) Extraordinary work-related expenses incurred by either	21181
parent;	21182
(K) The standard of living and circumstances of each parent	21183
and the standard of living the child would have enjoyed had the	21184

marriage continued or had the parents been married;	21185
(L) The educational opportunities that would have been available to the child had the circumstances requiring a child support order not arisen;	21186 21187 21188
(M) The responsibility of each parent for the support of others, including support of a child or children with disabilities who are not subject to the support order;	21189 21190 21191
(N) Post-secondary educational expenses paid for by a parent for the parent's own child or children, regardless of whether the child or children are emancipated;	21192 21193 21194
(O) Costs incurred or reasonably anticipated to be incurred by the parents in compliance with court-ordered reunification efforts in child abuse, neglect, or dependency cases;	21195 21196 21197
(P) Extraordinary child care costs required for the child or children that exceed the maximum state-wide average cost estimate provided as described in division (O) (P)(1)(d) of section 3119.05 of the Revised Code, including extraordinary costs associated with caring for a child or children with specialized physical, psychological, or educational needs;	21198 21199 21200 21201 21202 21203
(Q) Any other relevant factor.	21204
If the court grants a deviation based on division (Q) of this section, it shall specifically state in the order the facts that are the basis for the deviation.	21205 21206 21207
Sec. 3119.27. (A) A court that issues or modifies a court support order, or an administrative agency that issues or modifies an administrative child support order, shall impose on the obligor under the support order a processing charge in the amount of two per cent of the support payment to be collected under a support order. No court or agency may call the charge a poundage fee.	21208 21209 21210 21211 21212 21213
(B) In each child support case that is a Title IV-D case, the	21214

department of job and family services shall annually claim 21215
~~twenty-five~~ thirty-five dollars from the processing charge 21216
described in division (A) of this section for federal reporting 21217
purposes if the obligee has never received assistance under Title 21218
IV-A and the department has collected at least five hundred fifty 21219
dollars of child support for the obligee. The director of job and 21220
family services shall adopt rules under Chapter 119. of the 21221
Revised Code to implement this division, and the department shall 21222
implement this division not later than March 31, 2008. 21223

(C) As used in this section: 21224

(1) "Annual" means the period as defined in regulations 21225
issued by the United States secretary of health and human services 21226
to implement the Deficit Reduction Act of 2005 (P.L. 109-171). 21227

(2) "Title IV-A" has the same meaning as in section 5107.02 21228
of the Revised Code. 21229

(3) "Title IV-D case" has the same meaning as in section 21230
3125.01 of the Revised Code. 21231

Sec. 3119.29. As used in this section and sections 3119.30 to 21232
3119.56 of the Revised Code: 21233

(A) ~~"Family coverage" means the health insurance plan that 21234
provides coverage for the children who are the subject of a child 21235
support order. 21236~~

~~(B)~~ "Health care coverage" means such medical support that 21237
includes ~~coverage under~~ a health insurance coverage or a public 21238
health care plan, payment of costs of premiums, copayments, and 21239
deductibles, or payment for medical expenses incurred on behalf of 21240
the child. 21241

~~(C)~~(B) "Health insurance coverage" means accessible private 21242
health insurance that provides primary care services within thirty 21243
miles from the residence of the child subject to the child support 21244

order. 21245

~~(D)~~(C) "Health plan administrator" means any entity 21246
authorized under Title XXXIX of the Revised Code to engage in the 21247
business of insurance in this state, any health insuring 21248
corporation, any legal entity that is self-insured and provides 21249
benefits to its employees or members, and the administrator of any 21250
such entity or corporation. 21251

~~(E)~~(D) "National medical support notice" means a form 21252
required by the "Child Support Performance and Incentive Act of 21253
1998," P.L. 105-200, 112 Stat. 659, 42 U.S.C. 666(a)(19), as 21254
amended, and jointly developed and promulgated by the secretary of 21255
health and human services and the secretary of labor in federal 21256
regulations adopted under that act as modified by the department 21257
of job and family services under section 3119.291 of the Revised 21258
Code. 21259

~~(F)~~(E) "Person required to provide health insurance coverage" 21260
means the obligor, obligee, or both, required by the court under a 21261
court child support order or by the child support enforcement 21262
agency under an administrative child support order to provide 21263
health insurance coverage pursuant to section 3119.30 of the 21264
Revised Code. 21265

~~(G)~~(F) "Reasonable cost" means that the cost of ~~private~~ 21266
health insurance coverage to the person required to provide health 21267
insurance coverage for the children who are the subject of the 21268
child support order does not exceed an amount equal to five per 21269
cent of the annual income of that person. ~~For purposes of this~~ 21270
~~division, the cost of health insurance is an amount equal to the~~ 21271
~~difference in cost between self only and family coverage.~~ 21272

~~However, if the United States secretary of health and human~~ 21273
~~services issues a regulation that redefines "reasonable cost" or a~~ 21274
~~similar term or phrase, or clarifies the elements of cost used~~ 21275

~~when determining reasonable cost relating to the provision of 21276
health care for children in a child support order, and if those 21277
changes are substantively different than the definitions and terms 21278
used in this section, those terms shall have the meaning as 21279
defined by the United States secretary of health and human 21280
services. 21281~~

Sec. 3119.30. (A) In any action or proceeding in which a 21282
child support order is issued or modified, the court, with respect 21283
to court child support orders, and the child support enforcement 21284
agency, with respect to administrative child support orders, shall 21285
determine the person or persons responsible for the health care 21286
coverage of the children subject to the child support order and 21287
shall include provisions for the health care coverage of the 21288
children in the child support order. The order shall specify that 21289
the obligor and obligee are both liable for the health care 21290
expenses for the children who are not covered by private health 21291
insurance according to a formula established by each court, with 21292
respect to a court child support order, or each child support 21293
enforcement agency, with respect to an administrative child 21294
support order. 21295

(B) The child support obligee is rebuttably presumed to be 21296
the appropriate parent to provide health insurance coverage for 21297
the children subject to the child support order. The order shall 21298
specify that the obligee must provide the health insurance 21299
coverage unless rebutted pursuant to division (B)(1) of this 21300
section. 21301

(1) The court or child support enforcement agency may 21302
consider the following factors to rebut the presumption when 21303
determining if the child support obligor is the appropriate parent 21304
to provide health insurance coverage: 21305

(a) The obligor already has health insurance coverage for the 21306

child that is reasonable in cost; 21307

(b) The obligor already has health insurance coverage in 21308
place for the child that is not reasonable in cost, but the 21309
obligor wishes to be named the health insurance obligor and 21310
provide coverage under division (A)(2)(a) of section 3119.302 of 21311
the Revised Code; 21312

(c) The obligor can obtain health insurance coverage for the 21313
child that is reasonable in cost through an employer or other 21314
source. For employer-based coverage, the court or child support 21315
enforcement agency shall consider the length of time the obligor 21316
has worked with the employer and the stability of the insurance. 21317

(d) The obligee is a non-parent individual or agency that has 21318
no duty to provide medical support. 21319

(2) If ~~private~~ health insurance coverage for the children is 21320
not available at a reasonable cost to the obligor or the obligee 21321
at the time the court or agency issues the order, the order shall 21322
include a requirement that the obligee obtain ~~private~~ health 21323
insurance care coverage for the children not later than thirty 21324
days after it becomes available to the obligee at a reasonable 21325
cost, and to inform the child support enforcement agency when 21326
~~private~~ health insurance care coverage for the children has been 21327
obtained. 21328

(3) If ~~private~~ health insurance coverage becomes available to 21329
the obligor at a reasonable cost, the obligor shall inform the 21330
child support enforcement agency and may seek a modification of 21331
health insurance care coverage from the court with respect to a 21332
court child support order, or from the agency with respect to an 21333
administrative support order. 21334

(C) When a child support order is issued or modified, the 21335
order shall include a cash medical support amount consistent with 21336
division (B) of section 3119.302 of the Revised Code for each 21337

child subject to the order. The cash medical support amount shall 21338
be ordered based on the number of children subject to the order 21339
and split between the parties using the parents' income share. 21340

(D) Any cash medical support paid pursuant to division (C) of 21341
this section shall be paid through the department of job and 21342
family services by the obligor to either the obligee if the 21343
children are not medicaid recipients, or to the department of 21344
medicaid when a medicaid assignment is in effect for any child 21345
under the support order. 21346

(E) The cost of providing health insurance coverage for a 21347
child subject to an order shall be defrayed by a credit against 21348
that parent's annual income when calculating support as required 21349
under section 3119.02 of the Revised Code using the basic child 21350
support schedule and applicable worksheet. The credit shall be 21351
equal to the total actual out-of-pocket cost for health insurance 21352
premiums for the coverage. Any credit given will be less any 21353
subsidy, including a premium tax credit or cost-sharing reduction 21354
received by the parent providing coverage. 21355

(F) Both parents may be ordered to provide health care 21356
coverage and pay cash medical support if the obligee is a 21357
nonparent individual or agency that has no duty to provide medical 21358
support. 21359

Sec. 3119.302. (A) When the court, with respect to a court 21360
child support order, or the child support enforcement agency, with 21361
respect to an administrative child support order, determines the 21362
person or persons responsible for the health care coverage of the 21363
children subject to the order pursuant to section 3119.30 of the 21364
Revised Code, all of the following apply: 21365

(1) The court or agency shall consider any ~~private~~ health 21366
insurance coverage in which the obligor, obligee, or children, are 21367
enrolled at the time the court or agency issues the order. 21368

(2) If the cost of ~~private~~ health insurance coverage to 21369
either parent exceeds a reasonable cost, that parent shall not be 21370
ordered to provide ~~private~~ health insurance coverage for the child 21371
except as follows: 21372

(a) When the parent requests to obtain or maintain the 21373
~~private~~ health insurance coverage that exceeds a reasonable cost; 21374

(b) When the court determines that it is in the best interest 21375
of the children for a parent to obtain and maintain ~~private~~ health 21376
insurance coverage that exceeds a reasonable cost and the cost 21377
will not impose an undue financial burden on either parent. If the 21378
court makes such a determination, the court must include the facts 21379
and circumstances of the determination in the child support order. 21380

(3) If ~~private~~ health insurance coverage is available at a 21381
reasonable cost to either parent through a group policy, contract, 21382
or plan, and the court determines that it is not in the best 21383
interest of the children to utilize the available ~~private~~ health 21384
insurance coverage, the court shall state the facts and 21385
circumstances of the determination in the child support order. 21386

(4) Notwithstanding division ~~(C)~~(B) of section 3119.29 of the 21387
Revised Code, the court or agency may do either of the following: 21388

(a) Permit primary care services to be farther than thirty 21389
miles if residents in part or all of the immediate geographic area 21390
customarily travel farther distances ; 21391

(b) Require primary care services be accessible by public 21392
transportation if public transportation is the obligee's only 21393
source of transportation. 21394

If the court or agency makes either accessibility 21395
determination, it shall include this accessibility determination 21396
in the child support order. 21397

(B) The director of job and family services shall 21398

periodically update the amount of the cash medical support 21399
obligation to be paid pursuant to division (C) of section 3119.30 21400
of the Revised Code. The updates shall be made in consideration of 21401
the medical expenditure panel survey, conducted by the United 21402
States department of health and human services for health care 21403
research and quality. The amount shall be based on the most recent 21404
survey year data available and shall be calculated by multiplying 21405
the total amount expended for health services for children by the 21406
percentage that is out-of-pocket divided by the number of 21407
individuals less than eighteen years of age that have any private 21408
insurance. 21409

Sec. 3119.31. In any action or proceeding in which a court or 21410
child support enforcement agency is determining the person 21411
responsible for the health care coverage of the children who are 21412
or will be the subject of a child support order, each party shall 21413
provide to the court or child support enforcement agency a list of 21414
any group health insurance policies, contracts, or plans available 21415
to the party and the cost ~~for self only and family of~~ of coverage 21416
under the available policies, contracts, or plans. 21417

Sec. 3119.32. A child support order shall contain all of the 21418
following: 21419

(A)(1) If the obligor, obligee, or both obligor and obligee, 21420
are required under section 3119.30 of the Revised Code to provide 21421
~~private health insurance~~ care coverage for the children, a 21422
requirement that whoever is required to provide ~~private health~~ 21423
~~insurance~~ care coverage provide to the other, not later than 21424
thirty days after the issuance of the order, information regarding 21425
the benefits, limitations, and exclusions of the coverage, copies 21426
of any ~~insurance~~ forms necessary to receive reimbursement, 21427
payment, or other benefits under the coverage, and a copy of any 21428
necessary ~~insurance cards~~ proof of coverage; 21429

(2) If the obligor, obligee, or both obligor and obligee, are required under section 3119.30 of the Revised Code to provide ~~private~~ health ~~insurance~~ care coverage for the children, a requirement that whoever is required to provide ~~private~~ health ~~insurance~~ care coverage provide to the child support enforcement agency, not later than thirty days after the issuance of the order, documentation that verifies that coverage is being provided as ordered.

(B) A statement setting forth the name and address of the individual who is to be reimbursed for medical expenses.

(C) A requirement that a person required to provide ~~private~~ health ~~insurance~~ care coverage for the children designate the children as covered dependents under any ~~private~~ health ~~insurance~~ care coverage policy, contract, or plan ~~for which the person contracts~~.

(D) A requirement that the obligor, the obligee, or both of them under a formula established by the court, with respect to a court child support order, or the child support enforcement agency, with respect to an administrative child support order, pay extraordinary medical expenses for the children.

(E) A notice that the employer of the person required to obtain ~~private~~ health ~~insurance~~ care coverage through that employer is required to release to the other parent, any person subject to an order issued under section 3109.19 of the Revised Code, or the child support enforcement agency on written request any necessary information on the ~~private~~ health ~~insurance~~ care coverage, including the name and address of the health plan administrator and any policy, contract, or plan number, and to otherwise comply with this section and any order or notice issued under this section.

(F) A statement setting forth the full name and date of birth

of each child who is the subject of the child support order. 21461

(G) A notice that states the following: "If the person 21462
required to obtain ~~private~~ health care ~~insurance~~ coverage for the 21463
children subject to this child support order obtains new 21464
employment, the agency shall comply with the requirements of 21465
section 3119.34 of the Revised Code, which may result in the 21466
issuance of a notice requiring the new employer to take whatever 21467
action is necessary to enroll the children in private health care 21468
insurance coverage provided by the new employer, when insurance is 21469
not being provided by any other source." 21470

Sec. 3125.25. The director of job and family services shall 21471
adopt rules under Chapter 119. of the Revised Code governing the 21472
operation of support enforcement by child support enforcement 21473
agencies. The rules shall include, but shall not be limited to, 21474
the following: 21475

(A) Provisions relating to plans of cooperation between the 21476
agencies and boards of county commissioners entered into under 21477
section 3125.12 of the Revised Code; 21478

(B) Provisions for the compromise and waiver of child support 21479
arrearages owed to the state and federal government, consistent 21480
with Title IV-D of the "Social Security Act," 88 Stat. 2351 21481
(1975), 42 U.S.C. 651 et seq., as amended; 21482

(C) Requirements for public hearings by the agencies; 21483

(D) Provisions for appeals of agency decisions under 21484
procedures established by the director; 21485

(E) Provisions requiring the investigation and documentation 21486
of the factual basis for establishment and modification of support 21487
obligations in accordance with Title IV-D of the "Social Security 21488
Act," 88 Stat. 2351 (1975), 42 U.S.C. 651 et seq., and any 21489
regulations promulgated by the United States department of health 21490

and human services; 21491

(F) Provisions establishing criteria for child support 21492
enforcement agencies to initiate an action under section 2705.031 21493
of the Revised Code in any case administered under Title IV-D of 21494
the "Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C. 651 et 21495
seq. 21496

Sec. 3301.07. The state board of education shall exercise 21497
under the acts of the general assembly general supervision of the 21498
system of public education in the state. In addition to the powers 21499
otherwise imposed on the state board under the provisions of law, 21500
the board shall have the powers described in this section. 21501

(A) The state board shall exercise policy forming, planning, 21502
and evaluative functions for the public schools of the state 21503
except as otherwise provided by law. 21504

(B)(1) The state board shall exercise leadership in the 21505
improvement of public education in this state, and administer the 21506
educational policies of this state relating to public schools, and 21507
relating to instruction and instructional material, building and 21508
equipment, transportation of pupils, administrative 21509
responsibilities of school officials and personnel, and finance 21510
and organization of school districts, educational service centers, 21511
and territory. Consultative and advisory services in such matters 21512
shall be provided by the board to school districts and educational 21513
service centers of this state. 21514

(2) The state board also shall develop a standard of 21515
financial reporting which shall be used by each school district 21516
board of education and each governing board of an educational 21517
service center, each governing authority of a community school 21518
established under Chapter 3314., each governing body of a STEM 21519
school established under Chapter 3328., and each board of trustees 21520
of a college-preparatory boarding school established under Chapter 21521

3328. of the Revised Code to make its financial information and 21522
annual budgets for each school building under its control 21523
available to the public in a format understandable by the average 21524
citizen. The format shall show, both at the district and at the 21525
school building level, revenue by source; expenditures for 21526
salaries, wages, and benefits of employees, showing such amounts 21527
separately for classroom teachers, other employees required to 21528
hold licenses issued pursuant to sections 3319.22 to 3319.31 of 21529
the Revised Code, and all other employees; expenditures other than 21530
for personnel, by category, including utilities, textbooks and 21531
other educational materials, equipment, permanent improvements, 21532
pupil transportation, extracurricular athletics, and other 21533
extracurricular activities; and per pupil expenditures. The format 21534
shall also include information on total revenue and expenditures, 21535
per pupil revenue, and expenditures for both classroom and 21536
nonclassroom purposes, as defined by the standards adopted under 21537
section 3302.20 of the Revised Code in the aggregate and for each 21538
subgroup of students, as defined by section 3317.40 of the Revised 21539
Code, that receives services provided for by state or federal 21540
funding. 21541

(3) Each school district board, governing authority, 21542
governing body, or board of trustees, or its respective designee, 21543
shall annually report, to the department of education, all 21544
financial information required by the standards for financial 21545
reporting, as prescribed by division (B)(2) of this section and 21546
adopted by the state board. The department shall make all reports 21547
submitted pursuant to this division available in such a way that 21548
allows for comparison between financial information included in 21549
these reports and financial information included in reports 21550
produced prior to July 1, 2013. The department shall post these 21551
reports in a prominent location on its web site and shall notify 21552
each school when reports are made available. 21553

(C) The state board shall administer and supervise the 21554
allocation and distribution of all state and federal funds for 21555
public school education under the provisions of law, and may 21556
prescribe such systems of accounting as are necessary and proper 21557
to this function. It may require county auditors and treasurers, 21558
boards of education, educational service center governing boards, 21559
treasurers of such boards, teachers, and other school officers and 21560
employees, or other public officers or employees, to file with it 21561
such reports as it may prescribe relating to such funds, or to the 21562
management and condition of such funds. 21563

(D)(1) Wherever in Titles IX, XXIII, XXIX, XXXIII, XXXVII, 21564
XLVII, and LI of the Revised Code a reference is made to standards 21565
prescribed under this section or division (D) of this section, 21566
that reference shall be construed to refer to the standards 21567
prescribed under division (D)(2) of this section, unless the 21568
context specifically indicates a different meaning or intent. 21569

(2) The state board shall formulate and prescribe minimum 21570
standards to be applied to all elementary and secondary schools in 21571
this state for the purpose of providing children access to a 21572
general education of high quality according to the learning needs 21573
of each individual, including students with disabilities, 21574
economically disadvantaged students, ~~limited English proficient~~ 21575
~~students~~ learners, and students identified as gifted. Such 21576
standards shall provide adequately for: the licensing of teachers, 21577
administrators, and other professional personnel and their 21578
assignment according to training and qualifications; efficient and 21579
effective instructional materials and equipment, including library 21580
facilities; the proper organization, administration, and 21581
supervision of each school, including regulations for preparing 21582
all necessary records and reports and the preparation of a 21583
statement of policies and objectives for each school; the 21584
provision of safe buildings, grounds, health and sanitary 21585

facilities and services; admission of pupils, and such 21586
requirements for their promotion from grade to grade as will 21587
assure that they are capable and prepared for the level of study 21588
to which they are certified; requirements for graduation; and such 21589
other factors as the board finds necessary. 21590

The state board shall base any standards governing the 21591
promotion of students or requirements for graduation on the 21592
ability of students, at any grade level, to earn credits or 21593
advance upon demonstration of mastery of knowledge and skills 21594
through competency-based learning models. Credits of grade level 21595
advancement shall not require a minimum number of days or hours in 21596
a classroom. 21597

The state board shall base any standards governing the 21598
assignment of staff on ensuring each school has a sufficient 21599
number of teachers to ensure a student has an appropriate level of 21600
interaction to meet each student's personal learning goals. 21601

In the formulation and administration of such standards for 21602
nonpublic schools the board shall also consider the particular 21603
needs, methods and objectives of those schools, provided they do 21604
not conflict with the provision of a general education of a high 21605
quality and provided that regular procedures shall be followed for 21606
promotion from grade to grade of pupils who have met the 21607
educational requirements prescribed. 21608

(3) In addition to the minimum standards required by division 21609
(D)(2) of this section, the state board may formulate and 21610
prescribe the following additional minimum operating standards for 21611
school districts: 21612

(a) Standards for the effective and efficient organization, 21613
administration, and supervision of each school district with a 21614
commitment to high expectations for every student based on the 21615
learning needs of each individual, including students with 21616

disabilities, economically disadvantaged students, ~~limited English~~ 21617
~~proficient students~~ learners, and students identified as gifted, 21618
and commitment to closing the achievement gap without suppressing 21619
the achievement levels of higher achieving students so that all 21620
students achieve core knowledge and skills in accordance with the 21621
statewide academic standards adopted under section 3301.079 of the 21622
Revised Code; 21623

(b) Standards for the establishment of business advisory 21624
councils under section 3313.82 of the Revised Code; 21625

(c) Standards for school district buildings that may require 21626
the effective and efficient organization, administration, and 21627
supervision of each school district building with a commitment to 21628
high expectations for every student based on the learning needs of 21629
each individual, including students with disabilities, 21630
economically disadvantaged students, ~~limited English proficient~~ 21631
~~students~~ learners, and students identified as gifted, and 21632
commitment to closing the achievement gap without suppressing the 21633
achievement levels of higher achieving students so that all 21634
students achieve core knowledge and skills in accordance with the 21635
statewide academic standards adopted under section 3301.079 of the 21636
Revised Code. 21637

(E) The state board may require as part of the health 21638
curriculum information developed under section 2108.34 of the 21639
Revised Code promoting the donation of anatomical gifts pursuant 21640
to Chapter 2108. of the Revised Code and may provide the 21641
information to high schools, educational service centers, and 21642
joint vocational school district boards of education; 21643

(F) The state board shall prepare and submit annually to the 21644
governor and the general assembly a report on the status, needs, 21645
and major problems of the public schools of the state, with 21646
recommendations for necessary legislative action and a ten-year 21647
projection of the state's public and nonpublic school enrollment, 21648

by year and by grade level. 21649

(G) The state board shall prepare and submit to the director 21650
of budget and management the biennial budgetary requests of the 21651
state board of education, for its agencies and for the public 21652
schools of the state. 21653

(H) The state board shall cooperate with federal, state, and 21654
local agencies concerned with the health and welfare of children 21655
and youth of the state. 21656

(I) The state board shall require such reports from school 21657
districts and educational service centers, school officers, and 21658
employees as are necessary and desirable. The superintendents and 21659
treasurers of school districts and educational service centers 21660
shall certify as to the accuracy of all reports required by law or 21661
state board or state department of education rules to be submitted 21662
by the district or educational service center and which contain 21663
information necessary for calculation of state funding. Any 21664
superintendent who knowingly falsifies such report shall be 21665
subject to license revocation pursuant to section 3319.31 of the 21666
Revised Code. 21667

(J) In accordance with Chapter 119. of the Revised Code, the 21668
state board shall adopt procedures, standards, and guidelines for 21669
the education of children with disabilities pursuant to Chapter 21670
3323. of the Revised Code, including procedures, standards, and 21671
guidelines governing programs and services operated by county 21672
boards of developmental disabilities pursuant to section 3323.09 21673
of the Revised Code. 21674

(K) For the purpose of encouraging the development of special 21675
programs of education for academically gifted children, the state 21676
board shall employ competent persons to analyze and publish data, 21677
promote research, advise and counsel with boards of education, and 21678
encourage the training of teachers in the special instruction of 21679

gifted children. The board may provide financial assistance out of 21680
any funds appropriated for this purpose to boards of education and 21681
educational service center governing boards for developing and 21682
conducting programs of education for academically gifted children. 21683

(L) The state board shall require that all public schools 21684
emphasize and encourage, within existing units of study, the 21685
teaching of energy and resource conservation as recommended to 21686
each district board of education by leading business persons 21687
involved in energy production and conservation, beginning in the 21688
primary grades. 21689

(M) The state board shall formulate and prescribe minimum 21690
standards requiring the use of phonics as a technique in the 21691
teaching of reading in grades kindergarten through three. In 21692
addition, the state board shall provide in-service training 21693
programs for teachers on the use of phonics as a technique in the 21694
teaching of reading in grades kindergarten through three. 21695

(N) The state board may adopt rules necessary for carrying 21696
out any function imposed on it by law, and may provide rules as 21697
are necessary for its government and the government of its 21698
employees, and may delegate to the superintendent of public 21699
instruction the management and administration of any function 21700
imposed on it by law. It may provide for the appointment of board 21701
members to serve on temporary committees established by the board 21702
for such purposes as are necessary. Permanent or standing 21703
committees shall not be created. 21704

(O) Upon application from the board of education of a school 21705
district, the superintendent of public instruction may issue a 21706
waiver exempting the district from compliance with the standards 21707
adopted under divisions (B)(2) and (D) of this section, as they 21708
relate to the operation of a school operated by the district. The 21709
state board shall adopt standards for the approval or disapproval 21710
of waivers under this division. The state superintendent shall 21711

consider every application for a waiver, and shall determine 21712
whether to grant or deny a waiver in accordance with the state 21713
board's standards. For each waiver granted, the state 21714
superintendent shall specify the period of time during which the 21715
waiver is in effect, which shall not exceed five years. A district 21716
board may apply to renew a waiver. 21717

Sec. 3301.0710. The state board of education shall adopt 21718
rules establishing a statewide program to assess student 21719
achievement. The state board shall ensure that all assessments 21720
administered under the program are aligned with the academic 21721
standards and model curricula adopted by the state board and are 21722
created with input from Ohio parents, Ohio classroom teachers, 21723
Ohio school administrators, and other Ohio school personnel 21724
pursuant to section 3301.079 of the Revised Code. 21725

The assessment program shall be designed to ensure that 21726
students who receive a high school diploma demonstrate at least 21727
high school levels of achievement in English language arts, 21728
mathematics, science, and social studies. 21729

(A)(1) The state board shall prescribe all of the following: 21730

(a) Two statewide achievement assessments, one each designed 21731
to measure the level of English language arts and mathematics 21732
skill expected at the end of third grade; 21733

(b) Two statewide achievement assessments, one each designed 21734
to measure the level of English language arts and mathematics 21735
skill expected at the end of fourth grade; 21736

(c) Three statewide achievement assessments, one each 21737
designed to measure the level of English language arts, 21738
mathematics, and science skill expected at the end of fifth grade; 21739

(d) Two statewide achievement assessments, one each designed 21740
to measure the level of English language arts and mathematics 21741

skill expected at the end of sixth grade;	21742
(e) Two statewide achievement assessments, one each designed to measure the level of English language arts and mathematics skill expected at the end of seventh grade;	21743 21744 21745
(f) Three statewide achievement assessments, one each designed to measure the level of English language arts, mathematics, and science skill expected at the end of eighth grade.	21746 21747 21748 21749
(2) The state board shall determine and designate at least five ranges of scores on each of the achievement assessments described in divisions (A)(1) and (B)(1) of this section. Each range of scores shall be deemed to demonstrate a level of achievement so that any student attaining a score within such range has achieved one of the following:	21750 21751 21752 21753 21754 21755
(a) An advanced level of skill;	21756
(b) An accelerated level of skill;	21757
(c) A proficient level of skill;	21758
(d) A basic level of skill;	21759
(e) A limited level of skill.	21760
(3) For the purpose of implementing division (A) of section 3313.608 of the Revised Code, the state board shall determine and designate a level of achievement, not lower than the level designated in division (A)(2)(e) of this section, on the third grade English language arts assessment for a student to be promoted to the fourth grade. The state board shall review and adjust upward the level of achievement designated under this division each year the test is administered until the level is set equal to the level designated in division (A)(2)(c) of this section.	21761 21762 21763 21764 21765 21766 21767 21768 21769 21770
(4) Each school district or school shall teach and assess	21771

social studies in at least the fourth and sixth grades. Any 21772
assessment in such area shall be determined by the district or 21773
school and may be formative or summative in nature. The results of 21774
such assessment shall not be reported to the department of 21775
education. 21776

(B)(1) The assessments prescribed under division (B)(1) of 21777
this section shall collectively be known as the Ohio graduation 21778
tests. The state board shall prescribe five statewide high school 21779
achievement assessments, one each designed to measure the level of 21780
reading, writing, mathematics, science, and social studies skill 21781
expected at the end of tenth grade. The state board shall 21782
designate a score in at least the range designated under division 21783
(A)(2)(c) of this section on each such assessment that shall be 21784
deemed to be a passing score on the assessment as a condition 21785
toward granting high school diplomas under sections 3313.61, 21786
3313.611, 3313.612, and 3325.08 of the Revised Code until the 21787
assessment system prescribed by section 3301.0712 of the Revised 21788
Code is implemented in accordance with division (B)(2) of this 21789
section. 21790

(2) The state board shall prescribe an assessment system in 21791
accordance with section 3301.0712 of the Revised Code that shall 21792
replace the Ohio graduation tests beginning with students who 21793
enter the ninth grade for the first time on or after July 1, 2014. 21794

(3) The state board may enter into a reciprocal agreement 21795
with the appropriate body or agency of any other state that has 21796
similar statewide achievement assessment requirements for 21797
receiving high school diplomas, under which any student who has 21798
met an achievement assessment requirement of one state is 21799
recognized as having met the similar requirement of the other 21800
state for purposes of receiving a high school diploma. For 21801
purposes of this section and sections 3301.0711 and 3313.61 of the 21802
Revised Code, any student enrolled in any public high school in 21803

this state who has met an achievement assessment requirement 21804
specified in a reciprocal agreement entered into under this 21805
division shall be deemed to have attained at least the applicable 21806
score designated under this division on each assessment required 21807
by division (B)(1) or (2) of this section that is specified in the 21808
agreement. 21809

(C) The superintendent of public instruction shall designate 21810
dates and times for the administration of the assessments 21811
prescribed by divisions (A) and (B) of this section. 21812

In prescribing administration dates pursuant to this 21813
division, the superintendent shall designate the dates in such a 21814
way as to allow a reasonable length of time between the 21815
administration of assessments prescribed under this section and 21816
any administration of the national assessment of educational 21817
progress given to students in the same grade level pursuant to 21818
section 3301.27 of the Revised Code or federal law. 21819

(D) The state board shall prescribe a practice version of 21820
each Ohio graduation test described in division (B)(1) of this 21821
section that is of comparable length to the actual test. 21822

(E) Any committee established by the department of education 21823
for the purpose of making recommendations to the state board 21824
regarding the state board's designation of scores on the 21825
assessments described by this section shall inform the state board 21826
of the probable percentage of students who would score in each of 21827
the ranges established under division (A)(2) of this section on 21828
the assessments if the committee's recommendations are adopted by 21829
the state board. To the extent possible, these percentages shall 21830
be disaggregated by gender, major racial and ethnic groups, 21831
~~limited English proficient students~~ learners, economically 21832
disadvantaged students, students with disabilities, and migrant 21833
students. 21834

Sec. 3301.0711. (A) The department of education shall: 21835

(1) Annually furnish to, grade, and score all assessments 21836
required by divisions (A)(1) and (B)(1) of section 3301.0710 of 21837
the Revised Code to be administered by city, local, exempted 21838
village, and joint vocational school districts, except that each 21839
district shall score any assessment administered pursuant to 21840
division (B)(10) of this section. Each assessment so furnished 21841
shall include the data verification code of the student to whom 21842
the assessment will be administered, as assigned pursuant to 21843
division (D)(2) of section 3301.0714 of the Revised Code. In 21844
furnishing the practice versions of Ohio graduation tests 21845
prescribed by division (D) of section 3301.0710 of the Revised 21846
Code, the department shall make the tests available on its web 21847
site for reproduction by districts. In awarding contracts for 21848
grading assessments, the department shall give preference to 21849
Ohio-based entities employing Ohio residents. 21850

(2) Adopt rules for the ethical use of assessments and 21851
prescribing the manner in which the assessments prescribed by 21852
section 3301.0710 of the Revised Code shall be administered to 21853
students. 21854

(B) Except as provided in divisions (C) and (J) of this 21855
section, the board of education of each city, local, and exempted 21856
village school district shall, in accordance with rules adopted 21857
under division (A) of this section: 21858

(1) Administer the English language arts assessments 21859
prescribed under division (A)(1)(a) of section 3301.0710 of the 21860
Revised Code twice annually to all students in the third grade who 21861
have not attained the score designated for that assessment under 21862
division (A)(2)(c) of section 3301.0710 of the Revised Code. 21863

(2) Administer the mathematics assessment prescribed under 21864
division (A)(1)(a) of section 3301.0710 of the Revised Code at 21865

least once annually to all students in the third grade.	21866
(3) Administer the assessments prescribed under division	21867
(A)(1)(b) of section 3301.0710 of the Revised Code at least once	21868
annually to all students in the fourth grade.	21869
(4) Administer the assessments prescribed under division	21870
(A)(1)(c) of section 3301.0710 of the Revised Code at least once	21871
annually to all students in the fifth grade.	21872
(5) Administer the assessments prescribed under division	21873
(A)(1)(d) of section 3301.0710 of the Revised Code at least once	21874
annually to all students in the sixth grade.	21875
(6) Administer the assessments prescribed under division	21876
(A)(1)(e) of section 3301.0710 of the Revised Code at least once	21877
annually to all students in the seventh grade.	21878
(7) Administer the assessments prescribed under division	21879
(A)(1)(f) of section 3301.0710 of the Revised Code at least once	21880
annually to all students in the eighth grade.	21881
(8) Except as provided in division (B)(9) of this section,	21882
administer any assessment prescribed under division (B)(1) of	21883
section 3301.0710 of the Revised Code as follows:	21884
(a) At least once annually to all tenth grade students and at	21885
least twice annually to all students in eleventh or twelfth grade	21886
who have not yet attained the score on that assessment designated	21887
under that division;	21888
(b) To any person who has successfully completed the	21889
curriculum in any high school or the individualized education	21890
program developed for the person by any high school pursuant to	21891
section 3323.08 of the Revised Code but has not received a high	21892
school diploma and who requests to take such assessment, at any	21893
time such assessment is administered in the district.	21894
(9) In lieu of the board of education of any city, local, or	21895

exempted village school district in which the student is also 21896
enrolled, the board of a joint vocational school district shall 21897
administer any assessment prescribed under division (B)(1) of 21898
section 3301.0710 of the Revised Code at least twice annually to 21899
any student enrolled in the joint vocational school district who 21900
has not yet attained the score on that assessment designated under 21901
that division. A board of a joint vocational school district may 21902
also administer such an assessment to any student described in 21903
division (B)(8)(b) of this section. 21904

(10) If the district has a three-year average graduation rate 21905
of not more than seventy-five per cent, administer each assessment 21906
prescribed by division (D) of section 3301.0710 of the Revised 21907
Code in September to all ninth grade students who entered ninth 21908
grade prior to July 1, 2014. 21909

Except as provided in section 3313.614 of the Revised Code 21910
for administration of an assessment to a person who has fulfilled 21911
the curriculum requirement for a high school diploma but has not 21912
passed one or more of the required assessments, the assessments 21913
prescribed under division (B)(1) of section 3301.0710 of the 21914
Revised Code shall not be administered after the date specified in 21915
the rules adopted by the state board of education under division 21916
(D)(1) of section 3301.0712 of the Revised Code. 21917

(11)(a) Except as provided in division (B)(11)(b) of this 21918
section, administer the assessments prescribed by division (B)(2) 21919
of section 3301.0710 and section 3301.0712 of the Revised Code in 21920
accordance with the timeline and plan for implementation of those 21921
assessments prescribed by rule of the state board adopted under 21922
division (D)(1) of section 3301.0712 of the Revised Code; 21923

(b) A student who has presented evidence to the district or 21924
school of having satisfied the condition prescribed by division 21925
(A)(1) of section 3313.618 of the Revised Code to qualify for a 21926
high school diploma prior to the date of the administration of the 21927

assessment prescribed under division (B)(1) of section 3301.0712 21928
of the Revised Code shall not be required to take that assessment. 21929
However, no board shall prohibit a student who is not required to 21930
take such assessment from taking the assessment. 21931

(C)(1)(a) In the case of a student receiving special 21932
education services under Chapter 3323. of the Revised Code, the 21933
individualized education program developed for the student under 21934
that chapter shall specify the manner in which the student will 21935
participate in the assessments administered under this section, 21936
except that a student with significant cognitive disabilities to 21937
whom an alternate assessment is administered in accordance with 21938
division (C)(1) of this section and a student determined to have a 21939
disability that includes an intellectual disability as outlined in 21940
guidance issued by the department shall not be required to take 21941
the assessment prescribed under division (B)(1) of section 21942
3301.0712 of the Revised Code. The individualized education 21943
program may excuse the student from taking any particular 21944
assessment required to be administered under this section if it 21945
instead specifies an alternate assessment method approved by the 21946
department of education as conforming to requirements of federal 21947
law for receipt of federal funds for disadvantaged pupils. To the 21948
extent possible, the individualized education program shall not 21949
excuse the student from taking an assessment unless no reasonable 21950
accommodation can be made to enable the student to take the 21951
assessment. No board shall prohibit a student who is not required 21952
to take an assessment under division (C)(1) of this section from 21953
taking the assessment. 21954

(b) Any alternate assessment approved by the department for a 21955
student under this division shall produce measurable results 21956
comparable to those produced by the assessment it replaces in 21957
order to allow for the student's results to be included in the 21958
data compiled for a school district or building under section 21959

3302.03 of the Revised Code. 21960

(c)(i) Any student enrolled in a chartered nonpublic school 21961
who has been identified, based on an evaluation conducted in 21962
accordance with section 3323.03 of the Revised Code or section 504 21963
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 21964
794, as amended, as a child with a disability shall be excused 21965
from taking any particular assessment required to be administered 21966
under this section if a either of the following apply: 21967

(I) A plan developed for the student pursuant to rules 21968
adopted by the state board excuses the student from taking that 21969
assessment. 21970

(II) The chartered nonpublic school develops a written plan 21971
in which the school, in consultation with the student's parents, 21972
determines that an assessment or alternative assessment with 21973
accommodations does not accurately assess the student's academic 21974
performance. The plan shall include an academic profile of the 21975
student's academic performance and shall be reviewed annually to 21976
determine if the student's needs continue to require excusal from 21977
taking the assessment. 21978

(ii) A student with significant cognitive disabilities to 21979
whom an alternate assessment is administered in accordance with 21980
division (C)(1) of this section and a student determined to have a 21981
disability that includes an intellectual disability as outlined in 21982
guidance issued by the department shall not be required to take 21983
the assessment prescribed under division (B)(1) of section 21984
3301.0712 of the Revised Code. 21985

(iii) In the case of any student so excused from taking an 21986
assessment under division (C)(1)(c) of this section, the chartered 21987
nonpublic school shall not prohibit the student from taking the 21988
assessment. 21989

(2) A district board may, for medical reasons or other good 21990

cause, excuse a student from taking an assessment administered 21991
under this section on the date scheduled, but that assessment 21992
shall be administered to the excused student not later than nine 21993
days following the scheduled date. The district board shall 21994
annually report the number of students who have not taken one or 21995
more of the assessments required by this section to the state 21996
board not later than the thirtieth day of June. 21997

(3) As used in this division, "~~limited English proficient~~ 21998
~~student learner~~" has the same meaning as in 20 U.S.C. 7801. 21999

No school district board shall excuse any ~~limited English~~ 22000
~~proficient student learner~~ from taking any particular assessment 22001
required to be administered under this section, except as follows: 22002

(a) Any ~~limited English proficient student learner~~ who has 22003
been enrolled in United States schools for less than two years and 22004
for whom no appropriate accommodations are available based on 22005
guidance issued by the department shall not be required to take 22006
the assessment prescribed under division (B)(1) of section 22007
3301.0712 of the Revised Code. 22008

(b) Any ~~limited English proficient student learner~~ who has 22009
been enrolled in United States schools for less than one full 22010
school year shall not be required to take any reading, writing, or 22011
English language arts assessment. 22012

However, no board shall prohibit a ~~limited~~ an English 22013
~~proficient student learner~~ who is not required to take an 22014
assessment under division (C)(3) of this section from taking the 22015
assessment. A board may permit any ~~limited English proficient~~ 22016
~~student learner~~ to take an assessment required to be administered 22017
under this section with appropriate accommodations, as determined 22018
by the department. For each ~~limited English proficient student~~ 22019
learner, each school district shall annually assess that student's 22020
progress in learning English, in accordance with procedures 22021

approved by the department. 22022

(4)(a) The governing authority of a chartered nonpublic 22023
school may excuse ~~a limited~~ an English ~~proficient student~~ learner 22024
from taking any assessment administered under this section. 22025

(b) No governing authority shall require ~~a limited~~ an English 22026
~~proficient student~~ learner who has been enrolled in United States 22027
schools for less than two years and for whom no appropriate 22028
accommodations are available based on guidance issued by the 22029
department to take the assessment prescribed under division (B)(1) 22030
of section 3301.0712 of the Revised Code. 22031

(c) No governing authority shall prohibit ~~a limited~~ an 22032
English ~~proficient student~~ learner from taking an assessment from 22033
which the student was excused under division (C)(4) of this 22034
section. 22035

(D)(1) In the school year next succeeding the school year in 22036
which the assessments prescribed by division (A)(1) or (B)(1) of 22037
section 3301.0710 of the Revised Code or former division (A)(1), 22038
(A)(2), or (B) of section 3301.0710 of the Revised Code as it 22039
existed prior to September 11, 2001, are administered to any 22040
student, the board of education of any school district in which 22041
the student is enrolled in that year shall provide to the student 22042
intervention services commensurate with the student's performance, 22043
including any intensive intervention required under section 22044
3313.608 of the Revised Code, in any skill in which the student 22045
failed to demonstrate at least a score at the proficient level on 22046
the assessment. 22047

(2) Following any administration of the assessments 22048
prescribed by division (D) of section 3301.0710 of the Revised 22049
Code to ninth grade students, each school district that has a 22050
three-year average graduation rate of not more than seventy-five 22051
per cent shall determine for each high school in the district 22052

whether the school shall be required to provide intervention 22053
services to any students who took the assessments. In determining 22054
which high schools shall provide intervention services based on 22055
the resources available, the district shall consider each school's 22056
graduation rate and scores on the practice assessments. The 22057
district also shall consider the scores received by ninth grade 22058
students on the English language arts and mathematics assessments 22059
prescribed under division (A)(1)(f) of section 3301.0710 of the 22060
Revised Code in the eighth grade in determining which high schools 22061
shall provide intervention services. 22062

Each high school selected to provide intervention services 22063
under this division shall provide intervention services to any 22064
student whose results indicate that the student is failing to make 22065
satisfactory progress toward being able to attain scores at the 22066
proficient level on the Ohio graduation tests. Intervention 22067
services shall be provided in any skill in which a student 22068
demonstrates unsatisfactory progress and shall be commensurate 22069
with the student's performance. Schools shall provide the 22070
intervention services prior to the end of the school year, during 22071
the summer following the ninth grade, in the next succeeding 22072
school year, or at any combination of those times. 22073

(E) Except as provided in section 3313.608 of the Revised 22074
Code and division (N) of this section, no school district board of 22075
education shall utilize any student's failure to attain a 22076
specified score on an assessment administered under this section 22077
as a factor in any decision to deny the student promotion to a 22078
higher grade level. However, a district board may choose not to 22079
promote to the next grade level any student who does not take an 22080
assessment administered under this section or make up an 22081
assessment as provided by division (C)(2) of this section and who 22082
is not exempt from the requirement to take the assessment under 22083
division (C)(3) of this section. 22084

(F) No person shall be charged a fee for taking any assessment administered under this section.

(G)(1) Each school district board shall designate one location for the collection of assessments administered in the spring under division (B)(1) of this section and those administered under divisions (B)(2) to (7) of this section. Each district board shall submit the assessments to the entity with which the department contracts for the scoring of the assessments as follows:

(a) If the district's total enrollment in grades kindergarten through twelve during the first full school week of October was less than two thousand five hundred, not later than the Friday after all of the assessments have been administered;

(b) If the district's total enrollment in grades kindergarten through twelve during the first full school week of October was two thousand five hundred or more, but less than seven thousand, not later than the Monday after all of the assessments have been administered;

(c) If the district's total enrollment in grades kindergarten through twelve during the first full school week of October was seven thousand or more, not later than the Tuesday after all of the assessments have been administered.

However, any assessment that a student takes during the make-up period described in division (C)(2) of this section shall be submitted not later than the Friday following the day the student takes the assessment.

(2) The department or an entity with which the department contracts for the scoring of the assessment shall send to each school district board a list of the individual scores of all persons taking a state achievement assessment as follows:

(a) Except as provided in division (G)(2)(b) or (c) of this

section, within forty-five days after the administration of the 22116
assessments prescribed by sections 3301.0710 and 3301.0712 of the 22117
Revised Code, but in no case shall the scores be returned later 22118
than the thirtieth day of June following the administration; 22119

(b) In the case of the third-grade English language arts 22120
assessment, within forty-five days after the administration of 22121
that assessment, but in no case shall the scores be returned later 22122
than the fifteenth day of June following the administration; 22123

(c) In the case of the writing component of an assessment or 22124
end-of-course examination in the area of English language arts, 22125
except for the third-grade English language arts assessment, the 22126
results may be sent after forty-five days of the administration of 22127
the writing component, but in no case shall the scores be returned 22128
later than the thirtieth day of June following the administration. 22129

(3) For assessments administered under this section by a 22130
joint vocational school district, the department or entity shall 22131
also send to each city, local, or exempted village school district 22132
a list of the individual scores of any students of such city, 22133
local, or exempted village school district who are attending 22134
school in the joint vocational school district. 22135

(4) Beginning with the 2019-2020 school year, a school 22136
district, other public school, or chartered nonpublic school may 22137
administer the third-grade English language arts or mathematics 22138
assessment, or both, in a paper format in any school year for 22139
which the district board of education or school governing body 22140
adopts a resolution indicating that the district or school chooses 22141
to administer the assessment in a paper format. The board or 22142
governing body shall submit a copy of the resolution to the 22143
department of education not later than the first day of May prior 22144
to the school year for which it will apply. If the resolution is 22145
submitted, the district or school shall administer the assessment 22146
in a paper format to all students in the third grade, except that 22147

any student whose individualized education program or plan 22148
developed under section 504 of the "Rehabilitation Act of 1973," 22149
87 Stat. 355, 29 U.S.C. 794, as amended, specifies that taking the 22150
assessment in an online format is an appropriate accommodation for 22151
the student may take the assessment in an online format. 22152

(H) Individual scores on any assessments administered under 22153
this section shall be released by a district board only in 22154
accordance with section 3319.321 of the Revised Code and the rules 22155
adopted under division (A) of this section. No district board or 22156
its employees shall utilize individual or aggregate results in any 22157
manner that conflicts with rules for the ethical use of 22158
assessments adopted pursuant to division (A) of this section. 22159

(I) Except as provided in division (G) of this section, the 22160
department or an entity with which the department contracts for 22161
the scoring of the assessment shall not release any individual 22162
scores on any assessment administered under this section. The 22163
state board shall adopt rules to ensure the protection of student 22164
confidentiality at all times. The rules may require the use of the 22165
data verification codes assigned to students pursuant to division 22166
(D)(2) of section 3301.0714 of the Revised Code to protect the 22167
confidentiality of student scores. 22168

(J) Notwithstanding division (D) of section 3311.52 of the 22169
Revised Code, this section does not apply to the board of 22170
education of any cooperative education school district except as 22171
provided under rules adopted pursuant to this division. 22172

(1) In accordance with rules that the state board shall 22173
adopt, the board of education of any city, exempted village, or 22174
local school district with territory in a cooperative education 22175
school district established pursuant to divisions (A) to (C) of 22176
section 3311.52 of the Revised Code may enter into an agreement 22177
with the board of education of the cooperative education school 22178
district for administering any assessment prescribed under this 22179

section to students of the city, exempted village, or local school 22180
district who are attending school in the cooperative education 22181
school district. 22182

(2) In accordance with rules that the state board shall 22183
adopt, the board of education of any city, exempted village, or 22184
local school district with territory in a cooperative education 22185
school district established pursuant to section 3311.521 of the 22186
Revised Code shall enter into an agreement with the cooperative 22187
district that provides for the administration of any assessment 22188
prescribed under this section to both of the following: 22189

(a) Students who are attending school in the cooperative 22190
district and who, if the cooperative district were not 22191
established, would be entitled to attend school in the city, 22192
local, or exempted village school district pursuant to section 22193
3313.64 or 3313.65 of the Revised Code; 22194

(b) Persons described in division (B)(8)(b) of this section. 22195

Any assessment of students pursuant to such an agreement 22196
shall be in lieu of any assessment of such students or persons 22197
pursuant to this section. 22198

(K)(1) Except as otherwise provided in division (K)(1) or (2) 22199
of this section, each chartered nonpublic school for which at 22200
least sixty-five per cent of its total enrollment is made up of 22201
students who are participating in state scholarship programs shall 22202
administer the ~~elementary~~ assessments prescribed by division (A) 22203
of section 3301.0710 of the Revised Code or an alternative 22204
standardized assessment determined by the department. In 22205
accordance with procedures and deadlines prescribed by the 22206
department, the parent or guardian of a student enrolled in the 22207
school who is not participating in a state scholarship program may 22208
submit notice to the chief administrative officer of the school 22209
that the parent or guardian does not wish to have the student take 22210

the elementary assessments prescribed for the student's grade 22211
level under division (A) of section 3301.0710 of the Revised Code. 22212
If a parent or guardian submits an opt-out notice, the school 22213
shall not administer the assessments to that student. This option 22214
does not apply to any assessment required for a high school 22215
diploma under section 3313.612 of the Revised Code. 22216

Each chartered nonpublic school subject to division (K)(1) of 22217
this section shall report the results of each assessment 22218
administered under that division to the department. 22219

(2) A chartered nonpublic school may submit to the 22220
superintendent of public instruction a request for a waiver from 22221
administering the elementary assessments prescribed by division 22222
(A) of section 3301.0710 of the Revised Code. The state 22223
superintendent shall approve or disapprove a request for a waiver 22224
submitted under division (K)(2) of this section. No waiver shall 22225
be approved for any school year prior to the 2015-2016 school 22226
year. 22227

To be eligible to submit a request for a waiver, a chartered 22228
nonpublic school shall meet the following conditions: 22229

(a) At least ninety-five per cent of the students enrolled in 22230
the school are children with disabilities, as defined under 22231
section 3323.01 of the Revised Code, or have received a diagnosis 22232
by a school district or from a physician, including a 22233
neuropsychiatrist or psychiatrist, or a psychologist who is 22234
authorized to practice in this or another state as having a 22235
condition that impairs academic performance, such as dyslexia, 22236
dyscalculia, attention deficit hyperactivity disorder, or 22237
Asperger's syndrome. 22238

(b) The school has solely served a student population 22239
described in division (K)(1)(a) of this section for at least ten 22240
years. 22241

(c) The school provides to the department at least five years of records of internal testing conducted by the school that affords the department data required for accountability purposes, including diagnostic assessments and nationally standardized norm-referenced achievement assessments that measure reading and math skills.

(3) Any chartered nonpublic school that is not subject to division (K)(1) of this section may participate in the assessment program by administering any of the assessments prescribed by division (A) of section 3301.0710 of the Revised Code. The chief administrator of the school shall specify which assessments the school will administer. Such specification shall be made in writing to the superintendent of public instruction prior to the first day of August of any school year in which assessments are administered and shall include a pledge that the nonpublic school will administer the specified assessments in the same manner as public schools are required to do under this section and rules adopted by the department.

(4) The department of education shall furnish the assessments prescribed by section 3301.0710 of the Revised Code to each chartered nonpublic school that is subject to division (K)(1) of this section or participates under division (K)(3) of this section.

(L) If a chartered nonpublic school is educating students in grades nine through twelve, the following shall apply:

(1) Except as provided in division (L)(4) of this section, for a student who is enrolled in a chartered nonpublic school that is accredited through the independent schools association of the central states and who is attending the school under a state scholarship program, the student shall either take all of the assessments prescribed by division (B) of section 3301.0712 of the Revised Code or take an alternative assessment approved by the

department under section 3313.619 of the Revised Code. However, a 22274
student who is excused from taking an assessment under division 22275
(C) of this section or has presented evidence to the chartered 22276
nonpublic school of having satisfied the condition prescribed by 22277
division (A)(1) of section 3313.618 of the Revised Code to qualify 22278
for a high school diploma prior to the date of the administration 22279
of the assessment prescribed under division (B)(1) of section 22280
3301.0712 of the Revised Code shall not be required to take that 22281
assessment. No governing authority of a chartered nonpublic school 22282
shall prohibit a student who is not required to take such 22283
assessment from taking the assessment. 22284

(2) For a student who is enrolled in a chartered nonpublic 22285
school that is accredited through the independent schools 22286
association of the central states, and who is not attending the 22287
school under a state scholarship program, the student shall not be 22288
required to take any assessment prescribed under section 3301.0712 22289
or 3313.619 of the Revised Code. 22290

(3)(a) Except as provided in divisions (L)(3)(b) and (4) of 22291
this section, for a student who is enrolled in a chartered 22292
nonpublic school that is not accredited through the independent 22293
schools association of the central states, regardless of whether 22294
the student is attending or is not attending the school under a 22295
state scholarship program, the student shall do one of the 22296
following: 22297

(i) Take all of the assessments prescribed by division (B) of 22298
section 3301.0712 of the Revised Code; 22299

(ii) Take only the assessment prescribed by division (B)(1) 22300
of section 3301.0712 of the Revised Code, provided that the 22301
student's school publishes the results of that assessment for each 22302
graduating class. The published results of that assessment shall 22303
include the overall composite scores, mean scores, twenty-fifth 22304
percentile scores, and seventy-fifth percentile scores for each 22305

subject area of the assessment. 22306

(iii) Take an alternative assessment approved by the 22307
department under section 3313.619 of the Revised Code. 22308

(b) A student who is excused from taking an assessment under 22309
division (C) of this section or has presented evidence to the 22310
chartered nonpublic school of having satisfied the condition 22311
prescribed by division (A)(1) of section 3313.618 of the Revised 22312
Code to qualify for a high school diploma prior to the date of the 22313
administration of the assessment prescribed under division (B)(1) 22314
of section 3301.0712 of the Revised Code shall not be required to 22315
take that assessment. No governing authority of a chartered 22316
nonpublic school shall prohibit a student who is not required to 22317
take such assessment from taking the assessment. 22318

(4) The assessments prescribed by sections 3301.0712 and 22319
3313.619 of the Revised Code shall not be administered to any 22320
student attending the school, if the school meets all of the 22321
following conditions: 22322

(a) At least ninety-five per cent of the students enrolled in 22323
the school are children with disabilities, as defined under 22324
section 3323.01 of the Revised Code, or have received a diagnosis 22325
by a school district or from a physician, including a 22326
neuropsychologist or psychiatrist, or a psychologist who is 22327
authorized to practice in this or another state as having a 22328
condition that impairs academic performance, such as dyslexia, 22329
dyscalculia, attention deficit hyperactivity disorder, or 22330
Asperger's syndrome. 22331

(b) The school has solely served a student population 22332
described in division (L)(4)(a) of this section for at least ten 22333
years. 22334

(c) The school makes available to the department at least 22335
five years of records of internal testing conducted by the school 22336

that affords the department data required for accountability 22337
purposes, including growth in student achievement in reading or 22338
mathematics, or both, as measured by nationally norm-referenced 22339
assessments that have developed appropriate standards for 22340
students. 22341

Division (L)(4) of this section applies to any student 22342
attending such school regardless of whether the student receives 22343
special education or related services and regardless of whether 22344
the student is attending the school under a state scholarship 22345
program. 22346

(M)(1) The superintendent of the state school for the blind 22347
and the superintendent of the state school for the deaf shall 22348
administer the assessments described by sections 3301.0710 and 22349
3301.0712 of the Revised Code. Each superintendent shall 22350
administer the assessments in the same manner as district boards 22351
are required to do under this section and rules adopted by the 22352
department of education and in conformity with division (C)(1)(a) 22353
of this section. 22354

(2) The department of education shall furnish the assessments 22355
described by sections 3301.0710 and 3301.0712 of the Revised Code 22356
to each superintendent. 22357

(N) Notwithstanding division (E) of this section, a school 22358
district may use a student's failure to attain a score in at least 22359
the proficient range on the mathematics assessment described by 22360
division (A)(1)(a) of section 3301.0710 of the Revised Code or on 22361
an assessment described by division (A)(1)(b), (c), (d), (e), or 22362
(f) of section 3301.0710 of the Revised Code as a factor in 22363
retaining that student in the current grade level. 22364

(O)(1) In the manner specified in divisions (O)(3), (4), (6), 22365
and (7) of this section, the assessments required by division 22366
(A)(1) of section 3301.0710 of the Revised Code shall become 22367

public records pursuant to section 149.43 of the Revised Code on 22368
the thirty-first day of July following the school year that the 22369
assessments were administered. 22370

(2) The department may field test proposed questions with 22371
samples of students to determine the validity, reliability, or 22372
appropriateness of questions for possible inclusion in a future 22373
year's assessment. The department also may use anchor questions on 22374
assessments to ensure that different versions of the same 22375
assessment are of comparable difficulty. 22376

Field test questions and anchor questions shall not be 22377
considered in computing scores for individual students. Field test 22378
questions and anchor questions may be included as part of the 22379
administration of any assessment required by division (A)(1) or 22380
(B) of section 3301.0710 and division (B) of section 3301.0712 of 22381
the Revised Code. 22382

(3) Any field test question or anchor question administered 22383
under division (O)(2) of this section shall not be a public 22384
record. Such field test questions and anchor questions shall be 22385
redacted from any assessments which are released as a public 22386
record pursuant to division (O)(1) of this section. 22387

(4) This division applies to the assessments prescribed by 22388
division (A) of section 3301.0710 of the Revised Code. 22389

(a) The first administration of each assessment, as specified 22390
in former section 3301.0712 of the Revised Code, shall be a public 22391
record. 22392

(b) For subsequent administrations of each assessment prior 22393
to the 2011-2012 school year, not less than forty per cent of the 22394
questions on the assessment that are used to compute a student's 22395
score shall be a public record. The department shall determine 22396
which questions will be needed for reuse on a future assessment 22397
and those questions shall not be public records and shall be 22398

redacted from the assessment prior to its release as a public 22399
record. However, for each redacted question, the department shall 22400
inform each city, local, and exempted village school district of 22401
the statewide academic standard adopted by the state board under 22402
section 3301.079 of the Revised Code and the corresponding 22403
benchmark to which the question relates. The preceding sentence 22404
does not apply to field test questions that are redacted under 22405
division (O)(3) of this section. 22406

(c) The administrations of each assessment in the 2011-2012, 22407
2012-2013, and 2013-2014 school years shall not be a public 22408
record. 22409

(5) Each assessment prescribed by division (B)(1) of section 22410
3301.0710 of the Revised Code shall not be a public record. 22411

(6)(a) Except as provided in division (O)(6)(b) of this 22412
section, for the administrations in the 2014-2015, 2015-2016, and 22413
2016-2017 school years, questions on the assessments prescribed 22414
under division (A) of section 3301.0710 and division (B)(2) of 22415
section 3301.0712 of the Revised Code and the corresponding 22416
preferred answers that are used to compute a student's score shall 22417
become a public record as follows: 22418

(i) Forty per cent of the questions and preferred answers on 22419
the assessments on the thirty-first day of July following the 22420
administration of the assessment; 22421

(ii) Twenty per cent of the questions and preferred answers 22422
on the assessment on the thirty-first day of July one year after 22423
the administration of the assessment; 22424

(iii) The remaining forty per cent of the questions and 22425
preferred answers on the assessment on the thirty-first day of 22426
July two years after the administration of the assessment. 22427

The entire content of an assessment shall become a public 22428
record within three years of its administration. 22429

The department shall make the questions that become a public record under this division readily accessible to the public on the department's web site. Questions on the spring administration of each assessment shall be released on an annual basis, in accordance with this division.

(b) No questions and corresponding preferred answers shall become a public record under division (O)(6) of this section after July 31, 2017.

(7) Division (O)(7) of this section applies to the assessments prescribed by division (A) of section 3301.0710 and division (B)(2) of section 3301.0712 of the Revised Code.

Beginning with the assessments administered in the spring of the 2017-2018 school year, not less than forty per cent of the questions on each assessment that are used to compute a student's score shall be a public record. The department shall determine which questions will be needed for reuse on a future assessment and those questions shall not be public records and shall be redacted from the assessment prior to its release as a public record. However, for each redacted question, the department shall inform each city, local, and exempted village school district of the corresponding statewide academic standard adopted by the state board under section 3301.079 of the Revised Code and the corresponding benchmark to which the question relates. The department is not required to provide corresponding standards and benchmarks to field test questions that are redacted under division (O)(3) of this section.

(P) As used in this section:

(1) "Three-year average" means the average of the most recent consecutive three school years of data.

(2) "Dropout" means a student who withdraws from school before completing course requirements for graduation and who is

not enrolled in an education program approved by the state board 22461
of education or an education program outside the state. "Dropout" 22462
does not include a student who has departed the country. 22463

(3) "Graduation rate" means the ratio of students receiving a 22464
diploma to the number of students who entered ninth grade four 22465
years earlier. Students who transfer into the district are added 22466
to the calculation. Students who transfer out of the district for 22467
reasons other than dropout are subtracted from the calculation. If 22468
a student who was a dropout in any previous year returns to the 22469
same school district, that student shall be entered into the 22470
calculation as if the student had entered ninth grade four years 22471
before the graduation year of the graduating class that the 22472
student joins. 22473

(4) "State scholarship programs" means the educational choice 22474
scholarship pilot program established under sections 3310.01 to 22475
3310.17 of the Revised Code, the autism scholarship program 22476
established under section 3310.41 of the Revised Code, the Jon 22477
Peterson special needs scholarship program established under 22478
sections 3310.51 to 3310.64 of the Revised Code, and the pilot 22479
project scholarship program established under sections 3313.974 to 22480
3313.979 of the Revised Code. 22481

(5) "Other public school" means a community school 22482
established under Chapter 3314., a STEM school established under 22483
Chapter 3326., or a college-preparatory boarding school 22484
established under Chapter 3328. of the Revised Code. 22485

Sec. 3301.0714. (A) The state board of education shall adopt 22486
rules for a statewide education management information system. The 22487
rules shall require the state board to establish guidelines for 22488
the establishment and maintenance of the system in accordance with 22489
this section and the rules adopted under this section. The 22490
guidelines shall include: 22491

(1) Standards identifying and defining the types of data in the system in accordance with divisions (B) and (C) of this section;	22492 22493 22494
(2) Procedures for annually collecting and reporting the data to the state board in accordance with division (D) of this section;	22495 22496 22497
(3) Procedures for annually compiling the data in accordance with division (G) of this section;	22498 22499
(4) Procedures for annually reporting the data to the public in accordance with division (H) of this section;	22500 22501
(5) Standards to provide strict safeguards to protect the confidentiality of personally identifiable student data.	22502 22503
(B) The guidelines adopted under this section shall require the data maintained in the education management information system to include at least the following:	22504 22505 22506
(1) Student participation and performance data, for each grade in each school district as a whole and for each grade in each school building in each school district, that includes:	22507 22508 22509
(a) The numbers of students receiving each category of instructional service offered by the school district, such as regular education instruction, vocational education instruction, specialized instruction programs or enrichment instruction that is part of the educational curriculum, instruction for gifted students, instruction for students with disabilities, and remedial instruction. The guidelines shall require instructional services under this division to be divided into discrete categories if an instructional service is limited to a specific subject, a specific type of student, or both, such as regular instructional services in mathematics, remedial reading instructional services, instructional services specifically for students gifted in mathematics or some other subject area, or instructional services	22510 22511 22512 22513 22514 22515 22516 22517 22518 22519 22520 22521 22522

for students with a specific type of disability. The categories of 22523
instructional services required by the guidelines under this 22524
division shall be the same as the categories of instructional 22525
services used in determining cost units pursuant to division 22526
(C)(3) of this section. 22527

(b) The numbers of students receiving support or 22528
extracurricular services for each of the support services or 22529
extracurricular programs offered by the school district, such as 22530
counseling services, health services, and extracurricular sports 22531
and fine arts programs. The categories of services required by the 22532
guidelines under this division shall be the same as the categories 22533
of services used in determining cost units pursuant to division 22534
(C)(4)(a) of this section. 22535

(c) Average student grades in each subject in grades nine 22536
through twelve; 22537

(d) Academic achievement levels as assessed under sections 22538
3301.0710, 3301.0711, and 3301.0712 of the Revised Code; 22539

(e) The number of students designated as having a disabling 22540
condition pursuant to division (C)(1) of section 3301.0711 of the 22541
Revised Code; 22542

(f) The numbers of students reported to the state board 22543
pursuant to division (C)(2) of section 3301.0711 of the Revised 22544
Code; 22545

(g) Attendance rates and the average daily attendance for the 22546
year. For purposes of this division, a student shall be counted as 22547
present for any field trip that is approved by the school 22548
administration. 22549

(h) Expulsion rates; 22550

(i) Suspension rates; 22551

(j) Dropout rates; 22552

(k) Rates of retention in grade;	22553
(l) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;	22554 22555 22556
(m) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;	22557 22558 22559 22560 22561
(n) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student, except for the language and reading assessment described in division (A)(2) of section 3301.0715 of the Revised Code, if the parent of that student requests the district not to report those results.	22562 22563 22564 22565 22566 22567 22568 22569 22570
(o) Beginning on the first day of July that next succeeds the effective date of this amendment <u>September 29, 2017</u> , for each disciplinary action which is required to be reported under division (B)(4) of this section, districts and schools also shall include an identification of the person or persons, if any, at whom the student's violent behavior that resulted in discipline was directed. The person or persons shall be identified by the respective classification at the district or school, such as student, teacher, or nonteaching employee, but shall not be identified by name.	22571 22572 22573 22574 22575 22576 22577 22578 22579 22580
Division (B)(1)(o) of this section does not apply after the date that is two years following the submission of the report required by Section 733.13 of H.B. 49 of the 132nd general	22581 22582 22583

assembly.	22584
(2) Personnel and classroom enrollment data for each school district, including:	22585
	22586
(a) The total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category of instructional service, instructional support service, and administrative support service used pursuant to division (C)(3) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school district as a whole and, wherever applicable, for each grade in the school district as a whole, for each school building as a whole, and for each grade in each school building.	22587
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(b) The total number of employees and the number of full-time equivalent employees providing each category of service used pursuant to divisions (C)(4)(a) and (b) of this section, and the total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category used pursuant to division (C)(4)(c) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school district as a whole and, wherever applicable, for each grade in the school district as a whole, for each school building as a whole, and for each grade in each school building.	22597
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(c) The total number of regular classroom teachers teaching classes of regular education and the average number of pupils enrolled in each such class, in each of grades kindergarten through five in the district as a whole and in each school building in the school district.	22609
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(d) The number of lead teachers employed by each school	22614

district and each school building. 22615

(3)(a) Student demographic data for each school district, 22616
including information regarding the gender ratio of the school 22617
district's pupils, the racial make-up of the school district's 22618
pupils, the number of ~~limited English proficient students~~ learners 22619
in the district, and an appropriate measure of the number of the 22620
school district's pupils who reside in economically disadvantaged 22621
households. The demographic data shall be collected in a manner to 22622
allow correlation with data collected under division (B)(1) of 22623
this section. Categories for data collected pursuant to division 22624
(B)(3) of this section shall conform, where appropriate, to 22625
standard practices of agencies of the federal government. 22626

(b) With respect to each student entering kindergarten, 22627
whether the student previously participated in a public preschool 22628
program, a private preschool program, or a head start program, and 22629
the number of years the student participated in each of these 22630
programs. 22631

(4) Any data required to be collected pursuant to federal 22632
law. 22633

(C) The education management information system shall include 22634
cost accounting data for each district as a whole and for each 22635
school building in each school district. The guidelines adopted 22636
under this section shall require the cost data for each school 22637
district to be maintained in a system of mutually exclusive cost 22638
units and shall require all of the costs of each school district 22639
to be divided among the cost units. The guidelines shall require 22640
the system of mutually exclusive cost units to include at least 22641
the following: 22642

(1) Administrative costs for the school district as a whole. 22643
The guidelines shall require the cost units under this division 22644
(C)(1) to be designed so that each of them may be compiled and 22645

reported in terms of average expenditure per pupil in formula ADM 22646
in the school district, as determined pursuant to section 3317.03 22647
of the Revised Code. 22648

(2) Administrative costs for each school building in the 22649
school district. The guidelines shall require the cost units under 22650
this division (C)(2) to be designed so that each of them may be 22651
compiled and reported in terms of average expenditure per 22652
full-time equivalent pupil receiving instructional or support 22653
services in each building. 22654

(3) Instructional services costs for each category of 22655
instructional service provided directly to students and required 22656
by guidelines adopted pursuant to division (B)(1)(a) of this 22657
section. The guidelines shall require the cost units under 22658
division (C)(3) of this section to be designed so that each of 22659
them may be compiled and reported in terms of average expenditure 22660
per pupil receiving the service in the school district as a whole 22661
and average expenditure per pupil receiving the service in each 22662
building in the school district and in terms of a total cost for 22663
each category of service and, as a breakdown of the total cost, a 22664
cost for each of the following components: 22665

(a) The cost of each instructional services category required 22666
by guidelines adopted under division (B)(1)(a) of this section 22667
that is provided directly to students by a classroom teacher; 22668

(b) The cost of the instructional support services, such as 22669
services provided by a speech-language pathologist, classroom 22670
aide, multimedia aide, or librarian, provided directly to students 22671
in conjunction with each instructional services category; 22672

(c) The cost of the administrative support services related 22673
to each instructional services category, such as the cost of 22674
personnel that develop the curriculum for the instructional 22675
services category and the cost of personnel supervising or 22676

coordinating the delivery of the instructional services category. 22677

(4) Support or extracurricular services costs for each 22678
category of service directly provided to students and required by 22679
guidelines adopted pursuant to division (B)(1)(b) of this section. 22680
The guidelines shall require the cost units under division (C)(4) 22681
of this section to be designed so that each of them may be 22682
compiled and reported in terms of average expenditure per pupil 22683
receiving the service in the school district as a whole and 22684
average expenditure per pupil receiving the service in each 22685
building in the school district and in terms of a total cost for 22686
each category of service and, as a breakdown of the total cost, a 22687
cost for each of the following components: 22688

(a) The cost of each support or extracurricular services 22689
category required by guidelines adopted under division (B)(1)(b) 22690
of this section that is provided directly to students by a 22691
licensed employee, such as services provided by a guidance 22692
counselor or any services provided by a licensed employee under a 22693
supplemental contract; 22694

(b) The cost of each such services category provided directly 22695
to students by a nonlicensed employee, such as janitorial 22696
services, cafeteria services, or services of a sports trainer; 22697

(c) The cost of the administrative services related to each 22698
services category in division (C)(4)(a) or (b) of this section, 22699
such as the cost of any licensed or nonlicensed employees that 22700
develop, supervise, coordinate, or otherwise are involved in 22701
administering or aiding the delivery of each services category. 22702

(D)(1) The guidelines adopted under this section shall 22703
require school districts to collect information about individual 22704
students, staff members, or both in connection with any data 22705
required by division (B) or (C) of this section or other reporting 22706
requirements established in the Revised Code. The guidelines may 22707

also require school districts to report information about 22708
individual staff members in connection with any data required by 22709
division (B) or (C) of this section or other reporting 22710
requirements established in the Revised Code. The guidelines shall 22711
not authorize school districts to request social security numbers 22712
of individual students. The guidelines shall prohibit the 22713
reporting under this section of a student's name, address, and 22714
social security number to the state board of education or the 22715
department of education. The guidelines shall also prohibit the 22716
reporting under this section of any personally identifiable 22717
information about any student, except for the purpose of assigning 22718
the data verification code required by division (D)(2) of this 22719
section, to any other person unless such person is employed by the 22720
school district or the information technology center operated 22721
under section 3301.075 of the Revised Code and is authorized by 22722
the district or technology center to have access to such 22723
information or is employed by an entity with which the department 22724
contracts for the scoring or the development of state assessments. 22725
The guidelines may require school districts to provide the social 22726
security numbers of individual staff members and the county of 22727
residence for a student. Nothing in this section prohibits the 22728
state board of education or department of education from providing 22729
a student's county of residence to the department of taxation to 22730
facilitate the distribution of tax revenue. 22731

(2)(a) The guidelines shall provide for each school district 22732
or community school to assign a data verification code that is 22733
unique on a statewide basis over time to each student whose 22734
initial Ohio enrollment is in that district or school and to 22735
report all required individual student data for that student 22736
utilizing such code. The guidelines shall also provide for 22737
assigning data verification codes to all students enrolled in 22738
districts or community schools on the effective date of the 22739
guidelines established under this section. The assignment of data 22740

verification codes for other entities, as described in division 22741
(D)(2)(d) of this section, the use of those codes, and the 22742
reporting and use of associated individual student data shall be 22743
coordinated by the department in accordance with state and federal 22744
law. 22745

School districts shall report individual student data to the 22746
department through the information technology centers utilizing 22747
the code. The entities described in division (D)(2)(d) of this 22748
section shall report individual student data to the department in 22749
the manner prescribed by the department. 22750

(b)(i) Except as provided in sections 3301.941, 3310.11, 22751
3310.42, 3310.63, 3313.978, and 3317.20 of the Revised Code, and 22752
in division (D)(2)(b)(ii) of this section, at no time shall the 22753
state board or the department have access to information that 22754
would enable any data verification code to be matched to 22755
personally identifiable student data. 22756

(ii) For the purpose of making per-pupil payments to 22757
community schools under division (C) of section 3314.08 of the 22758
Revised Code, the department shall have access to information that 22759
would enable any data verification code to be matched to 22760
personally identifiable student data. 22761

(c) Each school district and community school shall ensure 22762
that the data verification code is included in the student's 22763
records reported to any subsequent school district, community 22764
school, or state institution of higher education, as defined in 22765
section 3345.011 of the Revised Code, in which the student 22766
enrolls. Any such subsequent district or school shall utilize the 22767
same identifier in its reporting of data under this section. 22768

(d) The director of any state agency that administers a 22769
publicly funded program providing services to children who are 22770
younger than compulsory school age, as defined in section 3321.01 22771

of the Revised Code, including the directors of health, job and 22772
family services, mental health and addiction services, and 22773
developmental disabilities, shall request and receive, pursuant to 22774
sections 3301.0723 and 5123.0423 of the Revised Code, a data 22775
verification code for a child who is receiving those services. 22776

(E) The guidelines adopted under this section may require 22777
school districts to collect and report data, information, or 22778
reports other than that described in divisions (A), (B), and (C) 22779
of this section for the purpose of complying with other reporting 22780
requirements established in the Revised Code. The other data, 22781
information, or reports may be maintained in the education 22782
management information system but are not required to be compiled 22783
as part of the profile formats required under division (G) of this 22784
section or the annual statewide report required under division (H) 22785
of this section. 22786

(F) Beginning with the school year that begins July 1, 1991, 22787
the board of education of each school district shall annually 22788
collect and report to the state board, in accordance with the 22789
guidelines established by the board, the data required pursuant to 22790
this section. A school district may collect and report these data 22791
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 22792

(G) The state board shall, in accordance with the procedures 22793
it adopts, annually compile the data reported by each school 22794
district pursuant to division (D) of this section. The state board 22795
shall design formats for profiling each school district as a whole 22796
and each school building within each district and shall compile 22797
the data in accordance with these formats. These profile formats 22798
shall: 22799

(1) Include all of the data gathered under this section in a 22800
manner that facilitates comparison among school districts and 22801
among school buildings within each school district; 22802

(2) Present the data on academic achievement levels as 22803
assessed by the testing of student achievement maintained pursuant 22804
to division (B)(1)(d) of this section. 22805

(H)(1) The state board shall, in accordance with the 22806
procedures it adopts, annually prepare a statewide report for all 22807
school districts and the general public that includes the profile 22808
of each of the school districts developed pursuant to division (G) 22809
of this section. Copies of the report shall be sent to each school 22810
district. 22811

(2) The state board shall, in accordance with the procedures 22812
it adopts, annually prepare an individual report for each school 22813
district and the general public that includes the profiles of each 22814
of the school buildings in that school district developed pursuant 22815
to division (G) of this section. Copies of the report shall be 22816
sent to the superintendent of the district and to each member of 22817
the district board of education. 22818

(3) Copies of the reports received from the state board under 22819
divisions (H)(1) and (2) of this section shall be made available 22820
to the general public at each school district's offices. Each 22821
district board of education shall make copies of each report 22822
available to any person upon request and payment of a reasonable 22823
fee for the cost of reproducing the report. The board shall 22824
annually publish in a newspaper of general circulation in the 22825
school district, at least twice during the two weeks prior to the 22826
week in which the reports will first be available, a notice 22827
containing the address where the reports are available and the 22828
date on which the reports will be available. 22829

(I) Any data that is collected or maintained pursuant to this 22830
section and that identifies an individual pupil is not a public 22831
record for the purposes of section 149.43 of the Revised Code. 22832

(J) As used in this section: 22833

(1) "School district" means any city, local, exempted village, or joint vocational school district and, in accordance with section 3314.17 of the Revised Code, any community school. As used in division (L) of this section, "school district" also includes any educational service center or other educational entity required to submit data using the system established under this section.

(2) "Cost" means any expenditure for operating expenses made by a school district excluding any expenditures for debt retirement except for payments made to any commercial lending institution for any loan approved pursuant to section 3313.483 of the Revised Code.

(K) Any person who removes data from the information system established under this section for the purpose of releasing it to any person not entitled under law to have access to such information is subject to section 2913.42 of the Revised Code prohibiting tampering with data.

(L)(1) In accordance with division (L)(2) of this section and the rules adopted under division (L)(10) of this section, the department of education may sanction any school district that reports incomplete or inaccurate data, reports data that does not conform to data requirements and descriptions published by the department, fails to report data in a timely manner, or otherwise does not make a good faith effort to report data as required by this section.

(2) If the department decides to sanction a school district under this division, the department shall take the following sequential actions:

(a) Notify the district in writing that the department has determined that data has not been reported as required under this section and require the district to review its data submission and

submit corrected data by a deadline established by the department. 22865
The department also may require the district to develop a 22866
corrective action plan, which shall include provisions for the 22867
district to provide mandatory staff training on data reporting 22868
procedures. 22869

(b) Withhold up to ten per cent of the total amount of state 22870
funds due to the district for the current fiscal year and, if not 22871
previously required under division (L)(2)(a) of this section, 22872
require the district to develop a corrective action plan in 22873
accordance with that division; 22874

(c) Withhold an additional amount of up to twenty per cent of 22875
the total amount of state funds due to the district for the 22876
current fiscal year; 22877

(d) Direct department staff or an outside entity to 22878
investigate the district's data reporting practices and make 22879
recommendations for subsequent actions. The recommendations may 22880
include one or more of the following actions: 22881

(i) Arrange for an audit of the district's data reporting 22882
practices by department staff or an outside entity; 22883

(ii) Conduct a site visit and evaluation of the district; 22884

(iii) Withhold an additional amount of up to thirty per cent 22885
of the total amount of state funds due to the district for the 22886
current fiscal year; 22887

(iv) Continue monitoring the district's data reporting; 22888

(v) Assign department staff to supervise the district's data 22889
management system; 22890

(vi) Conduct an investigation to determine whether to suspend 22891
or revoke the license of any district employee in accordance with 22892
division (N) of this section; 22893

(vii) If the district is issued a report card under section 22894

3302.03 of the Revised Code, indicate on the report card that the district has been sanctioned for failing to report data as required by this section;

(viii) If the district is issued a report card under section 3302.03 of the Revised Code and incomplete or inaccurate data submitted by the district likely caused the district to receive a higher performance rating than it deserved under that section, issue a revised report card for the district;

(ix) Any other action designed to correct the district's data reporting problems.

(3) Any time the department takes an action against a school district under division (L)(2) of this section, the department shall make a report of the circumstances that prompted the action. The department shall send a copy of the report to the district superintendent or chief administrator and maintain a copy of the report in its files.

(4) If any action taken under division (L)(2) of this section resolves a school district's data reporting problems to the department's satisfaction, the department shall not take any further actions described by that division. If the department withheld funds from the district under that division, the department may release those funds to the district, except that if the department withheld funding under division (L)(2)(c) of this section, the department shall not release the funds withheld under division (L)(2)(b) of this section and, if the department withheld funding under division (L)(2)(d) of this section, the department shall not release the funds withheld under division (L)(2)(b) or (c) of this section.

(5) Notwithstanding anything in this section to the contrary, the department may use its own staff or an outside entity to conduct an audit of a school district's data reporting practices

any time the department has reason to believe the district has not 22926
made a good faith effort to report data as required by this 22927
section. If any audit conducted by an outside entity under 22928
division (L)(2)(d)(i) or (5) of this section confirms that a 22929
district has not made a good faith effort to report data as 22930
required by this section, the district shall reimburse the 22931
department for the full cost of the audit. The department may 22932
withhold state funds due to the district for this purpose. 22933

(6) Prior to issuing a revised report card for a school 22934
district under division (L)(2)(d)(viii) of this section, the 22935
department may hold a hearing to provide the district with an 22936
opportunity to demonstrate that it made a good faith effort to 22937
report data as required by this section. The hearing shall be 22938
conducted by a referee appointed by the department. Based on the 22939
information provided in the hearing, the referee shall recommend 22940
whether the department should issue a revised report card for the 22941
district. If the referee affirms the department's contention that 22942
the district did not make a good faith effort to report data as 22943
required by this section, the district shall bear the full cost of 22944
conducting the hearing and of issuing any revised report card. 22945

(7) If the department determines that any inaccurate data 22946
reported under this section caused a school district to receive 22947
excess state funds in any fiscal year, the district shall 22948
reimburse the department an amount equal to the excess funds, in 22949
accordance with a payment schedule determined by the department. 22950
The department may withhold state funds due to the district for 22951
this purpose. 22952

(8) Any school district that has funds withheld under 22953
division (L)(2) of this section may appeal the withholding in 22954
accordance with Chapter 119. of the Revised Code. 22955

(9) In all cases of a disagreement between the department and 22956
a school district regarding the appropriateness of an action taken 22957

under division (L)(2) of this section, the burden of proof shall 22958
be on the district to demonstrate that it made a good faith effort 22959
to report data as required by this section. 22960

(10) The state board of education shall adopt rules under 22961
Chapter 119. of the Revised Code to implement division (L) of this 22962
section. 22963

(M) No information technology center or school district shall 22964
acquire, change, or update its student administration software 22965
package to manage and report data required to be reported to the 22966
department unless it converts to a student software package that 22967
is certified by the department. 22968

(N) The state board of education, in accordance with sections 22969
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 22970
license as defined under division (A) of section 3319.31 of the 22971
Revised Code that has been issued to any school district employee 22972
found to have willfully reported erroneous, inaccurate, or 22973
incomplete data to the education management information system. 22974

(O) No person shall release or maintain any information about 22975
any student in violation of this section. Whoever violates this 22976
division is guilty of a misdemeanor of the fourth degree. 22977

(P) The department shall disaggregate the data collected 22978
under division (B)(1)(n) of this section according to the race and 22979
socioeconomic status of the students assessed. 22980

(Q) If the department cannot compile any of the information 22981
required by division (H) of section 3302.03 of the Revised Code 22982
based upon the data collected under this section, the department 22983
shall develop a plan and a reasonable timeline for the collection 22984
of any data necessary to comply with that division. 22985

Sec. 3301.52. As used in sections 3301.52 to 3301.59 of the 22986
Revised Code: 22987

(A) "Preschool program" means either of the following:	22988
(1) A child care program for preschool children that is operated by a school district board of education or an eligible nonpublic school.	22989 22990 22991
(2) A child care program for preschool children age three or older that is operated by a county board of developmental disabilities or a community school.	22992 22993 22994
(B) "Preschool child" or "child" means a child who has not entered kindergarten and is not of compulsory school age.	22995 22996
(C) "Parent, guardian, or custodian" means the person or government agency that is or will be responsible for a child's school attendance under section 3321.01 of the Revised Code.	22997 22998 22999
(D) "Superintendent" means the superintendent of a school district or the chief administrative officer of a community school or an eligible nonpublic school.	23000 23001 23002
(E) "Director" means the director, head teacher, elementary principal, or site administrator who is the individual on site and responsible for supervision of a preschool program.	23003 23004 23005
(F) "Preschool staff member" means a preschool employee whose primary responsibility is care, teaching, or supervision of preschool children.	23006 23007 23008
(G) "Nonteaching employee" means a preschool program or school child program employee whose primary responsibilities are duties other than care, teaching, and supervision of preschool children or school children.	23009 23010 23011 23012
(H) "Eligible nonpublic school" means a nonpublic school chartered as described in division (B) (8) (7) of section 5104.02 of the Revised Code or chartered by the state board of education for any combination of grades one through twelve, regardless of whether it also offers kindergarten.	23013 23014 23015 23016 23017

(I) "School child program" means a child care program for 23018
only school children that is operated by a school district board 23019
of education, county board of developmental disabilities, 23020
community school, or eligible nonpublic school. 23021

(J) "School child" means a child who is enrolled in or is 23022
eligible to be enrolled in a grade of kindergarten or above but is 23023
less than fifteen years old. 23024

(K) "School child program staff member" means an employee 23025
whose primary responsibility is the care, teaching, or supervision 23026
of children in a school child program. 23027

(L) "Child care" means administering to the needs of infants, 23028
toddlers, preschool children, and school children outside of 23029
school hours by persons other than their parents or guardians, 23030
custodians, or relatives by blood, marriage, or adoption for any 23031
part of the twenty-four-hour day in a place or residence other 23032
than a child's own home. 23033

(M) "Child day-care center," and "publicly funded child 23034
care," ~~and "school-age child care center"~~ have the same meanings 23035
as in section 5104.01 of the Revised Code. 23036

(N) "Community school" means either of the following: 23037

(1) A community school established under Chapter 3314. of the 23038
Revised Code that is sponsored by an entity that is rated 23039
"exemplary" under section 3314.016 of the Revised Code. 23040

(2) A community school established under Chapter 3314. of the 23041
Revised Code that has received, on its most recent report card, 23042
either of the following: 23043

(a) If the school offers any of grade levels four through 23044
twelve, a grade of "C" or better for the overall value-added 23045
progress dimension under division (C)(1)(e) of section 3302.03 of 23046
the Revised Code ~~and~~ or for the performance index score under 23047

division (C)(1)(b) of section 3302.03 of the Revised Code; 23048

(b) If the school does not offer a grade level higher than 23049
three, a grade of "C" or better for making progress in improving 23050
literacy in grades kindergarten through three under division 23051
(C)(1)(g) of section 3302.03 of the Revised Code. 23052

Sec. 3301.53. (A) The state board of education, in 23053
consultation with the director of job and family services, shall 23054
formulate and prescribe by rule adopted under Chapter 119. of the 23055
Revised Code minimum standards to be applied to preschool programs 23056
operated by school district boards of education, county boards of 23057
developmental disabilities, community schools, or eligible 23058
nonpublic schools. The rules shall include the following: 23059

(1) Standards ensuring that the preschool program is located 23060
in a safe and convenient facility that accommodates the enrollment 23061
of the program, is of the quality to support the growth and 23062
development of the children according to the program objectives, 23063
and meets the requirements of section 3301.55 of the Revised Code; 23064

(2) Standards ensuring that supervision, discipline, and 23065
programs will be administered according to established objectives 23066
and procedures; 23067

(3) Standards ensuring that preschool staff members and 23068
nonteaching employees are recruited, employed, assigned, 23069
evaluated, and provided inservice education without discrimination 23070
on the basis of age, color, national origin, race, or sex; and 23071
that preschool staff members and nonteaching employees are 23072
assigned responsibilities in accordance with written position 23073
descriptions commensurate with their training and experience; 23074

(4) A requirement that boards of education intending to 23075
establish a preschool program demonstrate a need for a preschool 23076
program prior to establishing the program; 23077

(5) Requirements that children participating in preschool programs have been immunized to the extent considered appropriate by the state board to prevent the spread of communicable disease;

(6) Requirements that the parents of preschool children complete the emergency medical authorization form specified in section 3313.712 of the Revised Code.

(B) The state board of education in consultation with the director of job and family services shall ensure that the rules adopted by the state board under sections 3301.52 to 3301.58 of the Revised Code are consistent with and meet or exceed the requirements of Chapter 5104. of the Revised Code with regard to child day-care centers that serve preschool children. The state board and the director of job and family services shall review all such rules at least once every five years.

(C) The state board of education, in consultation with the director of job and family services, shall adopt rules for school child programs that are consistent with and meet or exceed the requirements of the rules adopted for ~~school-age child-care~~ child day-care centers that serve school-age children under Chapter 5104. of the Revised Code.

Sec. 3302.01. As used in this chapter:

(A) "Performance index score" means the average of the totals derived from calculations, for each subject area, of the weighted proportion of untested students and students scoring at each level of skill described in division (A)(2) of section 3301.0710 of the Revised Code on the state achievement assessments, as follows:

(1) For the assessments prescribed by division (A)(1) of section 3301.0710 of the Revised Code, the average for each of the subject areas of English language arts, mathematics, and science.

(2) For the assessments prescribed by division (B)(1) of

section 3301.0710 and division (B)(2) of section 3301.0712 of the Revised Code, the average for each of the subject areas of English language arts and mathematics.

The department of education shall assign weights such that students who do not take an assessment receive a weight of zero and students who take an assessment receive progressively larger weights dependent upon the level of skill attained on the assessment. The department shall assign additional weights to students who have been permitted to pass over a subject in accordance with a student acceleration policy adopted under section 3324.10 of the Revised Code. If such a student attains the proficient score prescribed under division (A)(2)(c) of section 3301.0710 of the Revised Code or higher on an assessment, the department shall assign the student the weight prescribed for the next higher scoring level. If such a student attains the advanced score, prescribed under division (A)(2)(a) of section 3301.0710 of the Revised Code, on an assessment, the department shall assign to the student an additional proportional weight, as approved by the state board. For each school year that such a student's score is included in the performance index score and the student attains the proficient score on an assessment, that additional weight shall be assigned to the student on a subject-by-subject basis.

Students shall be included in the "performance index score" in accordance with division (K)(2) of section 3302.03 of the Revised Code.

(B) "Subgroup" means a subset of the entire student population of the state, a school district, or a school building and includes each of the following:

- (1) Major racial and ethnic groups;
- (2) Students with disabilities;
- (3) Economically disadvantaged students;

(4) Limited English proficient students <u>learners</u> ;	23139
(5) Students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code. For students who are gifted in specific academic ability fields, the department shall use data for those students with specific academic ability in math and reading. If any other academic field is assessed, the department shall also include data for students with specific academic ability in that field.	23140 23141 23142 23143 23144 23145 23146 23147
(6) Students in the lowest quintile for achievement statewide, as determined by a method prescribed by the state board of education.	23148 23149 23150
(C) "No Child Left Behind Act of 2001" includes the statutes codified at 20 U.S.C. 6301 et seq. and any amendments, waivers, or both thereto, rules and regulations promulgated pursuant to those statutes, guidance documents, and any other policy directives regarding implementation of that act issued by the United States department of education.	23151 23152 23153 23154 23155 23156
(D) "Adequate yearly progress" means a measure of annual academic performance as calculated in accordance with the "No Child Left Behind Act of 2001."	23157 23158 23159
(E) "Supplemental educational services" means additional academic assistance, such as tutoring, remediation, or other educational enrichment activities, that is conducted outside of the regular school day by a provider approved by the department in accordance with the "No Child Left Behind Act of 2001."	23160 23161 23162 23163 23164
(F) "Value-added progress dimension" means a measure of academic gain for a student or group of students over a specific period of time that is calculated by applying a statistical methodology to individual student achievement data derived from the achievement assessments prescribed by section 3301.0710 of the	23165 23166 23167 23168 23169

Revised Code. The "value-added progress dimension" shall be 23170
developed and implemented in accordance with section 3302.021 of 23171
the Revised Code. 23172

(G)(1) "Four-year adjusted cohort graduation rate" means the 23173
number of students who graduate in four years or less with a 23174
regular high school diploma divided by the number of students who 23175
form the adjusted cohort for the graduating class. 23176

(2) "Five-year adjusted cohort graduation rate" means the 23177
number of students who graduate in five years with a regular high 23178
school diploma divided by the number of students who form the 23179
adjusted cohort for the four-year graduation rate. 23180

(H) "State institution of higher education" has the same 23181
meaning as in section 3345.011 of the Revised Code. 23182

(I) "Annual measurable objectives" means a measure of student 23183
progress determined in accordance with an agreement between the 23184
department of education and the United States department of 23185
education. 23186

(J) "Community school" means a community school established 23187
under Chapter 3314. of the Revised Code. 23188

(K) "STEM school" means a science, technology, engineering, 23189
and mathematics school established under Chapter 3326. of the 23190
Revised Code. 23191

(L) "Entitled to attend school in the district" means 23192
entitled to attend school in a school district under section 23193
3313.64 or 3313.65 of the Revised Code. 23194

Sec. 3302.021. (A) Not earlier than July 1, 2005, and not 23195
later than July 1, 2007, the department of education shall 23196
implement a value-added progress dimension for school districts 23197
and buildings and shall incorporate the value-added progress 23198
dimension into the report cards and performance ratings issued for 23199

districts and buildings under section 3302.03 of the Revised Code. 23200

The state board of education shall adopt rules, pursuant to 23201
Chapter 119. of the Revised Code, for the implementation of the 23202
value-added progress dimension. The rules adopted under this 23203
division shall specify ~~both~~ all of the following: 23204

(1) A scale for describing the levels of academic progress in 23205
reading and mathematics relative to a standard year of academic 23206
growth in those subjects for each of grades three through eight; 23207

(2) That the department shall maintain the confidentiality of 23208
individual student test scores and individual student reports in 23209
accordance with sections 3301.0711, 3301.0714, and 3319.321 of the 23210
Revised Code and federal law. The department may require school 23211
districts to use a unique identifier for each student for this 23212
purpose. Individual student test scores and individual student 23213
reports shall be made available only to a student's classroom 23214
teacher and other appropriate educational personnel and to the 23215
student's parent or guardian. 23216

(3) That the department may use not more than one academic 23217
year of value-added growth data to calculate the measure. 23218

(B) The department shall use a system designed for collecting 23219
necessary data, calculating the value-added progress dimension, 23220
analyzing data, and generating reports, which system has been used 23221
previously by a nonprofit organization led by the Ohio business 23222
community for at least one year in the operation of a pilot 23223
program in cooperation with school districts to collect and report 23224
student achievement data via electronic means and to provide 23225
information to the districts regarding the academic performance of 23226
individual students, grade levels, school buildings, and the 23227
districts as a whole. 23228

(C) The department shall not pay more than two dollars per 23229
student for data analysis and reporting to implement the 23230

value-added progress dimension in the same manner and with the 23231
same services as under the pilot program described by division (B) 23232
of this section. However, nothing in this section shall preclude 23233
the department or any school district from entering into a 23234
contract for the provision of more services at a higher fee per 23235
student. Any data analysis conducted under this section by an 23236
entity under contract with the department shall be completed in 23237
accordance with timelines established by the superintendent of 23238
public instruction. 23239

(D) The department shall share any aggregate student data and 23240
any calculation, analysis, or report utilizing aggregate student 23241
data that is generated under this section with the chancellor of 23242
~~the Ohio board of regents~~ higher education. The department shall 23243
not share individual student test scores and individual student 23244
reports with the chancellor. 23245

Sec. 3302.03. Annually, Not later than the thirty-first day 23246
of July of each year, the department of education shall submit 23247
preliminary report card data for overall academic performance and 23248
for each separate performance measure for each school district, 23249
and each school building, in accordance with this section. 23250

Annually, not later than the fifteenth day of September or 23251
the preceding Friday when that day falls on a Saturday or Sunday, 23252
the department ~~of education~~ shall assign a letter grade for 23253
overall academic performance and for each separate performance 23254
measure for each school district, and each school building in a 23255
district, in accordance with this section. The state board shall 23256
adopt rules pursuant to Chapter 119. of the Revised Code to 23257
establish performance criteria for each letter grade and prescribe 23258
a method by which the department assigns each letter grade. For a 23259
school building to which any of the performance measures do not 23260
apply, due to grade levels served by the building, the state board 23261

shall designate the performance measures that are applicable to 23262
the building and that must be calculated separately and used to 23263
calculate the building's overall grade. The department shall issue 23264
annual report cards reflecting the performance of each school 23265
district, each building within each district, and for the state as 23266
a whole using the performance measures and letter grade system 23267
described in this section. The department shall include on the 23268
report card for each district and each building within each 23269
district the most recent two-year trend data in student 23270
achievement for each subject and each grade. 23271

If the department fails to assign letter grades by the date 23272
specified, a school district or building shall be assigned the 23273
same grade for each measure that it was assigned for the previous 23274
school year or a "B" for each measure, whichever is the higher per 23275
measure. However, for the purposes of prescribing new buildings 23276
where students are eligible for the educational choice scholarship 23277
under section 3310.03 of the Revised Code or defining "challenged 23278
school districts" in which new start-up community schools may be 23279
located, as prescribed in section 3314.02 of the Revised Code, the 23280
department shall use the actual calculated letter grade a district 23281
or building received for each measure. 23282

(A)(1) For the 2012-2013 school year, the department shall 23283
issue grades as described in division (E) of this section for each 23284
of the following performance measures: 23285

(a) Annual measurable objectives; 23286

(b) Performance index score for a school district or 23287
building. Grades shall be awarded as a percentage of the total 23288
possible points on the performance index system as adopted by the 23289
state board. In adopting benchmarks for assigning letter grades 23290
under division (A)(1)(b) of this section, the state board of 23291
education shall designate ninety per cent or higher for an "A," at 23292
least seventy per cent but not more than eighty per cent for a 23293

"C," and less than fifty per cent for an "F."	23294
(c) The extent to which the school district or building meets each of the applicable performance indicators established by the state board under section 3302.02 of the Revised Code and the percentage of applicable performance indicators that have been achieved. In adopting benchmarks for assigning letter grades under division (A)(1)(c) of this section, the state board shall designate ninety per cent or higher for an "A."	23295 23296 23297 23298 23299 23300 23301
(d) The four- and five-year adjusted cohort graduation rates.	23302
In adopting benchmarks for assigning letter grades under division (A)(1)(d), (B)(1)(d), or (C)(1)(d) of this section, the department shall designate a four-year adjusted cohort graduation rate of ninety-three per cent or higher for an "A" and a five-year cohort graduation rate of ninety-five per cent or higher for an "A."	23303 23304 23305 23306 23307 23308
(e) The overall score under the value-added progress dimension of a school district or building, for which the department shall use up to three years of value-added data as available. The letter grade assigned for this growth measure shall be as follows:	23309 23310 23311 23312 23313
(i) A score that is at least two standard errors of measure above the mean score shall be designated as an "A."	23314 23315
(ii) A score that is at least one standard error of measure but less than two standard errors of measure above the mean score shall be designated as a "B."	23316 23317 23318
(iii) A score that is less than one standard error of measure above the mean score but greater than or equal to one standard error of measure below the mean score shall be designated as a "C."	23319 23320 23321 23322
(iv) A score that is not greater than one standard error of	23323

measure below the mean score but is greater than or equal to two 23324
standard errors of measure below the mean score shall be 23325
designated as a "D." 23326

(v) A score that is not greater than two standard errors of 23327
measure below the mean score shall be designated as an "F." 23328

Whenever the value-added progress dimension is used as a 23329
graded performance measure, whether as an overall measure or as a 23330
measure of separate subgroups, the grades for the measure shall be 23331
calculated in the same manner as prescribed in division (A)(1)(e) 23332
of this section. 23333

(f) The value-added progress dimension score for a school 23334
district or building disaggregated for each of the following 23335
subgroups: students identified as gifted, students with 23336
disabilities, and students whose performance places them in the 23337
lowest quintile for achievement on a statewide basis. Each 23338
subgroup shall be a separate graded measure. 23339

(2) Not later than April 30, 2013, the state board of 23340
education shall adopt a resolution describing the performance 23341
measures, benchmarks, and grading system for the 2012-2013 school 23342
year and, not later than June 30, 2013, shall adopt rules in 23343
accordance with Chapter 119. of the Revised Code that prescribe 23344
the methods by which the performance measures under division 23345
(A)(1) of this section shall be assessed and assigned a letter 23346
grade, including performance benchmarks for each letter grade. 23347

At least forty-five days prior to the state board's adoption 23348
of rules to prescribe the methods by which the performance 23349
measures under division (A)(1) of this section shall be assessed 23350
and assigned a letter grade, the department shall conduct a public 23351
presentation before the standing committees of the house of 23352
representatives and the senate that consider education legislation 23353
describing such methods, including performance benchmarks. 23354

(3) There shall not be an overall letter grade for a school district or building for the 2012-2013 school year. 23355
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(B)(1) For the 2013-2014 and 2014-2015 school years, the department shall issue grades as described in division (E) of this section for each of the following performance measures: 23357
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(a) Annual measurable objectives; 23360

(b) Performance index score for a school district or building. Grades shall be awarded as a percentage of the total possible points on the performance index system as created by the department. In adopting benchmarks for assigning letter grades under division (B)(1)(b) of this section, the state board shall designate ninety per cent or higher for an "A," at least seventy per cent but not more than eighty per cent for a "C," and less than fifty per cent for an "F." 23361
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(c) The extent to which the school district or building meets each of the applicable performance indicators established by the state board under section 3302.03 of the Revised Code and the percentage of applicable performance indicators that have been achieved. In adopting benchmarks for assigning letter grades under division (B)(1)(c) of this section, the state board shall designate ninety per cent or higher for an "A." 23369
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(d) The four- and five-year adjusted cohort graduation rates; 23376

(e) The overall score under the value-added progress dimension of a school district or building, for which the department shall use up to three years of value-added data as available. 23377
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(f) The value-added progress dimension score for a school district or building disaggregated for each of the following subgroups: students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code, students with disabilities, and students 23381
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whose performance places them in the lowest quintile for 23386
achievement on a statewide basis. Each subgroup shall be a 23387
separate graded measure. 23388

(g) Whether a school district or building is making progress 23389
in improving literacy in grades kindergarten through three, as 23390
determined using a method prescribed by the state board. The state 23391
board shall adopt rules to prescribe benchmarks and standards for 23392
assigning grades to districts and buildings for purposes of 23393
division (B)(1)(g) of this section. In adopting benchmarks for 23394
assigning letter grades under divisions (B)(1)(g) and (C)(1)(g) of 23395
this section, the state board shall determine progress made based 23396
on the reduction in the total percentage of students scoring below 23397
grade level, or below proficient, compared from year to year on 23398
the reading and writing diagnostic assessments administered under 23399
section 3301.0715 of the Revised Code and the third grade English 23400
language arts assessment under section 3301.0710 of the Revised 23401
Code, as applicable. The state board shall designate for a "C" 23402
grade a value that is not lower than the statewide average value 23403
for this measure. No grade shall be issued under divisions 23404
(B)(1)(g) and (C)(1)(g) of this section for a district or building 23405
in which less than five per cent of students have scored below 23406
grade level on the diagnostic assessment administered to students 23407
in kindergarten under division (B)(1) of section 3313.608 of the 23408
Revised Code. 23409

(h) For a high mobility school district or building, an 23410
additional value-added progress dimension score. For this measure, 23411
the department shall use value-added data from the most recent 23412
school year available and shall use assessment scores for only 23413
those students to whom the district or building has administered 23414
the assessments prescribed by section 3301.0710 of the Revised 23415
Code for each of the two most recent consecutive school years. 23416

As used in this division, "high mobility school district or 23417

building" means a school district or building where at least 23418
twenty-five per cent of its total enrollment is made up of 23419
students who have attended that school district or building for 23420
less than one year. 23421

(2) In addition to the graded measures in division (B)(1) of 23422
this section, the department shall include on a school district's 23423
or building's report card all of the following without an assigned 23424
letter grade: 23425

(a) The percentage of students enrolled in a district or 23426
building participating in advanced placement classes and the 23427
percentage of those students who received a score of three or 23428
better on advanced placement examinations; 23429

(b) The number of a district's or building's students who 23430
have earned at least three college credits through dual enrollment 23431
or advanced standing programs, such as the post-secondary 23432
enrollment options program under Chapter 3365. of the Revised Code 23433
and state-approved career-technical courses offered through dual 23434
enrollment or statewide articulation, that appear on a student's 23435
transcript or other official document, either of which is issued 23436
by the institution of higher education from which the student 23437
earned the college credit. The credits earned that are reported 23438
under divisions (B)(2)(b) and (C)(2)(c) of this section shall not 23439
include any that are remedial or developmental and shall include 23440
those that count toward the curriculum requirements established 23441
for completion of a degree. 23442

(c) The percentage of students enrolled in a district or 23443
building who have taken a national standardized test used for 23444
college admission determinations and the percentage of those 23445
students who are determined to be remediation-free in accordance 23446
with standards adopted under division (F) of section 3345.061 of 23447
the Revised Code; 23448

(d) The percentage of the district's or the building's students who receive industry-recognized credentials as approved under section 3313.6113 of the Revised Code. 23449
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(e) The percentage of students enrolled in a district or building who are participating in an international baccalaureate program and the percentage of those students who receive a score of four or better on the international baccalaureate examinations. 23452
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(f) The percentage of the district's or building's students who receive an honors diploma under division (B) of section 3313.61 of the Revised Code. 23456
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(3) Not later than December 31, 2013, the state board shall adopt rules in accordance with Chapter 119. of the Revised Code that prescribe the methods by which the performance measures under divisions (B)(1)(f) and (B)(1)(g) of this section will be assessed and assigned a letter grade, including performance benchmarks for each grade. 23459
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At least forty-five days prior to the state board's adoption of rules to prescribe the methods by which the performance measures under division (B)(1) of this section shall be assessed and assigned a letter grade, the department shall conduct a public presentation before the standing committees of the house of representatives and the senate that consider education legislation describing such methods, including performance benchmarks. 23465
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(4) There shall not be an overall letter grade for a school district or building for the 2013-2014, 2014-2015, 2015-2016, and 2016-2017 school years. 23472
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(C)(1) For the 2014-2015 school year and each school year thereafter, the department shall issue grades as described in division (E) of this section for each of the performance measures prescribed in division (C)(1) of this section. The graded measures are as follows: 23475
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(a) Annual measurable objectives. For the 2017-2018 school year, the department shall not include any subgroup data in the annual measurable objectives that includes data from fewer than twenty-five students. For the 2018-2019 school year, the department shall not include any subgroup data in the annual measurable objectives that includes data from fewer than twenty students. Beginning with the 2019-2020 school year, the department shall not include any subgroup data in the annual measurable objectives that includes data from fewer than fifteen students.

(b) Performance index score for a school district or building. Grades shall be awarded as a percentage of the total possible points on the performance index system as created by the department. In adopting benchmarks for assigning letter grades under division (C)(1)(b) of this section, the state board shall designate ninety per cent or higher for an "A," at least seventy per cent but not more than eighty per cent for a "C," and less than fifty per cent for an "F."

(c) The extent to which the school district or building meets each of the applicable performance indicators established by the state board under section 3302.03 of the Revised Code and the percentage of applicable performance indicators that have been achieved. In adopting benchmarks for assigning letter grades under division (C)(1)(c) of this section, the state board shall designate ninety per cent or higher for an "A."

(d) The four- and five-year adjusted cohort graduation rates;

(e) The overall score under the value-added progress dimension, or another measure of student academic progress if adopted by the state board, of a school district or building, for which the department shall use up to three years not more than one academic year of value-added growth data ~~as available~~.

In adopting benchmarks for assigning letter grades for

overall score on value-added progress dimension under division 23511
(C)(1)(e) of this section, the state board shall prohibit the 23512
assigning of a grade of "A" for that measure unless the district's 23513
or building's grade assigned for value-added progress dimension 23514
for all subgroups under division (C)(1)(f) of this section is a 23515
"B" or higher. 23516

For the metric prescribed by division (C)(1)(e) of this 23517
section, the state board may adopt a student academic progress 23518
measure to be used instead of the value-added progress dimension. 23519
If the state board adopts such a measure, it also shall prescribe 23520
a method for assigning letter grades for the new measure that is 23521
comparable to the method prescribed in division (A)(1)(e) of this 23522
section. 23523

(f) The value-added progress dimension score of a school 23524
district or building disaggregated for each of the following 23525
subgroups: students identified as gifted in superior cognitive 23526
ability and specific academic ability fields under Chapter 3324. 23527
of the Revised Code, students with disabilities, and students 23528
whose performance places them in the lowest quintile for 23529
achievement on a statewide basis, as determined by a method 23530
prescribed by the state board. Each subgroup shall be a separate 23531
graded measure. 23532

The state board may adopt student academic progress measures 23533
to be used instead of the value-added progress dimension. If the 23534
state board adopts such measures, it also shall prescribe a method 23535
for assigning letter grades for the new measures that is 23536
comparable to the method prescribed in division (A)(1)(e) of this 23537
section. 23538

(g) Whether a school district or building is making progress 23539
in improving literacy in grades kindergarten through three, as 23540
determined using a method prescribed by the state board. The state 23541
board shall adopt rules to prescribe benchmarks and standards for 23542

assigning grades to a district or building for purposes of 23543
division (C)(1)(g) of this section. The state board shall 23544
designate for a "C" grade a value that is not lower than the 23545
statewide average value for this measure. No grade shall be issued 23546
under division (C)(1)(g) of this section for a district or 23547
building in which less than five per cent of students have scored 23548
below grade level on the kindergarten diagnostic assessment under 23549
division (B)(1) of section 3313.608 of the Revised Code. 23550

(h) For a high mobility school district or building, an 23551
additional value-added progress dimension score. For this measure, 23552
the department shall use value-added data from the most recent 23553
school year available and shall use assessment scores for only 23554
those students to whom the district or building has administered 23555
the assessments prescribed by section 3301.0710 of the Revised 23556
Code for each of the two most recent consecutive school years. 23557

As used in this division, "high mobility school district or 23558
building" means a school district or building where at least 23559
twenty-five per cent of its total enrollment is made up of 23560
students who have attended that school district or building for 23561
less than one year. 23562

(2) In addition to the graded measures in division (C)(1) of 23563
this section, the department shall include on a school district's 23564
or building's report card all of the following without an assigned 23565
letter grade: 23566

(a) The percentage of students enrolled in a district or 23567
building who have taken a national standardized test used for 23568
college admission determinations and the percentage of those 23569
students who are determined to be remediation-free in accordance 23570
with the standards adopted under division (F) of section 3345.061 23571
of the Revised Code; 23572

(b) The percentage of students enrolled in a district or 23573

building participating in advanced placement classes and the 23574
percentage of those students who received a score of three or 23575
better on advanced placement examinations; 23576

(c) The percentage of a district's or building's students who 23577
have earned at least three college credits through advanced 23578
standing programs, such as the college credit plus program under 23579
Chapter 3365. of the Revised Code and state-approved 23580
career-technical courses offered through dual enrollment or 23581
statewide articulation, that appear on a student's college 23582
transcript issued by the institution of higher education from 23583
which the student earned the college credit. The credits earned 23584
that are reported under divisions (B)(2)(b) and (C)(2)(c) of this 23585
section shall not include any that are remedial or developmental 23586
and shall include those that count toward the curriculum 23587
requirements established for completion of a degree. 23588

(d) The percentage of the district's or building's students 23589
who receive an honor's diploma under division (B) of section 23590
3313.61 of the Revised Code; 23591

(e) The percentage of the district's or building's students 23592
who receive industry-recognized credentials as approved under 23593
section 3313.6113 of the Revised Code; 23594

(f) The percentage of students enrolled in a district or 23595
building who are participating in an international baccalaureate 23596
program and the percentage of those students who receive a score 23597
of four or better on the international baccalaureate examinations; 23598

(g) The results of the college and career-ready assessments 23599
administered under division (B)(1) of section 3301.0712 of the 23600
Revised Code; 23601

(h) Whether the school district or building has implemented a 23602
positive behavior intervention and supports framework in 23603
compliance with the requirements of section 3319.46 of the Revised 23604

Code, notated as a "yes" or "no" answer. 23605

(3) The state board shall adopt rules pursuant to Chapter 23606
119. of the Revised Code that establish a method to assign an 23607
overall grade for a school district or school building for the 23608
2017-2018 school year and each school year thereafter. The rules 23609
shall group the performance measures in divisions (C)(1) and (2) 23610
of this section into the following components: 23611

(a) Gap closing, which shall include the performance measure 23612
in division (C)(1)(a) of this section; 23613

(b) Achievement, which shall include the performance measures 23614
in divisions (C)(1)(b) and (c) of this section; 23615

(c) Progress, which shall include the performance measures in 23616
divisions (C)(1)(e) and (f) of this section; 23617

(d) Graduation, which shall include the performance measure 23618
in division (C)(1)(d) of this section; 23619

(e) Kindergarten through third-grade literacy, which shall 23620
include the performance measure in division (C)(1)(g) of this 23621
section; 23622

(f) Prepared for success, which shall include the performance 23623
measures in divisions (C)(2)(a), (b), (c), (d), (e), and (f) of 23624
this section. The state board shall develop a method to determine 23625
a grade for the component in division (C)(3)(f) of this section 23626
using the performance measures in divisions (C)(2)(a), (b), (c), 23627
(d), (e), and (f) of this section. When available, the state board 23628
may incorporate the performance measure under division (C)(2)(g) 23629
of this section into the component under division (C)(3)(f) of 23630
this section. When determining the overall grade for the prepared 23631
for success component prescribed by division (C)(3)(f) of this 23632
section, no individual student shall be counted in more than one 23633
performance measure. However, if a student qualifies for more than 23634
one performance measure in the component, the state board may, in 23635

its method to determine a grade for the component, specify an 23636
additional weight for such a student that is not greater than or 23637
equal to 1.0. In determining the overall score under division 23638
(C)(3)(f) of this section, the state board shall ensure that the 23639
pool of students included in the performance measures aggregated 23640
under that division are all of the students included in the four- 23641
and five-year adjusted graduation cohort. 23642

In the rules adopted under division (C)(3) of this section, 23643
the state board shall adopt a method for determining a grade for 23644
each component in divisions (C)(3)(a) to (f) of this section. The 23645
state board also shall establish a method to assign an overall 23646
grade of "A," "B," "C," "D," or "F" using the grades assigned for 23647
each component. The method the state board adopts for assigning an 23648
overall grade shall ~~give equal weight to the components in~~ 23649
~~divisions (C)(3)(b) and (c) of this section~~ use either the 23650
performance index score measure under division (C)(1)(b) or the 23651
value-added progress dimension measure under division (C)(1)(e) of 23652
this section, whichever is higher, but not both measures. The 23653
rules adopted by the state board shall prohibit the calculation of 23654
the overall grade to include both the performance index score and 23655
value-added progress dimension measures and shall ensure that a 23656
district or building receives the highest overall grade possible 23657
using the appropriate measure. However, for the purposes of 23658
prescribing new buildings where students are eligible for the 23659
educational choice scholarship under section 3310.03 of the 23660
Revised Code or defining "challenged school districts" in which 23661
new start-up community schools may be located, as prescribed in 23662
section 3314.02 of the Revised Code, the department shall use both 23663
measures to determine the overall letter grade for a district or a 23664
building. 23665

At least forty-five days prior to the state board's adoption 23666
of rules to prescribe the methods for calculating the overall 23667

grade for the report card, as required by this division, the 23668
department shall conduct a public presentation before the standing 23669
committees of the house of representatives and the senate that 23670
consider education legislation describing the format for the 23671
report card, weights that will be assigned to the components of 23672
the overall grade, and the method for calculating the overall 23673
grade. 23674

(D) On or after July 1, 2015, the state board may develop a 23675
measure of student academic progress for high school students 23676
using only data from assessments in English language arts and 23677
mathematics. If the state board develops this measure, each school 23678
district and applicable school building shall be assigned a 23679
separate letter grade for it not sooner than the 2017-2018 school 23680
year. The district's or building's grade for that measure shall 23681
not be included in determining the district's or building's 23682
overall letter grade. 23683

(E) The letter grades assigned to a school district or 23684
building under this section shall be as follows: 23685

(1) "A" for a district or school making excellent progress; 23686

(2) "B" for a district or school making above average 23687
progress; 23688

(3) "C" for a district or school making average progress; 23689

(4) "D" for a district or school making below average 23690
progress; 23691

(5) "F" for a district or school failing to meet minimum 23692
progress. 23693

(F) When reporting data on student achievement and progress, 23694
the department shall disaggregate that data according to the 23695
following categories: 23696

(1) Performance of students by grade-level; 23697

(2) Performance of students by race and ethnic group;	23698
(3) Performance of students by gender;	23699
(4) Performance of students grouped by those who have been enrolled in a district or school for three or more years;	23700 23701
(5) Performance of students grouped by those who have been enrolled in a district or school for more than one year and less than three years;	23702 23703 23704
(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	23705 23706
(7) Performance of students grouped by those who are economically disadvantaged;	23707 23708
(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	23709 23710 23711
(9) Performance of students grouped by those who are classified as limited English proficient <u>learners</u> ;	23712 23713
(10) Performance of students grouped by those who have disabilities;	23714 23715
(11) Performance of students grouped by those who are classified as migrants;	23716 23717
(12) Performance of students grouped by those who are identified as gifted in superior cognitive ability and the specific academic ability fields of reading and math pursuant to Chapter 3324. of the Revised Code. In disaggregating specific academic ability fields for gifted students, the department shall use data for those students with specific academic ability in math and reading. If any other academic field is assessed, the department shall also include data for students with specific academic ability in that field as well.	23718 23719 23720 23721 23722 23723 23724 23725 23726
(13) Performance of students grouped by those who perform in	23727

the lowest quintile for achievement on a statewide basis, as 23728
determined by a method prescribed by the state board. 23729

The department may disaggregate data on student performance 23730
according to other categories that the department determines are 23731
appropriate. To the extent possible, the department shall 23732
disaggregate data on student performance according to any 23733
combinations of two or more of the categories listed in divisions 23734
(F)(1) to (13) of this section that it deems relevant. 23735

In reporting data pursuant to division (F) of this section, 23736
the department shall not include in the report cards any data 23737
statistical in nature that is statistically unreliable or that 23738
could result in the identification of individual students. For 23739
this purpose, the department shall not report student performance 23740
data for any group identified in division (F) of this section that 23741
contains less than ten students. If the department does not report 23742
student performance data for a group because it contains less than 23743
ten students, the department shall indicate on the report card 23744
that is why data was not reported. 23745

(G) The department may include with the report cards any 23746
additional education and fiscal performance data it deems 23747
valuable. 23748

(H) The department shall include on each report card a list 23749
of additional information collected by the department that is 23750
available regarding the district or building for which the report 23751
card is issued. When available, such additional information shall 23752
include student mobility data disaggregated by race and 23753
socioeconomic status, college enrollment data, and the reports 23754
prepared under section 3302.031 of the Revised Code. 23755

The department shall maintain a site on the world wide web. 23756
The report card shall include the address of the site and shall 23757
specify that such additional information is available to the 23758

public at that site. The department shall also provide a copy of 23759
each item on the list to the superintendent of each school 23760
district. The district superintendent shall provide a copy of any 23761
item on the list to anyone who requests it. 23762

(I)(1)(a) Except as provided in division (I)(1)(b) of this 23763
section, for any district that sponsors a conversion community 23764
school under Chapter 3314. of the Revised Code, the department 23765
shall combine data regarding the academic performance of students 23766
enrolled in the community school with comparable data from the 23767
schools of the district for the purpose of determining the 23768
performance of the district as a whole on the report card issued 23769
for the district under this section or section 3302.033 of the 23770
Revised Code. 23771

(b) The department shall not combine data from any conversion 23772
community school that a district sponsors if a majority of the 23773
students enrolled in the conversion community school are enrolled 23774
in a dropout prevention and recovery program that is operated by 23775
the school, as described in division (A)~~(4)~~(2)(a) of section 23776
3314.35 of the Revised Code. The department shall include as an 23777
addendum to the district's report card the ratings and performance 23778
measures that are required under section 3314.017 of the Revised 23779
Code for any community school to which division (I)(1)(b) of this 23780
section applies. This addendum shall include, at a minimum, the 23781
data specified in divisions (C)(1)(a), (C)(2), and (C)(3) of 23782
section 3314.017 of the Revised Code. 23783

(2) Any district that leases a building to a community school 23784
located in the district or that enters into an agreement with a 23785
community school located in the district whereby the district and 23786
the school endorse each other's programs may elect to have data 23787
regarding the academic performance of students enrolled in the 23788
community school combined with comparable data from the schools of 23789
the district for the purpose of determining the performance of the 23790

district as a whole on the district report card. Any district that 23791
so elects shall annually file a copy of the lease or agreement 23792
with the department. 23793

(3) Any municipal school district, as defined in section 23794
3311.71 of the Revised Code, that sponsors a community school 23795
located within the district's territory, or that enters into an 23796
agreement with a community school located within the district's 23797
territory whereby the district and the community school endorse 23798
each other's programs, may exercise either or both of the 23799
following elections: 23800

(a) To have data regarding the academic performance of 23801
students enrolled in that community school combined with 23802
comparable data from the schools of the district for the purpose 23803
of determining the performance of the district as a whole on the 23804
district's report card; 23805

(b) To have the number of students attending that community 23806
school noted separately on the district's report card. 23807

The election authorized under division (I)(3)(a) of this 23808
section is subject to approval by the governing authority of the 23809
community school. 23810

Any municipal school district that exercises an election to 23811
combine or include data under division (I)(3) of this section, by 23812
the first day of October of each year, shall file with the 23813
department documentation indicating eligibility for that election, 23814
as required by the department. 23815

(J) The department shall include on each report card the 23816
percentage of teachers in the district or building who are 23817
properly certified or licensed teachers, as defined in section 23818
3319.074 of the Revised Code, and a comparison of that percentage 23819
with the percentages of such teachers in similar districts and 23820
buildings. 23821

(K)(1) In calculating English language arts, mathematics, or science assessment passage rates used to determine school district or building performance under this section, the department shall include all students taking an assessment with accommodation or to whom an alternate assessment is administered pursuant to division (C)(1) or (3) of section 3301.0711 of the Revised Code.

(2) In calculating performance index scores, rates of achievement on the performance indicators established by the state board under section 3302.02 of the Revised Code, and annual measurable objectives for determining adequate yearly progress for school districts and buildings under this section, the department shall do all of the following:

(a) Include for each district or building only those students who are included in the ADM certified for the first full school week of October and are continuously enrolled in the district or building through the time of the spring administration of any assessment prescribed by division (A)(1) or (B)(1) of section 3301.0710 or division (B) of section 3301.0712 of the Revised Code that is administered to the student's grade level;

(b) Include cumulative totals from both the fall and spring administrations of the third grade English language arts achievement assessment;

(c) Except as required by the No Child Left Behind Act of 2001, exclude for each district or building any ~~limited~~ English ~~proficient student~~ learner who has been enrolled in United States schools for less than one full school year.

(L) Beginning with the 2015-2016 school year and at least once every three years thereafter, the state board of education shall review and may adjust the benchmarks for assigning letter grades to the performance measures and components prescribed under divisions (C)(3) and (D) of this section.

Sec. 3302.036. (A) Notwithstanding anything in the Revised Code to the contrary, the department of education shall not assign an overall letter grade under division (C)(3) of section 3302.03 of the Revised Code for any school district or building for the 2014-2015, 2015-2016, ~~or~~ and 2016-2017 school years, may, at the discretion of the state board of education, not assign an individual grade to any component prescribed under division (C)(3) of section 3302.03 of the Revised Code, and shall not rank school districts, community schools established under Chapter 3314. of the Revised Code, or STEM schools established under Chapter 3326. of the Revised Code under section 3302.21 of the Revised Code for those school years. The report card ratings issued for the 2014-2015, 2015-2016, ~~or~~ and 2016-2017 school years shall not be considered in determining whether a school district or a school is subject to sanctions or penalties. However, the report card ratings of any previous or subsequent years shall be considered in determining whether a school district or building is subject to sanctions or penalties. Accordingly, the report card ratings for the 2014-2015, 2015-2016, ~~or~~ and 2016-2017 school years shall have no effect in determining sanctions or penalties, but shall not create a new starting point for determinations that are based on ratings over multiple years.

(B) The provisions from which a district or school is exempt under division (A) of this section shall be the following:

(1) Any restructuring provisions established under this chapter, except as required under the "No Child Left Behind Act of 2001";

(2) Provisions for the Columbus city school pilot project under section 3302.042 of the Revised Code;

~~(3) Provisions for academic distress commissions under former section 3302.10 of the Revised Code as it existed prior to the~~

~~effective date of this amendment. The provisions of this section 23884
do not apply to academic distress commissions under the version of 23885
that section as it exists on or after the effective date of this 23886
amendment. 23887~~

~~(4)~~ Provisions prescribing new buildings where students are 23888
eligible for the educational choice scholarships under section 23889
3310.03 of the Revised Code; 23890

~~(5)~~(4) Provisions defining "challenged school districts" in 23891
which new start-up community schools may be located, as prescribed 23892
in section 3314.02 of the Revised Code; 23893

~~(6)~~(5) Provisions prescribing community school closure 23894
requirements under section 3314.35 or 3314.351 of the Revised 23895
Code. 23896

(C) Notwithstanding anything in the Revised Code to the 23897
contrary and except as provided in Section 3 of H.B. 7 of the 23898
131st general assembly, no school district, community school, or 23899
STEM school shall utilize at any time during a student's academic 23900
career a student's score on any assessment administered under 23901
division (A) of section 3301.0710 or division (B)(2) of section 23902
3301.0712 of the Revised Code in the 2014-2015, 2015-2016, ~~or~~ and 23903
2016-2017 school ~~year~~ years as a factor in any decision to promote 23904
or to deny the student promotion to a higher grade level or in any 23905
decision to grant course credit. No individual student score 23906
reports on such assessments administered in the 2014-2015, 23907
2015-2016, or 2016-2017 school years shall be released, except to 23908
a student's school district or school or to the student or the 23909
student's parent or guardian. 23910

Sec. 3302.037. (A) If any change is made to the calculation 23911
or determination of grades, or to the graded measures, on the 23912
report card issued under section 3302.03 of the Revised Code, the 23913
report card ratings issued for the school year in which the change 23914

takes effect shall not be considered in determining whether a 23915
school district or a school is subject to sanctions or penalties. 23916
Furthermore, the report card ratings of any previous years shall 23917
not be considered in determining whether a school district or 23918
building is subject to sanctions or penalties. Accordingly, the 23919
change in report card shall create a new starting point for 23920
determinations that are based on ratings over multiple years. 23921

(B) The provisions for which a district or school's rating 23922
are reset under division (A) of this section include the 23923
following: 23924

(1) Any restructuring provisions established under this 23925
chapter, except as required under federal law; 23926

(2) Provisions for the Columbus city school pilot project 23927
under section 3302.042 of the Revised Code; 23928

(3) Provisions for academic distress commissions under 23929
section 3302.10 of the Revised Code; 23930

(4) Provisions prescribing community school closure 23931
requirements under section 3314.35 or 3314.351 of the Revised 23932
Code. 23933

(C) This section does not apply to either of the following: 23934

(1) Provisions prescribing new buildings where students are 23935
eligible for the educational choice scholarships under section 23936
3310.03 of the Revised Code; 23937

(2) Provisions defining "challenged school districts" in 23938
which new start-up community schools may be located, as prescribed 23939
in section 3314.02 of the Revised Code. 23940

Sec. 3302.038. (A) Notwithstanding anything in the Revised 23941
Code to the contrary, when a school district's or school's grade 23942
for the value-added progress dimension or the performance index 23943
score calculated under section 3302.03 of the Revised Code is 23944

considered in determining whether a school district or a school is 23945
subject to sanctions or penalties on or after the effective date 23946
of this section, the department of education shall apply the 23947
higher grade of the two measures, regardless of which measure is 23948
specified. At no time shall both grades be used to determine any 23949
sanctions or penalties. 23950

(B) This section does not apply to either of the following: 23951

(1) Provisions prescribing new buildings where students are 23952
eligible for the educational choice scholarships under section 23953
3310.03 of the Revised Code; 23954

(2) Provisions defining "challenged school districts" in 23955
which new start-up community schools may be located, as prescribed 23956
in section 3314.02 of the Revised Code. 23957

Sec. 3302.039. (A) If the department of education fails to 23958
assign report card ratings by the date required under section 23959
3302.03 of the Revised Code or sponsor ratings by the date 23960
required under section 3314.016 of the Revised Code, the report 23961
card ratings or sponsor ratings issued for the school year in 23962
which the department misses the deadline shall not be considered 23963
in determining whether a school district or building is subject to 23964
sanctions or penalties. Furthermore, the report card ratings or 23965
sponsor ratings of any previous years shall not be considered in 23966
determining whether a school district, building, or sponsor is 23967
subject to sanctions or penalties. Accordingly, the missed 23968
deadline shall create a new starting point for determinations that 23969
are based on ratings over multiple years. 23970

(B) This section does not apply to either of the following: 23971

(1) Provisions prescribing new buildings where students are 23972
eligible for the educational choice scholarships under section 23973
3310.03 of the Revised Code; 23974

(2) Provisions defining "challenged school districts" in 23975
which new start-up community schools may be located, as prescribed 23976
in section 3314.02 of the Revised Code. 23977

Sec. 3302.042. (A) This section shall operate as a pilot 23978
project that applies to any school that has been ranked according 23979
to performance index score under section 3302.21 of the Revised 23980
Code in the lowest five per cent of all public school buildings 23981
statewide for three or more consecutive school years and is 23982
operated by the Columbus city school district. This section does 23983
not apply to a school building that is ranked according to the 23984
value-added progress dimension under section 3302.03 of the 23985
Revised Code above the lowest five per cent of all public school 23986
buildings statewide for three or more consecutive years. The pilot 23987
project shall commence once the department of education 23988
establishes implementation guidelines for the pilot project in 23989
consultation with the Columbus city school district. 23990

(B) Except as provided in division (D), (E), or (F) of this 23991
section, if the parents or guardians of at least fifty per cent of 23992
the students enrolled in a school to which this section applies, 23993
or if the parents or guardians of at least fifty per cent of the 23994
total number of students enrolled in that school and the schools 23995
of lower grade levels whose students typically matriculate into 23996
that school, by the thirty-first day of December of any school 23997
year in which the school is subject to this section, sign and file 23998
with the school district treasurer a petition requesting the 23999
district board of education to implement one of the following 24000
reforms in the school, and if the validity and sufficiency of the 24001
petition is certified in accordance with division (C) of this 24002
section, the board shall implement the requested reform in the 24003
next school year: 24004

(1) Reopen the school as a community school under Chapter 24005

3314. of the Revised Code;	24006
(2) Replace at least seventy per cent of the school's	24007
personnel who are related to the school's poor academic	24008
performance or, at the request of the petitioners, retain not more	24009
than thirty per cent of the personnel;	24010
(3) Contract with another school district or a nonprofit or	24011
for-profit entity with a demonstrated record of effectiveness to	24012
operate the school;	24013
(4) Turn operation of the school over to the department;	24014
(5) Any other major restructuring of the school that makes	24015
fundamental reforms in the school's staffing or governance.	24016
(C) Not later than thirty days after receipt of a petition	24017
under division (B) of this section, the district treasurer shall	24018
verify the validity and sufficiency of the signatures on the	24019
petition and certify to the district board whether the petition	24020
contains the necessary number of valid signatures to require the	24021
board to implement the reform requested by the petitioners. If the	24022
treasurer certifies to the district board that the petition does	24023
not contain the necessary number of valid signatures, any person	24024
who signed the petition may file an appeal with the county auditor	24025
within ten days after the certification. Not later than thirty	24026
days after the filing of an appeal, the county auditor shall	24027
conduct an independent verification of the validity and	24028
sufficiency of the signatures on the petition and certify to the	24029
district board whether the petition contains the necessary number	24030
of valid signatures to require the board to implement the	24031
requested reform. If the treasurer or county auditor certifies	24032
that the petition contains the necessary number of valid	24033
signatures, the district board shall notify the superintendent of	24034
public instruction and the state board of education of the	24035
certification.	24036

(D) The district board shall not implement the reform 24037
requested by the petitioners in any of the following 24038
circumstances: 24039

(1) The district board has determined that the request is for 24040
reasons other than improving student academic achievement or 24041
student safety. 24042

(2) The state superintendent has determined that 24043
implementation of the requested reform would not comply with the 24044
model of differentiated accountability described in section 24045
3302.041 of the Revised Code. 24046

(3) The petitioners have requested the district board to 24047
implement the reform described in division (B)(4) of this section 24048
and the department has not agreed to take over the school's 24049
operation. 24050

(4) When all of the following have occurred: 24051

(a) After a public hearing on the matter, the district board 24052
issued a written statement explaining the reasons that it is 24053
unable to implement the requested reform and agreeing to implement 24054
one of the other reforms described in division (B) of this 24055
section. 24056

(b) The district board submitted its written statement to the 24057
state superintendent and the state board along with evidence 24058
showing how the alternative reform the district board has agreed 24059
to implement will enable the school to improve its academic 24060
performance. 24061

(c) Both the state superintendent and the state board have 24062
approved implementation of the alternative reform. 24063

(E) If the provisions of this section conflict in any way 24064
with the requirements of federal law, federal law shall prevail 24065
over the provisions of this section. 24066

(F) If a school is restructured under this section, ~~section 3302.10 or 3302.12 of the Revised Code~~, or federal law, the school shall not be required to restructure again under state law for three consecutive years after the implementation of that prior restructuring. 24067
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(G) Beginning not later than six months after the first petition under this section has been resolved, the department of education shall annually evaluate the pilot program and submit a report to the general assembly under section 101.68 of the Revised Code. Such reports shall contain its recommendations to the general assembly with respect to the continuation of the pilot program, its expansion to other school districts, or the enactment of further legislation establishing the program statewide under permanent law. 24072
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Sec. 3302.061. (A) A school district board of education shall review each application received under section 3302.06 of the Revised Code and, within sixty days after receipt of the application, shall approve or disapprove the application. In reviewing applications, the board shall give preference to applications that propose innovations in one or more of the following areas: 24081
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(1) Curriculum; 24088

(2) Student assessments, other than the assessments prescribed by sections 3301.0710 and 3301.0712 of the Revised Code; 24089
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(3) Class scheduling; 24092

(4) Accountability measures, including innovations that expand the number and variety of measures used in order to collect more complete data about student academic performance. For this purpose, schools may consider use of measures such as 24093
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end-of-course examinations, portfolios of student work, nationally 24097
or internationally normed assessments, the percentage of students 24098
enrolling in post-secondary education, or the percentage of 24099
students simultaneously obtaining a high school diploma and an 24100
associate's degree or certification to work in an industry or 24101
career field. 24102

(5) Provision of student services, including services for 24103
students who are disabled, identified as gifted under Chapter 24104
3324. of the Revised Code, ~~limited~~ English ~~proficient~~ learners, at 24105
risk of academic failure or dropping out, or at risk of suspension 24106
or expulsion; 24107

(6) Provision of health, counseling, or other social services 24108
to students; 24109

(7) Preparation of students for transition to higher 24110
education or the workforce; 24111

(8) Teacher recruitment, employment, and evaluation; 24112

(9) Compensation for school personnel; 24113

(10) Professional development; 24114

(11) School governance and the roles and responsibilities of 24115
principals; 24116

(12) Use of financial or other resources. 24117

(B)(1) If the board approves an application seeking 24118
designation as an innovation school, it shall so designate the 24119
school that submitted the application. If the board approves an 24120
application seeking designation as an innovation school zone, it 24121
shall so designate the participating schools that submitted the 24122
application. 24123

(2) If the board disapproves an application, it shall provide 24124
a written explanation of the basis for its decision to the school 24125
or schools that submitted the application. The school or schools 24126

may reapply for designation as an innovation school or innovation school zone at any time. 24127
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(C) The board may approve an application that allows an innovation school or a school participating in an innovation school zone to determine the compensation of board employees working in the school, but the total compensation for all such employees shall not exceed the financial resources allocated to the school by the board. The school shall not be required to comply with the salary schedule adopted by the board under section 3311.78, 3317.14, or 3317.141 of the Revised Code. The board may approve an application that allows an innovation school or a school participating in an innovation school zone to remove board employees from the school, but no employee shall be terminated except as provided in section 3311.82, 3319.081, or 3319.16 of the Revised Code. 24129
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(D) The board may do either of the following at any time: 24142

(1) Designate a school as an innovation school by creating an innovation plan for that school and offering the school an opportunity to participate in the plan's creation; 24143
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(2) Designate as an innovation school zone two or more schools that share common interests based on factors such as geographical proximity or similar educational programs or that serve the same classes of students as they advance to higher grade levels, by creating an innovation plan for those schools and offering the schools an opportunity to participate in the plan's creation. 24146
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Sec. 3302.10. (A) Any academic distress commission organized for a school district under former section 3302.10 of the Revised Code, as it existed prior to the effective date of this section, is hereby dissolved. The board of education of each district wherein an academic distress commission previously had been 24153
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established shall reassume all of the powers granted to it under 24158
the Revised Code. 24159

(B)(1) Beginning July 1, 2019, this section shall apply to 24160
each building operated by a school district for which an academic 24161
distress commission had been established under former section 24162
3302.10 of the Revised Code, as it existed prior to the effective 24163
date of this section, and which building also received an overall 24164
grade of "F" under division (C)(3) of section 3302.03 of the 24165
Revised Code for the previous school year. Each building to which 24166
this division applies shall commence the procedure prescribed by 24167
division (C)(1) of this section. 24168

(2) Beginning July 1, 2020, this section shall apply to any 24169
school building operated by a city, local, or exempted village 24170
school district which is not subject to division (B)(1) of this 24171
section and which building receives an overall grade of "F" under 24172
division (C)(3) of section 3302.03 of the Revised Code for the 24173
previous school year. Each building to which this division applies 24174
shall commence the procedure prescribed by division (C)(1) of this 24175
section. 24176

(C)(1) For each school building, in the first year, to which 24177
this section applies, the superintendent of public instruction 24178
shall designate the building as "in need of improvement," and the 24179
district board shall establish a school improvement team for the 24180
building. Each team shall be comprised of administrators and 24181
teachers, and may include community stakeholders, with oversight 24182
from the district board. 24183

The improvement team shall do the following: 24184

(a) Conduct a performance audit that reviews the needs of 24185
students, parents, teachers, and administrators of the school 24186
building. As part of the performance audit, the improvement team 24187
shall convene a group of parents and community stakeholders from 24188

<u>within the attendance zone of the building and seek input on</u>	24189
<u>student needs and school improvement strategies.</u>	24190
<u>(b) Develop a school improvement plan based on a</u>	24191
<u>multi-tiered, evidence-based model. The plan may include</u>	24192
<u>measurable benchmarks for improvement in the following areas:</u>	24193
<u>(i) Parent and family engagement;</u>	24194
<u>(ii) Creating a culture of academic success among students;</u>	24195
<u>(iii) Building a culture of student support among school</u>	24196
<u>faculty and staff;</u>	24197
<u>(iv) Student attendance;</u>	24198
<u>(v) Dismissal and exclusion rates;</u>	24199
<u>(vi) Student safety and discipline;</u>	24200
<u>(vii) Student promotion and dropout rates;</u>	24201
<u>(viii) Graduation rates.</u>	24202
<u>(c) Submit the improvement plan to the district board for</u>	24203
<u>approval not later than the final day of the school year in which</u>	24204
<u>the process described in division (C)(1) of this section began.</u>	24205
<u>The district board and the district superintendent shall review</u>	24206
<u>the plan and may change elements of the plan in consultation with</u>	24207
<u>the improvement team. Prior to approving the plan, the district</u>	24208
<u>board shall seek community feedback in one or more public</u>	24209
<u>hearings.</u>	24210
<u>(d) An improvement team may request technical support from</u>	24211
<u>the department of education during development of the plan.</u>	24212
<u>(e) An improvement team may recommend that the district board</u>	24213
<u>voluntarily initiate a community learning center model process for</u>	24214
<u>the building, as described in section 3302.17 of the Revised Code.</u>	24215
<u>(2) If a school building receives an overall grade of "F"</u>	24216
<u>under division (C)(3) of section 3302.03 of the Revised Code for a</u>	24217

second consecutive year, the building shall retain "in need of 24218
improvement status," and the district board and the improvement 24219
team shall begin implementing the improvement plan developed under 24220
division (C)(1) of this section. The improvement team shall 24221
monitor progress on the implementation of the improvement plan, 24222
with oversight from the district board. The improvement team may 24223
hire an academic coordinator or request technical support from the 24224
department during implementation of the plan. 24225

(3) If a school building receives an overall grade of "F" 24226
under division (C)(3) of section 3302.03 of the Revised Code for a 24227
third consecutive year, the building shall retain "in need of 24228
improvement status," and the improvement team shall continue 24229
implementing the improvement plan, with oversight from the 24230
district board. The department of education may perform a mid-year 24231
and end-of-year review of the measurable benchmarks in the 24232
improvement plan and provide feedback to the improvement team, 24233
district board, and district superintendent. 24234

(4)(a) If a school building receives an overall grade of "F" 24235
under division (C)(3) of section 3302.03 of the Revised Code for a 24236
fourth consecutive year, the building shall retain "in need of 24237
improvement status," and the improvement team shall continue 24238
implementing the improvement plan, with oversight from the 24239
district board. The state superintendent shall review the progress 24240
made under the school improvement plan and determine if the 24241
building may move out of "in need of improvement status." 24242

(b) In determining whether a building shall move out of "in 24243
need of improvement status," the state superintendent shall review 24244
whether the school has made marked improvement under the 24245
improvement plan in accordance with the criteria developed under 24246
division (C)(5) of this section. 24247

(5) The state board of education shall adopt rules 24248
establishing criteria for the state superintendent to consider 24249

when determining whether a building may move out of "in need of improvement status." 24250
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(D)(1) Beginning July 1, 2019, the state superintendent, in conjunction with the state board, shall convene a meeting of stakeholders to determine the best method to support school buildings that fail to meet improvement benchmarks under the improvement plan developed under division (C)(1) of this section and prepare a report of the recommendations. 24252
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(2) The state superintendent shall submit this report to the standing committees of the house of representatives and senate that consider education legislation not later than January 1, 2020. 24258
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Sec. 3302.16. (A)(1) As used in sections 3302.10, 3302.17, and 3302.18 of the Revised Code, "community learning center" means a school operated by a city, exempted village, or local school district or community school established under Chapter 3314. of the Revised Code that participates in a coordinated, community-based effort with community partners to provide comprehensive educational, developmental, family, and health services to students, families, and community members during school hours and hours in which school is not in session. 24262
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(2) For purposes of this section and sections 3302.10, 3302.17, and 3302.18 of the Revised Code, "community partner" means a provider to students, families, or community members of health care services, on-site resource coordinators, and any other services or programs determined appropriate by a school action team created under section 3302.18 of the Revised Code. 24271
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(B) Prior to providing health services to a student, a community learning center shall obtain the written consent of the student's parent, guardian, or custodian, if the student is less than eighteen years old, or the written consent of the student, if 24277
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the student is at least eighteen years old. 24281

(C) A community learning center and any employee, contractor, 24282
or volunteer of a community learning center shall, in accordance 24283
with all applicable state and federal laws, maintain the 24284
confidentiality of patient-identifying information obtained in the 24285
course of providing health services. 24286

Sec. 3302.17. (A) Any school building operated by a city, 24287
exempted village, or local school district, or a community school 24288
established under Chapter 3314. of the Revised Code is eligible to 24289
initiate the community learning center process as prescribed by 24290
this section. 24291

(B) ~~Beginning with the 2015-2016 school year, each~~ Each 24292
district board of education or community school governing 24293
authority may initiate a community learning center process for any 24294
school building ~~to which this section applies in the manner~~ 24295
prescribed by this division. 24296

First, the board or governing authority shall conduct a 24297
public information hearing at each school building to which this 24298
section applies to inform the community of the community learning 24299
center process. The board or governing authority may do all of the 24300
following with regard to the public information hearing: 24301

(1) Announce the meeting not less than forty-five days in 24302
advance at the school and on the school's or district's web sites 24303
and using tools to ensure effective communication with individuals 24304
with disabilities; 24305

(2) Schedule the meeting for an evening or weekend time; 24306

(3) Provide interpretation services and written materials in 24307
all languages spoken by five per cent or more of the students 24308
enrolled in the school; 24309

(4) Provide child care services for parents attending the 24310

meeting; 24311

(5) Provide parents, students, teachers, nonteaching 24312
employees, and community members with the opportunity to speak at 24313
the meeting; 24314

(6) Comply with section 149.43 of the Revised Code. 24315

In preparing for the public information hearing, the board or 24316
governing authority shall ensure that information about the 24317
hearing is broadly distributed throughout the community. 24318

The board or governing authority may enter into an agreement 24319
with any civic engagement organizations, community organizations, 24320
or employee organizations to support the implementation of the 24321
community learning center process. 24322

The board or governing authority shall conduct a follow-up 24323
hearing at least once annually until action is further taken under 24324
the section with respect to the school building or until the 24325
conditions described in division (A) of this section no longer 24326
apply to the school building. 24327

(C) Not sooner than forty-five days after the first public 24328
information hearing, the board or governing authority shall 24329
conduct an election, by paper ballot, to initiate the process to 24330
become a community learning center. Only parents or guardians of 24331
students enrolled in the school and students enrolled in a 24332
different school operated by a joint vocational school district 24333
but are otherwise entitled to attend the school, and teachers and 24334
nonteaching employees who are assigned to the school may vote in 24335
the election. 24336

The board or governing authority shall distribute the ballots 24337
by mail and shall make copies available at the school and on the 24338
web site of the school. The board or governing authority also may 24339
distribute the ballots by directly giving ballots to teachers and 24340
nonteaching employees and sending home ballots with every student 24341

enrolled in the school building. 24342

(D) The board or governing authority shall initiate the 24343
transition of the building to a community learning center if the 24344
results of the election held under division (C) of this section 24345
are as follows: 24346

(1) At least fifty per cent of parents and guardians of 24347
students enrolled in the eligible school building and students 24348
enrolled in a different building operated by a joint vocational 24349
school district but who are entitled to attend the school cast 24350
ballots by a date set by the board or governing authority, and of 24351
those ballots at least sixty-seven per cent are in favor of 24352
initiating the process; and 24353

(2) At least fifty per cent of teachers and nonteaching 24354
employees who are assigned to the school cast ballots by a date 24355
set by the board or governing authority, and of those ballots at 24356
least sixty-seven per cent are in favor of initiating the process. 24357

(E) If a community learning center process is initiated under 24358
this section, the board or governing authority shall create a 24359
school action team under section 3302.18 of the Revised Code. 24360
Within four months upon selection, the school action team shall 24361
conduct and complete, in consultation with community partners, a 24362
performance audit of the school and review, with parental input, 24363
the needs of the school with regard to restructuring under section 24364
~~3302.10, 3302.12, or~~ 3302.042 of the Revised Code, or federal law. 24365

The school action team shall provide quarterly updates of its 24366
work in a public hearing that complies with the same 24367
specifications prescribed in division (B) of this section. 24368

(F) Upon completion of the audit and review, the school 24369
action team shall present its findings at a public hearing that 24370
complies with the same specifications prescribed in division (B) 24371
of this section. After the school action team presents its 24372

findings at the public hearing, it shall create a community 24373
learning center improvement plan that designates appropriate 24374
interventions, which may be based on the recommendations developed 24375
by the department under division (H)(1)(b) of this section. 24376

If there is a federally mandated school improvement planning 24377
process, the team shall coordinate its work with that plan. 24378

The school action team shall approve the plan by a majority 24379
vote. 24380

(G) Upon approval of the plan by the school action team, the 24381
team shall submit the community learning center improvement plan 24382
to the same individuals described in division (C) of this section. 24383
Ballots shall be distributed and an election shall be conducted in 24384
the same manner as indicated under that division. 24385

The school action team shall submit the plan to the district 24386
board of education or community school governing authority, if the 24387
results of the election under division (G) of this section are as 24388
follows: 24389

(1) At least thirty per cent of parents and guardians of 24390
students enrolled in the eligible school building and students 24391
enrolled in a different building operated by a joint vocational 24392
school district but who are entitled to attend the school cast 24393
ballots by a date set by the board or governing authority, and of 24394
those ballots at least fifty per cent are in favor of initiating 24395
the process; and 24396

(2) At least thirty per cent of teachers and nonteaching 24397
employees who are assigned to the school cast ballots by a date 24398
set by the board or governing authority, and of those ballots at 24399
least fifty per cent are in favor of initiating the process. 24400

The board or governing authority shall evaluate the plan and 24401
determine whether to adopt it. The board or governing authority 24402
shall adopt the plan in full or adopt portions of the plan. If the 24403

board or governing authority does not adopt the plan in full, it 24404
shall provide a written explanation of why portions of the plan 24405
were rejected. 24406

(H)(1) The department shall do all of the following with 24407
respect to this section: 24408

(a) Adopt rules regarding the elections required under this 24409
section; 24410

(b) Develop appropriate interventions for a community 24411
learning center improvement plan that may be used by a school 24412
action team under division (F) of this section; 24413

(c) Publish a menu of programs and services that may be 24414
offered by community learning centers. The information shall be 24415
posted on the department's web site. To compile this information 24416
the department shall solicit input from resource coordinators of 24417
existing community learning centers. 24418

(d) Provide information regarding implementation of 24419
comprehensive community-based programs and supportive services 24420
including the community learning center model to school buildings 24421
meeting any of the following conditions: 24422

(i) The building is in improvement status as defined by the 24423
"No Child Left Behind Act of 2001" or under an agreement between 24424
the Ohio department of education and the United States secretary 24425
of education. 24426

(ii) The building is a secondary school that is among the 24427
lowest achieving fifteen per cent of secondary schools statewide, 24428
as determined by the department. 24429

(iii) The building is a secondary school with a graduation 24430
rate of sixty per cent or lower for three or more consecutive 24431
years. 24432

(iv) The building is a school that the department determines 24433

is persistently low-performing. 24434

(2) The department may do the following with respect to this 24435
section: 24436

(a) Provide assistance, facilitation, and training to school 24437
action teams in the conducting of the audit required under this 24438
section; 24439

(b) Provide opportunities for members of school action teams 24440
from different schools to share school improvement strategies with 24441
parents, teachers, and other relevant stakeholders in higher 24442
performing schools; 24443

(c) Provide financial support in a school action team's 24444
planning process and create a grant program to assist in the 24445
implementation of a qualified community learning center plan. 24446

(I) Notwithstanding any provision to the contrary in Chapter 24447
4117. of the Revised Code, the requirements of this section 24448
prevail over any conflicting provisions of a collective bargaining 24449
agreement entered into on or after ~~the effective date of this~~ 24450
~~section~~ October 15, 2015. However, the board or governing 24451
authority and the teachers' labor organization may negotiate 24452
additional factors to be considered in the adoption of a community 24453
learning center plan. 24454

Sec. 3302.18. (A)(1) If a community learning center process 24455
is initiated under section 3302.17 of the Revised Code for any 24456
school building operated by a city, exempted village, or local 24457
school district or a community school established under Chapter 24458
3314. of the Revised Code, the district board of education or 24459
community school governing authority shall create a school action 24460
team for the school building. The team shall consist of twelve 24461
members, as follows: 24462

(a) Seven individuals, consisting of parents or guardians of 24463

students enrolled in the school and members of the community who 24464
are not teachers or nonteaching employees, as elected by their 24465
peers; 24466

(b) Five teachers and nonteaching employees who are assigned 24467
to the school building and are not parents or guardians of 24468
students enrolled in the school, as elected by their peers. 24469

(2) To assist a school action team initiated under section 24470
3302.17 of the Revised Code, the district board, community school 24471
governing authority, or community partner shall select an 24472
individual who is employed by the district, school, or community 24473
partner to serve as the resource coordinator for the community 24474
learning center. The school action team shall make recommendations 24475
to the board, governing authority, or community partner on 24476
potential candidates. The resource coordinator shall not be 24477
considered a member of a school action team. The resource 24478
coordinator shall assist in the development and coordination of 24479
programs and services for the community learning center. 24480

(B) All members of a school action team shall serve as voting 24481
members. Terms of office shall be for three years, and vacancies 24482
shall be filled in the same manner as the original appointment. 24483

Members shall serve without compensation. 24484

(C) In addition to the responsibilities listed in section 24485
3302.17 of the Revised Code, the school action team shall do all 24486
of the following: 24487

(1) Monitor and assist in the implementation of the school 24488
improvement plan, if adopted; 24489

(2) Meet with candidates for principal and other 24490
administrative positions and make recommendations to the 24491
superintendent and board of education of the district or governing 24492
authority of the community school; 24493

(3) Advise on school budgets;	24494
(4) Establish ongoing mechanisms that engage students, parents, and community members in the school;	24495 24496
(5) Continue to collect feedback and information from parents using an annual survey;	24497 24498
(6) Develop and approve a written parent involvement policy that outlines the role of parents and guardians in the school;	24499 24500
(7) Monitor school progress on data related to academic achievement; attendance, suspensions, and expulsions; graduation rates; and reclassifications disaggregated by major racial and ethnic groups, limited English proficient students <u>learners</u> , economically disadvantaged students, and students with disabilities;	24501 24502 24503 24504 24505 24506
(8) Receive regular updates from the principal on policy matters affecting the school and provide advice on such matters;	24507 24508
(9) Meet regularly with parents and community members to discuss policy matters affecting the school.	24509 24510
Sec. 3307.152. (A) As used in this section and in section 3307.154 of the Revised Code:	24511 24512
(1) "Agent" means a dealer, as defined in section 1707.01 of the Revised Code, who is licensed under sections 1707.01 to 1707.45 <u>1707.50</u> of the Revised Code or under comparable laws of another state or of the United States.	24513 24514 24515 24516
(2) "Minority business enterprise" has the same meaning as in section 122.71 of the Revised Code.	24517 24518
(3) "Ohio-qualified agent" means an agent designated as such by the state teachers retirement board.	24519 24520
(4) "Ohio-qualified investment manager" means an investment manager designated as such by the state teachers retirement board.	24521 24522

(5) "Principal place of business" means an office in which 24523
the agent regularly provides securities or investment advisory 24524
services and solicits, meets with, or otherwise communicates with 24525
clients. 24526

(B) The state teachers retirement board shall, for the 24527
purposes of this section, designate an agent as an Ohio-qualified 24528
agent if the agent meets all of the following requirements: 24529

(1) The agent is subject to taxation under Chapter 5725., 24530
5726., 5733., 5747., or 5751. of the Revised Code. 24531

(2) The agent is authorized to conduct business in this 24532
state. 24533

(3) The agent maintains a principal place of business in this 24534
state and employs at least five residents of this state. 24535

(C) The state teachers retirement board shall adopt and 24536
implement a written policy to establish criteria and procedures 24537
used to select agents to execute securities transactions on behalf 24538
of the retirement system. The policy shall address each of the 24539
following: 24540

(1) Commissions charged by the agent, both in the aggregate 24541
and on a per share basis; 24542

(2) The execution speed and trade settlement capabilities of 24543
the agent; 24544

(3) The responsiveness, reliability, and integrity of the 24545
agent; 24546

(4) The nature and value of research provided by the agent; 24547

(5) Any special capabilities of the agent. 24548

(D)(1) The board shall, at least annually, establish a policy 24549
with the goal to increase utilization by the board of 24550
Ohio-qualified agents for the execution of domestic equity and 24551
fixed income trades on behalf of the retirement system, when an 24552

Ohio-qualified agent offers quality, services, and safety 24553
comparable to other agents otherwise available to the board and 24554
meets the criteria established under division (C) of this section. 24555

(2) The board shall review, at least annually, the 24556
performance of the agents that execute securities transactions on 24557
behalf of the board. 24558

(3) The board shall determine whether an agent is an 24559
Ohio-qualified agent, meets the criteria established by the board 24560
pursuant to division (C) of this section, and offers quality, 24561
services, and safety comparable to other agents otherwise 24562
available to the board. The board's determination shall be final. 24563

Sec. 3309.157. (A) As used in this section and in section 24564
3309.159 of the Revised Code: 24565

(1) "Agent" means a dealer, as defined in section 1707.01 of 24566
the Revised Code, who is licensed under sections 1707.01 to 24567
~~1707.45~~ 1707.50 of the Revised Code or under comparable laws of 24568
another state or of the United States. 24569

(2) "Minority business enterprise" has the same meaning as in 24570
section 122.71 of the Revised Code. 24571

(3) "Ohio-qualified agent" means an agent designated as such 24572
by the school employees retirement board. 24573

(4) "Ohio-qualified investment manager" means an investment 24574
manager designated as such by the school employees retirement 24575
board. 24576

(5) "Principal place of business" means an office in which 24577
the agent regularly provides securities or investment advisory 24578
services and solicits, meets with, or otherwise communicates with 24579
clients. 24580

(B) The school employees retirement board shall, for the 24581
purposes of this section, designate an agent as an Ohio-qualified 24582

agent if the agent meets all of the following requirements:	24583
(1) The agent is subject to taxation under Chapter 5725.,	24584
5726., 5733., 5747., or 5751. of the Revised Code.	24585
(2) The agent is authorized to conduct business in this	24586
state.	24587
(3) The agent maintains a principal place of business in this	24588
state and employs at least five residents of this state.	24589
(C) The school employees retirement board shall adopt and	24590
implement a written policy to establish criteria and procedures	24591
used to select agents to execute securities transactions on behalf	24592
of the retirement system. The policy shall address each of the	24593
following:	24594
(1) Commissions charged by the agent, both in the aggregate	24595
and on a per share basis;	24596
(2) The execution speed and trade settlement capabilities of	24597
the agent;	24598
(3) The responsiveness, reliability, and integrity of the	24599
agent;	24600
(4) The nature and value of research provided by the agent;	24601
(5) Any special capabilities of the agent.	24602
(D)(1) The board shall, at least annually, establish a policy	24603
with the goal to increase utilization by the board of	24604
Ohio-qualified agents for the execution of domestic equity and	24605
fixed income trades on behalf of the retirement system, when an	24606
Ohio-qualified agent offers quality, services, and safety	24607
comparable to other agents otherwise available to the board and	24608
meets the criteria established under division (C) of this section.	24609
(2) The board shall review, at least annually, the	24610
performance of the agents that execute securities transactions on	24611
behalf of the board.	24612

(3) The board shall determine whether an agent is an Ohio-qualified agent, meets the criteria established by the board pursuant to division (C) of this section, and offers quality, services, and safety comparable to other agents otherwise available to the board. The board's determination shall be final.

Sec. 3310.03. A student is an "eligible student" for purposes of the educational choice scholarship pilot program if the student's resident district is not a school district in which the pilot project scholarship program is operating under sections 3313.974 to 3313.979 of the Revised Code and the student satisfies one of the conditions in division (A), (B), (C), (D), or (E) of this section:

(A)(1) The student is enrolled in a school building operated by the student's resident district that, on the report card issued under section 3302.03 of the Revised Code published prior to the first day of July of the school year for which a scholarship is sought, did not receive a rating as described in division ~~(H)~~(I) of this section, and to which any or a combination of any of the following apply for two of the three most recent report cards published prior to the first day of July of the school year for which a scholarship is sought:

(a) The building was declared to be in a state of academic emergency or academic watch under section 3302.03 of the Revised Code as that section existed prior to March 22, 2013.

(b) The building received a grade of "D" or "F" for the performance index score under division (A)(1)(b) or (B)(1)(b) of section 3302.03 of the Revised Code and for the value-added progress dimension under division (A)(1)(e) or (B)(1)(e) of section 3302.03 of the Revised Code for the 2012-2013, 2013-2014, 2014-2015, or 2015-2016 school year; or if the building serves only grades ten through twelve, the building received a grade of

"D" or "F" for the performance index score under division 24644
(A)(1)(b) or (B)(1)(b) of section 3302.03 of the Revised Code and 24645
had a four-year adjusted cohort graduation rate of less than 24646
seventy-five per cent. 24647

(c) The building received an overall grade of "D" or "F" 24648
under division (C)(3) of section 3302.03 of the Revised Code or a 24649
grade of "F" for the value-added progress dimension under division 24650
(C)(1)(e) of section 3302.03 of the Revised Code for the 2016-2017 24651
school year or any school year thereafter. 24652

(2) The student will be enrolling in any of grades 24653
kindergarten through twelve in this state for the first time in 24654
the school year for which a scholarship is sought, will be at 24655
least five years of age by the first day of January of the school 24656
year for which a scholarship is sought, and otherwise would be 24657
assigned under section 3319.01 of the Revised Code in the school 24658
year for which a scholarship is sought, to a school building 24659
described in division (A)(1) of this section. 24660

(3) The student is enrolled in a community school established 24661
under Chapter 3314. of the Revised Code but otherwise would be 24662
assigned under section 3319.01 of the Revised Code to a building 24663
described in division (A)(1) of this section. 24664

(4) The student is enrolled in a school building operated by 24665
the student's resident district or in a community school 24666
established under Chapter 3314. of the Revised Code and otherwise 24667
would be assigned under section 3319.01 of the Revised Code to a 24668
school building described in division (A)(1) of this section in 24669
the school year for which the scholarship is sought. 24670

(5) The student will be both enrolling in any of grades 24671
kindergarten through twelve in this state for the first time and 24672
at least five years of age by the first day of January of the 24673
school year for which a scholarship is sought, or is enrolled in a 24674

community school established under Chapter 3314. of the Revised Code, and all of the following apply to the student's resident district:

(a) The district has in force an intradistrict open enrollment policy under which no student in the student's grade level is automatically assigned to a particular school building;

(b) In the most recent rating published prior to the first day of July of the school year for which scholarship is sought, the district did not receive a rating described in division ~~(H)~~(I) of this section, and in at least two of the three most recent report cards published prior to the first day of July of that school year, any or a combination of the following apply to the district:

(i) The district was declared to be in a state of academic emergency under section 3302.03 of the Revised Code as it existed prior to March 22, 2013.

(ii) The district received a grade of "D" or "F" for the performance index score under division (A)(1)(b) or (B)(1)(b) of section 3302.03 of the Revised Code and for the value-added progress dimension under division (A)(1)(e) or (B)(1)(e) of section 3302.03 of the Revised Code for the 2012-2013, 2013-2014, 2014-2015, or 2015-2016 school year.

(c) The district received an overall grade of "D" or "F" under division (C)(3) of section 3302.03 of the Revised Code or a grade of "F" for the value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code for the 2016-2017 school year or any school year thereafter.

(6) Beginning in the 2016-2017 school year, the student is enrolled in or will be enrolling in a building in the school year for which the scholarship is sought that serves any of grades nine through twelve and that received a grade of "D" or "F" for the

four-year adjusted cohort graduation rate under division 24706
(A)(1)(d), (B)(1)(d), or (C)(1)(d) of section 3302.03 of the 24707
Revised Code in two of the three most recent report cards 24708
published prior to the first day of July of the school year for 24709
which a scholarship is sought. 24710

(B)(1) The student is enrolled in a school building operated 24711
by the student's resident district and to which both of the 24712
following apply: 24713

(a) The building was ranked, for at least two of the three 24714
most recent rankings prior to the first day of July of the school 24715
year for which a scholarship is sought, in the lowest ten per cent 24716
of all buildings operated by city, local, and exempted village 24717
school districts according to performance index score as 24718
determined by the department of education. 24719

(b) The building was not declared to be excellent or 24720
effective, or the equivalent of such ratings as determined by the 24721
department, under section 3302.03 of the Revised Code in the most 24722
recent rating published prior to the first day of July of the 24723
school year for which a scholarship is sought. 24724

(2) The student will be enrolling in any of grades 24725
kindergarten through twelve in this state for the first time in 24726
the school year for which a scholarship is sought, will be at 24727
least five years of age, as defined in section 3321.01 of the 24728
Revised Code, by the first day of January of the school year for 24729
which a scholarship is sought, and otherwise would be assigned 24730
under section 3319.01 of the Revised Code in the school year for 24731
which a scholarship is sought, to a school building described in 24732
division (B)(1) of this section. 24733

(3) The student is enrolled in a community school established 24734
under Chapter 3314. of the Revised Code but otherwise would be 24735
assigned under section 3319.01 of the Revised Code to a building 24736

described in division (B)(1) of this section. 24737

(4) The student is enrolled in a school building operated by 24738
the student's resident district or in a community school 24739
established under Chapter 3314. of the Revised Code and otherwise 24740
would be assigned under section 3319.01 of the Revised Code to a 24741
school building described in division (B)(1) of this section in 24742
the school year for which the scholarship is sought. 24743

(C) The student is enrolled in a nonpublic school at the time 24744
the school is granted a charter by the state board of education 24745
under section 3301.16 of the Revised Code and the student meets 24746
the standards of division (B) of section 3310.031 of the Revised 24747
Code. 24748

(D) For the 2016-2017 school year and each school year 24749
thereafter, the student is in any of grades kindergarten through 24750
three, is enrolled in a school building that is operated by the 24751
student's resident district or will be enrolling in any of grades 24752
kindergarten through twelve in this state for the first time in 24753
the school year for which a scholarship is sought, and to which 24754
both of the following apply: 24755

(1) The building, in at least two of the three most recent 24756
ratings of school buildings published prior to the first day of 24757
July of the school year for which a scholarship is sought, 24758
received a grade of "D" or "F" for making progress in improving 24759
literacy in grades kindergarten through three under division 24760
(B)(1)(g) or (C)(1)(g) of section 3302.03 of the Revised Code; 24761

(2) The building did not receive a grade of "A" for making 24762
progress in improving literacy in grades kindergarten through 24763
three under division (B)(1)(g) or (C)(1)(g) of section 3302.03 of 24764
the Revised Code in the most recent rating published prior to the 24765
first day of July of the school year for which a scholarship is 24766
sought. 24767

(E) The student's resident district ~~is~~ was subject to former section 3302.10 of the Revised Code ~~and the student either:~~

~~(1) Is enrolled in a school building operated by the resident district or in a community school established under Chapter 3314. of the Revised Code;~~

~~(2) Will be both enrolling in any of grades kindergarten through twelve in this state for the first time and at least five years of age by the first day of January of the school year for which a scholarship is sought as it existed prior to the effective date of this amendment.~~

(F) A student who receives a scholarship under the educational choice scholarship pilot program remains an eligible student and may continue to receive scholarships in subsequent school years until the student completes grade twelve, so long as all of the following apply:

(1) The student's resident district remains the same, or the student transfers to a new resident district and otherwise would be assigned in the new resident district to a school building described in division (A)(1), (B)(1), (D), or (E) of this section.

(2) Except as provided in divisions (K)(1) and (L) of section 3301.0711 of the Revised Code, the student takes each assessment prescribed for the student's grade level under section 3301.0710 or 3301.0712 of the Revised Code while enrolled in a chartered nonpublic school.

(3) In each school year that the student is enrolled in a chartered nonpublic school, the student is absent from school for not more than twenty days that the school is open for instruction, not including excused absences.

(G)(1) The department shall cease awarding first-time scholarships pursuant to divisions (A)(1) to (4) of this section with respect to a school building that, in the most recent ratings

of school buildings published under section 3302.03 of the Revised Code prior to the first day of July of the school year, ceases to meet the criteria in division (A)(1) of this section. The department shall cease awarding first-time scholarships pursuant to division (A)(5) of this section with respect to a school district that, in the most recent ratings of school districts published under section 3302.03 of the Revised Code prior to the first day of July of the school year, ceases to meet the criteria in division (A)(5) of this section.

(2) The department shall cease awarding first-time scholarships pursuant to divisions (B)(1) to (4) of this section with respect to a school building that, in the most recent ratings of school buildings under section 3302.03 of the Revised Code prior to the first day of July of the school year, ceases to meet the criteria in division (B)(1) of this section.

(3) The department shall cease awarding first-time scholarships pursuant to division (D) of this section with respect to a school building that, in the most recent ratings of school buildings under section 3302.03 of the Revised Code prior to the first day of July of the school year, ceases to meet the criteria in division (D) of this section.

(4) The department shall cease awarding first-time scholarships pursuant to division (E) of this section with respect to a school district subject to former section 3302.10 of the Revised Code as it existed prior to the effective date of this amendment when the academic distress commission established for the district ceases to exist.

(5) However, students who have received scholarships in the prior school year remain eligible students pursuant to division (F) of this section.

(H) The state board of education shall adopt rules defining

excused absences for purposes of division (F)(3) of this section. 24830

(I)(1) A student who satisfies only the conditions prescribed 24831
in divisions (A)(1) to (4) of this section shall not be eligible 24832
for a scholarship if the student's resident building meets any of 24833
the following in the most recent rating under section 3302.03 of 24834
the Revised Code published prior to the first day of July of the 24835
school year for which a scholarship is sought: 24836

(a) The building has an overall designation of excellent or 24837
effective under section 3302.03 of the Revised Code as it existed 24838
prior to March 22, 2013. 24839

(b) For the 2012-2013, 2013-2014, 2014-2015, or 2015-2016 24840
school year, the building has a grade of "A" or "B" for the 24841
performance index score under division (A)(1)(b) or (B)(1)(b) of 24842
section 3302.03 of the Revised Code and for the value-added 24843
progress dimension under division (A)(1)(e) or (B)(1)(e) of 24844
section 3302.03 of the Revised Code; or if the building serves 24845
only grades ten through twelve, the building received a grade of 24846
"A" or "B" for the performance index score under division 24847
(A)(1)(b) or (B)(1)(b) of section 3302.03 of the Revised Code and 24848
had a four-year adjusted cohort graduation rate of greater than or 24849
equal to seventy-five per cent. 24850

(c) For the 2016-2017 school year or any school year 24851
thereafter, the building has a grade of "A" or "B" under division 24852
(C)(3) of section 3302.03 of the Revised Code and a grade of "A" 24853
for the value-added progress dimension under division (C)(1)(e) of 24854
section 3302.03 of the Revised Code; or if the building serves 24855
only grades ten through twelve, the building received a grade of 24856
"A" or "B" for the performance index score under division 24857
(C)(1)(b) of section 3302.03 of the Revised Code and had a 24858
four-year adjusted cohort graduation rate of greater than or equal 24859
to seventy-five per cent. 24860

(2) A student who satisfies only the conditions prescribed in 24861
division (A)(5) of this section shall not be eligible for a 24862
scholarship if the student's resident district meets any of the 24863
following in the most recent rating under section 3302.03 of the 24864
Revised Code published prior to the first day of July of the 24865
school year for which a scholarship is sought: 24866

(a) The district has an overall designation of excellent or 24867
effective under section 3302.03 of the Revised Code as it existed 24868
prior to March 22, 2013. 24869

(b) The district has a grade of "A" or "B" for the 24870
performance index score under division (A)(1)(b) or (B)(1)(b) of 24871
section 3302.03 of the Revised Code and for the value-added 24872
progress dimension under division (A)(1)(e) or (B)(1)(e) of 24873
section 3302.03 of the Revised Code for the 2012-2013, 2013-2014, 24874
2014-2015, and 2015-2016 school years. 24875

(c) The district has an overall grade of "A" or "B" under 24876
division (C)(3) of section 3302.03 of the Revised Code and a grade 24877
of "A" for the value-added progress dimension under division 24878
(C)(1)(e) of section 3302.03 of the Revised Code for the 2016-2017 24879
school year or any school year thereafter. 24880

Sec. 3311.242. (A) As used in this section: 24881

(1) "Eligible township" means a township that contains the 24882
territory of two or more school districts. 24883

(2) "Qualified electors" means electors residing within the 24884
territory proposed to be transferred. 24885

(B) The board of education of a school district with 24886
territory in an eligible township shall promptly do both of the 24887
following regarding a proposal to transfer territory from the 24888
district to another school district to which the territory is 24889
adjoining if a petition that is certified under division (C) of 24890

this section requests such a transfer: 24891

(1) File the proposal, together with a map showing the boundaries of the territory to be transferred, with the state board of education; 24892
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(2) Certify the proposal to the board of elections of the county in which the eligible township is located for the purposes of having the proposal placed on the ballot at the next general or primary election which occurs not less than ninety days after the date of the certification or at a special election, the date of which shall be specified in the certification, which date shall not be less than ninety days after the date of the certification. 24895
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(C) Upon receiving a petition of transfer signed by at least ten per cent of qualified electors voting at the last general election, the board of education shall cause the board of elections to check the sufficiency of signatures on the petition. If the board of elections determines the petition has been signed by at least ten per cent of qualified electors voting at the last general election, the board of elections shall certify the petition to the board of education for the purposes of division (B) of this section. 24902
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(D) Upon certification of a proposal under division (B)(2) of this section, the board of elections shall make the necessary arrangements for the submission of the question whether to approve the transfer to the qualified electors to vote thereon, and the election shall be conducted and canvassed and the results shall be certified in the same manner as in regular elections for the election of members of a district board of education. 24911
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(E) If the proposal submitted to qualified electors under division (D) of this section is approved by at least a majority of the electors voting on the proposal, both of the following shall apply: 24918
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(1) The board of education of the district from which the territory is being transferred shall notify the state board of education of the results of the vote. 24922
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(2) The board of trustees of the eligible township shall enter into negotiations with the board of education of the district to which the territory is being transferred regarding the terms of the proposal to transfer the territory. 24925
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(F) If the board of trustees of the eligible township and the board of education to which the territory is being transferred enter into a formal agreement based on negotiations under division (E)(2) of this section, the board of education shall file the proposal and a copy of the formal agreement with the state board. However, the district board of education shall not be required to enter into a formal agreement. 24929
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(G) The state board shall approve any proposal submitted under division (F) of this section and thereafter provide written notification of the approval to the board of education of the district from which the territory is being transferred and the board of education to which the territory is being transferred. 24936
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(H) Upon receipt of the written notification from the state board under division (G) of this section, the board of education of the district to which the territory is being transferred shall file a map showing the boundaries of the territory transferred with the county auditor of the county in which the eligible township is located. In addition, the two district boards and the township board of trustees shall execute an equitable division of the funds and indebtedness between the districts. Thereafter, the transfer shall be complete and the legal title of the school property in the territory transferred shall be vested in the board of education of the district to which the territory is transferred. 24941
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Sec. 3311.29. (A) Except as provided under division (B), (C), 24953
or (D) of this section, no school district shall be created and no 24954
school district shall exist which does not maintain within such 24955
district public schools consisting of grades kindergarten through 24956
twelve and any such existing school district not maintaining such 24957
schools shall be dissolved and its territory joined with another 24958
school district or districts by order of the state board of 24959
education if no agreement is made among the surrounding districts 24960
voluntarily, which order shall provide an equitable division of 24961
the funds, property, and indebtedness of the dissolved school 24962
district among the districts receiving its territory. The state 24963
board of education may authorize exceptions to school districts 24964
where topography, sparsity of population, and other factors make 24965
compliance impracticable. 24966

The superintendent of public instruction is without authority 24967
to distribute funds under Chapter 3317. of the Revised Code to any 24968
school district that does not maintain schools with grades 24969
kindergarten through twelve and to which no exception has been 24970
granted by the state board of education. 24971

(B) Division (A) of this section does not apply to any joint 24972
vocational school district or any cooperative education school 24973
district established pursuant to divisions (A) to (C) of section 24974
3311.52 of the Revised Code. 24975

(C)(1)(a) Except as provided in division (C)(3) of this 24976
section, division (A) of this section does not apply to any 24977
cooperative education school district established pursuant to 24978
section 3311.521 of the Revised Code nor to the city, exempted 24979
village, or local school districts that have territory within such 24980
a cooperative education district. 24981

(b) The cooperative district and each city, exempted village, 24982
or local district with territory within the cooperative district 24983

shall maintain the grades that the resolution adopted or amended 24984
pursuant to section 3311.521 of the Revised Code specifies. 24985

(2) Any cooperative education school district described under 24986
division (C)(1) of this section that fails to maintain the grades 24987
it is specified to operate shall be dissolved by order of the 24988
state board of education unless prior to such an order the 24989
cooperative district is dissolved pursuant to section 3311.54 of 24990
the Revised Code. Any such order shall provide for the equitable 24991
adjustment, division, and disposition of the assets, property, 24992
debts, and obligations of the district among each city, local, and 24993
exempted village school district whose territory is in the 24994
cooperative district and shall provide that the tax duplicate of 24995
each city, local, and exempted village school district whose 24996
territory is in the cooperative district shall be bound for and 24997
assume its share of the outstanding indebtedness of the 24998
cooperative district. 24999

(3) If any city, exempted village, or local school district 25000
described under division (C)(1) of this section fails to maintain 25001
the grades it is specified to operate the cooperative district 25002
within which it has territory shall be dissolved in accordance 25003
with division (C)(2) of this section and upon that dissolution any 25004
city, exempted village, or local district failing to maintain 25005
grades kindergarten through twelve shall be subject to the 25006
provisions for dissolution in division (A) of this section. 25007

(D) Division (A) of this section does not apply to any school 25008
district that is or has ever been subject to former section 25009
3302.10 of the Revised Code, as it ~~exists on and after the~~ 25010
~~effective date of this amendment~~ existed prior to the effective 25011
date of this amendment, and has had a majority of its schools 25012
reconstituted or closed under that section. 25013

Sec. 3312.01. (A) The educational regional service system is 25014

hereby established. The system shall support state and regional 25015
education initiatives and efforts to improve school effectiveness 25016
and student achievement. Services, including special education and 25017
related services, shall be provided under the system to school 25018
districts, community schools established under Chapter 3314. of 25019
the Revised Code, and chartered nonpublic schools. 25020

It is the intent of the general assembly that the educational 25021
regional service system reduce the unnecessary duplication of 25022
programs and services and provide for a more streamlined and 25023
efficient delivery of educational services without reducing the 25024
availability of the services needed by school districts and 25025
schools. 25026

(B) The educational regional service system shall consist of 25027
the following: 25028

(1) The advisory councils and subcommittees established under 25029
sections 3312.03 and 3312.05 of the Revised Code; 25030

(2) A fiscal agent for each of the regions as configured 25031
under section 3312.02 of the Revised Code; 25032

(3) Educational service centers, information technology 25033
centers established under section 3301.075 of the Revised Code, 25034
and other regional education service providers. 25035

(C) Educational service centers shall provide the services 25036
that they are specifically required to provide by the Revised Code 25037
and may enter into agreements pursuant to section 3313.843, 25038
3313.844, or 3313.845 of the Revised Code for the provision of 25039
other services, which may include any of the following: 25040

(1) Assistance in improving student performance; 25041

(2) Services to enable a school district or school to operate 25042
more efficiently or economically; 25043

(3) Professional development for teachers or administrators; 25044

(4) Assistance in the recruitment and retention of teachers and administrators;	25045 25046
(5) <u>Applying for any state or federal grant on behalf of a school district;</u>	25047 25048
(6) Any other educational, administrative, or operational services.	25049 25050
In addition to implementing state and regional education initiatives and school improvement efforts under the educational regional service system, educational service centers shall implement state or federally funded initiatives assigned to the service centers by the general assembly or the department of education.	25051 25052 25053 25054 25055 25056
Any educational service center selected to be a fiscal agent for its region pursuant to section 3312.07 of the Revised Code shall continue to operate as an educational service center for the part of the region that comprises its territory.	25057 25058 25059 25060
(D) <u>An educational service center shall be considered a school district for the purposes of eligibility in applying for any state or federal grant.</u>	25061 25062 25063
(E) Information technology centers may enter into agreements for the provision of services pursuant to section 3312.10 of the Revised Code.	25064 25065 25066
(E) (F) No school district, community school, or chartered nonpublic school shall be required to purchase services from an educational service center or information technology center in the region in which the district or school is located, except that a local school district shall receive any services required by the Revised Code to be provided by an educational service center to the local school districts in its territory from the educational service center in whose territory the district is located.	25067 25068 25069 25070 25071 25072 25073 25074

Sec. 3313.411. (A) As used in this section:	25075
(1) "College-preparatory boarding school" means a college-preparatory boarding school established under Chapter 3328. of the Revised Code.	25076 25077 25078
(2) "Community school" means a community school established under Chapter 3314. of the Revised Code.	25079 25080
(3) "High-performing community school" has the same meaning as in section 3313.413 of the Revised Code.	25081 25082
(4) "STEM school" means a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code.	25083 25084 25085
(5) "Unused school facilities" means any real property that has been used by a school district for school operations, including, but not limited to, academic instruction or administration, since July 1, 1998, but has not been used in that capacity for two years <u>one year</u> .	25086 25087 25088 25089 25090
(B)(1) Except as provided in section 3313.412 of the Revised Code, on and after June 30, 2011, any school district board of education shall offer any unused school facilities it owns in its corporate capacity for lease or sale to the governing authorities of community schools, the boards of trustees of any college-preparatory boarding schools, and the governing bodies of any STEM schools, that are located within the territory of the district. Not later than sixty days after the district board makes the offer, interested governing authorities, boards of trustees, and governing bodies shall notify the district treasurer in writing of the intention to lease or purchase the property.	25091 25092 25093 25094 25095 25096 25097 25098 25099 25100 25101
The district board shall give priority to the governing authorities of high-performing community schools that are located within the territory of the district.	25102 25103 25104

(2) At the same time that a district board makes the offer 25105
required under division (B)(1) of this section, the board also 25106
may, but shall not be required to, offer that property for sale or 25107
lease to the governing authorities of community schools with 25108
plans, stipulated in their contracts entered into under section 25109
3314.03 of the Revised Code, either to relocate their operations 25110
to the territory of the district or to add facilities, as 25111
authorized by division (B)(3) or (4) of section 3314.05 of the 25112
Revised Code, to be located within the territory of the district. 25113

(C)(1) If, not later than sixty days after the district board 25114
makes the offer, only one governing authority of a high-performing 25115
community school offered the property under division (B) of this 25116
section notifies the district treasurer in writing of the 25117
intention to purchase the property pursuant to that division, the 25118
district board shall sell the property to that party for the 25119
appraised fair market value of the property as determined in an 25120
appraisal of the property that is not more than one year old. 25121

If, not later than sixty days after the district board makes 25122
the offer, more than one governing authority of a high-performing 25123
community school offered the property under division (B) of this 25124
section notifies the district treasurer in writing of the 25125
intention to purchase the property pursuant to that division, the 25126
board shall conduct a public auction in the manner required for 25127
auctions of district property under division (A) of section 25128
3313.41 of the Revised Code. Only the governing authorities of 25129
high-performing community schools that notified the district 25130
treasurer of the intention to purchase the property pursuant to 25131
division (B) of this section are eligible to bid at the auction. 25132
The district board is not obligated to accept any bid for the 25133
property that is lower than the appraised fair market value of the 25134
property as determined in an appraisal that is not more than one 25135
year old. 25136

(2) If, not later than sixty days after the district board 25137
makes the offer, no governing authority of a high-performing 25138
community school notifies the district treasurer of its intention 25139
to purchase the property pursuant to division (B) of this section, 25140
the board shall then proceed with the offers from all other 25141
start-up community schools, college-preparatory boarding schools, 25142
and STEM schools made pursuant to that division. 25143

If more than one such entity notifies the district treasurer 25144
of its intention to purchase the property pursuant to division (B) 25145
of this section, the board shall conduct a public auction in the 25146
manner required for auctions of district property under division 25147
(A) of section 3313.41 of the Revised Code. Only the entities that 25148
notified the district treasurer pursuant to division (B) of this 25149
section are eligible to bid at the auction. 25150

(3) If more than one governing authority of a high-performing 25151
community school notifies the district treasurer in writing of the 25152
intention to lease the property pursuant to division (B) of this 25153
section, the district board shall conduct a lottery to select from 25154
among those governing authorities the one qualified governing 25155
authority to which the district board shall lease the property. 25156

If no such governing authority of a high-performing community 25157
school notifies the district treasurer of its intention to lease 25158
the property pursuant to division (B) of this section, the board 25159
shall then proceed with the offers from all other start-up 25160
community schools, college-preparatory boarding schools, and STEM 25161
schools made pursuant to that division. If more than one other 25162
start-up community school, college-preparatory boarding school, or 25163
STEM school notified the district treasurer of its intention to 25164
lease the property pursuant to division (B) of this section, the 25165
district board shall conduct a lottery to select from among those 25166
parties the one qualified party to which the district board shall 25167
lease the property. 25168

(4) The lease price offered by a district board to a community school, college-preparatory boarding school, or STEM school under this section shall not be higher than the fair market value for such a leasehold as determined in an appraisal that is not more than one year old.

(5) If no qualified party offered the property under division (B) of this section accepts the offer to lease or buy the property within sixty days after the offer is made, the district board may offer the property to any other entity in accordance with divisions (A) to (F) of section 3313.41 of the Revised Code.

(D) Notwithstanding division (B) of this section, a school district board may renew any agreement it originally entered into prior to June 30, 2011, to lease real property to an entity other than a community school, college-preparatory boarding school, or STEM school. Nothing in this section shall affect the leasehold arrangements between the district board and that other entity.

(E)(1) Except as provided in division (E)(2) of this section, the governing authority of a community school, board of trustees of a college-preparatory boarding school, or governing body of a STEM school shall not sell any property purchased under division (B) of this section within five years of purchasing that property.

(2) The governing authority, board of trustees, or governing body may sell a property purchased under division (B) of this section within five years of the purchase, only if the governing authority, board of trustees, or governing body sells or transfers that property to another entity described in that division.

Sec. 3313.413. (A) As used in this section, "high-performing community school" means either of the following:

(1) A community school established under Chapter 3314. of the Revised Code that meets the following conditions:

(a) Except as provided in division (A)(1)(b) or (c) of this section, the school both:	25199 25200
(i) Has received a grade of "A," "B," or "C" for the performance index score under division (C)(1)(b) of section 3302.03 of the Revised Code or has increased its performance index score under division (C)(1)(b) of section 3302.03 of the Revised Code in each of the previous three years of operation; and	25201 25202 25203 25204 25205
(ii) Has received a grade of "A" or "B" for the value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code on its most recent report card rating issued under that section.	25206 25207 25208 25209
(b) If the school serves only grades kindergarten through three, the school received a grade of "A" or "B" for making progress in improving literacy in grades kindergarten through three under division (C)(1)(g) of section 3302.03 of the Revised Code on its most recent report card issued under that section.	25210 25211 25212 25213 25214
(c) If the school primarily serves students enrolled in a dropout prevention and recovery program as described in division (A) (4) <u>(2)</u> (a) of section 3314.35 of the Revised Code, the school received a rating of "exceeds standards" on its most recent report card issued under section 3314.017 of the Revised Code.	25215 25216 25217 25218 25219
(2) A newly established community school that is implementing a community school model that has a track record of high-quality academic performance, as determined by the department of education.	25220 25221 25222 25223
(B) When a school district board of education decides to dispose of real property it owns in its corporate capacity under section 3313.41 of the Revised Code, the board shall first offer that property to the governing authorities of all start-up community schools, the boards of trustees of any college-preparatory boarding schools, and the governing bodies of	25224 25225 25226 25227 25228 25229

any STEM schools that are located within the territory of the 25230
district. Not later than sixty days after the district board makes 25231
the offer, interested governing authorities, boards of trustees, 25232
and governing bodies shall notify the district treasurer in 25233
writing of the intention to purchase the property. 25234

The district board shall give priority to the governing 25235
authorities of high-performing community schools that are located 25236
within the territory of the district. 25237

(1) If more than one governing authority of a high-performing 25238
community school notifies the district treasurer of its intention 25239
to purchase the property pursuant to division (B) of this section, 25240
the board shall conduct a public auction in the manner required 25241
for auctions of district property under division (A) of section 25242
3313.41 of the Revised Code. Only the governing authorities of 25243
high-performing community schools that notified the district 25244
treasurer pursuant to division (B) of this section are eligible to 25245
bid at the auction. 25246

(2) If no governing authority of a high-performing community 25247
school notifies the district treasurer of its intention to 25248
purchase the property pursuant to division (B) of this section, 25249
the board shall then proceed with the offers from all other 25250
start-up community schools, college-preparatory boarding schools, 25251
and STEM schools made pursuant to that division. If more than one 25252
such entity notifies the district treasurer of its intention to 25253
purchase the property pursuant to division (B) of this section, 25254
the board shall conduct a public auction in the manner required 25255
for auctions of district property under division (A) of section 25256
3313.41 of the Revised Code. Only the entities that notified the 25257
district treasurer pursuant to division (B) of this section are 25258
eligible to bid at the auction. 25259

(3) If no governing authority, board of trustees, or 25260
governing body notifies the district treasurer of its intention to 25261

purchase the property pursuant to division (B) of this section, 25262
the district may then offer the property for sale in the manner 25263
prescribed under divisions (A) to (F) of section 3313.41 of the 25264
Revised Code. 25265

(C) Notwithstanding anything to the contrary in sections 25266
3313.41 and 3313.411 of the Revised Code, the purchase price of 25267
any real property sold to any of the entities in accordance with 25268
division (B) of this section shall not be more than the appraised 25269
fair market value of that property as determined in an appraisal 25270
of the property that is not more than one year old. 25271

(D) Not later than the first day of October of each year, the 25272
department of education shall post in a prominent location on its 25273
web site a list of schools that qualify as high-performing 25274
community schools for purposes of this section and section 25275
3313.411 of the Revised Code. 25276

Sec. 3313.5315. Any student from a country or province 25277
outside the United States, who attends an elementary or secondary 25278
school in this state ~~that began operating a dormitory on its~~ 25279
~~campus prior to 2014,~~ shall be permitted to participate in 25280
interscholastic athletics at that school on the same basis as 25281
students who are residents of this state, so long as the student 25282
holds an F-1 visa issued by the United States department of state. 25283
Such a student shall not be denied the opportunity to participate 25284
in interscholastic athletics solely because the student's parents 25285
do not reside in this state. 25286

No school district, school, interscholastic conference, or 25287
organization that regulates interscholastic conferences or events 25288
shall have a rule, bylaw, or other regulation that conflicts with 25289
this section. 25290

Sec. 3313.603. (A) As used in this section: 25291

(1) "One unit" means a minimum of one hundred twenty hours of course instruction, except that for a laboratory course, "one unit" means a minimum of one hundred fifty hours of course instruction.

(2) "One-half unit" means a minimum of sixty hours of course instruction, except that for physical education courses, "one-half unit" means a minimum of one hundred twenty hours of course instruction.

(B) Beginning September 15, 2001, except as required in division (C) of this section and division (C) of section 3313.614 of the Revised Code, the requirements for graduation from every high school shall include twenty units earned in grades nine through twelve and shall be distributed as follows:

(1) English language arts, four units;

(2) Health, one-half unit;

(3) Mathematics, three units;

(4) Physical education, one-half unit;

(5) Science, two units until September 15, 2003, and three units thereafter, which at all times shall include both of the following:

(a) Biological sciences, one unit;

(b) Physical sciences, one unit.

(6) History and government, one unit, which shall comply with division (M) of this section and shall include both of the following:

(a) American history, one-half unit;

(b) American government, one-half unit.

(7) Social studies, two units.

Beginning with students who enter ninth grade for the first

time on or after July 1, 2017, the two units of instruction 25321
prescribed by division (B)(7) of this section shall include at 25322
least one-half unit of instruction in the study of world history 25323
and civilizations. 25324

(8) Elective units, seven units until September 15, 2003, and 25325
six units thereafter. 25326

Each student's electives shall include at least one unit, or 25327
two half units, chosen from among the areas of 25328
business/technology, fine arts, and/or foreign language. 25329

(C) Beginning with students who enter ninth grade for the 25330
first time on or after July 1, 2010, except as provided in 25331
divisions (D) to (F) of this section, the requirements for 25332
graduation from every public and chartered nonpublic high school 25333
shall include twenty units that are designed to prepare students 25334
for the workforce and college. The units shall be distributed as 25335
follows: 25336

(1) English language arts, four units; 25337

(2) Health, one-half unit, which shall include instruction in 25338
nutrition and the benefits of nutritious foods and physical 25339
activity for overall health; 25340

(3) Mathematics, four units, which shall include one unit of 25341
algebra II or the equivalent of algebra II, or one unit of 25342
advanced computer science as described in the standards adopted 25343
pursuant to division (A)(4) of section 3301.079 of the Revised 25344
Code. However, students who enter ninth grade for the first time 25345
on or after July 1, 2015, and who are pursuing a career-technical 25346
instructional track shall not be required to take algebra II or 25347
advanced computer science, and instead may complete a career-based 25348
pathway mathematics course approved by the department of education 25349
as an alternative. 25350

For students who choose to take advanced computer science in 25351

lieu of algebra II under division (C)(3) of this section, the 25352
school shall communicate to those students that some institutions 25353
of higher education may require algebra II for the purpose of 25354
college admission. Also, the parent, guardian, or legal custodian 25355
of each student who chooses to take advanced computer science in 25356
lieu of algebra II shall sign and submit to the school a document 25357
containing a statement acknowledging that not taking algebra II 25358
may have an adverse effect on college admission decisions. 25359

(4) Physical education, one-half unit; 25360

(5) Science, three units with inquiry-based laboratory 25361
experience that engages students in asking valid scientific 25362
questions and gathering and analyzing information, which shall 25363
include the following, or their equivalent: 25364

(a) Physical sciences, one unit; 25365

(b) Life sciences, one unit; 25366

(c) Advanced study in one or more of the following sciences, 25367
one unit: 25368

(i) Chemistry, physics, or other physical science; 25369

(ii) Advanced biology or other life science; 25370

(iii) Astronomy, physical geology, or other earth or space 25371
science; 25372

(iv) Computer science. 25373

No student shall substitute a computer science course for a 25374
life sciences or biology course under division (C)(5) of this 25375
section. 25376

(6) History and government, one unit, which shall comply with 25377
division (M) of this section and shall include both of the 25378
following: 25379

(a) American history, one-half unit; 25380

(b) American government, one-half unit. 25381

(7) Social studies, two units. 25382

Each school shall integrate the study of economics and 25383
financial literacy, as expressed in the social studies academic 25384
content standards adopted by the state board of education under 25385
division (A)(1) of section 3301.079 of the Revised Code and the 25386
academic content standards for financial literacy and 25387
entrepreneurship adopted under division (A)(2) of that section, 25388
into one or more existing social studies credits required under 25389
division (C)(7) of this section, or into the content of another 25390
class, so that every high school student receives instruction in 25391
those concepts. In developing the curriculum required by this 25392
paragraph, schools shall use available public-private partnerships 25393
and resources and materials that exist in business, industry, and 25394
through the centers for economics education at institutions of 25395
higher education in the state. 25396

Beginning with students who enter ninth grade for the first 25397
time on or after July 1, 2017, the two units of instruction 25398
prescribed by division (C)(7) of this section shall include at 25399
least one-half unit of instruction in the study of world history 25400
and civilizations. 25401

(8) Five units consisting of one or any combination of 25402
foreign language, fine arts, business, career-technical education, 25403
family and consumer sciences, technology which may include 25404
computer science, agricultural education, a junior reserve officer 25405
training corps (JROTC) program approved by the congress of the 25406
United States under title 10 of the United States Code, or English 25407
language arts, mathematics, science, or social studies courses not 25408
otherwise required under division (C) of this section. 25409

Ohioans must be prepared to apply increased knowledge and 25410
skills in the workplace and to adapt their knowledge and skills 25411

quickly to meet the rapidly changing conditions of the 25412
twenty-first century. National studies indicate that all high 25413
school graduates need the same academic foundation, regardless of 25414
the opportunities they pursue after graduation. The goal of Ohio's 25415
system of elementary and secondary education is to prepare all 25416
students for and seamlessly connect all students to success in 25417
life beyond high school graduation, regardless of whether the next 25418
step is entering the workforce, beginning an apprenticeship, 25419
engaging in post-secondary training, serving in the military, or 25420
pursuing a college degree. 25421

The requirements for graduation prescribed in division (C) of 25422
this section are the standard expectation for all students 25423
entering ninth grade for the first time at a public or chartered 25424
nonpublic high school on or after July 1, 2010. A student may 25425
satisfy this expectation through a variety of methods, including, 25426
but not limited to, integrated, applied, career-technical, and 25427
traditional coursework. 25428

Stronger coordination between high schools and institutions 25429
of higher education is necessary to prepare students for more 25430
challenging academic endeavors and to lessen the need for academic 25431
remediation in college, thereby reducing the costs of higher 25432
education for Ohio's students, families, and the state. The state 25433
board and the chancellor of higher education shall develop 25434
policies to ensure that only in rare instances will students who 25435
complete the requirements for graduation prescribed in division 25436
(C) of this section require academic remediation after high 25437
school. 25438

School districts, community schools, and chartered nonpublic 25439
schools shall integrate technology into learning experiences 25440
across the curriculum in order to maximize efficiency, enhance 25441
learning, and prepare students for success in the 25442
technology-driven twenty-first century. Districts and schools 25443

shall use distance and web-based course delivery as a method of 25444
providing or augmenting all instruction required under this 25445
division, including laboratory experience in science. Districts 25446
and schools shall utilize technology access and electronic 25447
learning opportunities provided by the broadcast educational media 25448
commission, chancellor, the Ohio learning network, education 25449
technology centers, public television stations, and other public 25450
and private providers. 25451

(D) Except as provided in division (E) of this section, a 25452
student who enters ninth grade on or after July 1, 2010, and 25453
before July 1, 2016, may qualify for graduation from a public or 25454
chartered nonpublic high school even though the student has not 25455
completed the requirements for graduation prescribed in division 25456
(C) of this section if all of the following conditions are 25457
satisfied: 25458

(1) During the student's third year of attending high school, 25459
as determined by the school, the student and the student's parent, 25460
guardian, or custodian sign and file with the school a written 25461
statement asserting the parent's, guardian's, or custodian's 25462
consent to the student's graduating without completing the 25463
requirements for graduation prescribed in division (C) of this 25464
section and acknowledging that one consequence of not completing 25465
those requirements is ineligibility to enroll in most state 25466
universities in Ohio without further coursework. 25467

(2) The student and parent, guardian, or custodian fulfill 25468
any procedural requirements the school stipulates to ensure the 25469
student's and parent's, guardian's, or custodian's informed 25470
consent and to facilitate orderly filing of statements under 25471
division (D)(1) of this section. Annually, each district or school 25472
shall notify the department of the number of students who choose 25473
to qualify for graduation under division (D) of this section and 25474
the number of students who complete the student's success plan and 25475

graduate from high school.	25476
(3) The student and the student's parent, guardian, or	25477
custodian and a representative of the student's high school	25478
jointly develop a student success plan for the student in the	25479
manner described in division (C)(1) of section 3313.6020 of the	25480
Revised Code that specifies the student matriculating to a	25481
two-year degree program, acquiring a business and	25482
industry-recognized credential, or entering an apprenticeship.	25483
(4) The student's high school provides counseling and support	25484
for the student related to the plan developed under division	25485
(D)(3) of this section during the remainder of the student's high	25486
school experience.	25487
(5)(a) Except as provided in division (D)(5)(b) of this	25488
section, the student successfully completes, at a minimum, the	25489
curriculum prescribed in division (B) of this section.	25490
(b) Beginning with students who enter ninth grade for the	25491
first time on or after July 1, 2014, a student shall be required	25492
to complete successfully, at the minimum, the curriculum	25493
prescribed in division (B) of this section, except as follows:	25494
(i) Mathematics, four units, one unit which shall be one of	25495
the following:	25496
(I) Probability and statistics;	25497
(II) Computer science;	25498
(III) Applied mathematics or quantitative reasoning;	25499
(IV) Any other course approved by the department using	25500
standards established by the superintendent not later than October	25501
1, 2014.	25502
(ii) Elective units, five units;	25503
(iii) Science, three units as prescribed by division (B) of	25504
this section which shall include inquiry-based laboratory	25505

experience that engages students in asking valid scientific 25506
questions and gathering and analyzing information. 25507

The department, in collaboration with the chancellor, shall 25508
analyze student performance data to determine if there are 25509
mitigating factors that warrant extending the exception permitted 25510
by division (D) of this section to high school classes beyond 25511
those entering ninth grade before July 1, 2016. The department 25512
shall submit its findings and any recommendations not later than 25513
December 1, 2015, to the speaker and minority leader of the house 25514
of representatives, the president and minority leader of the 25515
senate, the chairpersons and ranking minority members of the 25516
standing committees of the house of representatives and the senate 25517
that consider education legislation, the state board of education, 25518
and the superintendent of public instruction. 25519

(E) Each school district and chartered nonpublic school 25520
retains the authority to require an even more challenging minimum 25521
curriculum for high school graduation than specified in division 25522
(B) or (C) of this section. A school district board of education, 25523
through the adoption of a resolution, or the governing authority 25524
of a chartered nonpublic school may stipulate any of the 25525
following: 25526

(1) A minimum high school curriculum that requires more than 25527
twenty units of academic credit to graduate; 25528

(2) An exception to the district's or school's minimum high 25529
school curriculum that is comparable to the exception provided in 25530
division (D) of this section but with additional requirements, 25531
which may include a requirement that the student successfully 25532
complete more than the minimum curriculum prescribed in division 25533
(B) of this section; 25534

(3) That no exception comparable to that provided in division 25535
(D) of this section is available. 25536

If a school district or chartered nonpublic school requires a foreign language as an additional graduation requirement under division (E) of this section, a student may apply one unit of instruction in computer coding to satisfy one unit of foreign language. If a student applies more than one computer coding course to satisfy the foreign language requirement, the courses shall be sequential and progressively more difficult.

(F) A student enrolled in a dropout prevention and recovery program, which program has received a waiver from the department, may qualify for graduation from high school by successfully completing a competency-based instructional program administered by the dropout prevention and recovery program in lieu of completing the requirements for graduation prescribed in division (C) of this section. The department shall grant a waiver to a dropout prevention and recovery program, within sixty days after the program applies for the waiver, if the program meets all of the following conditions:

(1) The program serves only students not younger than sixteen years of age and not older than twenty-one years of age.

(2) The program enrolls students who, at the time of their initial enrollment, either, or both, are at least one grade level behind their cohort age groups or experience crises that significantly interfere with their academic progress such that they are prevented from continuing their traditional programs.

(3) The program requires students to attain at least the applicable score designated for each of the assessments prescribed under division (B)(1) of section 3301.0710 of the Revised Code or, to the extent prescribed by rule of the state board under division (D)(5) of section 3301.0712 of the Revised Code, division (B)(2) of that section.

(4) The program develops a student success plan for the

student in the manner described in division (C)(1) of section 25568
3313.6020 of the Revised Code that specifies the student's 25569
matriculating to a two-year degree program, acquiring a business 25570
and industry-recognized credential, or entering an apprenticeship. 25571

(5) The program provides counseling and support for the 25572
student related to the plan developed under division (F)(4) of 25573
this section during the remainder of the student's high school 25574
experience. 25575

(6) The program requires the student and the student's 25576
parent, guardian, or custodian to sign and file, in accordance 25577
with procedural requirements stipulated by the program, a written 25578
statement asserting the parent's, guardian's, or custodian's 25579
consent to the student's graduating without completing the 25580
requirements for graduation prescribed in division (C) of this 25581
section and acknowledging that one consequence of not completing 25582
those requirements is ineligibility to enroll in most state 25583
universities in Ohio without further coursework. 25584

(7) Prior to receiving the waiver, the program has submitted 25585
to the department an instructional plan that demonstrates how the 25586
academic content standards adopted by the state board under 25587
section 3301.079 of the Revised Code will be taught and assessed. 25588

(8) Prior to receiving the waiver, the program has submitted 25589
to the department a policy on career advising that satisfies the 25590
requirements of section 3313.6020 of the Revised Code, with an 25591
emphasis on how every student will receive career advising. 25592

(9) Prior to receiving the waiver, the program has submitted 25593
to the department a written agreement outlining the future 25594
cooperation between the program and any combination of local job 25595
training, postsecondary education, nonprofit, and health and 25596
social service organizations to provide services for students in 25597
the program and their families. 25598

Divisions (F)(8) and (9) of this section apply only to 25599
waivers granted on or after July 1, 2015. 25600

If the department does not act either to grant the waiver or 25601
to reject the program application for the waiver within sixty days 25602
as required under this section, the waiver shall be considered to 25603
be granted. 25604

(G) Every high school may permit students below the ninth 25605
grade to take advanced work. If a high school so permits, it shall 25606
award high school credit for successful completion of the advanced 25607
work and shall count such advanced work toward the graduation 25608
requirements of division (B) or (C) of this section if the 25609
advanced work was both: 25610

(1) Taught by a person who possesses a license or certificate 25611
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 25612
Code that is valid for teaching high school; 25613

(2) Designated by the board of education of the city, local, 25614
or exempted village school district, the board of the cooperative 25615
education school district, or the governing authority of the 25616
chartered nonpublic school as meeting the high school curriculum 25617
requirements. 25618

Each high school shall record on the student's high school 25619
transcript all high school credit awarded under division (G) of 25620
this section. In addition, if the student completed a seventh- or 25621
eighth-grade fine arts course described in division (K) of this 25622
section and the course qualified for high school credit under that 25623
division, the high school shall record that course on the 25624
student's high school transcript. 25625

(H) The department shall make its individual academic career 25626
plan available through its Ohio career information system web site 25627
for districts and schools to use as a tool for communicating with 25628
and providing guidance to students and families in selecting high 25629

school courses. 25630

(I) A school district or chartered nonpublic school may 25631
integrate academic content in a subject area for which the state 25632
board has adopted standards under section 3301.079 of the Revised 25633
Code into a course in a different subject area, including a 25634
career-technical education course, in accordance with guidance for 25635
integrated coursework developed by the department. Upon successful 25636
completion of an integrated course, a student may receive credit 25637
for both subject areas that were integrated into the course. Units 25638
earned for subject area content delivered through integrated 25639
academic and career-technical instruction are eligible to meet the 25640
graduation requirements of division (B) or (C) of this section. 25641

For purposes of meeting graduation requirements, if an 25642
end-of-course examination has been prescribed under section 25643
3301.0712 of the Revised Code for the subject area delivered 25644
through integrated instruction, the school district or school may 25645
administer the related subject area examinations upon the 25646
student's completion of the integrated course. 25647

Nothing in division (I) of this section shall be construed to 25648
excuse any school district, chartered nonpublic school, or student 25649
from any requirement in the Revised Code related to curriculum, 25650
assessments, or the awarding of a high school diploma. 25651

(J)(1) The state board, in consultation with the chancellor, 25652
shall adopt a statewide plan implementing methods for students to 25653
earn units of high school credit based on a demonstration of 25654
subject area competency, instead of or in combination with 25655
completing hours of classroom instruction. The state board shall 25656
adopt the plan not later than March 31, 2009, and commence phasing 25657
in the plan during the 2009-2010 school year. The plan shall 25658
include a standard method for recording demonstrated proficiency 25659
on high school transcripts. Each school district and community 25660
school shall comply with the state board's plan adopted under this 25661

division and award units of high school credit in accordance with 25662
the plan. The state board may adopt existing methods for earning 25663
high school credit based on a demonstration of subject area 25664
competency as necessary prior to the 2009-2010 school year. 25665

(2) Not later than December 31, 2015, the state board shall 25666
update the statewide plan adopted pursuant to division (J)(1) of 25667
this section to also include methods for students enrolled in 25668
seventh and eighth grade to meet curriculum requirements based on 25669
a demonstration of subject area competency, instead of or in 25670
combination with completing hours of classroom instruction. 25671
Beginning with the 2017-2018 school year, each school district and 25672
community school also shall comply with the updated plan adopted 25673
pursuant to this division and permit students enrolled in seventh 25674
and eighth grade to meet curriculum requirements based on subject 25675
area competency in accordance with the plan. 25676

(3) Not later than December 31, 2017, the department shall 25677
develop a framework for school districts and community schools to 25678
use in granting units of high school credit to students who 25679
demonstrate subject area competency through work-based learning 25680
experiences, internships, or cooperative education. Beginning with 25681
the 2018-2019 school year, each district and community school 25682
shall comply with the framework. Each district and community 25683
school also shall review any policy it has adopted regarding the 25684
demonstration of subject area competency to identify ways to 25685
incorporate work-based learning experiences, internships, and 25686
cooperative education into the policy in order to increase student 25687
engagement and opportunities to earn units of high school credit. 25688

(K) This division does not apply to students who qualify for 25689
graduation from high school under division (D) or (F) of this 25690
section, or to students pursuing a career-technical instructional 25691
track as determined by the school district board of education or 25692
the chartered nonpublic school's governing authority. 25693

Nevertheless, the general assembly encourages such students to 25694
consider enrolling in a fine arts course as an elective. 25695

Beginning with students who enter ninth grade for the first 25696
time on or after July 1, 2010, each student enrolled in a public 25697
or chartered nonpublic high school shall complete two semesters or 25698
the equivalent of fine arts to graduate from high school. The 25699
coursework may be completed in any of grades seven to twelve. Each 25700
student who completes a fine arts course in grade seven or eight 25701
may elect to count that course toward the five units of electives 25702
required for graduation under division (C)(8) of this section, if 25703
the course satisfied the requirements of division (G) of this 25704
section. In that case, the high school shall award the student 25705
high school credit for the course and count the course toward the 25706
five units required under division (C)(8) of this section. If the 25707
course in grade seven or eight did not satisfy the requirements of 25708
division (G) of this section, the high school shall not award the 25709
student high school credit for the course but shall count the 25710
course toward the two semesters or the equivalent of fine arts 25711
required by this division. 25712

(L) Notwithstanding anything to the contrary in this section, 25713
the board of education of each school district and the governing 25714
authority of each chartered nonpublic school may adopt a policy to 25715
excuse from the high school physical education requirement each 25716
student who, during high school, has participated in 25717
interscholastic athletics, marching band, show choir, or 25718
cheerleading for at least two full seasons or in the junior 25719
reserve officer training corps for at least two full school years. 25720
If the board or authority adopts such a policy, the board or 25721
authority shall not require the student to complete any physical 25722
education course as a condition to graduate. However, the student 25723
shall be required to complete one-half unit, consisting of at 25724
least sixty hours of instruction, in another course of study. In 25725

the case of a student who has participated in the junior reserve officer training corps for at least two full school years, credit received for that participation may be used to satisfy the requirement to complete one-half unit in another course of study.

(M) It is important that high school students learn and understand United States history and the governments of both the United States and the state of Ohio. Therefore, beginning with students who enter ninth grade for the first time on or after July 1, 2012, the study of American history and American government required by divisions (B)(6) and (C)(6) of this section shall include the study of all of the following documents:

(1) The Declaration of Independence;

(2) The Northwest Ordinance;

(3) The Constitution of the United States with emphasis on the Bill of Rights;

(4) The Ohio Constitution.

The study of each of the documents prescribed in divisions (M)(1) to (4) of this section shall include study of that document in its original context.

The study of American history and government required by divisions (B)(6) and (C)(6) of this section shall include the historical evidence of the role of documents such as the Federalist Papers and the Anti-Federalist Papers to firmly establish the historical background leading to the establishment of the provisions of the Constitution and Bill of Rights.

(N) A student may apply one unit of instruction in computer science to satisfy one unit of mathematics or one unit of science under division (C) of this section as the student chooses, regardless of the field of certification of the teacher who teaches the course, so long as that teacher meets the licensure

requirements prescribed by section 3319.236 of the Revised Code 25756
and, prior to teaching the course, completes a professional 25757
development program determined to be appropriate by the district 25758
board. 25759

If a student applies more than one computer science course to 25760
satisfy curriculum requirements under that division, the courses 25761
shall be sequential and progressively more difficult or cover 25762
different subject areas within computer science. 25763

Sec. 3313.608. (A)(1) Beginning with students who enter third 25764
grade in the school year that starts July 1, 2009, and until June 25765
30, 2013, unless the student is excused under division (C) of 25766
section 3301.0711 of the Revised Code from taking the assessment 25767
described in this section, for any student who does not attain at 25768
least the equivalent level of achievement designated under 25769
division (A)(3) of section 3301.0710 of the Revised Code on the 25770
assessment prescribed under that section to measure skill in 25771
English language arts expected at the end of third grade, each 25772
school district, in accordance with the policy adopted under 25773
section 3313.609 of the Revised Code, shall do one of the 25774
following: 25775

(a) Promote the student to fourth grade if the student's 25776
principal and reading teacher agree that other evaluations of the 25777
student's skill in reading demonstrate that the student is 25778
academically prepared to be promoted to fourth grade; 25779

(b) Promote the student to fourth grade but provide the 25780
student with intensive intervention services in fourth grade; 25781

(c) Retain the student in third grade. 25782

(2) Beginning with students who enter third grade in the 25783
2013-2014 school year, unless the student is excused under 25784
division (C) of section 3301.0711 of the Revised Code from taking 25785

the assessment described in this section, no school district shall 25786
promote to fourth grade any student who does not attain at least 25787
the equivalent level of achievement designated under division 25788
(A)(3) of section 3301.0710 of the Revised Code on the assessment 25789
prescribed under that section to measure skill in English language 25790
arts expected at the end of third grade, unless one of the 25791
following applies: 25792

(a) The student is ~~a limited~~ an English ~~proficient student~~ 25793
learner who has been enrolled in United States schools for less 25794
than three full school years and has had less than three years of 25795
instruction in an English as a second language program. 25796

(b) The student is a child with a disability entitled to 25797
special education and related services under Chapter 3323. of the 25798
Revised Code and the student's individualized education program 25799
exempts the student from retention under this division. 25800

(c) The student demonstrates an acceptable level of 25801
performance on an alternative standardized reading assessment as 25802
determined by the department of education. 25803

(d) All of the following apply: 25804

(i) The student is a child with a disability entitled to 25805
special education and related services under Chapter 3323. of the 25806
Revised Code. 25807

(ii) The student has taken the third grade English language 25808
arts achievement assessment prescribed under section 3301.0710 of 25809
the Revised Code. 25810

(iii) The student's individualized education program or plan 25811
under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 25812
355, 29 U.S.C. 794, as amended, shows that the student has 25813
received intensive remediation in reading for two school years but 25814
still demonstrates a deficiency in reading. 25815

(iv) The student previously was retained in any of grades 25816
kindergarten to three. 25817

(e)(i) The student received intensive remediation for reading 25818
for two school years but still demonstrates a deficiency in 25819
reading and was previously retained in any of grades kindergarten 25820
to three. 25821

(ii) A student who is promoted under division (A)(2)(e)(i) of 25822
this section shall continue to receive intensive reading 25823
instruction in grade four. The instruction shall include an 25824
altered instructional day that includes specialized diagnostic 25825
information and specific research-based reading strategies for the 25826
student that have been successful in improving reading among 25827
low-performing readers. 25828

(B)(1) Beginning in the 2012-2013 school year, to assist 25829
students in meeting the third grade guarantee established by this 25830
section, each school district board of education shall adopt 25831
policies and procedures with which it annually shall assess the 25832
reading skills of each student, except those students with 25833
significant cognitive disabilities or other disabilities as 25834
authorized by the department on a case-by-case basis, enrolled in 25835
kindergarten to third grade and shall identify students who are 25836
reading below their grade level. The reading skills assessment 25837
shall be completed by the thirtieth day of September for students 25838
in grades one to three, and by the first day of November for 25839
students in kindergarten. Each district shall use the diagnostic 25840
assessment to measure reading ability for the appropriate grade 25841
level adopted under section 3301.079 of the Revised Code, or a 25842
comparable tool approved by the department of education, to 25843
identify such students. The policies and procedures shall require 25844
the students' classroom teachers to be involved in the assessment 25845
and the identification of students reading below grade level. The 25846
assessment may be administered electronically using live, two-way 25847

video and audio connections whereby the teacher administering the 25848
assessment may be in a separate location from the student. 25849

(2) For each student identified by the diagnostic assessment 25850
prescribed under this section as having reading skills below grade 25851
level, the district shall do both of the following: 25852

(a) Provide to the student's parent or guardian, in writing, 25853
all of the following: 25854

(i) Notification that the student has been identified as 25855
having a substantial deficiency in reading; 25856

(ii) A description of the current services that are provided 25857
to the student; 25858

(iii) A description of the proposed supplemental 25859
instructional services and supports that will be provided to the 25860
student that are designed to remediate the identified areas of 25861
reading deficiency; 25862

(iv) Notification that if the student attains a score in the 25863
range designated under division (A)(3) of section 3301.0710 of the 25864
Revised Code on the assessment prescribed under that section to 25865
measure skill in English language arts expected at the end of 25866
third grade, the student shall be retained unless the student is 25867
exempt under division (A) of this section. The notification shall 25868
specify that the assessment under section 3301.0710 of the Revised 25869
Code is not the sole determinant of promotion and that additional 25870
evaluations and assessments are available to the student to assist 25871
parents and the district in knowing when a student is reading at 25872
or above grade level and ready for promotion. 25873

(b) Provide intensive reading instruction services and 25874
regular diagnostic assessments to the student immediately 25875
following identification of a reading deficiency until the 25876
development of the reading improvement and monitoring plan 25877
required by division (C) of this section. These intervention 25878

services shall include research-based reading strategies that have 25879
been shown to be successful in improving reading among 25880
low-performing readers and instruction targeted at the student's 25881
identified reading deficiencies. 25882

(3) For each student retained under division (A) of this 25883
section, the district shall do all of the following: 25884

(a) Provide intense remediation services until the student is 25885
able to read at grade level. The remediation services shall 25886
include intensive interventions in reading that address the areas 25887
of deficiencies identified under this section including, but not 25888
limited to, not less than ninety minutes of reading instruction 25889
per day, and may include any of the following: 25890

(i) Small group instruction; 25891

(ii) Reduced teacher-student ratios; 25892

(iii) More frequent progress monitoring; 25893

(iv) Tutoring or mentoring; 25894

(v) Transition classes containing third and fourth grade 25895
students; 25896

(vi) Extended school day, week, or year; 25897

(vii) Summer reading camps. 25898

(b) Establish a policy for the mid-year promotion of a 25899
student retained under division (A) of this section who 25900
demonstrates that the student is reading at or above grade level; 25901

(c) Provide each student with a teacher who satisfies one or 25902
more of the criteria set forth in division (H) of this section. 25903

The district shall offer the option for students to receive 25904
applicable services from one or more providers other than the 25905
district. Providers shall be screened and approved by the district 25906
or the department of education. If the student participates in the 25907

remediation services and demonstrates reading proficiency in 25908
accordance with standards adopted by the department prior to the 25909
start of fourth grade, the district shall promote the student to 25910
that grade. 25911

(4) For each student retained under division (A) of this 25912
section who has demonstrated proficiency in a specific academic 25913
ability field, each district shall provide instruction 25914
commensurate with student achievement levels in that specific 25915
academic ability field. 25916

As used in this division, "specific academic ability field" 25917
has the same meaning as in section 3324.01 of the Revised Code. 25918

(C) For each student required to be provided intervention 25919
services under this section, the district shall develop a reading 25920
improvement and monitoring plan within sixty days after receiving 25921
the student's results on the diagnostic assessment or comparable 25922
tool administered under division (B)(1) of this section. The 25923
district shall involve the student's parent or guardian and 25924
classroom teacher in developing the plan. The plan shall include 25925
all of the following: 25926

(1) Identification of the student's specific reading 25927
deficiencies; 25928

(2) A description of the additional instructional services 25929
and support that will be provided to the student to remediate the 25930
identified reading deficiencies; 25931

(3) Opportunities for the student's parent or guardian to be 25932
involved in the instructional services and support described in 25933
division (C)(2) of this section; 25934

(4) A process for monitoring the extent to which the student 25935
receives the instructional services and support described in 25936
division (C)(2) of this section; 25937

(5) A reading curriculum during regular school hours that	25938
does all of the following:	25939
(a) Assists students to read at grade level;	25940
(b) Provides scientifically based and reliable assessment;	25941
(c) Provides initial and ongoing analysis of each student's	25942
reading progress.	25943
(6) A statement that if the student does not attain at least	25944
the equivalent level of achievement designated under division	25945
(A)(3) of section 3301.0710 of the Revised Code on the assessment	25946
prescribed under that section to measure skill in English language	25947
arts expected by the end of third grade, the student may be	25948
retained in third grade.	25949
Each student with a reading improvement and monitoring plan	25950
under this division who enters third grade after July 1, 2013,	25951
shall be assigned to a teacher who satisfies one or more of the	25952
criteria set forth in division (H) of this section.	25953
The district shall report any information requested by the	25954
department about the reading improvement monitoring plans	25955
developed under this division in the manner required by the	25956
department.	25957
(D) Each school district shall report annually to the	25958
department on its implementation and compliance with this section	25959
using guidelines prescribed by the superintendent of public	25960
instruction. The superintendent of public instruction annually	25961
shall report to the governor and general assembly the number and	25962
percentage of students in grades kindergarten through four reading	25963
below grade level based on the diagnostic assessments administered	25964
under division (B) of this section and the achievement assessments	25965
administered under divisions (A)(1)(a) and (b) of section	25966
3301.0710 of the Revised Code in English language arts, aggregated	25967
by school district and building; the types of intervention	25968

services provided to students; and, if available, an evaluation of 25969
the efficacy of the intervention services provided. 25970

(E) Any summer remediation services funded in whole or in 25971
part by the state and offered by school districts to students 25972
under this section shall meet the following conditions: 25973

(1) The remediation methods are based on reliable educational 25974
research. 25975

(2) The school districts conduct assessment before and after 25976
students participate in the program to facilitate monitoring 25977
results of the remediation services. 25978

(3) The parents of participating students are involved in 25979
programming decisions. 25980

(F) Any intervention or remediation services required by this 25981
section shall include intensive, explicit, and systematic 25982
instruction. 25983

(G) This section does not create a new cause of action or a 25984
substantive legal right for any person. 25985

(H)(1) Except as provided under divisions (H)(2), (3), and 25986
(4) of this section, each student described in division (B)(3) or 25987
(C) of this section who enters third grade for the first time on 25988
or after July 1, 2013, shall be assigned a teacher who has at 25989
least one year of teaching experience and who satisfies one or 25990
more of the following criteria: 25991

(a) The teacher holds a reading endorsement on the teacher's 25992
license and has attained a passing score on the corresponding 25993
assessment for that endorsement, as applicable. 25994

(b) The teacher has completed a master's degree program with 25995
a major in reading. 25996

(c) The teacher was rated "most effective" for reading 25997
instruction consecutively for the most recent two years based on 25998

assessments of student growth measures developed by a vendor and 25999
that is on the list of student assessments approved by the state 26000
board under division (B)(2) of section 3319.112 of the Revised 26001
Code. 26002

(d) The teacher was rated "above expected value added," in 26003
reading instruction, as determined by criteria established by the 26004
department, for the most recent, consecutive two years. 26005

(e) The teacher has earned a passing score on a rigorous test 26006
of principles of scientifically research-based reading instruction 26007
as approved by the state board. 26008

(f) The teacher holds an educator license for teaching grades 26009
pre-kindergarten through three or four through nine issued on or 26010
after July 1, 2017. 26011

(2) Notwithstanding division (H)(1) of this section, a 26012
student described in division (B)(3) or (C) of this section who 26013
enters third grade for the first time on or after July 1, 2013, 26014
may be assigned to a teacher with less than one year of teaching 26015
experience provided that the teacher meets one or more of the 26016
criteria described in divisions (H)(1)(a) to (f) of this section 26017
and that teacher is assigned a teacher mentor who meets the 26018
qualifications of division (H)(1) of this section. 26019

(3) Notwithstanding division (H)(1) of this section, a 26020
student described in division (B)(3) or (C) of this section who 26021
enters third grade for the first time on or after July 1, 2013, 26022
but prior to July 1, 2016, may be assigned to a teacher who holds 26023
an alternative credential approved by the department or who has 26024
successfully completed training that is based on principles of 26025
scientifically research-based reading instruction that has been 26026
approved by the department. Beginning on July 1, 2014, the 26027
alternative credentials and training described in division (H)(3) 26028
of this section shall be aligned with the reading competencies 26029

adopted by the state board of education under section 3301.077 of the Revised Code. 26030
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(4) Notwithstanding division (H)(1) of this section, a student described in division (B)(3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, may receive reading intervention or remediation services under this section from an individual employed as a speech-language pathologist who holds a license issued by the state speech and hearing professionals board under Chapter 4753. of the Revised Code and a professional pupil services license as a school speech-language pathologist issued by the state board of education. 26032
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(5) A teacher, other than a student's teacher of record, may provide any services required under this section, so long as that other teacher meets the requirements of division (H) of this section and the teacher of record and the school principal agree to the assignment. Any such assignment shall be documented in the student's reading improvement and monitoring plan. 26042
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As used in this division, "teacher of record" means the classroom teacher to whom a student is assigned. 26048
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(I) Notwithstanding division (H) of this section, a teacher may teach reading to any student who is an English language learner, and has been in the United States for three years or less, or to a student who has an individualized education program developed under Chapter 3323. of the Revised Code if that teacher holds an alternative credential approved by the department or has successfully completed training that is based on principles of scientifically research-based reading instruction that has been approved by the department. Beginning on July 1, 2014, the alternative credentials and training described in this division shall be aligned with the reading competencies adopted by the state board of education under section 3301.077 of the Revised 26050
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Code. 26062

(J) If, on or after June 4, 2013, a school district or 26063
community school cannot furnish the number of teachers needed who 26064
satisfy one or more of the criteria set forth in division (H) of 26065
this section for the 2013-2014 school year, the school district or 26066
community school shall develop and submit a staffing plan by June 26067
30, 2013. The staffing plan shall include criteria that will be 26068
used to assign a student described in division (B)(3) or (C) of 26069
this section to a teacher, credentials or training held by 26070
teachers currently teaching at the school, and how the school 26071
district or community school will meet the requirements of this 26072
section. The school district or community school shall post the 26073
staffing plan on its web site for the applicable school year. 26074

Not later than March 1, 2014, and on the first day of March 26075
in each year thereafter, a school district or community school 26076
that has submitted a plan under this division shall submit to the 26077
department a detailed report of the progress the district or 26078
school has made in meeting the requirements under this section. 26079

A school district or community school may request an 26080
extension of a staffing plan beyond the 2013-2014 school year. 26081
Extension requests must be submitted to the department not later 26082
than the thirtieth day of April prior to the start of the 26083
applicable school year. The department may grant extensions valid 26084
through the 2015-2016 school year. 26085

Until June 30, 2015, the department annually shall review all 26086
staffing plans and report to the state board not later than the 26087
thirtieth day of June of each year the progress of school 26088
districts and community schools in meeting the requirements of 26089
this section. 26090

(K) The department of education shall designate one or more 26091
staff members to provide guidance and assistance to school 26092

districts and community schools in implementing the third grade 26093
guarantee established by this section, including any standards or 26094
requirements adopted to implement the guarantee and to provide 26095
information and support for reading instruction and achievement. 26096

Sec. 3313.6024. (A) Annually, beginning in the 2019-2020 26097
school year, each school district shall report to the department 26098
of education, in the manner prescribed by the department, the 26099
types of prevention-focused programs, services, and supports used 26100
to assist students in developing the knowledge and skills to 26101
engage in healthy behaviors and decision-making and to increase 26102
their awareness of the dangers and consequences of risky 26103
behaviors, including substance abuse, suicide, bullying, and other 26104
harmful behaviors. The district shall report the following 26105
information regarding such programs, services, and supports for 26106
each building operated by the district and for each of grades 26107
kindergarten through twelve served by the building: 26108

(1) Curriculum and instruction provided during the school 26109
day; 26110

(2) Programs and supports provided outside of the classroom 26111
or outside of the school day; 26112

(3) Professional development for teachers, administrators, 26113
and other staff; 26114

(4) Partnerships with community coalitions and organizations 26115
to provide prevention services and resources to students and their 26116
families; 26117

(5) School efforts to engage parents and the community; 26118

(6) Activities designed to communicate with and learn from 26119
other schools or professionals with expertise in prevention 26120
education. 26121

(B) The department may use information reported under this 26122

section, and any other information collected by the department 26123
pursuant to law, as a factor in the distribution of any funding 26124
available for prevention-focused programs, services, and supports. 26125

Sec. 3313.61. (A) A diploma shall be granted by the board of 26126
education of any city, exempted village, or local school district 26127
that operates a high school to any person to whom all of the 26128
following apply: 26129

(1) The person has successfully completed the curriculum in 26130
any high school or the individualized education program developed 26131
for the person by any high school pursuant to section 3323.08 of 26132
the Revised Code, or has qualified under division (D) or (F) of 26133
section 3313.603 of the Revised Code, provided that no school 26134
district shall require a student to remain in school for any 26135
specific number of semesters or other terms if the student 26136
completes the required curriculum early; 26137

(2) Subject to section 3313.614 of the Revised Code, the 26138
person has met the assessment requirements of division (A)(2)(a) 26139
or (b) of this section, as applicable. 26140

(a) If the person entered the ninth grade prior to July 1, 26141
2014, the person either: 26142

(i) Has attained at least the applicable scores designated 26143
under division (B)(1) of section 3301.0710 of the Revised Code on 26144
all the assessments required by that division unless the person 26145
was excused from taking any such assessment pursuant to section 26146
3313.532 of the Revised Code or unless division (H) or (L) of this 26147
section applies to the person; 26148

(ii) Has satisfied the alternative conditions prescribed in 26149
section 3313.615 of the Revised Code. 26150

(b) If the person entered the ninth grade on or after July 1, 26151
2014, the person has met the requirement prescribed by section 26152

3313.618 of the Revised Code, except to the extent that the person 26153
is excused from an assessment prescribed by that section pursuant 26154
to section 3313.532 of the Revised Code or division (H) or (L) of 26155
this section. 26156

(3) The person is not eligible to receive an honors diploma 26157
granted pursuant to division (B) of this section. 26158

Except as provided in divisions (C), (E), (J), and (L) of 26159
this section, no diploma shall be granted under this division to 26160
anyone except as provided under this division. 26161

(B) In lieu of a diploma granted under division (A) of this 26162
section, an honors diploma shall be granted, in accordance with 26163
rules of the state board, by any such district board to anyone who 26164
accomplishes all of the following: 26165

(1) Successfully completes the curriculum in any high school 26166
or the individualized education program developed for the person 26167
by any high school pursuant to section 3323.08 of the Revised 26168
Code; 26169

(2) Subject to section 3313.614 of the Revised Code, has met 26170
the assessment requirements of division (B)(2)(a) or (b) of this 26171
section, as applicable. 26172

(a) If the person entered the ninth grade prior to July 1, 26173
2014, the person either: 26174

(i) Has attained at least the applicable scores designated 26175
under division (B)(1) of section 3301.0710 of the Revised Code on 26176
all the assessments required by that division; 26177

(ii) Has satisfied the alternative conditions prescribed in 26178
section 3313.615 of the Revised Code. 26179

(b) If the person entered the ninth grade on or after July 1, 26180
2014, the person has met the requirement prescribed under section 26181
3313.618 of the Revised Code. 26182

(3) Has met additional criteria established by the state 26183
board for the granting of such a diploma. 26184

An honors diploma shall not be granted to a student who is 26185
subject to the requirements prescribed in division (C) of section 26186
3313.603 of the Revised Code but elects the option of division (D) 26187
or (F) of that section. Except as provided in divisions (C), (E), 26188
and (J) of this section, no honors diploma shall be granted to 26189
anyone failing to comply with this division and no more than one 26190
honors diploma shall be granted to any student under this 26191
division. 26192

The state board shall adopt rules prescribing the granting of 26193
honors diplomas under this division. These rules may prescribe the 26194
granting of honors diplomas that recognize a student's achievement 26195
as a whole or that recognize a student's achievement in one or 26196
more specific subjects or both. The rules may prescribe the 26197
granting of an honors diploma recognizing technical expertise for 26198
a career-technical student. In any case, the rules shall designate 26199
two or more criteria for the granting of each type of honors 26200
diploma the board establishes under this division and the number 26201
of such criteria that must be met for the granting of that type of 26202
diploma. The number of such criteria for any type of honors 26203
diploma shall be at least one less than the total number of 26204
criteria designated for that type and no one or more particular 26205
criteria shall be required of all persons who are to be granted 26206
that type of diploma. 26207

(C) Any district board administering any of the assessments 26208
required by section 3301.0710 of the Revised Code to any person 26209
requesting to take such assessment pursuant to division (B)(8)(b) 26210
of section 3301.0711 of the Revised Code shall award a diploma to 26211
such person if the person attains at least the applicable scores 26212
designated under division (B)(1) of section 3301.0710 of the 26213
Revised Code on all the assessments administered and if the person 26214

has previously attained the applicable scores on all the other 26215
assessments required by division (B)(1) of that section or has 26216
been exempted or excused from attaining the applicable score on 26217
any such assessment pursuant to division (H) or (L) of this 26218
section or from taking any such assessment pursuant to section 26219
3313.532 of the Revised Code. 26220

(D) Each diploma awarded under this section shall be signed 26221
by the president and treasurer of the issuing board, the 26222
superintendent of schools, and the principal of the high school. 26223
Each diploma shall bear the date of its issue, be in such form as 26224
the district board prescribes, and be paid for out of the 26225
district's general fund. 26226

(E) A person who is a resident of Ohio and is eligible under 26227
state board of education minimum standards to receive a high 26228
school diploma based in whole or in part on credits earned while 26229
an inmate of a correctional institution operated by the state or 26230
any political subdivision thereof, shall be granted such diploma 26231
by the correctional institution operating the programs in which 26232
such credits were earned, and by the board of education of the 26233
school district in which the inmate resided immediately prior to 26234
the inmate's placement in the institution. The diploma granted by 26235
the correctional institution shall be signed by the director of 26236
the institution, and by the person serving as principal of the 26237
institution's high school and shall bear the date of issue. 26238

(F) Persons who are not residents of Ohio but who are inmates 26239
of correctional institutions operated by the state or any 26240
political subdivision thereof, and who are eligible under state 26241
board of education minimum standards to receive a high school 26242
diploma based in whole or in part on credits earned while an 26243
inmate of the correctional institution, shall be granted a diploma 26244
by the correctional institution offering the program in which the 26245
credits were earned. The diploma granted by the correctional 26246

institution shall be signed by the director of the institution and 26247
by the person serving as principal of the institution's high 26248
school and shall bear the date of issue. 26249

(G) The state board of education shall provide by rule for 26250
the administration of the assessments required by sections 26251
3301.0710 and 3301.0712 of the Revised Code to inmates of 26252
correctional institutions. 26253

(H) Any person to whom all of the following apply shall be 26254
exempted from attaining the applicable score on the assessment in 26255
social studies designated under division (B)(1) of section 26256
3301.0710 of the Revised Code, any American history end-of-course 26257
examination and any American government end-of-course examination 26258
required under division (B) of section 3301.0712 of the Revised 26259
Code if such an exemption is prescribed by rule of the state board 26260
under division (D)(3) of section 3301.0712 of the Revised Code, or 26261
the test in citizenship designated under former division (B) of 26262
section 3301.0710 of the Revised Code as it existed prior to 26263
September 11, 2001: 26264

(1) The person is not a citizen of the United States; 26265

(2) The person is not a permanent resident of the United 26266
States; 26267

(3) The person indicates no intention to reside in the United 26268
States after the completion of high school. 26269

(I) Notwithstanding division (D) of section 3311.19 and 26270
division (D) of section 3311.52 of the Revised Code, this section 26271
and section 3313.611 of the Revised Code do not apply to the board 26272
of education of any joint vocational school district or any 26273
cooperative education school district established pursuant to 26274
divisions (A) to (C) of section 3311.52 of the Revised Code. 26275

(J) Upon receipt of a notice under division (D) of section 26276
3325.08 or division (D) of section 3328.25 of the Revised Code 26277

that a student has received a diploma under either section, the 26278
board of education receiving the notice may grant a high school 26279
diploma under this section to the student, except that such board 26280
shall grant the student a diploma if the student meets the 26281
graduation requirements that the student would otherwise have had 26282
to meet to receive a diploma from the district. The diploma 26283
granted under this section shall be of the same type the notice 26284
indicates the student received under section 3325.08 or 3328.25 of 26285
the Revised Code. 26286

(K) As used in this division, "~~limited English proficient~~ 26287
~~student learner~~" has the same meaning as in division (C)(3) of 26288
section 3301.0711 of the Revised Code. 26289

Notwithstanding division (C)(3) of section 3301.0711 of the 26290
Revised Code, no ~~limited English proficient student learner~~ who 26291
has not either attained the applicable scores designated under 26292
division (B)(1) of section 3301.0710 of the Revised Code on all 26293
the assessments required by that division, or met the requirement 26294
prescribed by section 3313.618 of the Revised Code, shall be 26295
awarded a diploma under this section. 26296

(L) Any student described by division (A)(1) of this section 26297
may be awarded a diploma without meeting the requirement 26298
prescribed by section 3313.618 of the Revised Code provided an 26299
individualized education program specifically exempts the student 26300
from meeting such requirement. This division does not negate the 26301
requirement for a student to take the assessments prescribed by 26302
section 3301.0710 or under division (B) of section 3301.0712 of 26303
the Revised Code, or alternate assessments required by division 26304
(C)(1) of section 3301.0711 of the Revised Code, for the purpose 26305
of assessing student progress as required by federal law. 26306

Sec. 3313.611. (A) The state board of education shall adopt, 26307
by rule, standards for awarding high school credit equivalent to 26308

credit for completion of high school academic and vocational 26309
education courses to applicants for diplomas under this section. 26310
The standards may permit high school credit to be granted to an 26311
applicant for any of the following: 26312

(1) Work experiences or experiences as a volunteer; 26313

(2) Completion of academic, vocational, or self-improvement 26314
courses offered to persons over the age of twenty-one by a 26315
chartered public or nonpublic school; 26316

(3) Completion of academic, vocational, or self-improvement 26317
courses offered by an organization, individual, or educational 26318
institution other than a chartered public or nonpublic school; 26319

(4) Other life experiences considered by the board to provide 26320
knowledge and learning experiences comparable to that gained in a 26321
classroom setting. 26322

(B) The board of education of any city, exempted village, or 26323
local school district that operates a high school shall grant a 26324
diploma of adult education to any applicant if all of the 26325
following apply: 26326

(1) The applicant is a resident of the district; 26327

(2) The applicant is over the age of twenty-one and has not 26328
been issued a diploma as provided in section 3313.61 of the 26329
Revised Code; 26330

(3) Subject to section 3313.614 of the Revised Code, the 26331
applicant has met the assessment requirements of division 26332
(B)(3)(a) or (b) of this section, as applicable. 26333

(a) Prior to July 1, 2014, the applicant either: 26334

(i) Has attained the applicable scores designated under 26335
division (B)(1) of section 3301.0710 of the Revised Code on all of 26336
the assessments required by that division or was excused or 26337
exempted from any such assessment pursuant to section 3313.532 or 26338

was exempted from attaining the applicable score on any such 26339
assessment pursuant to division (H) or (L) of section 3313.61 of 26340
the Revised Code; 26341

(ii) Has satisfied the alternative conditions prescribed in 26342
section 3313.615 of the Revised Code. 26343

(b) On or after July 1, 2014, has met the requirement 26344
prescribed by section 3313.618 of the Revised Code, except and 26345
only to the extent that the applicant is excused from some portion 26346
of that section pursuant to section 3313.532 of the Revised Code 26347
or division (H) or (L) of section 3313.61 of the Revised Code. 26348

(4) The district board determines, in accordance with the 26349
standards adopted under division (A) of this section, that the 26350
applicant has attained sufficient high school credits, including 26351
equivalent credits awarded under such standards, to qualify as 26352
having successfully completed the curriculum required by the 26353
district for graduation. 26354

(C) If a district board determines that an applicant is not 26355
eligible for a diploma under division (B) of this section, it 26356
shall inform the applicant of the reason the applicant is 26357
ineligible and shall provide a list of any courses required for 26358
the diploma for which the applicant has not received credit. An 26359
applicant may reapply for a diploma under this section at any 26360
time. 26361

(D) If a district board awards an adult education diploma 26362
under this section, the president and treasurer of the board and 26363
the superintendent of schools shall sign it. Each diploma shall 26364
bear the date of its issuance, be in such form as the district 26365
board prescribes, and be paid for from the district's general 26366
fund, except that the state board may by rule prescribe standard 26367
language to be included on each diploma. 26368

(E) As used in this division, "~~limited~~ English ~~proficient~~ 26369

~~student~~ learner" has the same meaning as in division (C)(3) of 26370
section 3301.0711 of the Revised Code. 26371

Notwithstanding division (C)(3) of section 3301.0711 of the 26372
Revised Code, no ~~limited~~ English ~~proficient~~ ~~student~~ learner who 26373
has not either attained the applicable scores designated under 26374
division (B)(1) of section 3301.0710 of the Revised Code on all 26375
the assessments required by that division, or has not met the 26376
requirement prescribed by section 3313.618 of the Revised Code, 26377
shall be awarded a diploma under this section. 26378

Sec. 3313.612. (A) No nonpublic school chartered by the state 26379
board of education shall grant a high school diploma to any person 26380
unless, subject to section 3313.614 of the Revised Code, the 26381
person has met the assessment requirements of division (A)(1) or 26382
(2) of this section, as applicable. 26383

(1) If the person entered the ninth grade prior to July 1, 26384
2014, the person has attained at least the applicable scores 26385
designated under division (B)(1) of section 3301.0710 of the 26386
Revised Code on all the assessments required by that division, or 26387
has satisfied the alternative conditions prescribed in section 26388
3313.615 of the Revised Code. 26389

(2) If the person entered the ninth grade on or after July 1, 26390
2014, the person has met the requirement prescribed by section 26391
3313.618 or 3313.619 of the Revised Code. 26392

(B) This section does not apply to any of the following: 26393

(1) Any person with regard to any assessment from which the 26394
person was excused pursuant to division (C)(1)(c) of section 26395
3301.0711 of the Revised Code; 26396

(2) Except as provided in division (B)(4) of this section, 26397
any person who attends a nonpublic school accredited through the 26398
independent schools association of the central states, except for 26399

a student attending the school under a state scholarship program 26400
as defined in section 3301.0711 of the Revised Code; 26401

(3) Any person with regard to the social studies assessment 26402
under division (B)(1) of section 3301.0710 of the Revised Code, 26403
any American history end-of-course examination and any American 26404
government end-of-course examination required under division (B) 26405
of section 3301.0712 of the Revised Code if such an exemption is 26406
prescribed by rule of the state board of education under division 26407
(D)(3) of section 3301.0712 of the Revised Code, or the 26408
citizenship test under former division (B) of section 3301.0710 of 26409
the Revised Code as it existed prior to September 11, 2001, if all 26410
of the following apply: 26411

(a) The person is not a citizen of the United States; 26412

(b) The person is not a permanent resident of the United 26413
States; 26414

(c) The person indicates no intention to reside in the United 26415
States after completion of high school. 26416

(4) Any person who attends a chartered nonpublic school that 26417
satisfies the requirements of division (L)(4) of section 3301.0711 26418
of the Revised Code. In the case of such a student, the student's 26419
chartered nonpublic school shall determine the student's 26420
eligibility for graduation based on the standards of the school's 26421
accrediting body. 26422

(C) As used in this division, "~~limited English proficient~~ 26423
~~student~~ learner" has the same meaning as in division (C)(3) of 26424
section 3301.0711 of the Revised Code. 26425

Notwithstanding division (C)(3) of section 3301.0711 of the 26426
Revised Code, no ~~limited English proficient student~~ learner who 26427
has not either attained the applicable scores designated under 26428
division (B)(1) of section 3301.0710 of the Revised Code on all 26429
the assessments required by that division, or met the requirement 26430

prescribed by section 3313.618 or 3313.619 of the Revised Code, 26431
shall be awarded a diploma under this section. 26432

(D) The state board shall not impose additional requirements 26433
or assessments for the granting of a high school diploma under 26434
this section that are not prescribed by this section. 26435

(E) The department of education shall furnish the assessment 26436
administered by a nonpublic school pursuant to division (B)(1) of 26437
section 3301.0712 of the Revised Code. 26438

Sec. 3313.618. (A) In addition to the applicable curriculum 26439
requirements, each student entering ninth grade for the first time 26440
on or after July 1, 2014, shall satisfy at least one of the 26441
following conditions in order to qualify for a high school 26442
diploma: 26443

(1) Be remediation-free, in accordance with standards adopted 26444
under division (F) of section 3345.061 of the Revised Code, on 26445
each of the nationally standardized assessments in English, 26446
mathematics, and reading; 26447

(2) Attain a score specified under division (B)(5)(c) of 26448
section 3301.0712 of the Revised Code on the end-of-course 26449
examinations prescribed under division (B) of section 3301.0712 of 26450
the Revised Code. 26451

(3) Attain a score that demonstrates workforce readiness and 26452
employability on a nationally recognized job skills assessment 26453
selected by the state board of education under division (G) of 26454
section 3301.0712 of the Revised Code and obtain either an 26455
industry-recognized credential, ~~as described under division~~ 26456
~~(B)(2)(d) of section 3302.03 of the Revised Code,~~ or a license 26457
issued by a state agency or board for practice in a vocation that 26458
requires an examination for issuance of that license. 26459

The Subject to section 3313.912 of the Revised Code, the 26460

industry-recognized credentials and licenses shall be as approved 26461
under section 3313.6113 of the Revised Code. 26462

A student may choose to qualify for a high school diploma by 26463
satisfying any of the separate requirements prescribed by 26464
divisions (A)(1) to (3) of this section. If the student's school 26465
district or school does not administer the examination prescribed 26466
by one of those divisions that the student chooses to take to 26467
satisfy the requirements of this section, the school district or 26468
school may require that student to arrange for the applicable 26469
scores to be sent directly to the district or school by the 26470
company or organization that administers the examination. 26471

(B) The state board of education shall not create or require 26472
any additional assessment for the granting of any type of high 26473
school diploma other than as prescribed by this section. Except as 26474
provided in sections 3313.6111 and 3313.6112 of the Revised Code, 26475
the state board or the superintendent of public instruction shall 26476
not create any endorsement or designation that may be affiliated 26477
with a high school diploma. 26478

Sec. 3313.813. (A) As used in this section: 26479

(1) "Outdoor education center" means a public or nonprofit 26480
private entity that provides to pupils enrolled in any public or 26481
chartered nonpublic elementary or secondary school an outdoor 26482
educational curriculum that the school considers to be part of its 26483
educational program. 26484

(2) "Outside-school-hours care center" has the meaning 26485
established in 7 C.F.R. 226.2. 26486

(B) The state board of education shall establish standards 26487
for a school lunch program, school breakfast program, child and 26488
adult care food program, special food service program for 26489
children, summer food service program for children, special milk 26490

program for children, food service equipment assistance program, 26491
and commodity distribution program established under the "National 26492
School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as 26493
amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 42 26494
U.S.C. 1771, as amended. Any board of education of a school 26495
district, nonprofit private school, outdoor education center, 26496
child care institution, outside-school-hours care center, or 26497
summer camp desiring to participate in such a program or required 26498
to participate under this section shall, if eligible to 26499
participate under the "National School Lunch Act," as amended, or 26500
the "Child Nutrition Act of 1966," as amended, make application to 26501
the stateboard of education for assistance. The board shall 26502
administer the allocation and distribution of all state and 26503
federal funds for these programs. 26504

(C) The state board of education shall require the board of 26505
education of each school district to establish and maintain a 26506
school breakfast, lunch, and summer food service program pursuant 26507
to the "National School Lunch Act" and the "Child Nutrition Act of 26508
1966," as described in divisions (C)(1) to (4) of this section. 26509

(1) The state board shall require the board of education in 26510
each school district to establish a breakfast program in every 26511
school where at least one-fifth of the pupils in the school are 26512
eligible under federal requirements for free breakfasts and to 26513
establish a lunch program in every school where at least one-fifth 26514
of the pupils are eligible for free lunches. The board of 26515
education required to establish a breakfast program under this 26516
division may make a charge in accordance with federal requirements 26517
for each reduced price breakfast or paid breakfast to cover the 26518
cost incurred in providing that meal. 26519

(2) The state board shall require the board of education in 26520
each school district to establish a breakfast program in every 26521
school in which the parents of at least one-half of the children 26522

enrolled in the school have requested that the breakfast program 26523
be established. The board of education required to establish a 26524
program under this division may make a charge in accordance with 26525
federal requirements for each meal to cover all or part of the 26526
costs incurred in establishing such a program. 26527

A breakfast program established under division (C)(1) or (2) 26528
of this section shall be operated in accordance with section 26529
3313.818 of the Revised Code in any school meeting the conditions 26530
prescribed by that section. 26531

(3) The state board shall require the board of education in 26532
each school district to establish one of the following for summer 26533
intervention services described in division (D) of section 26534
3301.0711 or provided under section 3313.608 of the Revised Code, 26535
and any other summer intervention program required by law: 26536

(a) An extension of the school breakfast program pursuant to 26537
the "National School Lunch Act" and the "Child Nutrition Act of 26538
1966"; 26539

(b) An extension of the school lunch program pursuant to 26540
those acts; 26541

(c) A summer food service program pursuant to those acts. 26542

(4)(a) If the board of education of a school district 26543
determines that, for financial reasons, it cannot comply with 26544
division (C)(1) or (3) of this section, the district board may 26545
choose not to comply with either or both divisions, except as 26546
provided in divisions (C)(4)(b) and (c) of this section. The 26547
district board publicly shall communicate to the residents of the 26548
district, in the manner it determines appropriate, its decision 26549
not to comply. 26550

(b) If a district board chooses not to comply with division 26551
(C)(1) of this section, the state board nevertheless shall require 26552
the district board to establish a breakfast program in every 26553

school where at least one-third of the pupils in the school are 26554
eligible under federal requirements for free breakfasts and to 26555
establish a lunch program in every school where at least one-third 26556
of the pupils are eligible for free lunches. The district board 26557
may make a charge in accordance with federal requirements for each 26558
reduced price breakfast or paid breakfast to cover the cost 26559
incurred in providing that meal. 26560

(c) If the board of education of a school district chooses 26561
not to comply with division (C)(3) of this section, the state 26562
board nevertheless shall require the district board to permit an 26563
approved summer food service program sponsor to use school 26564
facilities located in a school building attendance area where at 26565
least one-half of the pupils are eligible for free lunches. 26566

The department of education shall post in a prominent 26567
location on the department's web site a list of approved summer 26568
food service program sponsors that may use school facilities under 26569
this division. 26570

Subject to the provisions of sections 3313.75 and 3313.77 of 26571
the Revised Code, a school district may charge the summer food 26572
service program sponsor a reasonable fee for the use of school 26573
facilities that may include the actual cost of custodial services, 26574
charges for the use of school equipment, and a prorated share of 26575
the utility costs as determined by the district board. A school 26576
district shall require the summer food service program sponsor to 26577
indemnify and hold harmless the district from any potential 26578
liability resulting from the operation of the summer food service 26579
program under this division. For this purpose, the district shall 26580
either add the summer food service program sponsor, as an 26581
additional insured party, to the district's existing liability 26582
insurance policy or require the summer food service program 26583
sponsor to submit evidence of a separate liability insurance 26584
policy, for an amount approved by the district board. The summer 26585

food service program sponsor shall be responsible for any costs 26586
incurred in obtaining coverage under either option. 26587

(d) If a school district cannot for good cause comply with 26588
the requirements of division (C)(2) or (4)(b) or (c) of this 26589
section at the time the state board determines that a district is 26590
subject to these requirements, the state board shall grant a 26591
reasonable extension of time. Good cause for an extension of time 26592
shall include, but need not be limited to, economic impossibility 26593
of compliance with the requirements at the time the state board 26594
determines that a district is subject to them. 26595

(D)(1) The state board shall accept the application of any 26596
outdoor education center in the state making application for 26597
participation in a program pursuant to division (B) of this 26598
section. 26599

(2) For purposes of participation in any program pursuant to 26600
this section, the board shall certify any outdoor education center 26601
making application as an educational unit that is part of the 26602
educational system of the state, if the center: 26603

(a) Meets the definition of an outdoor education center; 26604

(b) Provides its outdoor education curriculum to pupils on an 26605
overnight basis so that pupils are in residence at the center for 26606
more than twenty-four consecutive hours; 26607

(c) Operates under public or nonprofit private ownership in a 26608
single building or complex of buildings. 26609

(3) The board shall approve any outdoor education center 26610
certified under this division for participation in the program for 26611
which the center is making application on the same basis as any 26612
other applicant for that program. 26613

(E) Any school district board of education or chartered 26614
nonpublic school that participates in a breakfast program pursuant 26615

to this section may offer breakfast to pupils in their classrooms 26616
during the school day. However, any school that is subject to 26617
section 3313.818 of the Revised Code shall offer breakfast to 26618
pupils in accordance with that section. 26619

(F) Notwithstanding anything in this section to the contrary, 26620
in each fiscal year in which the general assembly appropriates 26621
funds for purposes of this division, the board of education of 26622
each school district and each chartered nonpublic school that 26623
participates in a breakfast program pursuant to this section shall 26624
provide a breakfast free of charge to each pupil who is eligible 26625
under federal requirements for a reduced price breakfast. 26626

Sec. 3313.818. (A)(1) The department of education shall 26627
establish a program under which public schools that meet the 26628
conditions prescribed in this section shall offer breakfast to all 26629
students during the school day. Each of the following shall apply: 26630

(a) In the first school year after the effective date of this 26631
section, the program shall apply to any public school in which 26632
seventy per cent or more of the students enrolled in the school 26633
during the previous school year were eligible under federal 26634
requirements for free or reduced-price breakfasts or lunches. 26635

(b) In the second school year after the effective date of 26636
this section, the program shall apply to any public school in 26637
which sixty per cent or more of the students enrolled in the 26638
school during the previous school year were eligible under federal 26639
requirements for free or reduced-price breakfasts or lunches. 26640

(c) In the third school year after the enactment date of this 26641
section and every school year thereafter, the program shall apply 26642
to any public school in which fifty per cent or more of the 26643
students enrolled in the school during the previous school year 26644
were eligible under federal requirements for free or reduced-price 26645
breakfasts or lunches. 26646

(2) In each school that meets the standards prescribed in 26647
division (A)(1) of this section, efforts shall be made to increase 26648
student participation in that school's breakfast program to at 26649
least seventy per cent of the school's free or reduced-price lunch 26650
participation rate. 26651

(3) The district superintendent or building principal, in 26652
consultation with the building staff, shall determine the model 26653
for serving breakfast under the program. Each breakfast served 26654
under the program shall comply with federal meal patterns and 26655
nutritional standards and with section 3313.814 of the Revised 26656
Code. A school district board of education may make a charge in 26657
accordance with federal requirements for each meal to cover all or 26658
part of the costs incurred in operating the program. 26659

(B) The department shall publish a list of public schools 26660
that meet the conditions of division (A) of this section. The 26661
department shall offer technical assistance to school districts 26662
and schools regarding the implementation of a school breakfast 26663
program that complies with this section and the submission of 26664
claims for reimbursement under the federal school breakfast 26665
program. 26666

(C)(1) The department shall monitor each school participating 26667
in the program and ensure that each participating school complies 26668
with the requirements of this section. If the department 26669
determines that a school participating in the program either has 26670
not increased the participation by all students in the program by 26671
at least ten percentage points, or less than seventy per cent of 26672
the school's students eligible for free or reduced-price lunch are 26673
not participating in the program, the department shall provide 26674
written notice of its findings to the school by the thirty-first 26675
day of May of that school year. 26676

(2) A school that receives notice from the department under 26677
division (C)(1) of this section shall, within thirty days after 26678

the start of the next school year, submit to the department a plan 26679
for increasing participation in the program. 26680

(D) Not later than the thirty-first day of December of each 26681
school year, the department shall provide statistical reports on 26682
its web site that specify the number and percentage of students 26683
participating in school breakfast programs disaggregated by school 26684
district and individual schools, including community schools, 26685
established under Chapter 3314. of the Revised Code, and STEM 26686
schools, established under Chapter 3326. of the Revised Code. 26687

(E) Not later than the thirty-first day of December of each 26688
school year, the department shall prepare a report on the 26689
implementation and effectiveness of the program established under 26690
this section and submit the report to the general assembly, in 26691
accordance with section 101.68 of the Revised Code, and to the 26692
governor. The report shall include: 26693

(1) The number of students and participation rates in the 26694
free and reduced-price breakfast programs under this section for 26695
each school building; 26696

(2) The type of breakfast model used by each school building 26697
participating in the breakfast program; 26698

(3) The number of students and participation rates in free or 26699
reduced-price lunch for each school building. 26700

Sec. 3313.843. (A) Notwithstanding division (D) of section 26701
3311.52 of the Revised Code, this section does not apply to any 26702
cooperative education school district. 26703

(B)(1) The board of education of each city, exempted village, 26704
or local school district with an average daily student enrollment 26705
of sixteen thousand or less, reported for the district on the most 26706
recent report card issued under section 3302.03 of the Revised 26707
Code, shall enter into an agreement with the governing board of an 26708

educational service center, under which the educational service 26709
center governing board will provide services to the district. 26710

(2) The board of education of a city, exempted village, or 26711
local school district with an average daily student enrollment of 26712
more than sixteen thousand may enter into an agreement with the 26713
governing board of an educational service center, under which the 26714
educational service center governing board will provide services 26715
to the district. 26716

(3) Services provided under an agreement entered into under 26717
division (B)(1) or (2) of this section shall be specified in the 26718
agreement, and may include any of the following: supervisory 26719
teachers; in-service and continuing education programs for 26720
district personnel; curriculum services; research and development 26721
programs; academic instruction for which the governing board 26722
employs teachers pursuant to section 3319.02 of the Revised Code; 26723
assistance in the provision of special accommodations and classes 26724
for students with disabilities; or any other services the district 26725
board and service center governing board agree can be better 26726
provided by the service center and are not provided under an 26727
agreement entered into under section 3313.845 of the Revised Code. 26728
Services included in the agreement shall be provided to the 26729
district in the manner specified in the agreement. The district 26730
board of education shall reimburse the educational service center 26731
governing board pursuant to division (H) of this section. 26732

(C) Any agreement entered into pursuant to this section shall 26733
be filed with the department of education by the first day of July 26734
of the school year for which the agreement is in effect. 26735

(D)(1) An agreement for services from an educational service 26736
center entered into under this section may be terminated by the 26737
school district board of education, at its option, by notifying 26738
the governing board of the service center by March 1, 2012, or by 26739
the first day of January of any odd-numbered year thereafter, that 26740

the district board intends to terminate the agreement in that 26741
year, and that termination shall be effective on the thirtieth day 26742
of June of that year. The failure of a district board to notify an 26743
educational service center of its intent to terminate an agreement 26744
by March 1, 2012, shall result in renewal of the existing 26745
agreement for the following school year. Thereafter, the failure 26746
of a district board to notify an educational service center of its 26747
intent to terminate an agreement by the first day of January of an 26748
odd-numbered year shall result in renewal of the existing 26749
agreement for the following two school years. 26750

(2) If the school district that terminates an agreement for 26751
services under division (D)(1) of this section is also subject to 26752
the requirement of division (B)(1) of this section, the district 26753
board shall enter into a new agreement with any educational 26754
service center so that the new agreement is effective on the first 26755
day of July of that same year. 26756

(3) If all moneys owed by a school district to an educational 26757
service center under an agreement for services terminated under 26758
division (D)(1) of this section have been paid in full by the 26759
effective date of the termination, the governing board of the 26760
service center shall submit an affidavit to the department 26761
certifying that fact not later than fifteen days after the 26762
termination's effective date. Notwithstanding anything in the 26763
Revised Code to the contrary, until the department receives such 26764
an affidavit, it shall not make any payments to any other 26765
educational service center with which the district enters into an 26766
agreement under this section for services that the educational 26767
service center provides to the district. 26768

(E) An educational service center may apply to any state or 26769
federal agency for competitive grants. It may also apply to any 26770
private entity for additional funds. 26771

(F) Not later than January 1, 2014, each educational service 26772

center shall post on its web site a list of all of the services 26773
that it provides and the corresponding cost for each of those 26774
services. 26775

(G)(1) For purposes of calculating any state operating 26776
subsidy to be paid to an educational service center for the 26777
operation of that service center and any services required under 26778
Title XXXVIII of the Revised Code to be provided by the service 26779
center to a school district, the service center's student count 26780
shall be the sum of the total student counts of all the school 26781
districts with which the educational service center has entered 26782
into an agreement under this section. 26783

(2) When a district enters into a new agreement with a new 26784
educational service center, the department of education shall 26785
ensure that the state operating subsidy for services provided to 26786
the district is paid to the new educational service center and 26787
that the educational service center with which the district 26788
previously had an agreement is no longer paid a state operating 26789
subsidy for providing services to that district. 26790

(H) Pursuant to division (B) of section 3317.023 of the 26791
Revised Code, the department annually shall deduct from each 26792
school district that enters into an agreement with an educational 26793
service center under this section, and pay to the service center, 26794
an amount equal to six dollars and fifty cents times the school 26795
district's total student count. The district board of education, 26796
or the district superintendent acting on behalf of the district 26797
board, may agree to pay an amount in excess of six dollars and 26798
fifty cents per student in total student count. If a majority of 26799
the boards of education, or superintendents acting on behalf of 26800
the boards, of the districts that entered into an agreement under 26801
this section approve an amount in excess of six dollars and fifty 26802
cents per student in total student count, each district shall pay 26803
the excess amount to the service center. 26804

(I)(1) An educational service center may enter into a contract to purchase supplies, materials, equipment, and services, which may include those specified in division (B) of this section or Chapter 3312. of the Revised Code, or the delivery of such services, on behalf of a school district or political subdivision that has entered into an agreement with the service center under this section or section 3313.844, 3313.845, or 3313.846 of the Revised Code.

(2) Purchases made by a school district or political subdivision that has entered into an agreement with the service center as described in this division are exempt from competitive bidding required by law for the purchase of supplies, materials, equipment, or services. No political subdivision shall make any purchase under this division when the political subdivision has received bids for such purchase, unless the same terms, conditions, and specifications at a lower price can be made for such purchase under this division.

(J) Any school district, community school, or STEM school that has entered into an agreement with an educational service center under this section or section 3313.844 or 3313.845 of the Revised Code shall be in compliance with federal law and exempt from competitive bidding requirements for personnel-based services pursuant to the authority granted to the Ohio department of education under federal law, provided the service center has met the following conditions:

(1) It is in compliance with division (F) of this section.

(2) It has been designated "high performing" under rule of the state board of education.

(3) It has been found to be substantially in compliance with audit rules and guidelines in its most recent audit by the auditor of state.

(K) For purposes of this section, a school district's "total student count" means the average daily student enrollment reported on the most recent report card issued for the district pursuant to section 3302.03 of the Revised Code. 26836
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Sec. 3313.912. (A) As used in this section, "career-technical planning district" and "lead district" have the same meanings as in section 3317.023 of the Revised Code. 26840
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(B) The business advisory committee of each career-technical planning district shall determine an appropriate point value for each industry-recognized credential approved under section 3313.6113 of the Revised Code that is offered by the career-technical planning district. The point value shall be for the purposes of attaining the number of credential points necessary to qualify for a high school diploma under division (A)(3) of section 3313.618 of the Revised Code. The business advisory committee shall submit each credential point value determined by the committee to the board of education of the lead district for approval. 26843
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(C) The district board of the lead district shall vote on each credential point value submitted by the career-technical planning district's business advisory committee. The district board may approve each credential point value by a majority vote of its members. The district board shall submit to the department of education, through either regular mail or electronic mail, a notice of an approved credential point value and a copy of the minutes of the board meeting at which the board approved the credential point value. Except as provided in division (D) of this section, an approval under this division shall take effect thirty calendar days after either the postage stamp date of the regular mail notice or the date of the electronic mail notice. 26854
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(D) The state board of education may, by a two-thirds vote of 26866

its membership, override a credential point value approval under 26867
division (C) of this section. An override shall take immediate 26868
effect if the state board vote occurs prior to the effective date 26869
of the approval prescribed under division (C) of this section. 26870
However, if the state board vote occurs after that effective date, 26871
the override shall take effect at the beginning of the following 26872
school year. 26873

(E) Both of the following shall apply to any credential point 26874
value approved under division (C) of this section: 26875

(1) The approved credential point value shall only be valid 26876
in the career-technical planning district of the lead district 26877
board of education that issued the approval. 26878

(2) The district board may revoke any approved credential 26879
point value. 26880

(F) Subject to divisions (D) and (E) of this section, each 26881
student in a career-technical planning district may use a 26882
credential point value approved under division (C) of this section 26883
for the purposes of attaining the necessary number of 26884
industry-recognized credential points to qualify for a high school 26885
diploma under division (A)(3) of section 3313.613 of the Revised 26886
Code. 26887

Sec. 3313.978. (A) Annually by the first day of November, the 26888
superintendent of public instruction shall notify the pilot 26889
project school district of the number of initial scholarships that 26890
the state superintendent will be awarding in each of grades 26891
kindergarten through twelve. 26892

The state superintendent shall provide information about the 26893
scholarship program to all students residing in the district, 26894
shall accept applications from any such students ~~until such date~~ 26895
~~as shall be established by the state superintendent as a deadline~~ 26896

~~for applications during the application periods established under~~ 26897
~~division (H) of this section,~~ and shall establish criteria for the 26898
selection of students to receive scholarships from among all those 26899
applying prior to the deadline, which criteria shall give 26900
preference to students from low-income families. The state 26901
superintendent shall notify students of their selection prior to 26902
~~the fifteenth day of January~~ a date established by the state 26903
superintendent. 26904

(1) A student receiving a pilot project scholarship may 26905
utilize it at an alternative public school by notifying the 26906
district superintendent, at any time before the beginning of the 26907
school year, of the name of the public school in an adjacent 26908
school district to which the student has been accepted pursuant to 26909
section 3327.06 of the Revised Code. 26910

(2) A student may decide to utilize a pilot project 26911
scholarship at a registered private school in the district if all 26912
of the following conditions are met: 26913

(a) By the fifteenth day of February of the preceding school 26914
year, or at any time prior to the start of the school year, the 26915
parent makes an application on behalf of the student to a 26916
registered private school. 26917

(b) The registered private school notifies the parent and the 26918
state superintendent as follows that the student has been 26919
admitted: 26920

(i) By the fifteenth day of March of the preceding school 26921
year if the student filed an application by the fifteenth day of 26922
February and was admitted by the school pursuant to division (A) 26923
of section 3313.977 of the Revised Code; 26924

(ii) Within one week of the decision to admit the student if 26925
the student is admitted pursuant to division (C) of section 26926
3313.977 of the Revised Code. 26927

(c) The student actually enrolls in the registered private 26928
school to which the student was first admitted or in another 26929
registered private school in the district or in a public school in 26930
an adjacent school district. 26931

(B) The state superintendent shall also award in any school 26932
year tutorial assistance grants to a number of students equal to 26933
the number of students who receive scholarships under division (A) 26934
of this section. Tutorial assistance grants shall be awarded 26935
solely to students who are enrolled in the public schools of the 26936
district in a grade level covered by the pilot project. Tutorial 26937
assistance grants may be used solely to obtain tutorial assistance 26938
from a provider approved pursuant to division (D) of section 26939
3313.976 of the Revised Code. 26940

All students wishing to obtain tutorial assistance grants 26941
shall make application to the state superintendent by the first 26942
day of the school year in which the assistance will be used. The 26943
state superintendent shall award assistance grants in accordance 26944
with criteria the superintendent shall establish. 26945

(C)(1) In the case of basic scholarships for students in 26946
grades kindergarten through eight, the scholarship amount shall 26947
not exceed the lesser of the net tuition charges of the 26948
alternative school the scholarship recipient attends or four 26949
thousand six hundred fifty dollars. 26950

In the case of basic scholarships for students in grades nine 26951
through twelve, the scholarship amount shall not exceed the lesser 26952
of the net tuition charges of the alternative school the 26953
scholarship recipient attends or six thousand dollars. 26954

The net tuition and fees charged to a student shall be the 26955
tuition amount specified by the alternative school minus all other 26956
financial aid, discounts, and adjustments received for the 26957
student. In cases where discounts are offered for multiple 26958

students from the same family, and not all students in the same 26959
family are scholarship recipients, the net tuition amount 26960
attributable to the scholarship recipient shall be the lowest net 26961
tuition to which the family is entitled. 26962

(2) The state superintendent shall provide for an increase in 26963
the basic scholarship amount in the case of any student who is a 26964
mainstreamed student with a disability and shall further increase 26965
such amount in the case of any separately educated student with a 26966
disability. Such increases shall take into account the 26967
instruction, related services, and transportation costs of 26968
educating such students. 26969

(3) In the case of tutorial assistance grants, the grant 26970
amount shall not exceed the lesser of the provider's actual 26971
charges for such assistance or: 26972

(a) Before fiscal year 2007, a percentage established by the 26973
state superintendent, not to exceed twenty per cent, of the amount 26974
of the pilot project school district's average basic scholarship 26975
amount; 26976

(b) In fiscal year 2007 and thereafter, four hundred dollars. 26977

(D)(1) Annually by the first day of November, the state 26978
superintendent shall estimate the maximum per-pupil scholarship 26979
amounts for the ensuing school year. The state superintendent 26980
shall make this estimate available to the general public at the 26981
offices of the district board of education together with the forms 26982
required by division (D)(2) of this section. 26983

(2) Annually by the fifteenth day of January, the chief 26984
administrator of each registered private school located in the 26985
pilot project district and the principal of each public school in 26986
such district shall complete a parental information form and 26987
forward it to the president of the board of education. The 26988
parental information form shall be prescribed by the department of 26989

education and shall provide information about the grade levels 26990
offered, the numbers of students, tuition amounts, achievement 26991
test results, and any sectarian or other organizational 26992
affiliations. 26993

(E)(1) Only for the purpose of administering the pilot 26994
project scholarship program, the department may request from any 26995
of the following entities the data verification code assigned 26996
under division (D)(2) of section 3301.0714 of the Revised Code to 26997
any student who is seeking a scholarship under the program: 26998

(a) The school district in which the student is entitled to 26999
attend school under section 3313.64 or 3313.65 of the Revised 27000
Code; 27001

(b) If applicable, the community school in which the student 27002
is enrolled; 27003

(c) The independent contractor engaged to create and maintain 27004
data verification codes. 27005

(2) Upon a request by the department under division (E)(1) of 27006
this section for the data verification code of a student seeking a 27007
scholarship or a request by the student's parent for that code, 27008
the school district or community school shall submit that code to 27009
the department or parent in the manner specified by the 27010
department. If the student has not been assigned a code, because 27011
the student will be entering kindergarten during the school year 27012
for which the scholarship is sought, the district shall assign a 27013
code to that student and submit the code to the department or 27014
parent by a date specified by the department. If the district does 27015
not assign a code to the student by the specified date, the 27016
department shall assign a code to the student. 27017

The department annually shall submit to each school district 27018
the name and data verification code of each student residing in 27019
the district who is entering kindergarten, who has been awarded a 27020

scholarship under the program, and for whom the department has 27021
assigned a code under this division. 27022

(3) The department shall not release any data verification 27023
code that it receives under division (E) of this section to any 27024
person except as provided by law. 27025

(F) Any document relative to the pilot project scholarship 27026
program that the department holds in its files that contains both 27027
a student's name or other personally identifiable information and 27028
the student's data verification code shall not be a public record 27029
under section 149.43 of the Revised Code. 27030

(G)(1) The department annually shall compile the scores 27031
attained by scholarship students enrolled in registered private 27032
schools on the assessments administered to the students pursuant 27033
to division (A)(11) of section 3313.976 of the Revised Code. The 27034
scores shall be aggregated as follows: 27035

(a) By school district, which shall include all scholarship 27036
students residing in the pilot project school district who are 27037
enrolled in a registered private school and were required to take 27038
an assessment pursuant to division (A)(11) of section 3313.976 of 27039
the Revised Code; 27040

(b) By registered private school, which shall include all 27041
scholarship students enrolled in that school who were required to 27042
take an assessment pursuant to division (A)(11) of section 27043
3313.976 of the Revised Code. 27044

(2) The department shall disaggregate the student performance 27045
data described in division (G)(1) of this section according to the 27046
following categories: 27047

(a) Grade level; 27048

(b) Race and ethnicity; 27049

(c) Gender; 27050

(d) Students who have participated in the scholarship program 27051
for three or more years; 27052

(e) Students who have participated in the scholarship program 27053
for more than one year and less than three years; 27054

(f) Students who have participated in the scholarship program 27055
for one year or less; 27056

(g) Economically disadvantaged students. 27057

(3) The department shall post the student performance data 27058
required under divisions (G)(1) and (2) of this section on its web 27059
site and shall include that data in the information about the 27060
scholarship program provided to students under division (A) of 27061
this section. In reporting student performance data under this 27062
division, the department shall not include any data that is 27063
statistically unreliable or that could result in the 27064
identification of individual students. For this purpose, the 27065
department shall not report performance data for any group that 27066
contains less than ten students. 27067

(4) The department shall provide the parent of each 27068
scholarship student enrolled in a registered private school with 27069
information comparing the student's performance on the assessments 27070
administered pursuant to division (A)(11) of section 3313.976 of 27071
the Revised Code with the average performance of similar students 27072
enrolled in the building operated by the pilot project school 27073
district that the scholarship student would otherwise attend. In 27074
calculating the performance of similar students, the department 27075
shall consider age, grade, race and ethnicity, gender, and 27076
socioeconomic status. 27077

(H)(1) Except as provided in division (H)(2) of this section, 27078
for scholarships awarded the 2020-2021 school year and for each 27079
school year thereafter, the department shall conduct two 27080
application periods each year for the pilot project scholarship 27081

program, as follows: 27082

(a) The first application period shall open not sooner than 27083
the first day of February prior to the first day of July of the 27084
school year for which a scholarship is sought and run not less 27085
than seventy-five days. 27086

(b) The second application period shall open not sooner than 27087
the first day of July of the school year for which the scholarship 27088
is sought and run not less than thirty days. 27089

(2) If the pilot scholarships awarded in the first 27090
application period for any school year use the entirety of the 27091
amount appropriated by the general assembly for such scholarships 27092
for that school year, the department need not conduct a second 27093
application period for scholarships. If, after the first 27094
application period, there are funds remaining to award, the 27095
department shall conduct a second application period in accordance 27096
with division (H)(1)(b) of this section. 27097

(3) Not later than the thirty-first day of May of each school 27098
year, the department shall determine whether funds remain 27099
available for pilot project scholarship program after the first 27100
application period. 27101

(4) For scholarships awarded for any school year prior to the 27102
2020-2021 school year, the state superintendent shall establish a 27103
deadline for a single application period. 27104

Sec. 3314.016. This section applies to any entity that 27105
sponsors a community school, regardless of whether section 27106
3314.021 or 3314.027 of the Revised Code exempts the entity from 27107
the requirement to be approved for sponsorship under divisions 27108
(A)(2) and (B)(1) of section 3314.015 of the Revised Code. The 27109
office of Ohio school sponsorship established under section 27110
3314.029 of the Revised Code shall be rated under division (B) of 27111

this section, but divisions (A) and (C) of this section do not 27112
apply to the office. 27113

(A) An entity that sponsors a community school shall be 27114
permitted to enter into contracts under section 3314.03 of the 27115
Revised Code to sponsor additional community schools only if the 27116
entity meets all of the following criteria: 27117

(1) The entity is in compliance with all provisions of this 27118
chapter requiring sponsors of community schools to report data or 27119
information to the department of education. 27120

(2) The entity is not rated as "ineffective" under division 27121
(B)(6) of this section. 27122

(3) Except as set forth in sections 3314.021 and 3314.027 of 27123
the Revised Code, the entity has received approval from and 27124
entered into an agreement with the department of education 27125
pursuant to section 3314.015 of the Revised Code. 27126

(B)(1) The department shall develop and implement an 27127
evaluation system that annually rates and assigns an overall 27128
rating to each entity that sponsors a community school. The 27129
department, not later than the first day of February of each year, 27130
shall post on the department's web site the framework for the 27131
evaluation system, including technical documentation that the 27132
department intends to use to rate sponsors for the next school 27133
year. The department shall solicit public comment on the 27134
evaluation system for thirty consecutive days. Not later than the 27135
first day of April of each year, the department shall compile and 27136
post on the department's web site all public comments that were 27137
received during the public comment period. The evaluation system 27138
shall be posted on the department's web site by the fifteenth day 27139
of July of each school year. Any changes to the evaluation system 27140
after that date shall take effect the following year. The 27141
evaluation system shall be based on the following components: 27142

(a) Academic performance of students enrolled in community schools sponsored by the same entity. The academic performance component shall be derived from the performance measures prescribed for the state report cards under section 3302.03 or 3314.017 of the Revised Code, and shall be based on the performance of the schools for the school year for which the evaluation is conducted. In addition to the academic performance for a specific school year, the academic performance component shall also include year-to-year changes in the overall sponsor portfolio. For a community school for which no graded performance measures are applicable or available, the department shall use nonreport card performance measures specified in the contract between the community school and the sponsor under division (A)(4) of section 3314.03 of the Revised Code.

(b) Adherence by a sponsor to the quality practices prescribed by the department under division (B)(3) of this section. For a sponsor that was rated "effective" or "exemplary" on its most recent rating, the department may evaluate that sponsor's adherence to quality practices once over a period of three years. If the department elects to evaluate a sponsor once over a period of three years, the most recent rating for a sponsor's adherence to quality practices shall be used when determining an annual overall rating conducted under this section.

(c) Compliance with all applicable laws and administrative rules by an entity that sponsors a community school.

(2) In calculating an academic performance component, the department shall exclude all community schools that have been in operation for not more than two full school years and all community schools described in division (A)~~(4)~~(2)(b) of section 3314.35 of the Revised Code. However, the academic performance of the community schools described in division (A)~~(4)~~(2)(b) of section 3314.35 of the Revised Code shall be reported, but shall

not be used as a factor when determining a sponsoring entity's rating under this section. 27175
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(3) The department, in consultation with entities that sponsor community schools, shall prescribe quality practices for community school sponsors and develop an instrument to measure adherence to those quality practices. The quality practices shall be based on standards developed by the national association of charter school authorizers or any other nationally organized community school organization. 27177
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(4)(a) The department may permit peer review of a sponsor's adherence to the quality practices prescribed under division (B)(3) of this section. Peer reviewers shall be limited to individuals employed by sponsors rated "effective" or "exemplary" on the most recent ratings conducted under this section. 27184
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(b) The department shall require individuals participating in peer review under division (B)(4)(a) of this section to complete training approved or established by the department. 27189
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(c) The department may enter into an agreement with another entity to provide training to individuals conducting peer review of sponsors. Prior to entering into an agreement with an entity, the department shall review and approve of the entity's training program. 27192
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(5) Not later than July 1, 2013, the state board of education shall adopt rules in accordance with Chapter 119. of the Revised Code prescribing standards for measuring compliance with applicable laws and rules under division (B)(1)(c) of this section. 27197
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(6) The department annually shall rate all entities that sponsor community schools as either "exemplary," "effective," "ineffective," or "poor," based on the components prescribed by division (B) of this section, where each component is weighted 27202
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equally. A separate rating shall be given by the department for 27206
each component of the evaluation system. 27207

The department shall publish the ratings between the first 27208
day of October and the fifteenth day of November. If the 27209
department fails to assign ratings by the fifteenth day of 27210
November, a sponsor shall be assigned the same rating for each 27211
component that it was assigned for the previous school year or an 27212
"effective" rating for all components, whichever is the higher per 27213
component rating. 27214

Prior to the publication of the final ratings, the department 27215
shall designate and provide notice of a period of at least ten 27216
business days during which each sponsor may review the information 27217
used by the department to determine the sponsor's rating on the 27218
components prescribed by ~~divisions~~ division (B)(1)(~~b~~) and (~~c~~) of 27219
this section. If the sponsor believes there is an error in the 27220
department's evaluation, the sponsor may request adjustments to 27221
the rating of ~~either~~ any of those components based on 27222
documentation previously submitted as part of an evaluation. The 27223
sponsor shall provide to the department any necessary evidence or 27224
information to support the requested adjustments. The department 27225
shall review the evidence and information, determine whether an 27226
adjustment is valid, and promptly notify the sponsor of its 27227
determination and reasons. If any adjustments to the data could 27228
result in a change to the rating on the applicable component or to 27229
the overall rating, the department shall recalculate the ratings 27230
prior to publication. 27231

The department shall provide training on an annual basis 27232
regarding the evaluation system prescribed under this section. The 27233
training shall, at a minimum, describe methodology, timelines, and 27234
data required for the evaluation system. The first training 27235
session shall occur not later than March 2, 2016. Beginning in 27236
2018, the training shall be made available to each entity that 27237

sponsors a community school by the fifteenth day of July of each 27238
year and shall include guidance on any changes made to the 27239
evaluation system. 27240

(7)(a) Entities with an overall rating of "exemplary" for at 27241
least two consecutive years may take advantage of the following 27242
incentives: 27243

(i) Renewal of the written agreement with the department, not 27244
to exceed ten years, provided that the entity consents to 27245
continued evaluation of adherence to quality practices as 27246
described in division (B)(1)(b) of this section; 27247

(ii) The ability to extend the term of the contract between 27248
the sponsoring entity and the community school beyond the term 27249
described in the written agreement with the department; 27250

(iii) An exemption from the preliminary agreement and 27251
contract adoption and execution deadline requirements prescribed 27252
in division (D) of section 3314.02 of the Revised Code; 27253

(iv) An exemption from the automatic contract expiration 27254
requirement, should a new community school fail to open by the 27255
thirtieth day of September of the calendar year in which the 27256
community school contract is executed; 27257

(v) No limit on the number of community schools the entity 27258
may sponsor; 27259

(vi) No territorial restrictions on sponsorship. 27260

An entity may continue to sponsor any community schools with 27261
which it entered into agreements under division (B)(7)(a)(v) or 27262
(vi) of this section while rated "exemplary," notwithstanding the 27263
fact that the entity later receives a lower overall rating. 27264

(b) Entities with an overall rating of "effective" for at 27265
least three consecutive years shall be evaluated by the department 27266
once every five years. 27267

(c)(i) Entities that receive an overall rating of 27268
"ineffective" shall be prohibited from sponsoring any new or 27269
additional community schools during the time in which the sponsor 27270
is rated as "ineffective" and shall be subject to a quality 27271
improvement plan based on correcting the deficiencies that led to 27272
the "ineffective" rating, with timelines and benchmarks that have 27273
been established by the department. 27274

(ii) Entities that receive an overall rating of "ineffective" 27275
on their three most recent ratings shall have all sponsorship 27276
authority revoked. Within thirty days after receiving its third 27277
rating of "ineffective," the entity may appeal the revocation of 27278
its sponsorship authority to the superintendent of public 27279
instruction, who shall appoint an independent hearing officer to 27280
conduct a hearing in accordance with Chapter 119. of the Revised 27281
Code. The hearing shall be conducted within thirty days after 27282
receipt of the notice of appeal. Within forty-five days after the 27283
hearing is completed, the state board of education shall determine 27284
whether the revocation is appropriate based on the hearing 27285
conducted by the independent hearing officer, and if determined 27286
appropriate, the revocation shall be confirmed. 27287

~~(e)~~(d) Entities that receive an overall rating of "poor" 27288
shall have all sponsorship authority revoked. Within thirty days 27289
after receiving a rating of "poor," the entity may appeal the 27290
revocation of its sponsorship authority to the superintendent of 27291
public instruction, who shall appoint an independent hearing 27292
officer to conduct a hearing in accordance with Chapter 119. of 27293
the Revised Code. The hearing shall be conducted within thirty 27294
days after receipt of the notice of appeal. Within forty-five days 27295
after the hearing is completed, the state board of education shall 27296
determine whether the revocation is appropriate based on the 27297
hearing conducted by the independent hearing officer, and if 27298
determined appropriate, the revocation shall be confirmed. 27299

(8) For the 2014-2015 school year and each school year 27300
thereafter, student academic performance prescribed under division 27301
(B)(1)(a) of this section shall include student academic 27302
performance data from community schools that primarily serve 27303
students enrolled in a dropout prevention and recovery program. 27304

(C) If the governing authority of a community school enters 27305
into a contract with a sponsor prior to the date on which the 27306
sponsor is prohibited from sponsoring additional schools under 27307
division (A) of this section and the school has not opened for 27308
operation as of that date, that contract shall be void and the 27309
school shall not open until the governing authority secures a new 27310
sponsor by entering into a contract with the new sponsor under 27311
section 3314.03 of the Revised Code. However, the department's 27312
office of Ohio school sponsorship, established under section 27313
3314.029 of the Revised Code, may assume the sponsorship of the 27314
school until the earlier of the expiration of two school years or 27315
until a new sponsor is secured by the school's governing 27316
authority. A community school sponsored by the department under 27317
this division shall not be included when calculating the maximum 27318
number of directly authorized community schools permitted under 27319
division (A)(3) of section 3314.029 of the Revised Code. 27320

(D) When an entity's authority to sponsor schools is revoked 27321
pursuant to division (B)(7)(b) or (c) of this section, the office 27322
of Ohio school sponsorship shall assume sponsorship of any schools 27323
with which the original sponsor has contracted for the remainder 27324
of that school year. The office may continue sponsoring those 27325
schools until the earlier of: 27326

(1) The expiration of two school years from the time that 27327
sponsorship is revoked; 27328

(2) When a new sponsor is secured by the governing authority 27329
pursuant to division (C)(1) of section 3314.02 of the Revised 27330
Code. 27331

Any community school sponsored under this division shall not 27332
be counted for purposes of directly authorized community schools 27333
under division (A)(3) of section 3314.029 of the Revised Code. 27334

Sec. 3314.017. (A) The state board of education shall 27335
prescribe by rules, adopted in accordance with Chapter 119. of the 27336
Revised Code, an academic performance rating and report card 27337
system that satisfies the requirements of this section for 27338
community schools that primarily serve students enrolled in 27339
dropout prevention and recovery programs as described in division 27340
(A)~~(4)~~(2)(a) of section 3314.35 of the Revised Code, to be used in 27341
lieu of the system prescribed under sections 3302.03 and 3314.012 27342
of the Revised Code beginning with the 2012-2013 school year. Each 27343
such school shall comply with the testing and reporting 27344
requirements of the system as prescribed by the state board. 27345

(B) Nothing in this section shall at any time relieve a 27346
school from its obligations under the "No Child Left Behind Act of 27347
2001" to make "adequate yearly progress," as both that act and 27348
that term are defined in section 3302.01 of the Revised Code, or a 27349
school's amenability to the provisions of section 3302.04 or 27350
3302.041 of the Revised Code. The department shall continue to 27351
report each school's performance as required by the act and to 27352
enforce applicable sanctions under section 3302.04 or 3302.041 of 27353
the Revised Code. 27354

(C) The rules adopted by the state board shall prescribe the 27355
following performance indicators for the rating and report card 27356
system required by this section: 27357

(1) Graduation rate for each of the following student 27358
cohorts: 27359

(a) The number of students who graduate in four years or less 27360
with a regular high school diploma divided by the number of 27361
students who form the adjusted cohort for the graduating class; 27362

(b) The number of students who graduate in five years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate;

(c) The number of students who graduate in six years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate;

(d) The number of students who graduate in seven years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate;

(e) The number of students who graduate in eight years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate.

(2) The percentage of twelfth-grade students currently enrolled in the school who have attained the ~~designated passing~~ cumulative performance score on ~~all of~~ the applicable state high school ~~achievement assessments~~ end-of-course examinations required under division (B)~~(1) or~~ (2) of section ~~3301.0710~~ 3301.0712 of the Revised Code and other students enrolled in the school, regardless of grade level, who are within three months of their twenty-second birthday and have attained the ~~designated passing~~ cumulative performance score on ~~all of~~ the applicable ~~state high school~~ achievement assessments end-of-course examinations by their twenty-second birthday;

(3) Annual measurable objectives as defined in section 3302.01 of the Revised Code;

(4) Growth in student achievement in reading, or mathematics, or both as measured by separate nationally norm-referenced assessments that have developed appropriate standards for students enrolled in dropout prevention and recovery programs, adopted or approved by the state board.

(D)(1) The state board's rules shall prescribe the expected

performance levels and benchmarks for each of the indicators 27394
prescribed by division (C) of this section based on the data 27395
gathered by the department under division ~~(F)~~(G) of this section. 27396
Based on a school's level of attainment or nonattainment of the 27397
expected performance levels and benchmarks for each of the 27398
indicators, the department shall rate each school in one of the 27399
following categories: 27400

- (a) Exceeds standards; 27401
- (b) Meets standards; 27402
- (c) Does not meet standards. 27403

(2) The state board's rules shall establish all of the 27404
following: 27405

- (a) Not later than June 30, 2013, performance levels and 27406
benchmarks for the indicators described in divisions (C)(1) to (3) 27407
of this section; 27408
- (b) Not later than December 31, 2014, both of the following: 27409
 - (i) Performance levels and benchmarks for the indicator 27410
described in division (C)(4) of this section; 27411
 - (ii) Standards for awarding a community school described in 27412
division (A)~~(4)~~(2)(a) of section 3314.35 of the Revised Code an 27413
overall designation, which shall be calculated as follows: 27414
 - (I) Thirty per cent of the score shall be based on the 27415
indicators described in division (C)(1) of this section that are 27416
applicable to the school year for which the overall designation is 27417
granted. 27418
 - (II) Thirty per cent of the score shall be based on the 27419
indicators described in division (C)(4) of this section. 27420
 - (III) Twenty per cent of the score shall be based on the 27421
indicators described in division (C)(2) of this section. 27422

(IV) Twenty per cent of the score shall be based on the indicators described in division (C)(3) of this section. 27423
27424

(3) If both of the indicators described in divisions (C)(1) and (2) of this section improve by ten per cent for two consecutive years, a school shall be rated not less than "meets standards." 27425
27426
27427
27428

The rating and the relevant performance data for each school shall be posted on the department's web site, and a copy of the rating and data shall be provided to the governing authority of the community school. 27429
27430
27431
27432

(E)(1) For the 2012-2013 school year, the department shall issue a report card including the following performance measures, but without a performance rating as described in divisions (D)(1)(a) to (c) of this section, for each community school described in division (A)~~(4)~~(2)(a) of section 3314.35 of the Revised Code: 27433
27434
27435
27436
27437
27438

(a) The graduation rates as described in divisions (C)(1)(a) to (c) of this section; 27439
27440

(b) The percentage of twelfth-grade students and other students who have attained a ~~designated passing~~ cumulative performance score on high school achievement assessments as described in division (C)(2) of this section; 27441
27442
27443
27444

(c) The statewide average for the graduation rates and assessment passage rates described in divisions (C)(1)(a) to (c) and (C)(2) of this section; 27445
27446
27447

(d) Annual measurable objectives described in division (C)(3) of this section. 27448
27449

(2) For the 2013-2014 school year, the department shall issue a report card including the following performance measures for each community school described in division (A)~~(4)~~(2)(a) of 27450
27451
27452

section 3314.35 of the Revised Code:	27453
(a) The graduation rates described in divisions (C)(1)(a) to (d) of this section, including a performance rating as described in divisions (D)(1)(a) to (c) of this section;	27454 27455 27456
(b) The percentage of twelfth-grade students and other students who have attained a designated passing score on high school achievement assessments as described in division (C)(2) of this section, including a performance rating as described in divisions (D)(1)(a) to (c) of this section;	27457 27458 27459 27460 27461
(c) Annual measurable objectives described in division (C)(3) of this section, including a performance rating as described in divisions (D)(1)(a) to (c) of this section;	27462 27463 27464
(d) Both of the following without an assigned rating:	27465
(i) Growth in annual student achievement in reading and mathematics described in division (C)(4) of this section, if available;	27466 27467 27468
(ii) Student outcome data, including postsecondary credit earned, nationally recognized career or technical certification, military enlistment, job placement, and attendance rate.	27469 27470 27471
(3) Beginning <u>Subject to division (I)(2) of this section,</u> <u>beginning</u> with the 2014-2015 school year, and annually thereafter, the department shall issue a report card for each community school described in division (A) (4) <u>(2)</u> (a) of section 3314.35 of the Revised Code that includes all of the following performance measures, including a performance rating for each measure as described in divisions (D)(1)(a) to (c) of this section:	27472 27473 27474 27475 27476 27477 27478
(a) The graduation rates as described in division (C)(1) of this section;	27479 27480
(b) The percentage of twelfth-grade students and other students who have attained a designated passing score on high	27481 27482

school achievement assessments as described in division (C)(2) of 27483
this section; 27484

(c) Annual measurable objectives described in division (C)(3) 27485
of this section, including a performance rating as described in 27486
divisions (D)(1)(a) to (c) of this section; 27487

(d) Growth in annual student achievement in reading and 27488
mathematics as described in division (C)(4) of this section; 27489

(e) An overall performance designation for the school 27490
calculated under rules adopted under division (D)(2) of this 27491
section. 27492

The department shall also include student outcome data, 27493
including postsecondary credit earned, nationally recognized 27494
career or technical certification, military enlistment, job 27495
placement, attendance rate, and progress on closing achievement 27496
gaps for each school. This information shall not be included in 27497
the calculation of a school's performance rating. 27498

(F) Not later than the thirty-first day of July of each year, 27499
the department shall submit preliminary report card data for 27500
overall academic performance for each performance measure 27501
prescribed in division (E)(3) of this section for each community 27502
school to which this section applies. 27503

(G) In developing the rating and report card system required 27504
by this section, during the 2012-2013 and 2013-2014 school years, 27505
the department shall gather and analyze data as determined 27506
necessary from each community school described in division 27507
(A)~~(4)~~(2)(a) of section 3314.35 of the Revised Code. Each such 27508
school shall cooperate with the department by supplying requested 27509
data and administering required assessments, including sample 27510
assessments for purposes of measuring student achievement growth 27511
as described in division (C)(4) of this section. The department 27512
shall consult with stakeholder groups in performing its duties 27513

under this division. 27514

The department shall also identify one or more states that 27515
have established or are in the process of establishing similar 27516
academic performance rating systems for dropout prevention and 27517
recovery programs and consult with the departments of education of 27518
those states in developing the system required by this section. 27519

~~(G)~~(H) Not later than December 31, 2014, the state board 27520
shall review the performance levels and benchmarks for performance 27521
indicators in the report card issued under this section and may 27522
revise them based on the data collected under division (F) of this 27523
section. 27524

(I)(1) The state board shall coordinate a study committee 27525
consisting of one member of the Ohio senate appointed by the 27526
president of the senate, one member of the Ohio house of 27527
representatives appointed by the speaker of the house of 27528
representatives, one representative of the governor's office, one 27529
school district superintendent appointed by the state board, and 27530
one chief administrator of a community school appointed by the 27531
state board. This committee shall conduct a study regarding the 27532
classification, authorization, and report card ratings of 27533
community schools that primarily serve students enrolled in 27534
dropout prevention and recovery programs as described in division 27535
(A)(2)(a) of section 3314.35 of the Revised Code that offer two or 27536
more of the following educational models: 27537

(a) Blended learning, as that term is defined in section 27538
3301.079 of the Revised Code; 27539

(b) Portfolio learning, as defined by the members of the 27540
committee; 27541

(c) Credit flexibility, which permits credits to be awarded 27542
based on a student's demonstration of subject area competency. 27543

The state board, on behalf of the committee, shall submit the 27544

committee's recommendations to the general assembly in accordance 27545
with section 101.68 of the Revised Code not later than six months 27546
after the effective date of this amendment. 27547

(2) The department shall not issue any report cards under 27548
division (E)(3) of this section until the general assembly, after 27549
receiving the report, enacts either the recommendations submitted 27550
by the committee under division (I)(1) of this section or other 27551
legislation that addresses the classification, authorization, and 27552
report card ratings of the community schools described in that 27553
division. 27554

Sec. 3314.02. (A) As used in this chapter: 27555

(1) "Sponsor" means the board of education of a school 27556
district or the governing board of an educational service center 27557
that agrees to the conversion of all or part of a school or 27558
building under division (B) of this section, or an entity listed 27559
in division (C)(1) of this section, which has been approved by the 27560
department of education to sponsor community schools or is 27561
exempted by section 3314.021 or 3314.027 of the Revised Code from 27562
obtaining approval, and with which the governing authority of a 27563
community school enters into a contract under section 3314.03 of 27564
the Revised Code. 27565

(2) "Pilot project area" means the school districts included 27566
in the territory of the former community school pilot project 27567
established by former Section 50.52 of Am. Sub. H.B. No. 215 of 27568
the 122nd general assembly. 27569

(3) "Challenged school district" means any of the following: 27570

(a) A school district that is part of the pilot project area; 27571

(b) A school district that meets one of the following 27572
conditions: 27573

(i) On March 22, 2013, the district was in a state of 27574

academic emergency or in a state of academic watch under section 27575
3302.03 of the Revised Code, as that section existed prior to 27576
March 22, 2013; 27577

(ii) For two of the 2012-2013, 2013-2014, 2014-2015, and 27578
2015-2016 school years, the district received a grade of "D" or 27579
"F" for the performance index score and a grade of "F" for the 27580
value-added progress dimension under section 3302.03 of the 27581
Revised Code; 27582

(iii) For the 2016-2017 school year and for any school year 27583
thereafter, the district has received an overall grade of "D" or 27584
"F" under division (C)(3) of section 3302.03 of the Revised Code, 27585
or, for at least two of the three most recent school years, the 27586
district received a grade of "F" for the value-added progress 27587
dimension under division (C)(1)(e) of that section. 27588

(c) A big eight school district; 27589

(d) A school district ranked in the lowest five per cent of 27590
school districts according to performance index score under 27591
section 3302.21 of the Revised Code. 27592

(4) "Big eight school district" means a school district that 27593
for fiscal year 1997 had both of the following: 27594

(a) A percentage of children residing in the district and 27595
participating in the predecessor of Ohio works first greater than 27596
thirty per cent, as reported pursuant to section 3317.10 of the 27597
Revised Code; 27598

(b) An average daily membership greater than twelve thousand, 27599
as reported pursuant to former division (A) of section 3317.03 of 27600
the Revised Code. 27601

(5) "New start-up school" means a community school other than 27602
one created by converting all or part of an existing public school 27603
or educational service center building, as designated in the 27604

school's contract pursuant to division (A)(17) of section 3314.03 27605
of the Revised Code. 27606

(6) "Urban school district" means one of the state's 27607
twenty-one urban school districts as defined in division (O) of 27608
section 3317.02 of the Revised Code as that section existed prior 27609
to July 1, 1998. 27610

(7) "Internet- or computer-based community school" means a 27611
community school established under this chapter in which the 27612
enrolled students work primarily from their residences on 27613
assignments in nonclassroom-based learning opportunities provided 27614
via an internet- or other computer-based instructional method that 27615
does not rely on regular classroom instruction or via 27616
comprehensive instructional methods that include internet-based, 27617
other computer-based, and noncomputer-based learning opportunities 27618
unless a student receives career-technical education under section 27619
3314.086 of the Revised Code. 27620

A community school that operates mainly as an internet- or 27621
computer-based community school and provides career-technical 27622
education under section 3314.086 of the Revised Code shall be 27623
considered an internet- or computer-based community school, even 27624
if it provides some classroom-based instruction, so long as it 27625
provides instruction via the methods described in this division. 27626

(8) "Operator" or "management company" means either of the 27627
following: 27628

(a) An individual or organization that manages the daily 27629
operations of a community school pursuant to a contract between 27630
the operator or management company and the school's governing 27631
authority; 27632

(b) A nonprofit organization that provides programmatic 27633
oversight and support to a community school under a contract with 27634
the school's governing authority and that retains the right to 27635

terminate its affiliation with the school if the school fails to 27636
meet the organization's quality standards. 27637

(9) "Alliance municipal school district" has the same meaning 27638
as in section 3311.86 of the Revised Code. 27639

(B)(1) Any person or group of individuals may initially 27640
propose under this division the conversion of all or a portion of 27641
a public school to a community school. The proposal shall be made 27642
to the board of education of the city, local, exempted village, or 27643
joint vocational school district in which the public school is 27644
proposed to be converted. 27645

(2) Any person or group of individuals may initially propose 27646
under this division the conversion of all or a portion of a 27647
building operated by an educational service center to a community 27648
school. The proposal shall be made to the governing board of the 27649
service center. 27650

On or after July 1, 2017, except as provided in section 27651
3314.027 of the Revised Code, any educational service center that 27652
sponsors a community school shall be approved by and enter into a 27653
written agreement with the department as described in section 27654
3314.015 of the Revised Code. 27655

(3) Upon receipt of a proposal, and after an agreement has 27656
been entered into pursuant to section 3314.015 of the Revised 27657
Code, a board may enter into a preliminary agreement with the 27658
person or group proposing the conversion of the public school or 27659
service center building, indicating the intention of the board to 27660
support the conversion to a community school. A proposing person 27661
or group that has a preliminary agreement under this division may 27662
proceed to finalize plans for the school, establish a governing 27663
authority for the school, and negotiate a contract with the board. 27664
Provided the proposing person or group adheres to the preliminary 27665
agreement and all provisions of this chapter, the board shall 27666

negotiate in good faith to enter into a contract in accordance 27667
with section 3314.03 of the Revised Code and division (C) of this 27668
section. 27669

(4) The sponsor of a conversion community school proposed to 27670
open in an alliance municipal school district shall be subject to 27671
approval by the department of education for sponsorship of that 27672
school using the criteria established under division (A) of 27673
section 3311.87 of the Revised Code. 27674

Division (B)(4) of this section does not apply to a sponsor 27675
that, on or before September 29, 2015, was exempted under section 27676
3314.021 or 3314.027 of the Revised Code from the requirement to 27677
be approved for sponsorship under divisions (A)(2) and (B)(1) of 27678
section 3314.015 of the Revised Code. 27679

(5) A school established in accordance with division (B) of 27680
this section that later enters into a sponsorship contract with an 27681
entity that is not a school district or educational service center 27682
shall, at the time of entering into the new contract, be deemed a 27683
community school established in accordance with division (C) of 27684
this section. 27685

(C)(1) Any person or group of individuals may propose under 27686
this division the establishment of a new start-up school to be 27687
located in a challenged school district. The proposal may be made 27688
to any of the following entities: 27689

(a) The board of education of the district in which the 27690
school is proposed to be located; 27691

(b) The board of education of any joint vocational school 27692
district with territory in the county in which is located the 27693
majority of the territory of the district in which the school is 27694
proposed to be located; 27695

(c) The board of education of any other city, local, or 27696
exempted village school district having territory in the same 27697

county where the district in which the school is proposed to be 27698
located has the major portion of its territory; 27699

(d) The governing board of any educational service center, 27700
regardless of the location of the proposed school, may sponsor a 27701
new start-up school in any challenged school district in the state 27702
if all of the following are satisfied: 27703

(i) If applicable, it satisfies the requirements of division 27704
(E) of section 3311.86 of the Revised Code; 27705

(ii) It is approved to do so by the department; 27706

(iii) It enters into an agreement with the department under 27707
section 3314.015 of the Revised Code. 27708

(e) A sponsoring authority designated by the board of 27709
trustees of any of the thirteen state universities listed in 27710
section 3345.011 of the Revised Code or the board of trustees 27711
itself as long as a mission of the proposed school to be specified 27712
in the contract under division (A)(2) of section 3314.03 of the 27713
Revised Code and as approved by the department under division 27714
(B)(3) of section 3314.015 of the Revised Code will be the 27715
practical demonstration of teaching methods, educational 27716
technology, or other teaching practices that are included in the 27717
curriculum of the university's teacher preparation program 27718
approved by the state board of education; 27719

(f) Any qualified tax-exempt entity under section 501(c)(3) 27720
of the Internal Revenue Code as long as all of the following 27721
conditions are satisfied: 27722

(i) The entity has been in operation for at least five years 27723
prior to applying to be a community school sponsor. 27724

(ii) The entity has assets of at least five hundred thousand 27725
dollars and a demonstrated record of financial responsibility. 27726

(iii) The department has determined that the entity is an 27727

education-oriented entity under division (B)(4) of section 27728
3314.015 of the Revised Code and the entity has a demonstrated 27729
record of successful implementation of educational programs. 27730

(iv) The entity is not a community school. 27731

(g) The mayor of a city in which the majority of the 27732
territory of a school district to which section 3311.60 of the 27733
Revised Code applies is located, regardless of whether that 27734
district has created the position of independent auditor as 27735
prescribed by that section. The mayor's sponsorship authority 27736
under this division is limited to community schools that are 27737
located in that school district. Such mayor may sponsor community 27738
schools only with the approval of the city council of that city, 27739
after establishing standards with which community schools 27740
sponsored by the mayor must comply, and after entering into a 27741
sponsor agreement with the department as prescribed under section 27742
3314.015 of the Revised Code. The mayor shall establish the 27743
standards for community schools sponsored by the mayor not later 27744
than one hundred eighty days after July 15, 2013, and shall submit 27745
them to the department upon their establishment. The department 27746
shall approve the mayor to sponsor community schools in the 27747
district, upon receipt of an application by the mayor to do so. 27748
Not later than ninety days after the department's approval of the 27749
mayor as a community school sponsor, the department shall enter 27750
into the sponsor agreement with the mayor. 27751

Any entity described in division (C)(1) of this section may 27752
enter into a preliminary agreement pursuant to division (C)(2) of 27753
this section with the proposing person or group, provided that 27754
entity has been approved by and entered into a written agreement 27755
with the department pursuant to section 3314.015 of the Revised 27756
Code. 27757

(2) A preliminary agreement indicates the intention of an 27758
entity described in division (C)(1) of this section to sponsor the 27759

community school. A proposing person or group that has such a preliminary agreement may proceed to finalize plans for the school, establish a governing authority as described in division (E) of this section for the school, and negotiate a contract with the entity. Provided the proposing person or group adheres to the preliminary agreement and all provisions of this chapter, the entity shall negotiate in good faith to enter into a contract in accordance with section 3314.03 of the Revised Code.

(3) A new start-up school that is established in a school district described in either division (A)(3)(b) or (d) of this section may continue in existence once the school district no longer meets the conditions described in either division, provided there is a valid contract between the school and a sponsor.

(4) A copy of every preliminary agreement entered into under this division shall be filed with the superintendent of public instruction.

(D) A majority vote of the board of a sponsoring entity and a majority vote of the members of the governing authority of a community school shall be required to adopt a contract and convert the public school or educational service center building to a community school or establish the new start-up school. Beginning September 29, 2005, adoption of the contract shall occur not later than the fifteenth day of March, and signing of the contract shall occur not later than the fifteenth day of May, prior to the school year in which the school will open. The governing authority shall notify the department of education when the contract has been signed. Subject to sections 3314.013 and 3314.016 of the Revised Code, an unlimited number of community schools may be established in any school district provided that a contract is entered into for each community school pursuant to this chapter.

(E)(1) As used in this division, "immediate relatives" are limited to spouses, children, parents, grandparents, and siblings,

as well as in-laws residing in the same household as the person 27792
serving on the governing authority. 27793

Each new start-up community school established under this 27794
chapter shall be under the direction of a governing authority 27795
which shall consist of a board of not less than five individuals. 27796

(2)(a) No person shall serve on the governing authority or 27797
operate the community school under contract with the governing 27798
authority under any of the following circumstances: 27799

(i) The person owes the state any money or is in a dispute 27800
over whether the person owes the state any money concerning the 27801
operation of a community school that has closed. 27802

(ii) The person would otherwise be subject to division (B) of 27803
section 3319.31 of the Revised Code with respect to refusal, 27804
limitation, or revocation of a license to teach, if the person 27805
were a licensed educator. 27806

(iii) The person has pleaded guilty to or been convicted of 27807
theft in office under section 2921.41 of the Revised Code, or has 27808
pleaded guilty to or been convicted of a substantially similar 27809
offense in another state. 27810

(b) No person shall serve on the governing authority or 27811
engage in the financial day-to-day management of the community 27812
school under contract with the governing authority unless and 27813
until that person has submitted to a criminal records check in the 27814
manner prescribed by section 3319.39 of the Revised Code. 27815

~~(c) Each sponsor of a community school shall annually verify 27816
that a finding for recovery has not been issued by the auditor of 27817
state against any individual or individuals who propose to create 27818
a community school or any member of the governing authority, the 27819
operator, or any employee of each community school. 27820~~

(3) No person shall serve on the governing authorities of 27821

more than five start-up community schools at the same time. 27822

(4)(a) For a community school established under this chapter 27823
that is not sponsored by a school district or an educational 27824
service center, no present or former member, or immediate relative 27825
of a present or former member, of the governing authority shall be 27826
an owner, employee, or consultant of the community school's 27827
sponsor or operator, unless at least one year has elapsed since 27828
the conclusion of the person's membership on the governing 27829
authority. 27830

(b) For a community school established under this chapter 27831
that is sponsored by a school district or an educational service 27832
center, no present or former member, or immediate relative of a 27833
present or former member, of the governing authority shall: 27834

(i) Be an officer of the district board or service center 27835
governing board that serves as the community school's sponsor, 27836
unless at least one year has elapsed since the conclusion of the 27837
person's membership on the governing authority; 27838

(ii) Serve as an employee of, or a consultant for, the 27839
department, division, or section of the sponsoring district or 27840
service center that is directly responsible for sponsoring 27841
community schools, or have supervisory authority over such a 27842
department, division, or section, unless at least one year has 27843
elapsed since the conclusion of the person's membership on the 27844
governing authority. 27845

(5) The governing authority of a start-up or conversion 27846
community school may provide by resolution for the compensation of 27847
its members. However, no individual who serves on the governing 27848
authority of a start-up or conversion community school shall be 27849
compensated more than one hundred twenty-five dollars per meeting 27850
of that governing authority and no such individual shall be 27851
compensated more than a total amount of five thousand dollars per 27852

year for all governing authorities upon which the individual 27853
serves. Each member of the governing authority may be paid 27854
compensation for attendance at an approved training program, 27855
provided that such compensation shall not exceed sixty dollars a 27856
day for attendance at a training program three hours or less in 27857
length and one hundred twenty-five dollars a day for attendance at 27858
a training program longer than three hours in length. 27859

(6) No person who is the employee of a school district or 27860
educational service center shall serve on the governing authority 27861
of any community school sponsored by that school district or 27862
service center. 27863

(7) Each member of the governing authority of a community 27864
school shall annually file a disclosure statement setting forth 27865
the names of any immediate relatives or business associates 27866
employed by any of the following within the previous three years: 27867

(a) The sponsor or operator of that community school; 27868

(b) A school district or educational service center that has 27869
contracted with that community school; 27870

(c) A vendor that is or has engaged in business with that 27871
community school. 27872

(8) No person who is a member of a school district board of 27873
education shall serve on the governing authority of any community 27874
school. 27875

(F)(1) A new start-up school that is established prior to 27876
August 15, 2003, in an urban school district that is not also a 27877
big-eight school district may continue to operate after that date 27878
and the contract between the school's governing authority and the 27879
school's sponsor may be renewed, as provided under this chapter, 27880
after that date, but no additional new start-up schools may be 27881
established in such a district unless the district is a challenged 27882
school district as defined in this section as it exists on and 27883

after that date. 27884

(2) A community school that was established prior to June 29, 27885
1999, and is located in a county contiguous to the pilot project 27886
area and in a school district that is not a challenged school 27887
district may continue to operate after that date, provided the 27888
school complies with all provisions of this chapter. The contract 27889
between the school's governing authority and the school's sponsor 27890
may be renewed, but no additional start-up community school may be 27891
established in that district unless the district is a challenged 27892
school district. 27893

(3) Any educational service center that, on June 30, 2007, 27894
sponsors a community school that is not located in a county within 27895
the territory of the service center or in a county contiguous to 27896
such county may continue to sponsor that community school on and 27897
after June 30, 2007, and may renew its contract with the school. 27898
However, the educational service center shall not enter into a 27899
contract with any additional community school, unless the 27900
governing board of the service center has entered into an 27901
agreement with the department authorizing the service center to 27902
sponsor a community school in any challenged school district in 27903
the state. 27904

Sec. 3314.0211. (A) No community school to which either of 27905
the following applies shall be eligible to merge with one or more 27906
other community schools under this section: 27907

(1) The school has met the performance criteria for required 27908
closure specified in division (A)(1) of section 3314.35 or 27909
division (A) of section 3314.351 of the Revised Code for at least 27910
one of the two most recent school years. 27911

(2) The school has been notified of the sponsor's intent to 27912
terminate or not renew the school's contract pursuant to section 27913
3314.07 of the Revised Code. 27914

(B) Two or more community schools may merge upon the adoption of a resolution by the governing authority of each school involved in the merger. Any merger shall take effect on the first day of July of the year specified in the resolution. 27915
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(C) Not less than sixty days prior to the effective date of a merger under division (B) of this section, each community school involved in the merger shall do both of the following: 27919
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27921

(1) Provide a copy of the resolution to the school's sponsor; 27922

(2) Notify the department of education of all of the following: 27923
27924

(a) The impending merger; 27925

(b) The effective date of the merger; 27926

(c) The school that will be designated as the surviving school in accordance with section 1702.41 of the Revised Code; 27927
27928

(d) The entity that will sponsor the surviving school. 27929

(D) Notwithstanding anything to the contrary in the Revised Code, the governing authority of the surviving community school shall enter into a new contract with the school's sponsor under section 3314.03 of the Revised Code. 27930
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(E) No sponsor shall do either of the following: 27934

(1) Assign the sponsor's existing contract with a merging community school to the sponsor of the surviving community school; 27935
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(2) Assume an existing contract from the sponsor of a community school involved in a merger under division (B) of this section. 27937
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Division (E) of this section shall not apply to the office of Ohio school sponsorship established under section 3314.029 of the Revised Code. 27940
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(F)(1) The department shall issue a report card under section 27943

3302.03 or 3314.017 of the Revised Code for the surviving community school. 27944
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(2) Notwithstanding anything to the contrary in division (B) of section 3314.012 of the Revised Code, all report card ratings associated with the surviving school, whether issued before or after the merger, shall be used for purposes of section 3314.35 or 3314.351 of the Revised Code and any other matter that is based on report card ratings or measures. 27946
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(G) Nothing in this section shall exempt a community school from closure under section 3314.35 or 3314.351 of the Revised Code. 27952
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Sec. 3314.03. A copy of every contract entered into under this section shall be filed with the superintendent of public instruction. The department of education shall make available on its web site a copy of every approved, executed contract filed with the superintendent under this section. 27955
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(A) Each contract entered into between a sponsor and the governing authority of a community school shall specify the following: 27960
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27962

(1) That the school shall be established as either of the following: 27963
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(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003; 27965
27966

(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003. 27967
27968

(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum; 27969
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(3) The academic goals to be achieved and the method of 27973

measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;	27974 27975
(4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor;	27976 27977 27978 27979
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	27980 27981
(6)(a) Dismissal procedures;	27982
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in seventy-two consecutive hours of the learning opportunities offered to the student.	27983 27984 27985 27986 27987
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	27988 27989
(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code.	27990 27991 27992 27993 27994 27995
(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:	27996 27997
(a) A detailed description of each facility used for instructional purposes;	27998 27999
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	28000 28001
(c) The annual mortgage principal and interest payments that are paid by the school;	28002 28003

(d) The name of the lender or landlord, identified as such, 28004
and the lender's or landlord's relationship to the operator, if 28005
any. 28006

(10) Qualifications of teachers, including a requirement that 28007
the school's classroom teachers be licensed in accordance with 28008
sections 3319.22 to 3319.31 of the Revised Code, except that a 28009
community school may engage noncertificated persons to teach up to 28010
twelve hours per week pursuant to section 3319.301 of the Revised 28011
Code. 28012

(11) That the school will comply with the following 28013
requirements: 28014

(a) The school will provide learning opportunities to a 28015
minimum of twenty-five students for a minimum of nine hundred 28016
twenty hours per school year. 28017

(b) The governing authority will purchase liability 28018
insurance, or otherwise provide for the potential liability of the 28019
school. 28020

(c) The school will be nonsectarian in its programs, 28021
admission policies, employment practices, and all other 28022
operations, and will not be operated by a sectarian school or 28023
religious institution. 28024

(d) The school will comply with sections 9.90, 9.91, 109.65, 28025
121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 28026
3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 3313.50, 28027
3313.536, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 28028
3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6024, 3313.643, 28029
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 28030
3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 28031
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 28032
3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 28033
3313.86, 3313.89, 3313.96, 3319.073, ~~3319.074~~, 3319.321, 3319.39, 28034

3319.391, 3319.41, 3319.46, 3321.01, 3321.041, 3321.13, 3321.14, 28035
3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 28036
4113.52, and 5705.391 and Chapters 117., 1347., 2744., 3365., 28037
3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it 28038
were a school district and will comply with section 3301.0714 of 28039
the Revised Code in the manner specified in section 3314.17 of the 28040
Revised Code. 28041

(e) The school shall comply with Chapter 102. and section 28042
2921.42 of the Revised Code. 28043

(f) The school will comply with sections 3313.61, 3313.611, 28044
and 3313.614 of the Revised Code, except that for students who 28045
enter ninth grade for the first time before July 1, 2010, the 28046
requirement in sections 3313.61 and 3313.611 of the Revised Code 28047
that a person must successfully complete the curriculum in any 28048
high school prior to receiving a high school diploma may be met by 28049
completing the curriculum adopted by the governing authority of 28050
the community school rather than the curriculum specified in Title 28051
XXXVIII of the Revised Code or any rules of the state board of 28052
education. Beginning with students who enter ninth grade for the 28053
first time on or after July 1, 2010, the requirement in sections 28054
3313.61 and 3313.611 of the Revised Code that a person must 28055
successfully complete the curriculum of a high school prior to 28056
receiving a high school diploma shall be met by completing the 28057
requirements prescribed in division (C) of section 3313.603 of the 28058
Revised Code, unless the person qualifies under division (D) or 28059
(F) of that section. Each school shall comply with the plan for 28060
awarding high school credit based on demonstration of subject area 28061
competency, and beginning with the 2017-2018 school year, with the 28062
updated plan that permits students enrolled in seventh and eighth 28063
grade to meet curriculum requirements based on subject area 28064
competency adopted by the state board of education under divisions 28065
(J)(1) and (2) of section 3313.603 of the Revised Code. Beginning 28066

with the 2018-2019 school year, the school shall comply with the 28067
framework for granting units of high school credit to students who 28068
demonstrate subject area competency through work-based learning 28069
experiences, internships, or cooperative education developed by 28070
the department under division (J)(3) of section 3313.603 of the 28071
Revised Code. 28072

(g) The school governing authority will submit within four 28073
months after the end of each school year a report of its 28074
activities and progress in meeting the goals and standards of 28075
divisions (A)(3) and (4) of this section and its financial status 28076
to the sponsor and the parents of all students enrolled in the 28077
school. 28078

(h) The school, unless it is an internet- or computer-based 28079
community school, will comply with section 3313.801 of the Revised 28080
Code as if it were a school district. 28081

(i) If the school is the recipient of moneys from a grant 28082
awarded under the federal race to the top program, Division (A), 28083
Title XIV, Sections 14005 and 14006 of the "American Recovery and 28084
Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the 28085
school will pay teachers based upon performance in accordance with 28086
section 3317.141 and will comply with section 3319.111 of the 28087
Revised Code as if it were a school district. 28088

(j) If the school operates a preschool program that is 28089
licensed by the department of education under sections 3301.52 to 28090
3301.59 of the Revised Code, the school shall comply with sections 28091
3301.50 to 3301.59 of the Revised Code and the minimum standards 28092
for preschool programs prescribed in rules adopted by the state 28093
board under section 3301.53 of the Revised Code. 28094

(k) The school will comply with sections 3313.6021 and 28095
3313.6023 of the Revised Code as if it were a school district 28096
unless it is either of the following: 28097

(i) An internet- or computer-based community school;	28098
(ii) A community school in which a majority of the enrolled students are children with disabilities as described in division (A) (4) <u>(2)</u> (b) of section 3314.35 of the Revised Code.	28099 28100 28101
(12) Arrangements for providing health and other benefits to employees;	28102 28103
(13) The length of the contract, which shall begin at the beginning of an academic year. No contract shall exceed five years unless such contract has been renewed pursuant to division (E) of this section.	28104 28105 28106 28107
(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;	28108 28109
(15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year.	28110 28111 28112
(16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or not renewed pursuant to section 3314.07 of the Revised Code;	28113 28114 28115
(17) Whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school, and if it is a converted public school or service center building, specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees;	28116 28117 28118 28119 28120 28121 28122 28123 28124 28125 28126
(18) Provisions establishing procedures for resolving	28127

disputes or differences of opinion between the sponsor and the governing authority of the community school;	28128 28129
(19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside outside the district in which the school is located. That policy shall comply with the admissions procedures specified in sections 3314.06 and 3314.061 of the Revised Code and, at the sole discretion of the authority, shall do one of the following:	28130 28131 28132 28133 28134 28135
(a) Prohibit the enrollment of students who reside outside the district in which the school is located;	28136 28137
(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;	28138 28139
(c) Permit the enrollment of students who reside in any other district in the state.	28140 28141
(20) A provision recognizing the authority of the department of education to take over the sponsorship of the school in accordance with the provisions of division (C) of section 3314.015 of the Revised Code;	28142 28143 28144 28145
(21) A provision recognizing the sponsor's authority to assume the operation of a school under the conditions specified in division (B) of section 3314.073 of the Revised Code;	28146 28147 28148
(22) A provision recognizing both of the following:	28149
(a) The authority of public health and safety officials to inspect the facilities of the school and to order the facilities closed if those officials find that the facilities are not in compliance with health and safety laws and regulations;	28150 28151 28152 28153
(b) The authority of the department of education as the community school oversight body to suspend the operation of the school under section 3314.072 of the Revised Code if the department has evidence of conditions or violations of law at the	28154 28155 28156 28157

school that pose an imminent danger to the health and safety of 28158
the school's students and employees and the sponsor refuses to 28159
take such action. 28160

(23) A description of the learning opportunities that will be 28161
offered to students including both classroom-based and 28162
non-classroom-based learning opportunities that is in compliance 28163
with criteria for student participation established by the 28164
department under division (H)(2) of section 3314.08 of the Revised 28165
Code; 28166

(24) The school will comply with sections 3302.04 and 28167
3302.041 of the Revised Code, except that any action required to 28168
be taken by a school district pursuant to those sections shall be 28169
taken by the sponsor of the school. However, the sponsor shall not 28170
be required to take any action described in division (F) of 28171
section 3302.04 of the Revised Code. 28172

(25) Beginning in the 2006-2007 school year, the school will 28173
open for operation not later than the thirtieth day of September 28174
each school year, unless the mission of the school as specified 28175
under division (A)(2) of this section is solely to serve dropouts. 28176
In its initial year of operation, if the school fails to open by 28177
the thirtieth day of September, or within one year after the 28178
adoption of the contract pursuant to division (D) of section 28179
3314.02 of the Revised Code if the mission of the school is solely 28180
to serve dropouts, the contract shall be void. 28181

(26) Whether the school's governing authority is planning to 28182
seek designation for the school as a STEM school equivalent under 28183
section 3326.032 of the Revised Code; 28184

(27) That the school's attendance and participation policies 28185
will be available for public inspection; 28186

(28) That the school's attendance and participation records 28187
shall be made available to the department of education, auditor of 28188

state, and school's sponsor to the extent permitted under and in 28189
accordance with the "Family Educational Rights and Privacy Act of 28190
1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 28191
regulations promulgated under that act, and section 3319.321 of 28192
the Revised Code; 28193

(29) If a school operates using the blended learning model, 28194
as defined in section 3301.079 of the Revised Code, all of the 28195
following information: 28196

(a) An indication of what blended learning model or models 28197
will be used; 28198

(b) A description of how student instructional needs will be 28199
determined and documented; 28200

(c) The method to be used for determining competency, 28201
granting credit, and promoting students to a higher grade level; 28202

(d) The school's attendance requirements, including how the 28203
school will document participation in learning opportunities; 28204

(e) A statement describing how student progress will be 28205
monitored; 28206

(f) A statement describing how private student data will be 28207
protected; 28208

(g) A description of the professional development activities 28209
that will be offered to teachers. 28210

(30) A provision requiring that all moneys the school's 28211
operator loans to the school, including facilities loans or cash 28212
flow assistance, must be accounted for, documented, and bear 28213
interest at a fair market rate; 28214

(31) A provision requiring that, if the governing authority 28215
contracts with an attorney, accountant, or entity specializing in 28216
audits, the attorney, accountant, or entity shall be independent 28217
from the operator with which the school has contracted. 28218

(32) A provision requiring the governing authority to adopt an enrollment and attendance policy that requires a student's parent to notify the community school in which the student is enrolled when there is a change in the location of the parent's or student's primary residence.

(33) A provision requiring the governing authority to adopt a student residence and address verification policy for students enrolling in or attending the school.

(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:

(1) The process by which the governing authority of the school will be selected in the future;

(2) The management and administration of the school;

(3) If the community school is a currently existing public school or educational service center building, alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to teach in the school or building after conversion;

(4) The instructional program and educational philosophy of the school;

(5) Internal financial controls.

When submitting the plan under this division, the school shall also submit copies of all policies and procedures regarding internal financial controls adopted by the governing authority of the school.

(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the ~~community school governing authority to make payments to the sponsor, which is hereby~~

authorized to receive ~~such payments as set forth in the contract~~ 28249
~~between the governing authority and the sponsor. The total amount~~ 28250
~~of such payments~~ a portion of the total amount of funding 28251
calculated to be paid to the community school under division 28252
(C)(1) of sections 3314.08 and section 3314.085 of the Revised 28253
Code for monitoring, oversight, and technical assistance of the 28254
school. The amount of this payment shall be set forth in the 28255
contract and shall not exceed three per cent of the total amount 28256
of payments for operating expenses that the school receives from 28257
the state. 28258

(D) The contract shall specify the duties of the sponsor 28259
which shall be in accordance with the written agreement entered 28260
into with the department of education under division (B) of 28261
section 3314.015 of the Revised Code and shall include the 28262
following: 28263

(1) Monitor the community school's compliance with all laws 28264
applicable to the school and with the terms of the contract; 28265

(2) Monitor and evaluate the academic and fiscal performance 28266
and the organization and operation of the community school on at 28267
least an annual basis; 28268

(3) Report on an annual basis the results of the evaluation 28269
conducted under division (D)(2) of this section to the department 28270
of education and to the parents of students enrolled in the 28271
community school; 28272

(4) Provide technical assistance to the community school in 28273
complying with laws applicable to the school and terms of the 28274
contract; 28275

(5) Take steps to intervene in the school's operation to 28276
correct problems in the school's overall performance, declare the 28277
school to be on probationary status pursuant to section 3314.073 28278
of the Revised Code, suspend the operation of the school pursuant 28279

to section 3314.072 of the Revised Code, or terminate the contract 28280
of the school pursuant to section 3314.07 of the Revised Code as 28281
determined necessary by the sponsor; 28282

(6) Have in place a plan of action to be undertaken in the 28283
event the community school experiences financial difficulties or 28284
closes prior to the end of a school year. 28285

(E) Upon the expiration of a contract entered into under this 28286
section, the sponsor of a community school may, with the approval 28287
of the governing authority of the school, renew that contract for 28288
a period of time determined by the sponsor, but not ending earlier 28289
than the end of any school year, if the sponsor finds that the 28290
school's compliance with applicable laws and terms of the contract 28291
and the school's progress in meeting the academic goals prescribed 28292
in the contract have been satisfactory. Any contract that is 28293
renewed under this division remains subject to the provisions of 28294
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 28295

(F) If a community school fails to open for operation within 28296
one year after the contract entered into under this section is 28297
adopted pursuant to division (D) of section 3314.02 of the Revised 28298
Code or permanently closes prior to the expiration of the 28299
contract, the contract shall be void and the school shall not 28300
enter into a contract with any other sponsor. A school shall not 28301
be considered permanently closed because the operations of the 28302
school have been suspended pursuant to section 3314.072 of the 28303
Revised Code. 28304

Sec. 3314.034. (A) Subject to division (B) of this section, 28305
any community school to which either of the following conditions 28306
apply shall be prohibited from entering into a contract with a new 28307
sponsor: 28308

(1) The community school has received, pursuant to section 28309
3302.038 of the Revised Code, a grade of "D" or "F" for the 28310

performance index score, under division (C)(1)(b) of section 28311
3302.03 of the Revised Code, ~~and~~ or an overall grade of "D" or "F" 28312
for the value-added progress dimension or another measure of 28313
student academic progress if adopted by the state board of 28314
education, under division (C)(1)(e) of that section, on the most 28315
recent report card issued for the school pursuant to that section. 28316

(2) The community school is one in which a majority of the 28317
students are enrolled in a dropout prevention and recovery 28318
program, and it has received a rating of "does not meet standards" 28319
for the annual student growth measure and combined graduation 28320
rates on the most recent report card issued for the school under 28321
section 3314.017 of the Revised Code. 28322

(B) A community school to which division (A) of this section 28323
applies may enter into a contract with a new sponsor if all of the 28324
following conditions are satisfied: 28325

(1) The proposed sponsor received a rating of "effective" or 28326
higher pursuant to division (B)(6) of section 3314.016 of the 28327
Revised Code on its most recent evaluation conducted according to 28328
that section, or the proposed sponsor is the office of Ohio school 28329
sponsorship established in section 3314.029 of the Revised Code. 28330

(2) The community school submits a request to enter into a 28331
new contract with a sponsor. 28332

(3) The community school has not submitted a prior request 28333
that was granted. 28334

(4) The department grants the school's request pursuant to 28335
division (C) of this section. 28336

(C) A school shall submit a request to change sponsors under 28337
this section not later than on the fifteenth day of February of 28338
the year in which the school wishes to do so. The department shall 28339
grant or deny the request not later than thirty days after the 28340
department receives it. If the department denies the request, the 28341

community school may submit an appeal to the state board of 28342
education, which shall hold a hearing in accordance with Chapter 28343
119. of the Revised Code. The community school shall file its 28344
notice of appeal to the state board not later than ten days after 28345
receiving the decision from the department. The state board shall 28346
conduct the hearing not later than thirty days after receiving the 28347
school's notice of appeal and act upon the determination of the 28348
hearing officer not later than the twenty-fifth day of June of the 28349
year in which the school wishes to change sponsors. 28350

(D) Factors to be considered during a hearing held pursuant 28351
to division (C) of this section include, but are not limited to, 28352
the following: 28353

(1) The school's impact on the students and the community or 28354
communities it serves; 28355

(2) The quality and quantity of academic and administrative 28356
support the school receives from its current sponsor to help the 28357
school to improve; 28358

(3) The sponsor's annual evaluations of the community school 28359
under division (D)(2) of section 3314.03 of the Revised Code for 28360
the previous three years; 28361

(4) The academic performance of the school, taking into 28362
account the demographic information of the students enrolled in 28363
the school; 28364

(5) The academic performance of alternative schools that 28365
serve comparable populations of students as those served by the 28366
community school; 28367

(6) The fiscal stability of the school; 28368

(7) The results of any audits of the school by the auditor of 28369
state; 28370

(8) The length of time the school has been under the 28371

oversight of its current sponsor;	28372
(9) The number of times the school has changed sponsors prior to the current request;	28373 28374
(10) Parent and student satisfaction rates as demonstrated by surveys, if available.	28375 28376
Sec. 3314.08. (A) As used in this section:	28377
(1)(a) "Category one career-technical education student" means a student who is receiving the career-technical education services described in division (A) of section 3317.014 of the Revised Code.	28378 28379 28380 28381
(b) "Category two career-technical student" means a student who is receiving the career-technical education services described in division (B) of section 3317.014 of the Revised Code.	28382 28383 28384
(c) "Category three career-technical student" means a student who is receiving the career-technical education services described in division (C) of section 3317.014 of the Revised Code.	28385 28386 28387
(d) "Category four career-technical student" means a student who is receiving the career-technical education services described in division (D) of section 3317.014 of the Revised Code.	28388 28389 28390
(e) "Category five career-technical education student" means a student who is receiving the career-technical education services described in division (E) of section 3317.014 of the Revised Code.	28391 28392 28393
(2)(a) "Category one limited English proficient student <u>learner</u> " means a limited <u>an</u> English proficient student <u>learner</u> described in division (A) of section 3317.016 of the Revised Code.	28394 28395 28396
(b) "Category two limited English proficient student <u>learner</u> " means a limited <u>an</u> English proficient student <u>learner</u> described in division (B) of section 3317.016 of the Revised Code.	28397 28398 28399
(c) "Category three limited English proficient student	28400

learner" means a ~~limited~~ an English ~~proficient student~~ learner 28401
described in division (C) of section 3317.016 of the Revised Code. 28402

(3)(a) "Category one special education student" means a 28403
student who is receiving special education services for a 28404
disability specified in division (A) of section 3317.013 of the 28405
Revised Code. 28406

(b) "Category two special education student" means a student 28407
who is receiving special education services for a disability 28408
specified in division (B) of section 3317.013 of the Revised Code. 28409

(c) "Category three special education student" means a 28410
student who is receiving special education services for a 28411
disability specified in division (C) of section 3317.013 of the 28412
Revised Code. 28413

(d) "Category four special education student" means a student 28414
who is receiving special education services for a disability 28415
specified in division (D) of section 3317.013 of the Revised Code. 28416

(e) "Category five special education student" means a student 28417
who is receiving special education services for a disability 28418
specified in division (E) of section 3317.013 of the Revised Code. 28419

(f) "Category six special education student" means a student 28420
who is receiving special education services for a disability 28421
specified in division (F) of section 3317.013 of the Revised Code. 28422

(4) "Formula amount" has the same meaning as in section 28423
3317.02 of the Revised Code. 28424

(5) "IEP" has the same meaning as in section 3323.01 of the 28425
Revised Code. 28426

(6) "Resident district" means the school district in which a 28427
student is entitled to attend school under section 3313.64 or 28428
3313.65 of the Revised Code. 28429

(7) "State education aid" has the same meaning as in section 28430

5751.20 of the Revised Code. 28431

(B) The state board of education shall adopt rules requiring 28432
both of the following: 28433

(1) The board of education of each city, exempted village, 28434
and local school district to annually report the number of 28435
students entitled to attend school in the district who are 28436
enrolled in each grade kindergarten through twelve in a community 28437
school established under this chapter, and for each child, the 28438
community school in which the child is enrolled. 28439

(2) The governing authority of each community school 28440
established under this chapter to annually report all of the 28441
following: 28442

(a) The number of students enrolled in grades one through 28443
twelve and the full-time equivalent number of students enrolled in 28444
kindergarten in the school who are not receiving special education 28445
and related services pursuant to an IEP; 28446

(b) The number of enrolled students in grades one through 28447
twelve and the full-time equivalent number of enrolled students in 28448
kindergarten, who are receiving special education and related 28449
services pursuant to an IEP; 28450

(c) The number of students reported under division (B)(2)(b) 28451
of this section receiving special education and related services 28452
pursuant to an IEP for a disability described in each of divisions 28453
(A) to (F) of section 3317.013 of the Revised Code; 28454

(d) The full-time equivalent number of students reported 28455
under divisions (B)(2)(a) and (b) of this section who are enrolled 28456
in career-technical education programs or classes described in 28457
each of divisions (A) to (E) of section 3317.014 of the Revised 28458
Code that are provided by the community school; 28459

(e) The number of students reported under divisions (B)(2)(a) 28460

and (b) of this section who are not reported under division 28461
(B)(2)(d) of this section but who are enrolled in career-technical 28462
education programs or classes described in each of divisions (A) 28463
to (E) of section 3317.014 of the Revised Code at a joint 28464
vocational school district or another district in the 28465
career-technical planning district to which the school is 28466
assigned; 28467

(f) The number of students reported under divisions (B)(2)(a) 28468
and (b) of this section who are category one to three ~~limited~~ 28469
English ~~proficient students~~ learners described in each of 28470
divisions (A) to (C) of section 3317.016 of the Revised Code; 28471

(g) The number of students reported under divisions (B)(2)(a) 28472
and (b) of this section who are economically disadvantaged, as 28473
defined by the department. A student shall not be categorically 28474
excluded from the number reported under division (B)(2)(g) of this 28475
section based on anything other than family income. 28476

(h) For each student, the city, exempted village, or local 28477
school district in which the student is entitled to attend school 28478
under section 3313.64 or 3313.65 of the Revised Code. 28479

(i) The number of students enrolled in a preschool program 28480
operated by the school that is licensed by the department of 28481
education under sections 3301.52 to 3301.59 of the Revised Code 28482
who are not receiving special education and related services 28483
pursuant to an IEP. 28484

A school district board and a community school governing 28485
authority shall include in their respective reports under division 28486
(B) of this section any child admitted in accordance with division 28487
(A)(2) of section 3321.01 of the Revised Code. 28488

A governing authority of a community school shall not include 28489
in its report under divisions (B)(2)(a) to (h) of this section any 28490
student for whom tuition is charged under division (F) of this 28491

section. 28492

(C)(1) Except as provided in division (C)(2) of this section, 28493
and subject to divisions (C)(3), (4), (5), (6), and (7) of this 28494
section and section 3314.089 of the Revised Code, on a full-time 28495
equivalency basis, for each student enrolled in a community school 28496
established under this chapter, the department of education 28497
annually shall deduct from the state education aid of a student's 28498
resident district and, if necessary, from the payment made to the 28499
district under sections 321.24 and 323.156 of the Revised Code and 28500
pay to the community school the sum of the following: 28501

(a) An opportunity grant in an amount equal to the formula 28502
amount; 28503

(b) The per pupil amount of targeted assistance funds 28504
calculated under division (A) of section 3317.0217 of the Revised 28505
Code for the student's resident district, as determined by the 28506
department, X 0.25; 28507

(c) Additional state aid for special education and related 28508
services provided under Chapter 3323. of the Revised Code as 28509
follows: 28510

(i) If the student is a category one special education 28511
student, the amount specified in division (A) of section 3317.013 28512
of the Revised Code; 28513

(ii) If the student is a category two special education 28514
student, the amount specified in division (B) of section 3317.013 28515
of the Revised Code; 28516

(iii) If the student is a category three special education 28517
student, the amount specified in division (C) of section 3317.013 28518
of the Revised Code; 28519

(iv) If the student is a category four special education 28520
student, the amount specified in division (D) of section 3317.013 28521

of the Revised Code;	28522
(v) If the student is a category five special education student, the amount specified in division (E) of section 3317.013 of the Revised Code;	28523 28524 28525
(vi) If the student is a category six special education student, the amount specified in division (F) of section 3317.013 of the Revised Code.	28526 28527 28528
(d) If the student is in kindergarten through third grade, an additional amount of \$320;	28529 28530
(e) If the student is economically disadvantaged, an additional amount equal to the following:	28531 28532
\$272 X the resident district's economically disadvantaged index	28533 28534
(f) Limited English proficiency <u>learner</u> funds as follows:	28535
(i) If the student is a category one limited English proficient student <u>learner</u> , the amount specified in division (A) of section 3317.016 of the Revised Code;	28536 28537 28538
(ii) If the student is a category two limited English proficient student <u>learner</u> , the amount specified in division (B) of section 3317.016 of the Revised Code;	28539 28540 28541
(iii) If the student is a category three limited English proficient student <u>learner</u> , the amount specified in division (C) of section 3317.016 of the Revised Code.	28542 28543 28544
(g) If the student is reported under division (B)(2)(d) of this section, career-technical education funds as follows:	28545 28546
(i) If the student is a category one career-technical education student, the amount specified in division (A) of section 3317.014 of the Revised Code;	28547 28548 28549
(ii) If the student is a category two career-technical	28550

education student, the amount specified in division (B) of section 28551
3317.014 of the Revised Code; 28552

(iii) If the student is a category three career-technical 28553
education student, the amount specified in division (C) of section 28554
3317.014 of the Revised Code; 28555

(iv) If the student is a category four career-technical 28556
education student, the amount specified in division (D) of section 28557
3317.014 of the Revised Code; 28558

(v) If the student is a category five career-technical 28559
education student, the amount specified in division (E) of section 28560
3317.014 of the Revised Code. 28561

Deduction and payment of funds under division (C)(1)(g) of 28562
this section is subject to approval by the lead district of a 28563
career-technical planning district or the department of education 28564
under section 3317.161 of the Revised Code. 28565

(2) When deducting from the state education aid of a 28566
student's resident district for students enrolled in an internet- 28567
or computer-based community school and making payments to such 28568
school under this section, the department shall make the 28569
deductions and payments described in only divisions (C)(1)(a), 28570
(c), and (g) of this section. 28571

No deductions or payments shall be made for a student 28572
enrolled in such school under division (C)(1)(b), (d), (e), or (f) 28573
of this section. 28574

(3)(a) If a community school's costs for a fiscal year for a 28575
student receiving special education and related services pursuant 28576
to an IEP for a disability described in divisions (B) to (F) of 28577
section 3317.013 of the Revised Code exceed the threshold 28578
catastrophic cost for serving the student as specified in division 28579
(B) of section 3317.0214 of the Revised Code, the school may 28580
submit to the superintendent of public instruction documentation, 28581

as prescribed by the superintendent, of all its costs for that 28582
student. Upon submission of documentation for a student of the 28583
type and in the manner prescribed, the department shall pay to the 28584
community school an amount equal to the school's costs for the 28585
student in excess of the threshold catastrophic costs. 28586

(b) The community school shall report under division 28587
(C)(3)(a) of this section, and the department shall pay for, only 28588
the costs of educational expenses and the related services 28589
provided to the student in accordance with the student's 28590
individualized education program. Any legal fees, court costs, or 28591
other costs associated with any cause of action relating to the 28592
student may not be included in the amount. 28593

(4) In any fiscal year, a community school receiving funds 28594
under division (C)(1)(g) of this section shall spend those funds 28595
only for the purposes that the department designates as approved 28596
for career-technical education expenses. Career-technical 28597
education expenses approved by the department shall include only 28598
expenses connected to the delivery of career-technical programming 28599
to career-technical students. The department shall require the 28600
school to report data annually so that the department may monitor 28601
the school's compliance with the requirements regarding the manner 28602
in which funding received under division (C)(1)(g) of this section 28603
may be spent. 28604

(5) Notwithstanding anything to the contrary in section 28605
3313.90 of the Revised Code, except as provided in division (C)(9) 28606
of this section, all funds received under division (C)(1)(g) of 28607
this section shall be spent in the following manner: 28608

(a) At least seventy-five per cent of the funds shall be 28609
spent on curriculum development, purchase, and implementation; 28610
instructional resources and supplies; industry-based program 28611
certification; student assessment, credentialing, and placement; 28612
curriculum specific equipment purchases and leases; 28613

career-technical student organization fees and expenses; home and 28614
agency linkages; work-based learning experiences; professional 28615
development; and other costs directly associated with 28616
career-technical education programs including development of new 28617
programs. 28618

(b) Not more than twenty-five per cent of the funds shall be 28619
used for personnel expenditures. 28620

(6) A community school shall spend the funds it receives 28621
under division (C)(1)(e) of this section in accordance with 28622
section 3317.25 of the Revised Code. 28623

(7) If the sum of the payments computed under divisions 28624
(C)(1) and (8)(a) of this section for the students entitled to 28625
attend school in a particular school district under sections 28626
3313.64 and 3313.65 of the Revised Code exceeds the sum of that 28627
district's state education aid and its payment under sections 28628
321.24 and 323.156 of the Revised Code, the department shall 28629
calculate and apply a proration factor to the payments to all 28630
community schools under that division for the students entitled to 28631
attend school in that district. 28632

(8)(a) Subject to division (C)(7) of this section, the 28633
department annually shall pay to each community school, including 28634
each internet- or computer-based community school, an amount equal 28635
to the following: 28636

(The number of students reported by the community school 28637
under division (B)(2)(e) of this section X the formula amount X 28638
.20) 28639

(b) For each payment made to a community school under 28640
division (C)(8)(a) of this section, the department shall deduct 28641
from the state education aid of each city, local, and exempted 28642
village school district and, if necessary, from the payment made 28643
to the district under sections 321.24 and 323.156 of the Revised 28644

Code an amount equal to the following: 28645

(The number of the district's students reported by the 28646
community school under division (B)(2)(e) of this section X the 28647
formula amount X .20) 28648

(9) The department may waive the requirement in division 28649
(C)(5) of this section for any community school that exclusively 28650
provides one or more career-technical workforce development 28651
programs in arts and communications that are not 28652
equipment-intensive, as determined by the department. 28653

(D) A board of education sponsoring a community school may 28654
utilize local funds to make enhancement grants to the school or 28655
may agree, either as part of the contract or separately, to 28656
provide any specific services to the community school at no cost 28657
to the school. 28658

(E) A community school may not levy taxes or issue bonds 28659
secured by tax revenues. 28660

(F) No community school shall charge tuition for the 28661
enrollment of any student who is a resident of this state. A 28662
community school may charge tuition for the enrollment of any 28663
student who is not a resident of this state. 28664

(G)(1)(a) A community school may borrow money to pay any 28665
necessary and actual expenses of the school in anticipation of the 28666
receipt of any portion of the payments to be received by the 28667
school pursuant to division (C) of this section. The school may 28668
issue notes to evidence such borrowing. The proceeds of the notes 28669
shall be used only for the purposes for which the anticipated 28670
receipts may be lawfully expended by the school. 28671

(b) A school may also borrow money for a term not to exceed 28672
fifteen years for the purpose of acquiring facilities. 28673

(2) Except for any amount guaranteed under section 3318.50 of 28674

the Revised Code, the state is not liable for debt incurred by the governing authority of a community school.

(H) The department of education shall adjust the amounts subtracted and paid under division (C) of this section to reflect any enrollment of students in community schools for less than the equivalent of a full school year. The state board of education within ninety days after April 8, 2003, shall adopt in accordance with Chapter 119. of the Revised Code rules governing the payments to community schools under this section including initial payments in a school year and adjustments and reductions made in subsequent periodic payments to community schools and corresponding deductions from school district accounts as provided under division (C) of this section. For purposes of this section:

(1) A student shall be considered enrolled in the community school for any portion of the school year the student is participating at a college under Chapter 3365. of the Revised Code.

(2) A student shall be considered to be enrolled in a community school for the period of time beginning on the later of the date on which the school both has received documentation of the student's enrollment from a parent and the student has commenced participation in learning opportunities as defined in the contract with the sponsor, or thirty days prior to the date on which the student is entered into the education management information system established under section 3301.0714 of the Revised Code. For purposes of applying this division and divisions (H)(3) and (4) of this section to a community school student, "learning opportunities" shall be defined in the contract, which shall describe both classroom-based and non-classroom-based learning opportunities and shall be in compliance with criteria and documentation requirements for student participation which shall be established by the department. Any student's instruction

time in non-classroom-based learning opportunities shall be 28707
certified by an employee of the community school. A student's 28708
enrollment shall be considered to cease on the date on which any 28709
of the following occur: 28710

(a) The community school receives documentation from a parent 28711
terminating enrollment of the student. 28712

(b) The community school is provided documentation of a 28713
student's enrollment in another public or private school. 28714

(c) The community school ceases to offer learning 28715
opportunities to the student pursuant to the terms of the contract 28716
with the sponsor or the operation of any provision of this 28717
chapter. 28718

Except as otherwise specified in this paragraph, beginning in 28719
the 2011-2012 school year, any student who completed the prior 28720
school year in an internet- or computer-based community school 28721
shall be considered to be enrolled in the same school in the 28722
subsequent school year until the student's enrollment has ceased 28723
as specified in division (H)(2) of this section. The department 28724
shall continue subtracting and paying amounts for the student 28725
under division (C) of this section without interruption at the 28726
start of the subsequent school year. However, if the student 28727
without a legitimate excuse fails to participate in the first 28728
seventy-two consecutive hours of learning opportunities offered to 28729
the student in that subsequent school year, the student shall be 28730
considered not to have re-enrolled in the school for that school 28731
year and the department shall recalculate the payments to the 28732
school for that school year to account for the fact that the 28733
student is not enrolled. 28734

(3) The department shall determine each community school 28735
student's percentage of full-time equivalency based on the 28736
percentage of learning opportunities offered by the community 28737

school to that student, reported either as number of hours or 28738
number of days, is of the total learning opportunities offered by 28739
the community school to a student who attends for the school's 28740
entire school year. However, no internet- or computer-based 28741
community school shall be credited for any time a student spends 28742
participating in learning opportunities beyond ten hours within 28743
any period of twenty-four consecutive hours. Whether it reports 28744
hours or days of learning opportunities, each community school 28745
shall offer not less than nine hundred twenty hours of learning 28746
opportunities during the school year. 28747

(4) With respect to the calculation of full-time equivalency 28748
under division (H)(3) of this section, the department shall waive 28749
the number of hours or days of learning opportunities not offered 28750
to a student because the community school was closed during the 28751
school year due to disease epidemic, hazardous weather conditions, 28752
law enforcement emergencies, inoperability of school buses or 28753
other equipment necessary to the school's operation, damage to a 28754
school building, or other temporary circumstances due to utility 28755
failure rendering the school building unfit for school use, so 28756
long as the school was actually open for instruction with students 28757
in attendance during that school year for not less than the 28758
minimum number of hours required by this chapter. The department 28759
shall treat the school as if it were open for instruction with 28760
students in attendance during the hours or days waived under this 28761
division. 28762

(I) The department of education shall reduce the amounts paid 28763
under this section to reflect payments made to colleges under 28764
section 3365.07 of the Revised Code. 28765

(J)(1) No student shall be considered enrolled in any 28766
internet- or computer-based community school or, if applicable to 28767
the student, in any community school that is required to provide 28768
the student with a computer pursuant to division (C) of section 28769

3314.22 of the Revised Code, unless both of the following 28770
conditions are satisfied: 28771

(a) The student possesses or has been provided with all 28772
required hardware and software materials and all such materials 28773
are operational so that the student is capable of fully 28774
participating in the learning opportunities specified in the 28775
contract between the school and the school's sponsor as required 28776
by division (A)(23) of section 3314.03 of the Revised Code; 28777

(b) The school is in compliance with division (A) of section 28778
3314.22 of the Revised Code, relative to such student. 28779

(2) In accordance with policies adopted by the superintendent 28780
of public instruction, in consultation with the auditor of state, 28781
the department shall reduce the amounts otherwise payable under 28782
division (C) of this section to any community school that includes 28783
in its program the provision of computer hardware and software 28784
materials to any student, if such hardware and software materials 28785
have not been delivered, installed, and activated for each such 28786
student in a timely manner or other educational materials or 28787
services have not been provided according to the contract between 28788
the individual community school and its sponsor. 28789

The superintendent of public instruction and the auditor of 28790
state shall jointly establish a method for auditing any community 28791
school to which this division pertains to ensure compliance with 28792
this section. 28793

The superintendent, auditor of state, and the governor shall 28794
jointly make recommendations to the general assembly for 28795
legislative changes that may be required to assure fiscal and 28796
academic accountability for such schools. 28797

(K)(1) If the department determines that a review of a 28798
community school's enrollment is necessary, such review shall be 28799
completed and written notice of the findings shall be provided to 28800

the governing authority of the community school and its sponsor 28801
within ninety days of the end of the community school's fiscal 28802
year, unless extended for a period not to exceed thirty additional 28803
days for one of the following reasons: 28804

(a) The department and the community school mutually agree to 28805
the extension. 28806

(b) Delays in data submission caused by either a community 28807
school or its sponsor. 28808

(2) If the review results in a finding that additional 28809
funding is owed to the school, such payment shall be made within 28810
thirty days of the written notice. If the review results in a 28811
finding that the community school owes moneys to the state, the 28812
following procedure shall apply: 28813

(a) Within ten business days of the receipt of the notice of 28814
findings, the community school may appeal the department's 28815
determination to the state board of education or its designee. 28816

(b) The board or its designee shall conduct an informal 28817
hearing on the matter within thirty days of receipt of such an 28818
appeal and shall issue a decision within fifteen days of the 28819
conclusion of the hearing. 28820

(c) If the board has enlisted a designee to conduct the 28821
hearing, the designee shall certify its decision to the board. The 28822
board may accept the decision of the designee or may reject the 28823
decision of the designee and issue its own decision on the matter. 28824

(d) Any decision made by the board under this division is 28825
final. 28826

(3) If it is decided that the community school owes moneys to 28827
the state, the department shall deduct such amount from the 28828
school's future payments in accordance with guidelines issued by 28829
the superintendent of public instruction. 28830

(L) The department shall not subtract from a school district's state aid account and shall not pay to a community school under division (C) of this section any amount for any of the following:

(1) Any student who has graduated from the twelfth grade of a public or nonpublic high school;

(2) Any student who is not a resident of the state;

(3) Any student who was enrolled in the community school during the previous school year when assessments were administered under section 3301.0711 of the Revised Code but did not take one or more of the assessments required by that section and was not excused pursuant to division (C)(1) or (3) of that section, unless the superintendent of public instruction grants the student a waiver from the requirement to take the assessment and a parent is not paying tuition for the student pursuant to section 3314.26 of the Revised Code. The superintendent may grant a waiver only for good cause in accordance with rules adopted by the state board of education.

(4) Any student who has attained the age of twenty-two years, except for veterans of the armed services whose attendance was interrupted before completing the recognized twelve-year course of the public schools by reason of induction or enlistment in the armed forces and who apply for enrollment in a community school not later than four years after termination of war or their honorable discharge. If, however, any such veteran elects to enroll in special courses organized for veterans for whom tuition is paid under federal law, or otherwise, the department shall not subtract from a school district's state aid account and shall not pay to a community school under division (C) of this section any amount for that veteran.

Sec. 3314.085. (A) For purposes of this section:

(1) "Formula amount" has the same meaning as in section 28862
3317.02 of the Revised Code. 28863

(2) "Four-year adjusted cohort graduation rate" has the same 28864
meaning as in section 3302.01 of the Revised Code. 28865

(3) A community school's "third-grade reading proficiency 28866
percentage" means the percentage of the school's students scoring 28867
at a proficient level of skill or higher on the third-grade 28868
English language arts assessment prescribed under division 28869
(A)(1)(a) of section 3301.0710 of the Revised Code for the 28870
immediately preceding school year, as reported on the school's 28871
report card under section 3302.03 of the Revised Code. 28872

(B) In addition to the payments made under section 3314.08 of 28873
the Revised Code, and subject to section 3314.089 of the Revised 28874
Code, the department of education shall annually pay to each 28875
community school both of the following: 28876

(1) A graduation bonus calculated according to the following 28877
formula: 28878
The school's four-year adjusted cohort graduation rate on its most 28879
recent report card issued by the department under section 3302.03 28880
or 3314.017 of the Revised Code X 0.075 X the formula amount X the 28881
number of the school's graduates reported to the department, in 28882
accordance with the guidelines adopted under section 3301.0714 of 28883
the Revised Code, for the same school year for which the most 28884
recent report card was issued 28885

(2) A third-grade reading bonus calculated according to the 28886
following formula: 28887
The school's third-grade reading proficiency percentage X 0.075 X 28888
the formula amount X the number of the school's students scoring 28889
at a proficient level or higher on the third-grade English 28890
language arts assessment prescribed under division (A)(1)(a) of 28891
section 3301.0710 of the Revised Code for the immediately 28892

preceding school year	28893
<u>Sec. 3314.088. (A) As used in this section:</u>	28894
<u>(1) "Base per pupil amount" has the same meaning as in section 3317.0219 of the Revised Code.</u>	28895
<u>(2) "Eligible school district" has the same meaning as in division (C)(1) of section 3317.0219 of the Revised Code.</u>	28896
<u>(3) "Resident district" has the same meaning as in section 3314.08 of the Revised Code.</u>	28897
<u>(B) Subject to division (E) of this section, for fiscal years 2020 and 2021, the department of education shall calculate and pay to each community school that is not an internet- or computer-based community school student wellness and success funds, on a full-time equivalency basis, for each student enrolled in the school as of the school's payment under section 3314.08 of the Revised Code in June of the immediately preceding fiscal year in an amount equal to the following:</u>	28898
<u>(The base per pupil amount of the student's resident district for that fiscal year + the scaled amount of the student's resident district, if any, computed under division (B)(4) of section 3317.0219 of the Revised Code)</u>	28899
<u>However, each community school shall receive a minimum payment of \$25,000, for fiscal year 2020, or \$36,000, for fiscal year 2021.</u>	28900
<u>(C) Subject to division (E) of this section, for fiscal years 2020 and 2021, the department shall pay student wellness and success funds to each internet- or computer-based community school in an amount equal to \$25,000, for fiscal year 2020, or \$36,000, for fiscal year 2021.</u>	28901
<u>(D) Subject to division (E) of this section, for fiscal years 2020 and 2021, the department shall pay to each community school</u>	28902

that is not an internet- or computer-based community school 28923
student wellness and success enhancement funds, on a full-time 28924
equivalency basis, for each student enrolled in the school as of 28925
the school's payment under section 3314.08 of the Revised Code in 28926
June of the immediately preceding fiscal year whose resident 28927
district is an eligible school district, in an amount equal to the 28928
following: 28929

The amount paid to the student's resident district under division 28930
(C)(2) of section 3317.0219 of the Revised Code for that fiscal 28931
year / the enrolled ADM of the student's resident district that 28932
was used for the second payment under Chapter 3317. of the Revised 28933
Code in June of the immediately preceding fiscal year 28934

(E) The department shall pay funds under divisions (B), (C), 28935
and (D) of this section as follows: 28936

(1) One-half of the amount shall be paid not later than the 28937
thirty-first day of October of the fiscal year for which the 28938
payment is calculated. 28939

(2) One-half of the amount shall be paid not later than the 28940
twenty-eighth day of February of the fiscal year for which the 28941
payment is calculated. 28942

Upon making a payment for a fiscal year under this section, 28943
the department shall not make any reconciliations or adjustments 28944
to that payment. 28945

(F) A community school that receives a payment under this 28946
section shall comply with section 3317.26 of the Revised Code. 28947

Sec. 3314.089. If the contract between a sponsor and the 28948
governing authority of a community school provides for the sponsor 28949
to receive a portion of the total amount of funding calculated to 28950
be paid to the school under division (C)(1) of section 3314.08 and 28951
section 3314.085 of the Revised Code, the department of education 28952

shall annually pay the funds calculated under those sections as follows: 28953
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(A) A portion of the total amount of funding calculated for the school shall be paid to the sponsor, in an amount equal to the amount specified in the contract in accordance with division (C) of section 3314.03 of the Revised Code. 28955
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(B) The remainder of the total amount of funding calculated for the school shall be paid to the school. 28959
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Sec. 3314.102. (A) As used in this section+ 28961

~~(1) "Chief executive officer" means a chief executive officer appointed by an academic distress commission pursuant to section 3302.10 of the Revised Code.~~ 28962
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~~(2) "Municipal , "municipal school district" and "mayor" have the same meanings as in section 3311.71 of the Revised Code.~~ 28965
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(B) Notwithstanding section 3314.10 and sections 4117.03 to 4117.18 of the Revised Code and Section 4 of Amended Substitute Senate Bill No. 133 of the 115th general assembly, the employees of a conversion community school that is sponsored by the board of education of a municipal school district ~~or a school district for which an academic distress commission has been established under section 3302.10 of the Revised Code~~ shall cease to be subject to any future collective bargaining agreement, if the mayor ~~or chief executive officer~~ submits to the board of education sponsoring the school and to the state employment relations board a statement requesting that all employees of the community school be removed from a collective bargaining unit. The employees of the community school who are covered by a collective bargaining agreement in effect on the date the mayor ~~or chief executive officer~~ submits the statement shall remain subject to that collective bargaining agreement until the collective bargaining agreement expires on its 28967
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terms. Upon expiration of that collective bargaining agreement, 28983
the employees of that school are not subject to Chapter 4117. of 28984
the Revised Code and may not organize or collectively bargain 28985
pursuant to that chapter. 28986

Sec. 3314.18. (A) Subject to division (C) of this section, 28987
the governing authority of each community school shall establish a 28988
breakfast program pursuant to the "National School Lunch Act," 60 28989
Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child 28990
Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended, 28991
if at least one-fifth of the pupils in the school are eligible 28992
under federal requirements for free breakfasts, and shall 28993
establish a lunch program pursuant to those acts if at least 28994
one-fifth of the pupils are eligible for free lunches. The 28995
governing authority required to establish a breakfast program 28996
under this division may make a charge in accordance with federal 28997
requirements for each reduced price breakfast or paid breakfast to 28998
cover the cost incurred in providing that meal. 28999

A breakfast program established under this section shall be 29000
operated in accordance with section 3313.818 of the Revised Code 29001
in any community school meeting the conditions prescribed by that 29002
section. 29003

(B) Subject to division (C) of this section, the governing 29004
authority of each community school shall establish one of the 29005
following for summer intervention services described in division 29006
(D) of section 3301.0711 or provided under section 3313.608 of the 29007
Revised Code, and any other summer intervention program required 29008
by law: 29009

(1) An extension of the school breakfast program pursuant to 29010
the "National School Lunch Act" and the "Child Nutrition Act of 29011
1966"; 29012

(2) An extension of the school lunch program pursuant to 29013

those acts; 29014

(3) A summer food service program pursuant to those acts. 29015

(C) If the governing authority of a community school 29016
determines that, for financial reasons, it cannot comply with 29017
division (A) or (B) of this section, the governing authority may 29018
choose not to comply with either or both divisions. In that case, 29019
the governing authority shall communicate to the parents of its 29020
students, in the manner it determines appropriate, its decision 29021
not to comply. 29022

(D) The governing authority of each community school required 29023
to establish a school breakfast, school lunch, or summer food 29024
service program under this section shall apply for state and 29025
federal funds allocated by the state board of education under 29026
division (B) of section 3313.813 of the Revised Code and shall 29027
comply with the state board's standards adopted under that 29028
division. 29029

(E) The governing authority of any community school required 29030
to establish a breakfast program under this section or that elects 29031
to participate in a breakfast program pursuant to the "National 29032
School Lunch Act" and the "Child Nutrition Act of 1966" may offer 29033
breakfast to pupils in their classrooms during the school day. 29034
However, any community school that is subject to section 3313.818 29035
of the Revised Code shall offer breakfast to pupils in accordance 29036
with that section. 29037

(F) Notwithstanding anything in this section to the contrary, 29038
in each fiscal year in which the general assembly appropriates 29039
funds for purposes of this division, the governing authority of 29040
each community school required to establish a breakfast program 29041
under this section or that elects to participate in a breakfast 29042
program pursuant to the "National School Lunch Act" and the "Child 29043
Nutrition Act of 1966" shall provide a breakfast free of charge to 29044

each pupil who is eligible under federal requirements for a 29045
reduced price breakfast. 29046

(G) This section does not apply to internet- or 29047
computer-based community schools. 29048

Sec. 3314.19. The sponsor of each community school ~~annually~~ 29049
shall provide the following assurances in writing to the 29050
department of education not later than ten business days prior to 29051
the opening of the ~~school~~ school's first year of operation or, if 29052
the school is not an internet- or computer-based community school 29053
and it changes the building from which it operates, the opening of 29054
the first year it operates from the new building: 29055

(A) That a current copy of the contract between the sponsor 29056
and the governing authority of the school entered into under 29057
section 3314.03 of the Revised Code has been filed with the 29058
department and that any subsequent modifications to that contract 29059
will be filed with the department; 29060

(B) That the school has submitted to the sponsor a plan for 29061
providing special education and related services to students with 29062
disabilities and has demonstrated the capacity to provide those 29063
services in accordance with Chapter 3323. of the Revised Code and 29064
federal law; 29065

(C) That the school has a plan and procedures for 29066
administering the achievement and diagnostic assessments 29067
prescribed by sections 3301.0710, 3301.0712, and 3301.0715 of the 29068
Revised Code; 29069

(D) That school personnel have the necessary training, 29070
knowledge, and resources to properly use and submit information to 29071
all databases maintained by the department for the collection of 29072
education data, including the education management information 29073
system established under section 3301.0714 of the Revised Code in 29074

accordance with methods and timelines established under section 29075
3314.17 of the Revised Code; 29076

(E) That all required information about the school has been 29077
submitted to the Ohio education directory system or any successor 29078
system; 29079

(F) That the school will enroll at least the minimum number 29080
of students required by division (A)(11)(a) of section 3314.03 of 29081
the Revised Code in the school year for which the assurances are 29082
provided; 29083

(G) That all classroom teachers are licensed in accordance 29084
with sections 3319.22 to 3319.31 of the Revised Code, except for 29085
noncertificated persons engaged to teach up to twelve hours per 29086
week pursuant to section 3319.301 of the Revised Code; 29087

(H) That the school's fiscal officer is in compliance with 29088
section 3314.011 of the Revised Code; 29089

(I) That the school has complied with sections 3319.39 and 29090
3319.391 of the Revised Code with respect to all employees and 29091
that the school has conducted a criminal records check of each of 29092
its governing authority members; 29093

(J) That the school holds all of the following: 29094

(1) Proof of property ownership or a lease for the facilities 29095
used by the school; 29096

(2) A certificate of occupancy; 29097

(3) Liability insurance for the school, as required by 29098
division (A)(11)(b) of section 3314.03 of the Revised Code, that 29099
the sponsor considers sufficient to indemnify the school's 29100
facilities, staff, and governing authority against risk; 29101

(4) A satisfactory health and safety inspection; 29102

(5) A satisfactory fire inspection; 29103

(6) A valid food permit, if applicable.	29104
(K) That the sponsor has conducted a pre-opening site visit to the school for the school year for which the assurances are provided;	29105 29106 29107
(L) That the school has designated a date it will open for the school year for which the assurances are provided that is in compliance with division (A)(25) of section 3314.03 of the Revised Code;	29108 29109 29110 29111
(M) That the school has met all of the sponsor's requirements for opening and any other requirements of the sponsor.	29112 29113
(N) That, for any school that operates using the blended learning model, as defined in section 3301.079 of the Revised Code, the sponsor has reviewed the following information, submitted by the school:	29114 29115 29116 29117
(1) An indication of what blended learning model or models will be used;	29118 29119
(2) A description of how student instructional needs will be determined and documented;	29120 29121
(3) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;	29122 29123
(4) The school's attendance requirements, including how the school will document participation in learning opportunities;	29124 29125
(5) A statement describing how student progress will be monitored;	29126 29127
(6) A statement describing how private student data will be protected;	29128 29129
(7) A description of the professional development activities that will be offered to teachers.	29130 29131
Sec. 3314.21. (A) As used in this section:	29132

(1) "Harmful to juveniles" has the same meaning as in section 2907.01 of the Revised Code. 29133
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(2) "Obscene" has the same meaning as in division (F) of section 2907.01 of the Revised Code as that division has been construed by the supreme court of this state. 29135
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(3) "Teacher of record" means a teacher who is responsible for the overall academic development and achievement of a student and not merely the student's instruction in any single subject. 29138
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(B)~~(1)~~ (1) It is the intent of the general assembly that teachers employed by internet- or computer-based community schools conduct visits with their students in person throughout the school year. 29141
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(2) Each internet- or computer-based community school shall retain an affiliation with at least one full-time teacher of record licensed in accordance with division (A)(10) of section 3314.03 of the Revised Code. 29145
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(3) Each student enrolled in an internet- or computer-based community school shall be assigned to at least one teacher of record. No teacher of record shall be primarily responsible for the academic development and achievement of more than one hundred twenty-five students enrolled in the internet- or computer-based community school that has retained that teacher. 29149
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(C) For any internet- or computer-based community school, the contract between the sponsor and the governing authority of the school described in section 3314.03 of the Revised Code shall specify each of the following: 29155
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(1) A requirement that the school use a filtering device or install filtering software that protects against internet access to materials that are obscene or harmful to juveniles on each computer provided to students for instructional use. The school shall provide such device or software at no cost to any student 29159
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who works primarily from the student's residence on a computer 29164
obtained from a source other than the school. 29165

(2) A plan for fulfilling the intent of the general assembly 29166
specified in division (B)(1) of this section. The plan shall 29167
indicate the number of times teachers will visit each student 29168
throughout the school year and the manner in which those visits 29169
will be conducted. 29170

(3) That the school will set up a central base of operation 29171
and the sponsor will maintain a representative within fifty miles 29172
of that base of operation to provide monitoring and assistance. 29173

(D)(1) Annually, each internet- or computer-based community 29174
school shall prepare and submit to the department of education, in 29175
a time and manner prescribed by the department, a report that 29176
contains information about all of the following: 29177

(a) Classroom size; 29178

(b) The ratio of teachers to students per classroom; 29179

(c) The number of student-teacher meetings conducted in 29180
person or by video conference; 29181

(d) Any other information determined necessary by the 29182
department. 29183

(2) The department annually shall prepare and submit to the 29184
state board of education a report that contains the information 29185
received under division (D)(1) of this section. 29186

~~Sec. 3314.35. (A)(1) Except as provided in division (A)(4) of 29187
this section, this section applies to any community school that 29188
meets one of the following criteria after July 1, 2009, but before 29189
July 1, 2011: 29190~~

~~(a) The school does not offer a grade level higher than three 29191
and has been declared to be in a state of academic emergency under 29192~~

~~section 3302.03 of the Revised Code for three of the four most recent school years.~~ 29193
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~~(b) The school satisfies all of the following conditions:~~ 29195

~~(i) The school offers any of grade levels four to eight but does not offer a grade level higher than nine.~~ 29196
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~~(ii) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for two of the three most recent school years.~~ 29198
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~~(iii) In at least two of the three most recent school years, the school showed less than one standard year of academic growth in either reading or mathematics, as determined by the department of education in accordance with rules adopted under division (A) of section 3302.021 of the Revised Code.~~ 29201
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~~(c) The school offers any of grade levels ten to twelve and has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for three of the four most recent school years.~~ 29206
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~~(2) Except as provided in division (A)(4) of this section, this section applies to any community school that meets one of the following criteria after July 1, 2011, but before July 1, 2013:~~ 29210
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~~(a) The school does not offer a grade level higher than three and has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for two of the three most recent school years.~~ 29213
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~~(b) The school satisfies all of the following conditions:~~ 29217

~~(i) The school offers any of grade levels four to eight but does not offer a grade level higher than nine.~~ 29218
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~~(ii) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for two of the three most recent school years.~~ 29220
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~~(iii) In at least two of the three most recent school years, the school showed less than one standard year of academic growth in either reading or mathematics, as determined by the department in accordance with rules adopted under division (A) of section 3302.021 of the Revised Code.~~

~~(c) The school offers any of grade levels ten to twelve and has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for two of the three most recent school years.~~

~~(3) Except as provided in division (A)(4)(2) of this section, this section applies to any community school that meets one of the following criteria on or after July 1, 2013:~~

~~(a) The school does not offer a grade level higher than three and, for two of the three most recent school years, satisfies any of the following criteria:~~

~~(i) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code, as it existed prior to March 22, 2013;~~

~~(ii) The school has received a grade of "F" in improving literacy in grades kindergarten through three under division (B)(1)(g) or (C)(1)(g) of section 3302.03 of the Revised Code;~~

~~(iii)(ii) The school has received an overall grade of "F" under division (C) of section 3302.03 of the Revised Code.~~

~~(b) The school offers any of grade levels four to eight but does not offer a grade level higher than nine and, for two of the three most recent school years, satisfies any of the following criteria:~~

~~(i) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code, as it existed prior to March 22, 2013, and the school showed less than one~~

~~standard year of academic growth in either reading or mathematics, 29253
as determined by the department in accordance with rules adopted 29254
under division (A) of section 3302.021 of the Revised Code; 29255~~

~~(ii) The the school has received, pursuant to section 29256
3302.038 of the Revised Code, a grade of "F" for the performance 29257
index score under division (A)(1)(b), (B)(1)(b), or (C)(1)(b) and 29258
or a grade of "F" for the value-added progress dimension under 29259
division (A)(1)(e), (B)(1)(e), or (C)(1)(e) of section 3302.03 of 29260
the Revised Code; 29261~~

~~(iii) The school has received an overall grade of "F" under 29262
division (C) and a grade of "F" for the value added progress 29263
dimension under division (C)(1)(e) of section 3302.03 of the 29264
Revised Code. 29265~~

~~(c) The school offers any of grade levels ten to twelve and, 29266
for two of the three most recent school years, satisfies any of 29267
the following criteria; 29268~~

~~(i) The school has been declared to be in a state of academic 29269
emergency under section 3302.03 of the Revised Code, as it existed 29270
prior to March 22, 2013; 29271~~

~~(ii) The the school has received, pursuant to section 29272
3302.038 of the Revised Code, a grade of "F" for either the 29273
performance index score under division (A)(1)(b), (B)(1)(b), or 29274
(C)(1)(b) or for the value-added progress dimension measure under 29275
division (A)(1)(e), (B)(1)(e), or (C)(1)(e) and has not met annual 29276
measurable objectives under division (A)(1)(a), (B)(1)(a), or 29277
(C)(1)(a) of section 3302.03 of the Revised Code; 29278~~

~~(iii) The school has received an overall grade of "F" under 29279
division (C) and a grade of "F" for the value added progress 29280
dimension under division (C)(1)(e) of section 3302.03 of the 29281
Revised Code. 29282~~

~~For purposes of division (A)(3) of this section only, the 29283~~

~~department of education shall calculate the value added progress 29284
dimension for a community school using assessment scores for only 29285
those students to whom the school has administered the achievement 29286
assessments prescribed by section 3301.0710 of the Revised Code 29287
for at least the two most recent school years but using 29288
value added data from only the most recent school year. 29289~~

~~(4)(2) This section does not apply to either of the 29290
following: 29291~~

~~(a) Any community school in which a majority of the students 29292
are enrolled in a dropout prevention and recovery program that is 29293
operated by the school. Rather, such schools shall be subject to 29294
closure only as provided in section 3314.351 of the Revised Code. 29295
However, prior to July 1, 2014, a community school in which a 29296
majority of the students are enrolled in a dropout prevention and 29297
recovery program shall be exempt from this section only if it has 29298
been granted a waiver under section 3314.36 of the Revised Code. 29299~~

~~(b) Any community school in which a majority of the enrolled 29300
students are children with disabilities receiving special 29301
education and related services in accordance with Chapter 3323. of 29302
the Revised Code. 29303~~

~~(B) Any community school to which this section applies shall 29304
permanently close at the conclusion of the school year in which 29305
the school first becomes subject to this section. The sponsor and 29306
governing authority of the school shall comply with all procedures 29307
for closing a community school adopted by the department under 29308
division (E) of section 3314.015 of the Revised Code. The 29309
governing authority of the school shall not enter into a contract 29310
with any other sponsor under section 3314.03 of the Revised Code 29311
after the school closes. 29312~~

~~(C) In accordance with division (B) of section 3314.012 of 29313
the Revised Code, the department shall not consider the 29314~~

performance ratings assigned to a community school for its first 29315
two years of operation when determining whether the school meets 29316
the criteria prescribed by division (A)(1) ~~or (2)~~ of this section. 29317

(D) Nothing in this section or in any other provision of the 29318
Revised Code prohibits the sponsor of a community school from 29319
exercising its option not to renew a contract for any reason or 29320
from terminating a contract prior to its expiration for any of the 29321
reasons set forth in section 3314.07 of the Revised Code. 29322

Sec. 3314.353. Not later than the thirty-first day of August 29323
each year, the department of education shall publish separate 29324
lists of the following: 29325

(A) Community schools that have become subject to permanent 29326
closure under section 3314.35 or 3314.351 of the Revised Code; 29327

(B) Community schools that are at risk of becoming subject to 29328
permanent closure under section 3314.35 or 3314.351 of the Revised 29329
Code if their academic performance, as prescribed in those 29330
sections, does not improve on the next state report cards issued 29331
under section 3302.03 or 3314.017 of the Revised Code; 29332

(C) All "challenged school districts" in which new start-up 29333
community schools may be located, as prescribed in section 3314.02 29334
of the Revised Code. 29335

Sec. 3314.354. Not later than the thirty-first day of July of 29336
each year, the department of education shall submit preliminary 29337
data on community schools at risk of becoming subject to permanent 29338
closure under section 3314.35 or 3314.351 of the Revised Code. 29339

Sec. 3317.016. The amounts for ~~limited~~ English ~~proficient~~ 29340
students ~~learners~~ shall be as follows: 29341

(A) An amount of \$1,515 for each student who has been 29342
enrolled in schools in the United States for 180 school days or 29343

less and was not previously exempted from taking the spring 29344
administration of either of the state's English language arts 29345
assessments prescribed by section 3301.0710 of the Revised Code 29346
(reading or writing). 29347

(B) An amount of \$1,136 for each student who has been 29348
enrolled in schools in the United States for more than 180 school 29349
days or was previously exempted from taking the spring 29350
administration of either of the state's English language arts 29351
assessments prescribed by section 3301.0710 of the Revised Code 29352
(reading or writing). 29353

(C) An amount of \$758 for each student who does not qualify 29354
for inclusion under division (A) or (B) of this section and is in 29355
a trial-mainstream period, as defined by the department. 29356

Sec. 3317.02. As used in this chapter: 29357

(A)(1) "Category one career-technical education ADM" means 29358
the enrollment of students during the school year on a full-time 29359
equivalency basis in career-technical education programs described 29360
in division (A) of section 3317.014 of the Revised Code and 29361
certified under division (B)(11) or (D)(2)(h) of section 3317.03 29362
of the Revised Code. 29363

(2) "Category two career-technical education ADM" means the 29364
enrollment of students during the school year on a full-time 29365
equivalency basis in career-technical education programs described 29366
in division (B) of section 3317.014 of the Revised Code and 29367
certified under division (B)(12) or (D)(2)(i) of section 3317.03 29368
of the Revised Code. 29369

(3) "Category three career-technical education ADM" means the 29370
enrollment of students during the school year on a full-time 29371
equivalency basis in career-technical education programs described 29372
in division (C) of section 3317.014 of the Revised Code and 29373

certified under division (B)(13) or (D)(2)(j) of section 3317.03 29374
of the Revised Code. 29375

(4) "Category four career-technical education ADM" means the 29376
enrollment of students during the school year on a full-time 29377
equivalency basis in career-technical education programs described 29378
in division (D) of section 3317.014 of the Revised Code and 29379
certified under division (B)(14) or (D)(2)(k) of section 3317.03 29380
of the Revised Code. 29381

(5) "Category five career-technical education ADM" means the 29382
enrollment of students during the school year on a full-time 29383
equivalency basis in career-technical education programs described 29384
in division (E) of section 3317.014 of the Revised Code and 29385
certified under division (B)(15) or (D)(2)(l) of section 3317.03 29386
of the Revised Code. 29387

(B)(1) "Category one ~~limited~~ English ~~proficient~~ learner ADM" 29388
means the full-time equivalent number of ~~limited~~ English 29389
~~proficient students~~ learners described in division (A) of section 29390
3317.016 of the Revised Code and certified under division (B)(16) 29391
or (D)(2)(m) of section 3317.03 of the Revised Code. 29392

(2) "Category two ~~limited~~ English ~~proficient~~ learner ADM" 29393
means the full-time equivalent number of ~~limited~~ English 29394
~~proficient students~~ learners described in division (B) of section 29395
3317.016 of the Revised Code and certified under division (B)(17) 29396
or (D)(2)(n) of section 3317.03 of the Revised Code. 29397

(3) "Category three ~~limited~~ English ~~proficient~~ learner ADM" 29398
means the full-time equivalent number of ~~limited~~ English 29399
~~proficient students~~ learners described in division (C) of section 29400
3317.016 of the Revised Code and certified under division (B)(18) 29401
or (D)(2)(o) of section 3317.03 of the Revised Code. 29402

(C)(1) "Category one special education ADM" means the 29403
full-time equivalent number of children with disabilities 29404

receiving special education services for the disability specified 29405
in division (A) of section 3317.013 of the Revised Code and 29406
certified under division (B)(5) or (D)(2)(b) of section 3317.03 of 29407
the Revised Code. 29408

(2) "Category two special education ADM" means the full-time 29409
equivalent number of children with disabilities receiving special 29410
education services for those disabilities specified in division 29411
(B) of section 3317.013 of the Revised Code and certified under 29412
division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised 29413
Code. 29414

(3) "Category three special education ADM" means the 29415
full-time equivalent number of students receiving special 29416
education services for those disabilities specified in division 29417
(C) of section 3317.013 of the Revised Code, and certified under 29418
division (B)(7) or (D)(2)(d) of section 3317.03 of the Revised 29419
Code. 29420

(4) "Category four special education ADM" means the full-time 29421
equivalent number of students receiving special education services 29422
for those disabilities specified in division (D) of section 29423
3317.013 of the Revised Code and certified under division (B)(8) 29424
or (D)(2)(e) of section 3317.03 of the Revised Code. 29425

(5) "Category five special education ADM" means the full-time 29426
equivalent number of students receiving special education services 29427
for the disabilities specified in division (E) of section 3317.013 29428
of the Revised Code and certified under division (B)(9) or 29429
(D)(2)(f) of section 3317.03 of the Revised Code. 29430

(6) "Category six special education ADM" means the full-time 29431
equivalent number of students receiving special education services 29432
for the disabilities specified in division (F) of section 3317.013 29433
of the Revised Code and certified under division (B)(10) or 29434
(D)(2)(g) of section 3317.03 of the Revised Code. 29435

(D) "Economically disadvantaged index for a school district" 29436
means the square of the quotient of that district's percentage of 29437
students in its total ADM who are identified as economically 29438
disadvantaged as defined by the department of education, divided 29439
by the percentage of students in the statewide total ADM 29440
identified as economically disadvantaged. For purposes of this 29441
calculation: 29442

(1) For a city, local, or exempted village school district, 29443
the "statewide total ADM" equals the sum of the total ADM for all 29444
city, local, and exempted village school districts combined. 29445

(2) For a joint vocational school district, the "statewide 29446
total ADM" equals the sum of the formula ADM for all joint 29447
vocational school districts combined. 29448

(E)(1) "Formula ADM" means, for a city, local, or exempted 29449
village school district, the enrollment reported under division 29450
(A) of section 3317.03 of the Revised Code, as verified by the 29451
superintendent of public instruction and adjusted if so ordered 29452
under division (K) of that section, and as further adjusted by the 29453
department of education, as follows: 29454

(a) Count only twenty per cent of the number of joint 29455
vocational school district students counted under division (A)(3) 29456
of section 3317.03 of the Revised Code; 29457

(b) Add twenty per cent of the number of students who are 29458
entitled to attend school in the district under section 3313.64 or 29459
3313.65 of the Revised Code and are enrolled in another school 29460
district under a career-technical education compact. 29461

(2) "Formula ADM" means, for a joint vocational school 29462
district, the final number verified by the superintendent of 29463
public instruction, based on the enrollment reported and certified 29464
under division (D) of section 3317.03 of the Revised Code, as 29465
adjusted, if so ordered, under division (K) of that section. 29466

(F) "Formula amount" means \$6,010, for fiscal year 2018, and 29467
\$6,020, for fiscal year 2019. 29468

(G) "FTE basis" means a count of students based on full-time 29469
equivalency, in accordance with rules adopted by the department of 29470
education pursuant to section 3317.03 of the Revised Code. In 29471
adopting its rules under this division, the department shall 29472
provide for counting any student in category one, two, three, 29473
four, five, or six special education ADM or in category one, two, 29474
three, four, or five career-technical education ADM in the same 29475
proportion the student is counted in formula ADM. 29476

(H) "Internet- or computer-based community school" has the 29477
same meaning as in section 3314.02 of the Revised Code. 29478

(I) "Medically fragile child" means a child to whom all of 29479
the following apply: 29480

(1) The child requires the services of a doctor of medicine 29481
or osteopathic medicine at least once a week due to the 29482
instability of the child's medical condition. 29483

(2) The child requires the services of a registered nurse on 29484
a daily basis. 29485

(3) The child is at risk of institutionalization in a 29486
hospital, skilled nursing facility, or intermediate care facility 29487
for individuals with intellectual disabilities. 29488

(J)(1) A child may be identified as having an "other health 29489
impairment-major" if the child's condition meets the definition of 29490
"other health impaired" established in rules previously adopted by 29491
the state board of education and if either of the following apply: 29492

(a) The child is identified as having a medical condition 29493
that is among those listed by the superintendent of public 29494
instruction as conditions where a substantial majority of cases 29495
fall within the definition of "medically fragile child." 29496

(b) The child is determined by the superintendent of public instruction to be a medically fragile child. A school district superintendent may petition the superintendent of public instruction for a determination that a child is a medically fragile child.

(2) A child may be identified as having an "other health impairment-minor" if the child's condition meets the definition of "other health impaired" established in rules previously adopted by the state board of education but the child's condition does not meet either of the conditions specified in division (J)(1)(a) or (b) of this section.

(K) "Preschool child with a disability" means a child with a disability, as defined in section 3323.01 of the Revised Code, who is at least age three but is not of compulsory school age, as defined in section 3321.01 of the Revised Code, and who is not currently enrolled in kindergarten.

(L) "Preschool scholarship ADM" means the number of preschool children with disabilities certified under division (B)(3)(h) of section 3317.03 of the Revised Code.

(M) "Related services" includes:

(1) Child study, special education supervisors and coordinators, speech and hearing services, adaptive physical development services, occupational or physical therapy, teacher assistants for children with disabilities whose disabilities are described in division (B) of section 3317.013 or division (B)(3) of this section, behavioral intervention, interpreter services, work study, nursing services, and specialized integrative services as those terms are defined by the department;

(2) Speech and language services provided to any student with a disability, including any student whose primary or only disability is a speech and language disability;

(3) Any related service not specifically covered by other state funds but specified in federal law, including but not limited to, audiology and school psychological services;	29528 29529 29530
(4) Any service included in units funded under former division (O)(1) of section 3317.024 of the Revised Code;	29531 29532
(5) Any other related service needed by children with disabilities in accordance with their individualized education programs.	29533 29534 29535
(N) "School district," unless otherwise specified, means city, local, and exempted village school districts.	29536 29537
(O) "State education aid" has the same meaning as in section 5751.20 of the Revised Code.	29538 29539
(P) "State share index" means the state share index calculated for a district under section 3317.017 of the Revised Code.	29540 29541 29542
(Q) "Taxes charged and payable" means the taxes charged and payable against real and public utility property after making the reduction required by section 319.301 of the Revised Code, plus the taxes levied against tangible personal property.	29543 29544 29545 29546
(R)(1) For purposes of section 3317.017 of the Revised Code, "three-year average valuation" means the average of total taxable value for tax years 2014, 2015, and 2016.	29547 29548 29549
(2) For purposes of sections 3317.0217, 3317.0218, and 3317.16 of the Revised Code, "three-year average valuation" means the following:	29550 29551 29552
(a) For fiscal year 2018, the average of total taxable value for tax years 2014, 2015, and 2016;	29553 29554
(b) For fiscal year 2019, the average of total taxable value for tax years 2015, 2016, and 2017.	29555 29556
(S) "Total ADM" means, for a city, local, or exempted village	29557

school district, the enrollment reported under division (A) of 29558
section 3317.03 of the Revised Code, as verified by the 29559
superintendent of public instruction and adjusted if so ordered 29560
under division (K) of that section. 29561

(T) "Total special education ADM" means the sum of categories 29562
one through six special education ADM. 29563

(U) "Total taxable value" means the sum of the amounts 29564
certified for a city, local, exempted village, or joint vocational 29565
school district under divisions (A)(1) and (2) of section 3317.021 29566
of the Revised Code. 29567

Sec. 3317.022. (A) The department of education shall compute 29568
and distribute state core foundation funding to each eligible 29569
school district for the fiscal year, using the information 29570
obtained under section 3317.021 of the Revised Code in the 29571
calendar year in which the fiscal year begins, as prescribed in 29572
the following divisions: 29573

(1) An opportunity grant calculated according to the 29574
following formula: 29575

The formula amount X (formula ADM + preschool scholarship 29576
ADM) X the district's state share index 29577

(2) Targeted assistance funds calculated under divisions (A) 29578
and (B) of section 3317.0217 of the Revised Code; 29579

(3) Additional state aid for special education and related 29580
services provided under Chapter 3323. of the Revised Code 29581
calculated as the sum of the following: 29582

(a) The district's category one special education ADM X the 29583
amount specified in division (A) of section 3317.013 of the 29584
Revised Code X the district's state share index; 29585

(b) The district's category two special education ADM X the 29586
amount specified in division (B) of section 3317.013 of the 29587

Revised Code X the district's state share index;	29588
(c) The district's category three special education ADM X the amount specified in division (C) of section 3317.013 of the Revised Code X the district's state share index;	29589 29590 29591
(d) The district's category four special education ADM X the amount specified in division (D) of section 3317.013 of the Revised Code X the district's state share index;	29592 29593 29594
(e) The district's category five special education ADM X the amount specified in division (E) of section 3317.013 of the Revised Code X the district's state share index;	29595 29596 29597
(f) The district's category six special education ADM X the amount specified in division (F) of section 3317.013 of the Revised Code X the district's state share index.	29598 29599 29600
(4) Kindergarten through third grade literacy funds calculated according to the following formula:	29601 29602
(\$193 X formula ADM for grades kindergarten through three X the district's state share index) + (\$127 X formula ADM for grades kindergarten through three)	29603 29604 29605
For purposes of this calculation, the department shall subtract from a district's formula ADM for grades kindergarten through three the number of students reported under division (B)(3)(e) of section 3317.03 of the Revised Code as enrolled in an internet- or computer-based community school who are in grades kindergarten through three.	29606 29607 29608 29609 29610 29611
(5) Economically disadvantaged funds calculated according to the following formula:	29612 29613
\$272 X (the district's economically disadvantaged index) X the number of students who are economically disadvantaged as certified under division (B)(21) of section 3317.03 of the Revised Code	29614 29615 29616 29617

(6) Limited English proficiency <u>learner</u> funds calculated as	29618
the sum of the following:	29619
(a) The district's category one limited English proficient	29620
<u>learner</u> ADM X the amount specified in division (A) of section	29621
3317.016 of the Revised Code X the district's state share index;	29622
(b) The district's category two limited English proficient	29623
<u>learner</u> ADM X the amount specified in division (B) of section	29624
3317.016 of the Revised Code X the district's state share index;	29625
(c) The district's category three limited English proficient	29626
<u>learner</u> ADM X the amount specified in division (C) of section	29627
3317.016 of the Revised Code X the district's state share index.	29628
(7)(a) Gifted identification funds calculated according to	29629
the following formula:	29630
\$5.05 X the district's formula ADM	29631
(b) Gifted unit funding calculated under section 3317.051 of	29632
the Revised Code.	29633
(8) Career-technical education funds calculated as the sum of	29634
the following:	29635
(a) The district's category one career-technical education	29636
ADM X the amount specified in division (A) of section 3317.014 of	29637
the Revised Code X the district's state share index;	29638
(b) The district's category two career-technical education	29639
ADM X the amount specified in division (B) of section 3317.014 of	29640
the Revised Code X the district's state share index;	29641
(c) The district's category three career-technical education	29642
ADM X the amount specified in division (C) of section 3317.014 of	29643
the Revised Code X the district's state share index;	29644
(d) The district's category four career-technical education	29645
ADM X the amount specified in division (D) of section 3317.014 of	29646
the Revised Code X the district's state share index;	29647

(e) The district's category five career-technical education 29648
ADM X the amount specified in division (E) of section 3317.014 of 29649
the Revised Code X the district's state share index. 29650

Payment of funds under division (A)(8) of this section is 29651
subject to approval under section 3317.161 of the Revised Code. 29652

(9) Career-technical education associated services funds 29653
calculated according to the following formula: 29654
The district's state share index X the amount for career-technical 29655
education associated services specified in section 3317.014 of the 29656
Revised Code X the sum of categories one through five 29657
career-technical education ADM 29658

(10) Capacity aid funds calculated under section 3317.0218 of 29659
the Revised Code; 29660

(11) A graduation bonus calculated under section 3317.0215 of 29661
the Revised Code; 29662

(12) A third-grade reading bonus calculated under section 29663
3317.0216 of the Revised Code. 29664

(B) In any fiscal year, a school district shall spend for 29665
purposes that the department designates as approved for special 29666
education and related services expenses at least the amount 29667
calculated as follows: 29668

(The formula amount X the total special education ADM) + (the 29669
district's category one special education ADM X the amount 29670
specified in division (A) of section 3317.013 of the Revised Code) 29671
+ (the district's category two special education ADM X the amount 29672
specified in division (B) of section 3317.013 of the Revised Code) 29673
+ (the district's category three special education ADM X the 29674
amount specified in division (C) of section 3317.013 of the 29675
Revised Code) + (the district's category four special education 29676
ADM X the amount specified in division (D) of section 3317.013 of 29677
the Revised Code) + (the district's category five special 29678

education ADM X the amount specified in division (E) of section 29679
3317.013 of the Revised Code) + (the district's category six 29680
special education ADM X the amount specified in division (F) of 29681
section 3317.013 of the Revised Code) 29682

The purposes approved by the department for special education 29683
expenses shall include, but shall not be limited to, 29684
identification of children with disabilities, compliance with 29685
state rules governing the education of children with disabilities 29686
and prescribing the continuum of program options for children with 29687
disabilities, provision of speech language pathology services, and 29688
the portion of the school district's overall administrative and 29689
overhead costs that are attributable to the district's special 29690
education student population. 29691

The scholarships deducted from the school district's account 29692
under sections 3310.41 and 3310.55 of the Revised Code shall be 29693
considered to be an approved special education and related 29694
services expense for the purpose of the school district's 29695
compliance with this division. 29696

(C) In any fiscal year, a school district receiving funds 29697
under division (A)(8) of this section shall spend those funds only 29698
for the purposes that the department designates as approved for 29699
career-technical education expenses. Career-technical education 29700
expenses approved by the department shall include only expenses 29701
connected to the delivery of career-technical programming to 29702
career-technical students. The department shall require the school 29703
district to report data annually so that the department may 29704
monitor the district's compliance with the requirements regarding 29705
the manner in which funding received under division (A)(8) of this 29706
section may be spent. 29707

(D) In any fiscal year, a school district receiving funds 29708
under division (A)(9) of this section, or through a transfer of 29709
funds pursuant to division (I) of section 3317.023 of the Revised 29710

Code, shall spend those funds only for the purposes that the department designates as approved for career-technical education associated services expenses, which may include such purposes as apprenticeship coordinators, coordinators for other career-technical education services, career-technical evaluation, and other purposes designated by the department. The department may deny payment under division (A)(9) of this section to any district that the department determines is not operating those services or is using funds paid under division (A)(9) of this section, or through a transfer of funds pursuant to division (I) of section 3317.023 of the Revised Code, for other purposes.

(E) All funds received under division (A)(8) of this section shall be spent in the following manner:

(1) At least seventy-five per cent of the funds shall be spent on curriculum development, purchase, and implementation; instructional resources and supplies; industry-based program certification; student assessment, credentialing, and placement; curriculum specific equipment purchases and leases; career-technical student organization fees and expenses; home and agency linkages; work-based learning experiences; professional development; and other costs directly associated with career-technical education programs including development of new programs.

(2) Not more than twenty-five per cent of the funds shall be used for personnel expenditures.

(F) A school district shall spend the funds it receives under division (A)(5) of this section in accordance with section 3317.25 of the Revised Code.

Sec. 3317.023. (A) The amounts required to be paid to a district under this chapter shall be adjusted by the amount of the computations made under divisions (B) to (K) of this section.

As used in this section: 29742

(1) "Career-technical planning district" or "CTPD" means a 29743
school district or group of school districts designated by the 29744
department of education as being responsible for the planning for 29745
and provision of career-technical education services to students 29746
within the district or group. A community school established under 29747
Chapter 3314. of the Revised Code or a STEM school established 29748
under Chapter 3326. of the Revised Code that is serving students 29749
in any of grades seven through twelve shall be assigned to a 29750
career-technical planning district by the department. 29751

(2) "Lead district" means a school district, including a 29752
joint vocational school district, designated by the department as 29753
a CTPD, or designated to provide primary career-technical 29754
education leadership within a CTPD composed of a group of 29755
districts, community schools assigned to the CTPD, and STEM 29756
schools assigned to the CTPD. 29757

(B) If a local, city, or exempted village school district to 29758
which a governing board of an educational service center provides 29759
services pursuant to an agreement entered into under section 29760
3313.843 of the Revised Code, deduct the amount of the payment 29761
required for the reimbursement of the governing board under that 29762
section. 29763

(C)(1) If the district is required to pay to or entitled to 29764
receive tuition from another school district under division (C)(2) 29765
or (3) of section 3313.64 or section 3313.65 of the Revised Code, 29766
or if the superintendent of public instruction is required to 29767
determine the correct amount of tuition and make a deduction or 29768
credit under section 3317.08 of the Revised Code, deduct and 29769
credit such amounts as provided in division (J) of section 3313.64 29770
or section 3317.08 of the Revised Code. 29771

(2) For each child for whom the district is responsible for 29772

tuition or payment under division (A)(1) of section 3317.082 or 29773
section 3323.091 of the Revised Code, deduct the amount of tuition 29774
or payment for which the district is responsible. 29775

(D) If the district has been certified by the superintendent 29776
of public instruction under section 3313.90 of the Revised Code as 29777
not in compliance with the requirements of that section, deduct an 29778
amount equal to ten per cent of the amount computed for the 29779
district under this chapter. 29780

(E) If the district has received a loan from a commercial 29781
lending institution for which payments are made by the 29782
superintendent of public instruction pursuant to division (E)(3) 29783
of section 3313.483 of the Revised Code, deduct an amount equal to 29784
such payments. 29785

(F)(1) If the district is a party to an agreement entered 29786
into under division (D), (E), or (F) of section 3311.06 or 29787
division (B) of section 3311.24 of the Revised Code and is 29788
obligated to make payments to another district under such an 29789
agreement, deduct an amount equal to such payments if the district 29790
school board notifies the department in writing that it wishes to 29791
have such payments deducted. 29792

(2) If the district is entitled to receive payments from 29793
another district that has notified the department to deduct such 29794
payments under division (F)(1) of this section, add the amount of 29795
such payments. 29796

(G) If the district is required to pay an amount of funds to 29797
a cooperative education district pursuant to a provision described 29798
by division (B)(4) of section 3311.52 or division (B)(8) of 29799
section 3311.521 of the Revised Code, deduct such amounts as 29800
provided under that provision and credit those amounts to the 29801
cooperative education district for payment to the district under 29802
division (B)(1) of section 3317.19 of the Revised Code. 29803

(H)(1) If a district is educating a student entitled to attend school in another district pursuant to a shared education contract, compact, or cooperative education agreement other than an agreement entered into pursuant to section 3313.842 of the Revised Code, credit to that educating district on an FTE basis both of the following:

(a) An amount equal to the formula amount.

(b) Any amount applicable to the student pursuant to section 3317.013 or 3317.014 of the Revised Code.

(2) Deduct any amount credited pursuant to division (H)(1) of this section from amounts paid to the school district in which the student is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code.

(3) If the district is required by a shared education contract, compact, or cooperative education agreement to make payments to an educational service center, deduct the amounts from payments to the district and add them to the amounts paid to the service center ~~pursuant to section 3317.11 of the Revised Code.~~

(I)(1) If a district, including a joint vocational school district, is a lead district of a CTPD, credit to that district the amount calculated for each school district within that CTPD under division (A)(9) of section 3317.022 of the Revised Code or division (A)(6) of section 3317.16 of the Revised Code, as applicable.

(2) Deduct from each appropriate district that is not a lead district, the amount attributable to that district that is credited to a lead district under division (I)(1) of this section.

(J) If the department pays a joint vocational school district under division (C)(3) of section 3317.16 of the Revised Code for excess costs of providing special education and related services to a student with a disability, as calculated under division

(C)(1) of that section, the department shall deduct the amount of 29835
that payment from the city, local, or exempted village school 29836
district that is responsible as specified in that section for the 29837
excess costs. 29838

(K)(1) If the district reports an amount of excess cost for 29839
special education services for a child under division (C) of 29840
section 3323.14 of the Revised Code, the department shall pay that 29841
amount to the district. 29842

(2) If the district reports an amount of excess cost for 29843
special education services for a child under division (C) of 29844
section 3323.14 of the Revised Code, the department shall deduct 29845
that amount from the district of residence of that child. 29846

Sec. 3317.028. (A) On or before May 15, 2007, and the 29847
fifteenth day of May in each calendar year thereafter, the tax 29848
commissioner shall determine for each school district whether the 29849
taxable value of all utility tangible personal property subject to 29850
taxation by the district in the preceding tax year was less ~~or~~ 29851
~~greater~~ than the taxable value of such property during the second 29852
preceding tax year. If any decrease exceeds ten per cent of the 29853
district's tangible personal property taxable value included in 29854
the total taxable value used in the district's state aid 29855
computation for the fiscal year that ends in the current calendar 29856
year, ~~or if any increase exceeds ten per cent of the district's~~ 29857
~~total taxable value used in the district's state education aid~~ 29858
~~computation for the fiscal year that ends in the current calendar~~ 29859
~~year,~~ the tax commissioner shall certify all of the following to 29860
the department of education and the office of budget and 29861
management: 29862

(1) The district's total taxable value for the preceding tax 29863
year; 29864

(2) The ~~decrease or increase~~ change in taxes charged and 29865

payable on the district's total taxable value for the preceding 29866
tax year and the second preceding tax year; 29867

(3) The taxable value of the utility tangible personal 29868
property ~~increase or~~ decrease, which shall be considered a change 29869
in valuation; 29870

(4) The ~~decrease or increase~~ change in taxes charged and 29871
payable on such change in taxable value calculated in the same 29872
manner as in division (A)(3) of section 3317.021 of the Revised 29873
Code. 29874

(B)~~(1)~~ Upon receipt of a certification specified in this 29875
section, the department of education shall replace the three-year 29876
average valuations that were used in computing the district's 29877
state education aid for the fiscal year that ends in the current 29878
calendar year with the taxable value certified under division 29879
(A)(1) of this section and shall recompute the state education aid 29880
for such fiscal year without applying any funding limitations 29881
enacted by the general assembly to the computation. ~~Subject to~~ 29882
~~division (B)(2) of this section, the~~ The department shall pay to 29883
~~or deduct from~~ the district an amount equal to the lesser of the 29884
following: 29885

~~(a)~~(1) The positive difference between the district's state 29886
education aid prior to the recomputation under this section and 29887
the district's recomputed state education aid; 29888

~~(b)~~(2) The ~~increase or decrease~~ absolute value of the amount 29889
certified under division (A)(2) of this section. 29890

The payment date shall be determined by the director of 29891
budget and management. The director shall select a payment date 29892
that is not earlier than the first day of June of the current 29893
fiscal year and not later than the thirty-first day of July of the 29894
following fiscal year. The department of education shall not pay 29895
the district under this section prior to approval by the director 29896

of budget and management to make that payment. 29897

~~(2)(a) If an increase in the taxable value of the utility 29898
tangible personal property is certified for a district under 29899
division (A)(2) of this section, the department shall not make a 29900
payment to the district under division (B)(1) of this section. The 29901
department may, however, deduct funds from the district under 29902
division (B)(1) of this section. 29903~~

~~(b) If a decrease in the taxable value of the utility 29904
tangible personal property is certified for a district under 29905
division (A)(2) of this section, the department shall not deduct 29906
funds from the district under division (B)(1) of this section. The 29907
department may, however, make a payment to the district under 29908
division (B)(1) of this section. 29909~~

(C) If a school district received a grant from the 29910
catastrophic expenditures account pursuant to division (C) of 29911
section 3316.20 of the Revised Code on the basis of the same 29912
circumstances for which a recomputation is made under this 29913
section, the amount of the recomputation shall be reduced and 29914
transferred in accordance with division (C) of section 3316.20 of 29915
the Revised Code. 29916

Sec. 3317.0219. (A) As used in this section: 29917

(1) A district's "base per pupil amount" means the following: 29918

(a) For a district in the highest quintile determined under 29919
division (B)(2) of this section, \$250, for fiscal year 2020, and 29920
\$360, for fiscal year 2021. 29921

(b) For a district in the second highest quintile determined 29922
under division (B)(2) of this section, \$200, for fiscal year 2020, 29923
and \$290, for fiscal year 2021. 29924

(c) For a district in the third highest quintile determined 29925
under division (B)(2) of this section, \$110, for fiscal year 2020, 29926

<u>and \$155, for fiscal year 2021.</u>	29927
<u>(d) For a district in the fourth highest quintile determined</u>	29928
<u>under division (B)(2) of this section, \$50, for fiscal year 2020,</u>	29929
<u>and \$70, for fiscal year 2021.</u>	29930
<u>(e) For a district in the fifth highest quintile determined</u>	29931
<u>under division (B)(2) of this section, \$20, for fiscal year 2020,</u>	29932
<u>and \$30, for fiscal year 2021.</u>	29933
<u>(2) "Base poverty percentage" for a quintile determined under</u>	29934
<u>division (B)(2) of this section means the poverty percentage of</u>	29935
<u>the district ranked lowest in that quintile.</u>	29936
<u>(3) "Enrolled ADM" means, for a city, local, or exempted</u>	29937
<u>village school district, the enrollment reported under division</u>	29938
<u>(A) of section 3317.03 of the Revised Code, as verified by the</u>	29939
<u>superintendent of public instruction and adjusted if so ordered</u>	29940
<u>under division (K) of that section, and as further adjusted by the</u>	29941
<u>department of education, as follows:</u>	29942
<u>(a) Add the students counted under division (A)(1)(b) of</u>	29943
<u>section 3317.03 of the Revised Code.</u>	29944
<u>(b) Subtract the students counted under divisions (A)(2)(a),</u>	29945
<u>(b), (d), (g), (h), (i), and (j) of section 3317.03 of the Revised</u>	29946
<u>Code.</u>	29947
<u>(c) Subtract the students counted under division (A)(3) of</u>	29948
<u>section 3317.03 of the Revised Code.</u>	29949
<u>(B) Subject to division (D) of this section, for fiscal years</u>	29950
<u>2020 and 2021, the department of education shall calculate and pay</u>	29951
<u>student wellness and success funds to city, local, and exempted</u>	29952
<u>village school districts as follows:</u>	29953
<u>(1) Using the most recent five-year estimates published by</u>	29954
<u>the United States census bureau in the American community survey</u>	29955
<u>or its successor report, compute the poverty percentage for each</u>	29956

district, which equals the following quotient: 29957

The number of children younger than eighteen years old residing in 29958
the district who live in a household with a family income below 29959
one hundred eighty-five per cent of the federal poverty 29960
guidelines, as defined in section 5101.46 of the Revised Code / 29961
the total number of children younger than eighteen years old 29962
residing in the district 29963

(2) Rank all city, local, and exempted village school 29964
districts in order of poverty percentage calculated under division 29965
(B)(1) of this section, from the district with the highest 29966
percentage to the district with the lowest percentage, and group 29967
the districts into quintiles. 29968

(3) Determine each district's enrolled ADM that was used for 29969
the second payment under Chapter 3317. of the Revised Code in June 29970
of the immediately preceding fiscal year. If a district's enrolled 29971
ADM that was used for the second payment under Chapter 3317. of 29972
the Revised Code in June of the immediately preceding fiscal year 29973
is determined to be less than five, the district's enrolled ADM, 29974
for purposes of computations under this section, shall be zero. 29975

(4) For each district that is not in the highest quintile 29976
determined under division (B)(2) of this section, compute the 29977
district's scaled amount, which is equal to the following 29978
quotient: 29979

[(The district's poverty percentage computed under division (B)(1) 29980
of this section - the base poverty percentage of the district's 29981
quintile) / (the base poverty percentage of the quintile that is 29982
the next highest quintile compared to the district's quintile - 29983
the base poverty percentage of the district's quintile)] X (the 29984
base per pupil amount for a district in the quintile that is the 29985
next highest quintile compared to the district's quintile - the 29986
district's base per pupil amount) 29987

(5) Compute a district's payment as follows: 29988

(a) Subject to division (B)(5)(c) of this section, if a district is in the highest quintile determined under division (B)(2) of this section, the district's payment shall be equal to the following amount: 29989
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29991
29992

The district's base per pupil amount for that fiscal year X the district's enrolled ADM determined under division (B)(3) of this section 29993
29994
29995

(b) Subject to division (B)(5)(c) of this section, if a district is not in the highest quintile determined under division (B)(2) of this section, the district's payment shall be equal to the following amount: 29996
29997
29998
29999

(The district's base per pupil amount for that fiscal year + the district's scaled amount computed under division (B)(4) of this section for that fiscal year) X the district's enrolled ADM determined under division (B)(3) of this section 30000
30001
30002
30003

(c) If the computation of a district's payment under division (B)(5)(a) or (b) of this section is greater than zero but less than \$25,000, for fiscal year 2020, or \$36,000, for fiscal year 2021, the district's payment shall be equal to \$25,000, for fiscal year 2020, or \$36,000, for fiscal year 2021. 30004
30005
30006
30007
30008

If the computation of a district's payment under division (B)(5)(a) or (b) of this section is equal to zero, the district's payment shall be equal to zero. 30009
30010
30011

(C)(1) As used in division (C) of this section: 30012

(a) "Eligible school district" means a city, local, or exempted village school district that received supplemental targeted assistance funding under division (B) of section 3317.0217 of the Revised Code for fiscal year 2019. 30013
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(b) A district's "enhancement percentage for a fiscal year" means the square of the quotient of the poverty percentage calculated for the district for that fiscal year under division 30017
30018
30019

<u>(B)(1) of this section divided by 0.36.</u>	30020
<u>(2) Subject to division (D) of this section, for fiscal years</u>	30021
<u>2020 and 2021, the department shall pay student wellness and</u>	30022
<u>success enhancement funds to each eligible city, local, and</u>	30023
<u>exempted village school district in an amount equal to the</u>	30024
<u>following product:</u>	30025
<u>(\$50, for fiscal year 2020, or \$75, for fiscal year 2021) X the</u>	30026
<u>district's enhancement percentage for that fiscal year X the</u>	30027
<u>district's enrolled ADM that was used for the second payment under</u>	30028
<u>Chapter 3317. of the Revised Code in June of the immediately</u>	30029
<u>preceding fiscal year</u>	30030
<u>(D) The department shall pay funds under divisions (B) and</u>	30031
<u>(C) of this section as follows:</u>	30032
<u>(1) One-half of the amount shall be paid not later than the</u>	30033
<u>thirty-first day of October of the fiscal year for which the</u>	30034
<u>payment is calculated.</u>	30035
<u>(2) One-half of the amount shall be paid not later than the</u>	30036
<u>twenty-eighth day of February of the fiscal year for which the</u>	30037
<u>payment is calculated.</u>	30038
<u>Upon making a payment for a fiscal year under this section,</u>	30039
<u>the department shall not make any reconciliations or adjustments</u>	30040
<u>to that payment.</u>	30041
<u>(E) A city, local, or exempted village school district that</u>	30042
<u>receives a payment under this section shall comply with section</u>	30043
<u>3317.26 of the Revised Code.</u>	30044
Sec. 3317.03. (A) The superintendent of each city, local, and	30045
exempted village school district shall report to the state board	30046
of education as of the last day of October, March, and June of	30047
each year the enrollment of students receiving services from	30048
schools under the superintendent's supervision, and the numbers of	30049

other students entitled to attend school in the district under 30050
section 3313.64 or 3313.65 of the Revised Code the superintendent 30051
is required to report under this section, so that the department 30052
of education can calculate the district's formula ADM, total ADM, 30053
category one through five career-technical education ADM, category 30054
one through three ~~limited~~ English ~~proficient~~ learner ADM, category 30055
one through six special education ADM, preschool scholarship ADM, 30056
transportation ADM, and, for purposes of provisions of law outside 30057
of Chapter 3317. of the Revised Code, average daily membership. 30058

(1) The enrollment reported by the superintendent during the 30059
reporting period shall consist of the number of students in grades 30060
kindergarten through twelve receiving any educational services 30061
from the district, except that the following categories of 30062
students shall not be included in the determination: 30063

(a) Students enrolled in adult education classes; 30064

(b) Adjacent or other district students enrolled in the 30065
district under an open enrollment policy pursuant to section 30066
3313.98 of the Revised Code; 30067

(c) Students receiving services in the district pursuant to a 30068
compact, cooperative education agreement, or a contract, but who 30069
are entitled to attend school in another district pursuant to 30070
section 3313.64 or 3313.65 of the Revised Code; 30071

(d) Students for whom tuition is payable pursuant to sections 30072
3317.081 and 3323.141 of the Revised Code; 30073

(e) Students receiving services in the district through a 30074
scholarship awarded under either section 3310.41 or sections 30075
3310.51 to 3310.64 of the Revised Code. 30076

When reporting students under division (A)(1) of this 30077
section, the superintendent also shall report the district where 30078
each student is entitled to attend school pursuant to sections 30079

3313.64 and 3313.65 of the Revised Code. 30080

(2) The department of education shall compile a list of all 30081
students reported to be enrolled in a district under division 30082
(A)(1) of this section and of the students entitled to attend 30083
school in the district pursuant to section 3313.64 or 3313.65 of 30084
the Revised Code on an FTE basis but receiving educational 30085
services in grades kindergarten through twelve from one or more of 30086
the following entities: 30087

(a) A community school pursuant to Chapter 3314. of the 30088
Revised Code, including any participation in a college pursuant to 30089
Chapter 3365. of the Revised Code while enrolled in such community 30090
school; 30091

(b) An alternative school pursuant to sections 3313.974 to 30092
3313.979 of the Revised Code as described in division (I)(2)(a) or 30093
(b) of this section; 30094

(c) A college pursuant to Chapter 3365. of the Revised Code, 30095
except when the student is enrolled in the college while also 30096
enrolled in a community school pursuant to Chapter 3314., a 30097
science, technology, engineering, and mathematics school 30098
established under Chapter 3326., or a college-preparatory boarding 30099
school established under Chapter 3328. of the Revised Code; 30100

(d) An adjacent or other school district under an open 30101
enrollment policy adopted pursuant to section 3313.98 of the 30102
Revised Code; 30103

(e) An educational service center or cooperative education 30104
district; 30105

(f) Another school district under a cooperative education 30106
agreement, compact, or contract; 30107

(g) A chartered nonpublic school with a scholarship paid 30108
under section 3310.08 of the Revised Code, if the students 30109

qualified for the scholarship under section 3310.03 of the Revised Code; 30110
30111

(h) An alternative public provider or a registered private provider with a scholarship awarded under either section 3310.41 or sections 3310.51 to 3310.64 of the Revised Code. 30112
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As used in this section, "alternative public provider" and "registered private provider" have the same meanings as in section 3310.41 or 3310.51 of the Revised Code, as applicable. 30115
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30117

(i) A science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school; 30118
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(j) A college-preparatory boarding school established under Chapter 3328. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school. 30122
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(3) The department also shall compile a list of the students entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code who are enrolled in a joint vocational school district or under a career-technical education compact, excluding any students so entitled to attend school in the district who are enrolled in another school district through an open enrollment policy as reported under division (A)(2)(d) of this section and then enroll in a joint vocational school district or under a career-technical education compact. 30126
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The department shall provide each city, local, and exempted village school district with an opportunity to review the list of students compiled under divisions (A)(2) and (3) of this section to ensure that the students reported accurately reflect the enrollment of students in the district. 30135
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(B) To enable the department of education to obtain the data 30140

needed to complete the calculation of payments pursuant to this 30141
chapter, each superintendent shall certify from the reports 30142
provided by the department under division (A) of this section all 30143
of the following: 30144

(1) The total student enrollment in regular learning day 30145
classes included in the report under division (A)(1) or (2) of 30146
this section for each of the individual grades kindergarten 30147
through twelve in schools under the superintendent's supervision; 30148

(2) The unduplicated count of the number of preschool 30149
children with disabilities enrolled in the district for whom the 30150
district is eligible to receive funding under section 3317.0213 of 30151
the Revised Code adjusted for the portion of the year each child 30152
is so enrolled, in accordance with the disability categories 30153
prescribed in section 3317.013 of the Revised Code; 30154

(3) The number of children entitled to attend school in the 30155
district pursuant to section 3313.64 or 3313.65 of the Revised 30156
Code who are: 30157

(a) Participating in a pilot project scholarship program 30158
established under sections 3313.974 to 3313.979 of the Revised 30159
Code as described in division (I)(2)(a) or (b) of this section; 30160

(b) Enrolled in a college under Chapter 3365. of the Revised 30161
Code, except when the student is enrolled in the college while 30162
also enrolled in a community school pursuant to Chapter 3314. of 30163
the Revised Code, a science, technology, engineering, and 30164
mathematics school established under Chapter 3326., or a 30165
college-preparatory boarding school established under Chapter 30166
3328. of the Revised Code; 30167

(c) Enrolled in an adjacent or other school district under 30168
section 3313.98 of the Revised Code; 30169

(d) Enrolled in a community school established under Chapter 30170
3314. of the Revised Code that is not an internet- or 30171

computer-based community school as defined in section 3314.02 of 30172
the Revised Code, including any participation in a college 30173
pursuant to Chapter 3365. of the Revised Code while enrolled in 30174
such community school; 30175

(e) Enrolled in an internet- or computer-based community 30176
school, as defined in section 3314.02 of the Revised Code, 30177
including any participation in a college pursuant to Chapter 3365. 30178
of the Revised Code while enrolled in the school; 30179

(f) Enrolled in a chartered nonpublic school with a 30180
scholarship paid under section 3310.08 of the Revised Code and who 30181
qualified for the scholarship under section 3310.03 of the Revised 30182
Code; 30183

(g) Enrolled in kindergarten through grade twelve in an 30184
alternative public provider or a registered private provider with 30185
a scholarship awarded under section 3310.41 of the Revised Code; 30186

(h) Enrolled as a preschool child with a disability in an 30187
alternative public provider or a registered private provider with 30188
a scholarship awarded under section 3310.41 of the Revised Code; 30189

(i) Participating in a program operated by a county board of 30190
developmental disabilities or a state institution; 30191

(j) Enrolled in a science, technology, engineering, and 30192
mathematics school established under Chapter 3326. of the Revised 30193
Code, including any participation in a college pursuant to Chapter 30194
3365. of the Revised Code while enrolled in the school; 30195

(k) Enrolled in a college-preparatory boarding school 30196
established under Chapter 3328. of the Revised Code, including any 30197
participation in a college pursuant to Chapter 3365. of the 30198
Revised Code while enrolled in the school; 30199

(l) Enrolled in an alternative public provider or a 30200
registered private provider with a scholarship awarded under 30201

sections 3310.51 to 3310.64 of the Revised Code.	30202
(4) The total enrollment of pupils in joint vocational schools;	30203 30204
(5) The combined enrollment of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;	30205 30206 30207 30208 30209 30210 30211 30212
(6) The combined enrollment of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for category two disabilities described in division (B) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;	30213 30214 30215 30216 30217 30218 30219 30220
(7) The combined enrollment of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;	30221 30222 30223 30224 30225 30226 30227 30228
(8) The combined enrollment of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code,	30229 30230 30231 30232

including children attending a special education program operated 30233
by an alternative public provider or a registered private provider 30234
with a scholarship awarded under sections 3310.51 to 3310.64 of 30235
the Revised Code; 30236

(9) The combined enrollment of children with disabilities 30237
reported under division (A)(1) or (2) of this section receiving 30238
special education services for the category five disabilities 30239
described in division (E) of section 3317.013 of the Revised Code, 30240
including children attending a special education program operated 30241
by an alternative public provider or a registered private provider 30242
with a scholarship awarded under sections 3310.51 to 3310.64 of 30243
the Revised Code; 30244

(10) The combined enrollment of children with disabilities 30245
reported under division (A)(1) or (2) and under division (B)(3)(h) 30246
of this section receiving special education services for category 30247
six disabilities described in division (F) of section 3317.013 of 30248
the Revised Code, including children attending a special education 30249
program operated by an alternative public provider or a registered 30250
private provider with a scholarship awarded under either section 30251
3310.41 or sections 3310.51 to 3310.64 of the Revised Code; 30252

(11) The enrollment of pupils reported under division (A)(1) 30253
or (2) of this section on a full-time equivalency basis in 30254
category one career-technical education programs or classes, 30255
described in division (A) of section 3317.014 of the Revised Code, 30256
operated by the school district or by another district that is a 30257
member of the district's career-technical planning district, other 30258
than a joint vocational school district, or by an educational 30259
service center, notwithstanding division (G) of section 3317.02 of 30260
the Revised Code and division (C)(3) of this section; 30261

(12) The enrollment of pupils reported under division (A)(1) 30262
or (2) of this section on a full-time equivalency basis in 30263
category two career-technical education programs or services, 30264

described in division (B) of section 3317.014 of the Revised Code, 30265
operated by the school district or another school district that is 30266
a member of the district's career-technical planning district, 30267
other than a joint vocational school district, or by an 30268
educational service center, notwithstanding division (G) of 30269
section 3317.02 of the Revised Code and division (C)(3) of this 30270
section; 30271

(13) The enrollment of pupils reported under division (A)(1) 30272
or (2) of this section on a full-time equivalency basis in 30273
category three career-technical education programs or services, 30274
described in division (C) of section 3317.014 of the Revised Code, 30275
operated by the school district or another school district that is 30276
a member of the district's career-technical planning district, 30277
other than a joint vocational school district, or by an 30278
educational service center, notwithstanding division (G) of 30279
section 3317.02 of the Revised Code and division (C)(3) of this 30280
section; 30281

(14) The enrollment of pupils reported under division (A)(1) 30282
or (2) of this section on a full-time equivalency basis in 30283
category four career-technical education programs or services, 30284
described in division (D) of section 3317.014 of the Revised Code, 30285
operated by the school district or another school district that is 30286
a member of the district's career-technical planning district, 30287
other than a joint vocational school district, or by an 30288
educational service center, notwithstanding division (G) of 30289
section 3317.02 of the Revised Code and division (C)(3) of this 30290
section; 30291

(15) The enrollment of pupils reported under division (A)(1) 30292
or (2) of this section on a full-time equivalency basis in 30293
category five career-technical education programs or services, 30294
described in division (E) of section 3317.014 of the Revised Code, 30295
operated by the school district or another school district that is 30296

a member of the district's career-technical planning district, 30297
other than a joint vocational school district, or by an 30298
educational service center, notwithstanding division (G) of 30299
section 3317.02 of the Revised Code and division (C)(3) of this 30300
section; 30301

(16) The enrollment of pupils reported under division (A)(1) 30302
or (2) of this section who are ~~limited English proficient students~~ 30303
learners described in division (A) of section 3317.016 of the 30304
Revised Code, excluding any student reported under division 30305
(B)(3)(e) of this section as enrolled in an internet- or 30306
computer-based community school; 30307

(17) The enrollment of pupils reported under division (A)(1) 30308
or (2) of this section who are ~~limited English proficient students~~ 30309
learners described in division (B) of section 3317.016 of the 30310
Revised Code, excluding any student reported under division 30311
(B)(3)(e) of this section as enrolled in an internet- or 30312
computer-based community school; 30313

(18) The enrollment of pupils reported under division (A)(1) 30314
or (2) of this section who are ~~limited English proficient students~~ 30315
learners described in division (C) of section 3317.016 of the 30316
Revised Code, excluding any student reported under division 30317
(B)(3)(e) of this section as enrolled in an internet- or 30318
computer-based community school; 30319

(19) The average number of children transported during the 30320
reporting period by the school district on board-owned or 30321
contractor-owned and -operated buses, reported in accordance with 30322
rules adopted by the department of education; 30323

(20)(a) The number of children, other than preschool children 30324
with disabilities, the district placed with a county board of 30325
developmental disabilities in fiscal year 1998. Division 30326
(B)(20)(a) of this section does not apply after fiscal year 2013. 30327

(b) The number of children with disabilities, other than 30328
preschool children with disabilities, placed with a county board 30329
of developmental disabilities in the current fiscal year to 30330
receive special education services for the category one disability 30331
described in division (A) of section 3317.013 of the Revised Code; 30332

(c) The number of children with disabilities, other than 30333
preschool children with disabilities, placed with a county board 30334
of developmental disabilities in the current fiscal year to 30335
receive special education services for category two disabilities 30336
described in division (B) of section 3317.013 of the Revised Code; 30337

(d) The number of children with disabilities, other than 30338
preschool children with disabilities, placed with a county board 30339
of developmental disabilities in the current fiscal year to 30340
receive special education services for category three disabilities 30341
described in division (C) of section 3317.013 of the Revised Code; 30342

(e) The number of children with disabilities, other than 30343
preschool children with disabilities, placed with a county board 30344
of developmental disabilities in the current fiscal year to 30345
receive special education services for category four disabilities 30346
described in division (D) of section 3317.013 of the Revised Code; 30347

(f) The number of children with disabilities, other than 30348
preschool children with disabilities, placed with a county board 30349
of developmental disabilities in the current fiscal year to 30350
receive special education services for the category five 30351
disabilities described in division (E) of section 3317.013 of the 30352
Revised Code; 30353

(g) The number of children with disabilities, other than 30354
preschool children with disabilities, placed with a county board 30355
of developmental disabilities in the current fiscal year to 30356
receive special education services for category six disabilities 30357
described in division (F) of section 3317.013 of the Revised Code. 30358

(21) The enrollment of students who are economically 30359
disadvantaged, as defined by the department, excluding any student 30360
reported under division (B)(3)(e) of this section as enrolled in 30361
an internet- or computer-based community school. A student shall 30362
not be categorically excluded from the number reported under 30363
division (B)(21) of this section based on anything other than 30364
family income. 30365

(C)(1) The state board of education shall adopt rules 30366
necessary for implementing divisions (A), (B), and (D) of this 30367
section. 30368

(2) A student enrolled in a community school established 30369
under Chapter 3314., a science, technology, engineering, and 30370
mathematics school established under Chapter 3326., or a 30371
college-preparatory boarding school established under Chapter 30372
3328. of the Revised Code shall be counted in the formula ADM and, 30373
if applicable, the category one, two, three, four, five, or six 30374
special education ADM of the school district in which the student 30375
is entitled to attend school under section 3313.64 or 3313.65 of 30376
the Revised Code for the same proportion of the school year that 30377
the student is counted in the enrollment of the community school, 30378
the science, technology, engineering, and mathematics school, or 30379
the college-preparatory boarding school for purposes of section 30380
3314.08, 3326.33, or 3328.24 of the Revised Code. Notwithstanding 30381
the enrollment of students certified pursuant to division 30382
(B)(3)(d), (e), (j), or (k) of this section, the department may 30383
adjust the formula ADM of a school district to account for 30384
students entitled to attend school in the district under section 30385
3313.64 or 3313.65 of the Revised Code who are enrolled in a 30386
community school, a science, technology, engineering, and 30387
mathematics school, or a college-preparatory boarding school for 30388
only a portion of the school year. 30389

(3) No child shall be counted as more than a total of one 30390

child in the sum of the enrollment of students of a school 30391
district under division (A), divisions (B)(1) to (22), or division 30392
(D) of this section, except as follows: 30393

(a) A child with a disability described in section 3317.013 30394
of the Revised Code may be counted both in formula ADM and in 30395
category one, two, three, four, five, or six special education ADM 30396
and, if applicable, in category one, two, three, four, or five 30397
career-technical education ADM. As provided in division (G) of 30398
section 3317.02 of the Revised Code, such a child shall be counted 30399
in category one, two, three, four, five, or six special education 30400
ADM in the same proportion that the child is counted in formula 30401
ADM. 30402

(b) A child enrolled in career-technical education programs 30403
or classes described in section 3317.014 of the Revised Code may 30404
be counted both in formula ADM and category one, two, three, four, 30405
or five career-technical education ADM and, if applicable, in 30406
category one, two, three, four, five, or six special education 30407
ADM. Such a child shall be counted in category one, two, three, 30408
four, or five career-technical education ADM in the same 30409
proportion as the percentage of time that the child spends in the 30410
career-technical education programs or classes. 30411

(4) Based on the information reported under this section, the 30412
department of education shall determine the total student count, 30413
as defined in section 3301.011 of the Revised Code, for each 30414
school district. 30415

(D)(1) The superintendent of each joint vocational school 30416
district shall report and certify to the superintendent of public 30417
instruction as of the last day of October, March, and June of each 30418
year the enrollment of students receiving services from schools 30419
under the superintendent's supervision so that the department can 30420
calculate the district's formula ADM, total ADM, category one 30421
through five career-technical education ADM, category one through 30422

three ~~limited~~ English ~~proficient~~ learner ADM, category one through 30423
six special education ADM, and for purposes of provisions of law 30424
outside of Chapter 3317. of the Revised Code, average daily 30425
membership. 30426

The enrollment reported and certified by the superintendent, 30427
except as otherwise provided in this division, shall consist of 30428
the ~~the~~ number of students in grades six through twelve receiving 30429
any educational services from the district, except that the 30430
following categories of students shall not be included in the 30431
determination: 30432

(a) Students enrolled in adult education classes; 30433

(b) Adjacent or other district joint vocational students 30434
enrolled in the district under an open enrollment policy pursuant 30435
to section 3313.98 of the Revised Code; 30436

(c) Students receiving services in the district pursuant to a 30437
compact, cooperative education agreement, or a contract, but who 30438
are entitled to attend school in a city, local, or exempted 30439
village school district whose territory is not part of the 30440
territory of the joint vocational district; 30441

(d) Students for whom tuition is payable pursuant to sections 30442
3317.081 and 3323.141 of the Revised Code. 30443

(2) To enable the department of education to obtain the data 30444
needed to complete the calculation of payments pursuant to this 30445
chapter, each superintendent shall certify from the report 30446
provided under division (D)(1) of this section the enrollment for 30447
each of the following categories of students: 30448

(a) Students enrolled in each individual grade included in 30449
the joint vocational district schools; 30450

(b) Children with disabilities receiving special education 30451
services for the category one disability described in division (A) 30452

of section 3317.013 of the Revised Code;	30453
(c) Children with disabilities receiving special education services for the category two disabilities described in division (B) of section 3317.013 of the Revised Code;	30454 30455 30456
(d) Children with disabilities receiving special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code;	30457 30458 30459
(e) Children with disabilities receiving special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code;	30460 30461 30462
(f) Children with disabilities receiving special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code;	30463 30464 30465
(g) Children with disabilities receiving special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code;	30466 30467 30468
(h) Students receiving category one career-technical education services, described in division (A) of section 3317.014 of the Revised Code;	30469 30470 30471
(i) Students receiving category two career-technical education services, described in division (B) of section 3317.014 of the Revised Code;	30472 30473 30474
(j) Students receiving category three career-technical education services, described in division (C) of section 3317.014 of the Revised Code;	30475 30476 30477
(k) Students receiving category four career-technical education services, described in division (D) of section 3317.014 of the Revised Code;	30478 30479 30480
(l) Students receiving category five career-technical education services, described in division (E) of section 3317.014	30481 30482

of the Revised Code; 30483

(m) ~~Limited English proficient students~~ learners described in 30484
division (A) of section 3317.016 of the Revised Code; 30485

(n) ~~Limited English proficient students~~ learners described in 30486
division (B) of section 3317.016 of the Revised Code; 30487

(o) ~~Limited English proficient students~~ learners described in 30488
division (C) of section 3317.016 of the Revised Code; 30489

(p) Students who are economically disadvantaged, as defined 30490
by the department. A student shall not be categorically excluded 30491
from the number reported under division (D)(2)(p) of this section 30492
based on anything other than family income. 30493

The superintendent of each joint vocational school district 30494
shall also indicate the city, local, or exempted village school 30495
district in which each joint vocational district pupil is entitled 30496
to attend school pursuant to section 3313.64 or 3313.65 of the 30497
Revised Code. 30498

(E) In each school of each city, local, exempted village, 30499
joint vocational, and cooperative education school district there 30500
shall be maintained a record of school enrollment, which record 30501
shall accurately show, for each day the school is in session, the 30502
actual enrollment in regular day classes. For the purpose of 30503
determining the enrollment of students, the enrollment figure of 30504
any school shall not include any pupils except those pupils 30505
described by division (A) of this section. The record of 30506
enrollment for each school shall be maintained in such manner that 30507
no pupil shall be counted as enrolled prior to the actual date of 30508
entry in the school and also in such manner that where for any 30509
cause a pupil permanently withdraws from the school that pupil 30510
shall not be counted as enrolled from and after the date of such 30511
withdrawal. There shall not be included in the enrollment of any 30512
school any of the following: 30513

(1) Any pupil who has graduated from the twelfth grade of a public or nonpublic high school;	30514 30515
(2) Any pupil who is not a resident of the state;	30516
(3) Any pupil who was enrolled in the schools of the district during the previous school year when assessments were administered under section 3301.0711 of the Revised Code but did not take one or more of the assessments required by that section and was not excused pursuant to division (C)(1) or (3) of that section;	30517 30518 30519 30520 30521
(4) Any pupil who has attained the age of twenty-two years, except for veterans of the armed services whose attendance was interrupted before completing the recognized twelve-year course of the public schools by reason of induction or enlistment in the armed forces and who apply for reenrollment in the public school system of their residence not later than four years after termination of war or their honorable discharge;	30522 30523 30524 30525 30526 30527 30528
(5) Any pupil who has a certificate of high school equivalence as defined in section 5107.40 of the Revised Code.	30529 30530
If, however, any veteran described by division (E)(4) of this section elects to enroll in special courses organized for veterans for whom tuition is paid under the provisions of federal laws, or otherwise, that veteran shall not be included in the enrollment of students determined under this section.	30531 30532 30533 30534 30535
Notwithstanding division (E)(3) of this section, the enrollment of any school may include a pupil who did not take an assessment required by section 3301.0711 of the Revised Code if the superintendent of public instruction grants a waiver from the requirement to take the assessment to the specific pupil and a parent is not paying tuition for the pupil pursuant to section 3313.6410 of the Revised Code. The superintendent may grant such a waiver only for good cause in accordance with rules adopted by the state board of education.	30536 30537 30538 30539 30540 30541 30542 30543 30544

The formula ADM, total ADM, category one through five 30545
career-technical education ADM, category one through three ~~limited~~ 30546
English ~~proficient~~ learner ADM, category one through six special 30547
education ADM, preschool scholarship ADM, transportation ADM, and, 30548
for purposes of provisions of law outside of Chapter 3317. of the 30549
Revised Code, average daily membership of any school district 30550
shall be determined in accordance with rules adopted by the state 30551
board of education. 30552

(F)(1) If a student attending a community school under 30553
Chapter 3314., a science, technology, engineering, and mathematics 30554
school established under Chapter 3326., or a college-preparatory 30555
boarding school established under Chapter 3328. of the Revised 30556
Code is not included in the formula ADM calculated for the school 30557
district in which the student is entitled to attend school under 30558
section 3313.64 or 3313.65 of the Revised Code, the department of 30559
education shall adjust the formula ADM of that school district to 30560
include the student in accordance with division (C)(2) of this 30561
section, and shall recalculate the school district's payments 30562
under this chapter for the entire fiscal year on the basis of that 30563
adjusted formula ADM. 30564

(2) If a student awarded an educational choice scholarship is 30565
not included in the formula ADM of the school district from which 30566
the department deducts funds for the scholarship under section 30567
3310.08 of the Revised Code, the department shall adjust the 30568
formula ADM of that school district to include the student to the 30569
extent necessary to account for the deduction, and shall 30570
recalculate the school district's payments under this chapter for 30571
the entire fiscal year on the basis of that adjusted formula ADM. 30572

(3) If a student awarded a scholarship under the Jon Peterson 30573
special needs scholarship program is not included in the formula 30574
ADM of the school district from which the department deducts funds 30575
for the scholarship under section 3310.55 of the Revised Code, the 30576

department shall adjust the formula ADM of that school district to 30577
include the student to the extent necessary to account for the 30578
deduction, and shall recalculate the school district's payments 30579
under this chapter for the entire fiscal year on the basis of that 30580
adjusted formula ADM. 30581

(G)(1)(a) The superintendent of an institution operating a 30582
special education program pursuant to section 3323.091 of the 30583
Revised Code shall, for the programs under such superintendent's 30584
supervision, certify to the state board of education, in the 30585
manner prescribed by the superintendent of public instruction, 30586
both of the following: 30587

(i) The unduplicated count of the number of all children with 30588
disabilities other than preschool children with disabilities 30589
receiving services at the institution for each category of 30590
disability described in divisions (A) to (F) of section 3317.013 30591
of the Revised Code adjusted for the portion of the year each 30592
child is so enrolled; 30593

(ii) The unduplicated count of the number of all preschool 30594
children with disabilities in classes or programs for whom the 30595
district is eligible to receive funding under section 3317.0213 of 30596
the Revised Code adjusted for the portion of the year each child 30597
is so enrolled, reported according to the categories prescribed in 30598
section 3317.013 of the Revised Code. 30599

(b) The superintendent of an institution with 30600
career-technical education units approved under section 3317.05 of 30601
the Revised Code shall, for the units under the superintendent's 30602
supervision, certify to the state board of education the 30603
enrollment in those units, in the manner prescribed by the 30604
superintendent of public instruction. 30605

(2) The superintendent of each county board of developmental 30606
disabilities that maintains special education classes under 30607

section 3317.20 of the Revised Code or provides services to 30608
preschool children with disabilities pursuant to an agreement 30609
between the county board and the appropriate school district shall 30610
do both of the following: 30611

(a) Certify to the state board, in the manner prescribed by 30612
the board, the enrollment in classes under section 3317.20 of the 30613
Revised Code for each school district that has placed children in 30614
the classes; 30615

(b) Certify to the state board, in the manner prescribed by 30616
the board, the unduplicated count of the number of all preschool 30617
children with disabilities enrolled in classes for which the ~~DD~~ 30618
board is eligible to receive funding under section 3317.0213 of 30619
the Revised Code adjusted for the portion of the year each child 30620
is so enrolled, reported according to the categories prescribed in 30621
section 3317.013 of the Revised Code, and the number of those 30622
classes. 30623

(H) Except as provided in division (I) of this section, when 30624
any city, local, or exempted village school district provides 30625
instruction for a nonresident pupil whose attendance is 30626
unauthorized attendance as defined in section 3327.06 of the 30627
Revised Code, that pupil's enrollment shall not be included in 30628
that district's enrollment figure used in calculating the 30629
district's payments under this chapter. The reporting official 30630
shall report separately the enrollment of all pupils whose 30631
attendance in the district is unauthorized attendance, and the 30632
enrollment of each such pupil shall be credited to the school 30633
district in which the pupil is entitled to attend school under 30634
division (B) of section 3313.64 or section 3313.65 of the Revised 30635
Code as determined by the department of education. 30636

(I)(1) A city, local, exempted village, or joint vocational 30637
school district admitting a scholarship student of a pilot project 30638
district pursuant to division (C) of section 3313.976 of the 30639

Revised Code may count such student in its enrollment. 30640

(2) In any year for which funds are appropriated for pilot 30641
project scholarship programs, a school district implementing a 30642
state-sponsored pilot project scholarship program that year 30643
pursuant to sections 3313.974 to 3313.979 of the Revised Code may 30644
count in its enrollment: 30645

(a) All children residing in the district and utilizing a 30646
scholarship to attend kindergarten in any alternative school, as 30647
defined in section 3313.974 of the Revised Code; 30648

(b) All children who were enrolled in the district in the 30649
preceding year who are utilizing a scholarship to attend an 30650
alternative school. 30651

(J) The superintendent of each cooperative education school 30652
district shall certify to the superintendent of public 30653
instruction, in a manner prescribed by the state board of 30654
education, the applicable enrollments for all students in the 30655
cooperative education district, also indicating the city, local, 30656
or exempted village district where each pupil is entitled to 30657
attend school under section 3313.64 or 3313.65 of the Revised 30658
Code. 30659

(K) If the superintendent of public instruction determines 30660
that a component of the enrollment certified or reported by a 30661
district superintendent, or other reporting entity, is not 30662
correct, the superintendent of public instruction may order that 30663
the formula ADM used for the purposes of payments under any 30664
section of Title XXXVIII of the Revised Code be adjusted in the 30665
amount of the error. 30666

Sec. 3317.06. Moneys paid to school districts under division 30667
(E)(1) of section 3317.024 of the Revised Code shall be used for 30668
the following independent and fully severable purposes: 30669

(A) To purchase such secular textbooks or digital texts as 30670
have been approved by the superintendent of public instruction for 30671
use in public schools in the state and to loan such textbooks or 30672
digital texts to pupils attending nonpublic schools within the 30673
district described in division (E)(1) of section 3317.024 of the 30674
Revised Code or to their parents and to hire clerical personnel to 30675
administer such lending program. Such loans shall be based upon 30676
individual requests submitted by such nonpublic school pupils or 30677
parents. Such requests shall be submitted to the school district 30678
in which the nonpublic school is located. Such individual requests 30679
for the loan of textbooks or digital texts shall, for 30680
administrative convenience, be submitted by the nonpublic school 30681
pupil or the pupil's parent to the nonpublic school, which shall 30682
prepare and submit collective summaries of the individual requests 30683
to the school district. As used in this section: 30684

(1) "Textbook" means any book or book substitute that a pupil 30685
uses as a consumable or nonconsumable text, text substitute, or 30686
text supplement in a particular class or program in the school the 30687
pupil regularly attends. 30688

(2) "Digital text" means a consumable book or book substitute 30689
that a student accesses through the use of a computer or other 30690
electronic medium or that is available through an internet-based 30691
provider of course content, or any other material that contributes 30692
to the learning process through electronic means. 30693

(B) To provide speech and hearing diagnostic services to 30694
pupils attending nonpublic schools within the district described 30695
in division (E)(1) of section 3317.024 of the Revised Code. Such 30696
service shall be provided in the nonpublic school attended by the 30697
pupil receiving the service. 30698

(C) To provide physician, nursing, dental, and optometric 30699
services to pupils attending nonpublic schools within the district 30700
described in division (E)(1) of section 3317.024 of the Revised 30701

Code. Such services shall be provided in the school attended by 30702
the nonpublic school pupil receiving the service. 30703

(D) To provide diagnostic psychological services to pupils 30704
attending nonpublic schools within the district described in 30705
division (E)(1) of section 3317.024 of the Revised Code. Such 30706
services shall be provided in the school attended by the pupil 30707
receiving the service. 30708

(E) To provide therapeutic psychological and speech and 30709
hearing services to pupils attending nonpublic schools within the 30710
district described in division (E)(1) of section 3317.024 of the 30711
Revised Code. Such services shall be provided in the public 30712
school, in nonpublic schools, in public centers, or in mobile 30713
units located on or off of the nonpublic premises. If such 30714
services are provided in the public school or in public centers, 30715
transportation to and from such facilities shall be provided by 30716
the school district in which the nonpublic school is located. 30717

(F) To provide guidance, counseling, and social work services 30718
to pupils attending nonpublic schools within the district 30719
described in division (E)(1) of section 3317.024 of the Revised 30720
Code. Such services shall be provided in the public school, in 30721
nonpublic schools, in public centers, or in mobile units located 30722
on or off of the nonpublic premises. If such services are provided 30723
in the public school or in public centers, transportation to and 30724
from such facilities shall be provided by the school district in 30725
which the nonpublic school is located. 30726

(G) To provide remedial services to pupils attending 30727
nonpublic schools within the district described in division (E)(1) 30728
of section 3317.024 of the Revised Code. Such services shall be 30729
provided in the public school, in nonpublic schools, in public 30730
centers, or in mobile units located on or off of the nonpublic 30731
premises. If such services are provided in the public school or in 30732
public centers, transportation to and from such facilities shall 30733

be provided by the school district in which the nonpublic school 30734
is located. 30735

(H) To supply for use by pupils attending nonpublic schools 30736
within the district described in division (E)(1) of section 30737
3317.024 of the Revised Code such standardized tests and scoring 30738
services as are in use in the public schools of the state; 30739

(I) To provide programs for children who attend nonpublic 30740
schools within the district described in division (E)(1) of 30741
section 3317.024 of the Revised Code and are children with 30742
disabilities as defined in section 3323.01 of the Revised Code or 30743
gifted children. Such programs shall be provided in the public 30744
school, in nonpublic schools, in public centers, or in mobile 30745
units located on or off of the nonpublic premises. If such 30746
programs are provided in the public school or in public centers, 30747
transportation to and from such facilities shall be provided by 30748
the school district in which the nonpublic school is located. 30749

(J) To hire clerical personnel to assist in the 30750
administration of programs pursuant to divisions (B), (C), (D), 30751
(E), (F), (G), and (I) of this section and to hire supervisory 30752
personnel to supervise the providing of services and textbooks 30753
pursuant to this section. 30754

(K) To purchase or lease any secular, neutral, and 30755
nonideological computer application software designed to assist 30756
students in performing a single task or multiple related tasks, 30757
device management software, learning management software, 30758
site-licensing, digital video on demand (DVD), wide area 30759
connectivity and related technology as it relates to internet 30760
access, mathematics or science equipment and materials, 30761
instructional materials, and school library materials that are in 30762
general use in the public schools of the state and loan such items 30763
to pupils attending nonpublic schools within the district 30764
described in division (E)(1) of section 3317.024 of the Revised 30765

Code or to their parents, and to hire clerical personnel to 30766
administer the lending program. Only such items that are incapable 30767
of diversion to religious use and that are susceptible of loan to 30768
individual pupils and are furnished for the use of individual 30769
pupils shall be purchased and loaned under this division. As used 30770
in this section, "instructional materials" means prepared learning 30771
materials that are secular, neutral, and nonideological in 30772
character and are of benefit to the instruction of school 30773
children. "Instructional materials" includes media content that a 30774
student may access through the use of a computer or electronic 30775
device. 30776

Mobile applications that are secular, neutral, and 30777
nonideological in character and that are purchased for less than 30778
twenty dollars for instructional use shall be considered to be 30779
consumable and shall be distributed to students without the 30780
expectation that the applications must be returned. 30781

(L) To purchase or lease instructional equipment, including 30782
computer hardware and related equipment in general use in the 30783
public schools of the state, for use by pupils attending nonpublic 30784
schools within the district described in division (E)(1) of 30785
section 3317.024 of the Revised Code and to loan such items to 30786
pupils attending such nonpublic schools within the district or to 30787
their parents, and to hire clerical personnel to administer the 30788
lending program. "Computer hardware and related equipment" 30789
includes desktop computers and workstations; laptop computers, 30790
computer tablets, and other mobile handheld devices; their 30791
operating systems and accessories; and any equipment designed to 30792
make accessible the environment of a classroom to a student, who 30793
is physically unable to attend classroom activities due to 30794
hospitalization or other circumstances, by allowing real-time 30795
interaction with other students both one-on-one and in group 30796
discussion. 30797

(M) To purchase mobile units to be used for the provision of 30798
services pursuant to divisions (E), (F), (G), and (I) of this 30799
section and to pay for necessary repairs and operating costs 30800
associated with these units. 30801

(N) To reimburse costs the district incurred to store the 30802
records of a chartered nonpublic school that closes. 30803
Reimbursements under this division shall be made one time only for 30804
each chartered nonpublic school described in division (E)(1) of 30805
section 3317.024 of the Revised Code that closes. 30806

(O) To purchase life-saving medical or other emergency 30807
equipment for placement in nonpublic schools within the district 30808
described in division (E)(1) of section 3317.024 of the Revised 30809
Code or to maintain such equipment. 30810

(P) To procure and pay for security services from a county 30811
sheriff or a township or municipal police force or from a person 30812
certified through the Ohio peace officer training commission, in 30813
accordance with section 109.78 of the Revised Code, as a special 30814
police, security guard, or as a privately employed person serving 30815
in a police capacity for nonpublic schools in the district 30816
described in division (E)(1) of section 3317.024 of the Revised 30817
Code. 30818

(Q) To provide language and academic support services and 30819
other accommodations for English ~~language~~ learners attending 30820
nonpublic schools within the district described in division (E)(1) 30821
of section 3317.024 of the Revised Code. 30822

Clerical and supervisory personnel hired pursuant to division 30823
(J) of this section shall perform their services in the public 30824
schools, in nonpublic schools, public centers, or mobile units 30825
where the services are provided to the nonpublic school pupil, 30826
except that such personnel may accompany pupils to and from the 30827
service sites when necessary to ensure the safety of the children 30828

receiving the services. 30829

All services provided pursuant to this section may be 30830
provided under contract with educational service centers, the 30831
department of health, city or general health districts, or private 30832
agencies whose personnel are properly licensed by an appropriate 30833
state board or agency. 30834

Transportation of pupils provided pursuant to divisions (E), 30835
(F), (G), and (I) of this section shall be provided by the school 30836
district from its general funds and not from moneys paid to it 30837
under division (E)(1) of section 3317.024 of the Revised Code 30838
unless a special transportation request is submitted by the parent 30839
of the child receiving service pursuant to such divisions. If such 30840
an application is presented to the school district, it may pay for 30841
the transportation from moneys paid to it under division (E)(1) of 30842
section 3317.024 of the Revised Code. 30843

No school district shall provide health or remedial services 30844
to nonpublic school pupils as authorized by this section unless 30845
such services are available to pupils attending the public schools 30846
within the district. 30847

Materials, equipment, computer hardware or software, 30848
textbooks, digital texts, and health and remedial services 30849
provided for the benefit of nonpublic school pupils pursuant to 30850
this section and the admission of pupils to such nonpublic schools 30851
shall be provided without distinction as to race, creed, color, or 30852
national origin of such pupils or of their teachers. 30853

No school district shall provide services, materials, or 30854
equipment that contain religious content for use in religious 30855
courses, devotional exercises, religious training, or any other 30856
religious activity. 30857

As used in this section, "parent" includes a person standing 30858
in loco parentis to a child. 30859

Notwithstanding section 3317.01 of the Revised Code, payments shall be made under this section to any city, local, or exempted village school district within which is located one or more nonpublic elementary or high schools described in division (E)(1) of section 3317.024 of the Revised Code and any payments made to school districts under division (E)(1) of section 3317.024 of the Revised Code for purposes of this section may be disbursed without submission to and approval of the controlling board.

The allocation of payments for materials, equipment, textbooks, digital texts, health services, and remedial services to city, local, and exempted village school districts shall be on the basis of the state board of education's estimated annual average daily membership in nonpublic elementary and high schools located in the district described in division (E)(1) of section 3317.024 of the Revised Code.

Payments made to city, local, and exempted village school districts under this section shall be equal to specific appropriations made for the purpose. All interest earned by a school district on such payments shall be used by the district for the same purposes and in the same manner as the payments may be used.

The department of education shall adopt guidelines and procedures under which such programs and services shall be provided, under which districts shall be reimbursed for administrative costs incurred in providing such programs and services, and under which any unexpended balance of the amounts appropriated by the general assembly to implement this section may be transferred to the auxiliary services personnel unemployment compensation fund established pursuant to section 4141.47 of the Revised Code. The department shall also adopt guidelines and procedures limiting the purchase and loan of the items described in division (K) of this section to items that are in general use

in the public schools of the state, that are incapable of 30892
diversion to religious use, and that are susceptible to individual 30893
use rather than classroom use. Within thirty days after the end of 30894
each biennium, each board of education shall remit to the 30895
department all moneys paid to it under division (E)(1) of section 30896
3317.024 of the Revised Code and any interest earned on those 30897
moneys that are not required to pay expenses incurred under this 30898
section during the biennium for which the money was appropriated 30899
and during which the interest was earned. If a board of education 30900
subsequently determines that the remittal of moneys leaves the 30901
board with insufficient money to pay all valid expenses incurred 30902
under this section during the biennium for which the remitted 30903
money was appropriated, the board may apply to the department of 30904
education for a refund of money, not to exceed the amount of the 30905
insufficiency. If the department determines the expenses were 30906
lawfully incurred and would have been lawful expenditures of the 30907
refunded money, it shall certify its determination and the amount 30908
of the refund to be made to the director of job and family 30909
services who shall make a refund as provided in section 4141.47 of 30910
the Revised Code. 30911

Each school district shall label materials, equipment, 30912
computer hardware or software, textbooks, and digital texts 30913
purchased or leased for loan to a nonpublic school under this 30914
section, acknowledging that they were purchased or leased with 30915
state funds under this section. However, a district need not label 30916
materials, equipment, computer hardware or software, textbooks, or 30917
digital texts that the district determines are consumable in 30918
nature or have a value of less than two hundred dollars. 30919

Sec. 3317.13. (A) As used in this section and section 3317.14 30920
of the Revised Code: 30921

(1) "Years of service" includes the following: 30922

(a) All years of teaching service in the same school district or educational service center, regardless of training level, with each year consisting of at least one hundred twenty days under a teacher's contract;

(b) All years of teaching service in a chartered, nonpublic school located in Ohio as a teacher licensed pursuant to section 3319.22 of the Revised Code or in another public school, regardless of training level, with each year consisting of at least one hundred twenty days under a teacher's contract;

(c) All years of teaching service in a chartered school or institution or a school or institution that subsequently became chartered or a chartered special education program or a special education program that subsequently became chartered operated by the state or by a subdivision or other local governmental unit of this state as a teacher licensed pursuant to section 3319.22 of the Revised Code, regardless of training level, with each year consisting of at least one hundred twenty days; and

(d) All years of active military service in the armed forces of the United States, as defined in section 3307.75 of the Revised Code, to a maximum of five years. For purposes of this calculation, a partial year of active military service of eight continuous months or more in the armed forces shall be counted as a full year.

(2) "Teacher" means all teachers employed by the board of education of any school district, including any cooperative education or joint vocational school district and all teachers employed by any educational service center governing board.

(B) No teacher shall be paid a salary less than that provided in the schedule set forth in division (C) of this section. In calculating the minimum salary any teacher shall be paid pursuant to this section, years of service shall include the sum of all

years of the teacher's teaching service included in divisions 30954
(A)(1)(a), (b), (c), and (d) of this section; except that any 30955
school district or educational service center employing a teacher 30956
new to the district or educational service center shall grant such 30957
teacher a total of not more than ten years of service pursuant to 30958
divisions (A)(1)(b), (c), and (d) of this section. 30959

Upon written complaint to the superintendent of public 30960
instruction that the board of education of a district or the 30961
governing board of an educational service center governing board 30962
has failed or refused to annually adopt a salary schedule or to 30963
pay salaries in accordance with the salary schedule set forth in 30964
division (C) of this section, the superintendent of public 30965
instruction shall cause to be made an immediate investigation of 30966
such complaint. If the superintendent finds that the conditions 30967
complained of exist, the superintendent shall order the board to 30968
correct such conditions within ten days from the date of the 30969
finding. No moneys shall be distributed to the district or 30970
educational service center under this chapter until the 30971
superintendent has satisfactory evidence of the board of 30972
education's full compliance with such order. 30973

Each teacher shall be fully credited with placement in the 30974
appropriate academic training level column in the district's or 30975
educational service center's salary schedule with years of service 30976
properly credited pursuant to this section or section 3317.14 of 30977
the Revised Code. No rule shall be adopted or exercised by any 30978
board of education or educational service center governing board 30979
which restricts the placement or the crediting of annual salary 30980
increments for any teacher according to the appropriate academic 30981
training level column. 30982

(C) Minimum salaries exclusive of retirement and sick leave 30983
for teachers shall be as follows: 30984

Teachers Teachers with Teachers 30985

Years of Service	with Less than Bachelor's Degree	Teachers with a Bachelor's Degree	Five Years of Training, but no Master's Degree	with a Master's Degree or Higher					
Per Cent*	Dollar Amount	Per Cent*	Dollar Amount	Per Cent*	Dollar Amount				
0	86.5	\$17,300	100.0	\$20,000	103.8	\$20,760	109.5	\$21,900	30986
		<u>25,950</u>		<u>30,000</u>		<u>31,140</u>		<u>32,850</u>	30987
1	90.0	18,000	103.8	20,760	108.1	21,620	114.3	22,860	30988
		<u>27,000</u>		<u>31,140</u>		<u>32,430</u>		<u>34,290</u>	30989
2	93.5	18,700	107.6	21,520	112.4	22,480	119.1	23,820	30990
		<u>28,050</u>		<u>32,280</u>		<u>33,720</u>		<u>35,730</u>	30991
3	97.0	19,400	111.4	22,280	116.7	23,340	123.9	24,780	30992
		<u>29,100</u>		<u>33,420</u>		<u>35,010</u>		<u>37,170</u>	30993
4	100.5	20,100	115.2	23,040	121.0	24,200	128.7	25,740	30994
		<u>30,150</u>		<u>34,560</u>		<u>36,300</u>		<u>38,610</u>	30995
5	104.0	20,800	119.0	23,800	125.3	25,060	133.5	26,700	30996
		<u>31,200</u>		<u>35,700</u>		<u>37,590</u>		<u>40,050</u>	30997
6	104.0	20,800	122.8	24,560	129.6	25,920	138.3	27,660	30998
		<u>31,200</u>		<u>36,840</u>		<u>38,880</u>		<u>41,490</u>	30999
7	104.0	20,800	126.6	25,320	133.9	26,780	143.1	28,620	31000
		<u>31,200</u>		<u>37,980</u>		<u>40,170</u>		<u>42,930</u>	31001
8	104.0	20,800	130.4	26,080	138.2	27,640	147.9	29,580	31002
		<u>31,200</u>		<u>39,120</u>		<u>41,460</u>		<u>44,370</u>	31003
9	104.0	20,800	134.2	26,840	142.5	28,500	152.7	30,540	31004
		<u>31,200</u>		<u>40,260</u>		<u>42,750</u>		<u>45,810</u>	31005
10	104.0	20,800	138.0	27,600	146.8	29,360	157.5	31,500	31006
		<u>31,200</u>		<u>41,400</u>		<u>44,040</u>		<u>47,250</u>	
11	104.0	20,800	141.8	28,360	151.1	30,220	162.3	32,460	
		<u>31,200</u>		<u>42,540</u>		<u>45,330</u>		<u>48,690</u>	

* Percentages represent the percentage which each salary is of the base amount. 31004
31005

For purposes of determining the minimum salary at any level 31006

of training and service, the base of one hundred per cent shall be 31007
the base amount. The percentages used in this section show the 31008
relationships between the minimum salaries required by this 31009
section and the base amount and shall not be construed as 31010
requiring any school district or educational service center to 31011
adopt a schedule containing salaries in excess of the amounts set 31012
forth in this section for corresponding levels of training and 31013
experience. 31014

As used in this division: 31015

(1) "Base amount" means ~~twenty~~ thirty thousand dollars. 31016

(2) "Five years of training" means at least one hundred fifty 31017
semester hours, or the equivalent, and a bachelor's degree from a 31018
recognized college or university. 31019

(D) For purposes of this section, all credited training shall 31020
be from a recognized college or university. 31021

Sec. 3317.16. (A) The department of education shall compute 31022
and distribute state core foundation funding to each joint 31023
vocational school district for the fiscal year as prescribed in 31024
the following divisions: 31025

(1) An opportunity grant calculated according to the 31026
following formula: 31027

(The formula amount X formula ADM) - (0.0005 X the district's 31028
three-year average valuation) 31029

However, no district shall receive an opportunity grant that 31030
is less than 0.05 times the formula amount times formula ADM. 31031

(2) Additional state aid for special education and related 31032
services provided under Chapter 3323. of the Revised Code 31033
calculated as the sum of the following: 31034

(a) The district's category one special education ADM X the 31035
amount specified in division (A) of section 3317.013 of the 31036

Revised Code X the district's state share percentage;	31037
(b) The district's category two special education ADM X the amount specified in division (B) of section 3317.013 of the Revised Code X the district's state share percentage;	31038 31039 31040
(c) The district's category three special education ADM X the amount specified in division (C) of section 3317.013 of the Revised Code X the district's state share percentage;	31041 31042 31043
(d) The district's category four special education ADM X the amount specified in division (D) of section 3317.013 of the Revised Code X the district's state share percentage;	31044 31045 31046
(e) The district's category five special education ADM X the amount specified in division (E) of section 3317.013 of the Revised Code X the district's state share percentage;	31047 31048 31049
(f) The district's category six special education ADM X the amount specified in division (F) of section 3317.013 of the Revised Code X the district's state share percentage.	31050 31051 31052
(3) Economically disadvantaged funds calculated according to the following formula:	31053 31054
\$272 X the district's economically disadvantaged index X the number of students who are economically disadvantaged as certified under division (D)(2)(p) of section 3317.03 of the Revised Code	31055 31056 31057
(4) Limited English proficiency <u>learner</u> funds calculated as the sum of the following:	31058 31059
(a) The district's category one limited English proficient <u>learner</u> ADM X the amount specified in division (A) of section 3317.016 of the Revised Code X the district's state share percentage;	31060 31061 31062 31063
(b) The district's category two limited English proficient <u>learner</u> ADM X the amount specified in division (B) of section 3317.016 of the Revised Code X the district's state share	31064 31065 31066

percentage;	31067
(c) The district's category three limited English proficient <u>learner</u> ADM X the amount specified in division (C) of section	31068
3317.016 of the Revised Code X the district's state share	31069
percentage;	31070
(5) Career-technical education funds calculated as the sum of	31071
the following:	31072
(a) The district's category one career-technical education	31073
ADM X the amount specified in division (A) of section 3317.014 of	31074
the Revised Code X the district's state share percentage;	31075
(b) The district's category two career-technical education	31076
ADM X the amount specified in division (B) of section 3317.014 of	31077
the Revised Code X the district's state share percentage;	31078
(c) The district's category three career-technical education	31079
ADM X the amount specified in division (C) of section 3317.014 of	31080
the Revised Code X the district's state share percentage;	31081
(d) The district's category four career-technical education	31082
ADM X the amount specified in division (D) of section 3317.014 of	31083
the Revised Code X the district's state share percentage;	31084
(e) The district's category five career-technical education	31085
ADM X the amount specified in division (E) of section 3317.014 of	31086
the Revised Code X the district's state share percentage.	31087
Payment of funds under division (A)(5) of this section is	31088
subject to approval under section 3317.161 of the Revised Code.	31089
(6) Career-technical education associated services funds	31090
calculated under the following formula:	31091
The district's state share percentage X the	31092
amount for career-technical education associated services	31093
specified in section 3317.014 of the Revised Code X the sum of	31094
categories one through five career-technical	31095
	31096

education ADM 31097

(7) A graduation bonus calculated according to the following 31098
formula: 31099

The district's graduation rate as reported on its most recent 31100
report card issued by the department under section 3302.033 of the 31101
Revised Code X 0.075 X the formula amount X the number of the 31102
district's students who received high school or honors high school 31103
diplomas as reported by the district to the department, in 31104
accordance with the guidelines adopted under section 3301.0714 of 31105
the Revised Code, for the same school year for which the most 31106
recent report card was issued X the district's state share 31107
percentage 31108

(B)(1) If a joint vocational school district's costs for a 31109
fiscal year for a student in its categories two through six 31110
special education ADM exceed the threshold catastrophic cost for 31111
serving the student, as specified in division (B) of section 31112
3317.0214 of the Revised Code, the district may submit to the 31113
superintendent of public instruction documentation, as prescribed 31114
by the superintendent, of all of its costs for that student. Upon 31115
submission of documentation for a student of the type and in the 31116
manner prescribed, the department shall pay to the district an 31117
amount equal to the sum of the following: 31118

(a) One-half of the district's costs for the student in 31119
excess of the threshold catastrophic cost; 31120

(b) The product of one-half of the district's costs for the 31121
student in excess of the threshold catastrophic cost multiplied by 31122
the district's state share percentage. 31123

(2) The district shall report under division (B)(1) of this 31124
section, and the department shall pay for, only the costs of 31125
educational expenses and the related services provided to the 31126
student in accordance with the student's individualized education 31127
program. Any legal fees, court costs, or other costs associated 31128

with any cause of action relating to the student may not be 31129
included in the amount. 31130

(C)(1) For each student with a disability receiving special 31131
education and related services under an individualized education 31132
program, as defined in section 3323.01 of the Revised Code, at a 31133
joint vocational school district, the resident district or, if the 31134
student is enrolled in a community school, the community school 31135
shall be responsible for the amount of any costs of providing 31136
those special education and related services to that student that 31137
exceed the sum of the amount calculated for those services 31138
attributable to that student under division (A) of this section. 31139

Those excess costs shall be calculated using a formula 31140
approved by the department. 31141

(2) The board of education of the joint vocational school 31142
district may report the excess costs calculated under division 31143
(C)(1) of this section to the department of education. 31144

(3) If the board of education of the joint vocational school 31145
district reports excess costs under division (C)(2) of this 31146
section, the department shall pay the amount of excess cost 31147
calculated under division (C)(2) of this section to the joint 31148
vocational school district and shall deduct that amount as 31149
provided in division (C)(3)(a) or (b) of this section, as 31150
applicable: 31151

(a) If the student is not enrolled in a community school, the 31152
department shall deduct the amount from the account of the 31153
student's resident district pursuant to division (J) of section 31154
3317.023 of the Revised Code. 31155

(b) If the student is enrolled in a community school, the 31156
department shall deduct the amount from the account of the 31157
community school pursuant to section 3314.083 of the Revised Code. 31158

(D)(1) In any fiscal year, a school district receiving funds 31159

under division (A)(5) of this section shall spend those funds only 31160
for the purposes that the department designates as approved for 31161
career-technical education expenses. Career-technical education 31162
expenses approved by the department shall include only expenses 31163
connected to the delivery of career-technical programming to 31164
career-technical students. The department shall require the school 31165
district to report data annually so that the department may 31166
monitor the district's compliance with the requirements regarding 31167
the manner in which funding received under division (A)(5) of this 31168
section may be spent. 31169

(2) All funds received under division (A)(5) of this section 31170
shall be spent in the following manner: 31171

(a) At least seventy-five per cent of the funds shall be 31172
spent on curriculum development, purchase, and implementation; 31173
instructional resources and supplies; industry-based program 31174
certification; student assessment, credentialing, and placement; 31175
curriculum specific equipment purchases and leases; 31176
career-technical student organization fees and expenses; home and 31177
agency linkages; work-based learning experiences; professional 31178
development; and other costs directly associated with 31179
career-technical education programs including development of new 31180
programs. 31181

(b) Not more than twenty-five per cent of the funds shall be 31182
used for personnel expenditures. 31183

(E) In any fiscal year, a school district receiving funds 31184
under division (A)(6) of this section, or through a transfer of 31185
funds pursuant to division (I) of section 3317.023 of the Revised 31186
Code, shall spend those funds only for the purposes that the 31187
department designates as approved for career-technical education 31188
associated services expenses, which may include such purposes as 31189
apprenticeship coordinators, coordinators for other 31190
career-technical education services, career-technical evaluation, 31191

and other purposes designated by the department. The department 31192
may deny payment under division (A)(6) of this section to any 31193
district that the department determines is not operating those 31194
services or is using funds paid under division (A)(6) of this 31195
section, or through a transfer of funds pursuant to division (I) 31196
of section 3317.023 of the Revised Code, for other purposes. 31197

(F) A joint vocational school district shall spend the funds 31198
it receives under division (A)(3) of this section in accordance 31199
with section 3317.25 of the Revised Code. 31200

(G) As used in this section: 31201

(1) "Community school" means a community school established 31202
under Chapter 3314. of the Revised Code. 31203

(2) "Resident district" means the city, local, or exempted 31204
village school district in which a student is entitled to attend 31205
school under section 3313.64 or 3313.65 of the Revised Code. 31206

(3) "State share percentage" is equal to the following: 31207
The amount computed under division (A)(1) of this section / 31208
(the formula amount X formula ADM) 31209

Sec. 3317.163. (A) As used in this section: 31210

(1) "Base per pupil amount" has the same meaning as in 31211
section 3317.0219 of the Revised Code. 31212

(2) "Eligible school district" has the same meaning as in 31213
division (C)(1) of section 3317.0219 of the Revised Code. 31214

(3) "Resident district" means the city, local, or exempted 31215
village school district in which a student is entitled to attend 31216
school pursuant to section 3313.64 or 3313.65 of the Revised Code. 31217

(B) Subject to division (D) of this section, for fiscal years 31218
2020 and 2021, the department of education shall calculate and pay 31219
to each joint vocational school district student wellness and 31220

success funds, on a full-time equivalency basis, for each student 31221
enrolled in the district as of the district's payment under 31222
section 3317.16 of the Revised Code in June of the immediately 31223
preceding fiscal year in an amount equal to the following: 31224

(The base per pupil amount of the student's resident district for 31225
that fiscal year + the scaled amount of the student's resident 31226
district, if any, computed under division (B)(4) of section 31227
3317.0219 of the Revised Code) 31228

However, each joint vocational school district shall receive 31229
a minimum payment of \$25,000, for fiscal year 2020, or \$36,000 for 31230
fiscal year 2021. 31231

(C) Subject to division (D) of this section, for fiscal years 31232
2020 and 2021, the department shall pay to each joint vocational 31233
school district student wellness and success enhancement funds, on 31234
a full-time equivalency basis, for each student enrolled in the 31235
district as of the district's payment under section 3317.16 of the 31236
Revised Code in June of the immediately preceding fiscal year 31237
whose resident district is an eligible school district, in an 31238
amount equal to the following: 31239

The amount paid to the student's resident district under division 31240
(C)(2) of section 3317.0219 of the Revised Code for that fiscal 31241
year / the enrolled ADM of the student's resident district that 31242
was used for the second payment under Chapter 3317. of the Revised 31243
Code in June of the immediately preceding fiscal year 31244

(D) The department shall pay funds under divisions (B) and 31245
(C) of this section as follows: 31246

(1) One-half of the amount shall be paid not later than the 31247
thirty-first day of October of the fiscal year for which the 31248
payment is calculated. 31249

(2) One-half of the amount shall be paid not later than the 31250
twenty-eighth day of February of the fiscal year for which the 31251

payment is calculated. 31252

Upon making a payment for a fiscal year under this section, 31253
the department shall not make any reconciliations or adjustments 31254
to that payment. 31255

(E) A joint vocational school district that receives a 31256
payment under this section shall comply with section 3317.26 of 31257
the Revised Code. 31258

Sec. 3317.25. (A) As used in this section, "economically 31259
disadvantaged funds" means the following: 31260

(1) For a city, local, or exempted village school district, 31261
the funds received under division (A)(5) of section 3317.022 of 31262
the Revised Code; 31263

(2) For a joint vocational school district, the funds 31264
received under division (A)(3) of section 3317.16 of the Revised 31265
Code; 31266

(3) For a community school established under Chapter 3314. of 31267
the Revised Code, the funds received under division (C)(1)(e) of 31268
section 3314.08 of the Revised Code; 31269

(4) For a STEM school established under Chapter 3326. of the 31270
Revised Code, the funds received under division (E) of section 31271
3326.33 of the Revised Code. 31272

(B) In any fiscal year, a city, local, exempted village, or 31273
joint vocational school district, community school, or STEM school 31274
shall spend the economically disadvantaged funds it receives for 31275
any of the following initiatives or a combination of any of the 31276
following initiatives: 31277

(1) Extended school day and school year; 31278

(2) Reading improvement and intervention; 31279

(3) Instructional technology or blended learning; 31280

(4) Professional development in reading instruction for teachers of students in kindergarten through third grade;	31281 31282
(5) Dropout prevention;	31283
(6) School safety and security measures;	31284
(7) Community learning centers that address barriers to learning;	31285 31286
(8) Academic interventions for students in any of grades six through twelve;	31287 31288
(9) Employment of an individual who has successfully completed the bright new leaders for Ohio schools program as a principal or an assistant principal. As used in this section, "bright new leaders for Ohio schools program" has the same meaning as in <u>under</u> section 3319.271 <u>3319.272</u> of the Revised Code.	31289 31290 31291 31292 31293
(C) At the end of each fiscal year, each city, local, exempted village, or joint vocational school district, community school, and STEM school shall submit a report to the department of education describing the initiative or initiatives on which the district's or school's economically disadvantaged funds were spent during that fiscal year.	31294 31295 31296 31297 31298 31299
(D) Starting in 2015, the department shall submit a report of the information it receives under division (C) of this section to the General Assembly not later than the first day of December of each odd-numbered year in accordance with section 101.68 of the Revised Code.	31300 31301 31302 31303 31304
<u>Sec. 3317.26.</u> (A) <u>As used in this section, "student wellness and success funds" means the following:</u>	31305 31306
<u>(1) For a city, local, or exempted village school district, the funds received under section 3317.0219 of the Revised Code;</u>	31307 31308
<u>(2) For a joint vocational school district, the funds</u>	31309

<u>received under section 3317.163 of the Revised Code.</u>	31310
<u>(3) For a community school established under Chapter 3314. of</u>	31311
<u>the Revised Code, the funds received under section 3314.088 of the</u>	31312
<u>Revised Code.</u>	31313
<u>(4) For a STEM school established under Chapter 3326. of the</u>	31314
<u>Revised Code, the funds received under section 3326.42 of the</u>	31315
<u>Revised Code.</u>	31316
<u>(B) In any fiscal year, a city, local, exempted village, or</u>	31317
<u>joint vocational school district, community school, or STEM school</u>	31318
<u>shall spend the student wellness and success funds it receives for</u>	31319
<u>any of the following initiatives or a combination of any of the</u>	31320
<u>following initiatives:</u>	31321
<u>(1) Mental health services;</u>	31322
<u>(2) Services for homeless youth;</u>	31323
<u>(3) Services for child welfare involved youth;</u>	31324
<u>(4) Community liaisons;</u>	31325
<u>(5) Physical health care services;</u>	31326
<u>(6) Mentoring programs;</u>	31327
<u>(7) Family engagement and support services;</u>	31328
<u>(8) City connects programming;</u>	31329
<u>(9) Professional development regarding the provision of</u>	31330
<u>trauma informed care;</u>	31331
<u>(10) Professional development regarding cultural competence.</u>	31332
<u>(C) Each city, local, exempted village, and joint vocational</u>	31333
<u>school district, community school, and STEM school that is subject</u>	31334
<u>to the requirements of this section shall develop a plan for</u>	31335
<u>utilizing the student wellness and success funds it receives in</u>	31336
<u>coordination with at least one of the following community</u>	31337
<u>partners:</u>	31338

<u>(1) A board of alcohol, drug, and mental health services</u>	31339
<u>established under Chapter 340. of the Revised Code;</u>	31340
<u>(2) An educational service center;</u>	31341
<u>(3) A county board of developmental disabilities;</u>	31342
<u>(4) A community-based mental health treatment provider;</u>	31343
<u>(5) A board of health of a city or general health district;</u>	31344
<u>(6) A county department of job and family services;</u>	31345
<u>(7) A nonprofit organization with experience serving</u> <u>children;</u>	31346 31347
<u>(8) A public hospital agency.</u>	31348
<u>(D) At the end of each fiscal year, each city, local,</u>	31349
<u>exempted village, or joint vocational school district, community</u>	31350
<u>school, and STEM school shall submit a report to the department of</u>	31351
<u>education describing the initiative or initiatives on which the</u>	31352
<u>district's or school's student wellness and success funds were</u>	31353
<u>spent during that fiscal year.</u>	31354
 Sec. 3317.40. (A) As used in this section, "subgroup" means	31355
one of the following subsets of the entire student population of a	31356
school district or a school building:	31357
 (1) Students with disabilities;	31358
(2) Economically disadvantaged students;	31359
(3) Limited English proficient students <u>learners;</u>	31360
(4) Students identified as gifted in superior cognitive	31361
ability and specific academic ability fields under Chapter 3324.	31362
of the Revised Code.	31363
 (B) It is the intent of the general assembly that funds	31364
provided under this chapter shall be used for the provision of a	31365
system of common schools and the advancement of the knowledge of	31366

all students. As such, school districts and schools shall be held 31367
accountable for those funds to ensure that all students are 31368
provided an opportunity to graduate from high school prepared for 31369
a career or for post-secondary education. 31370

(C) When funds are provided under this chapter specifically 31371
for services for a subgroup of students, the general assembly has 31372
determined that these students experience unique challenges 31373
requiring additional resources and intends that the funds so 31374
provided be used for services that will allow students in those 31375
subgroups to master the knowledge base required for high school 31376
graduation. 31377

(D) If a district or school fails to show satisfactory 31378
achievement and progress, as determined by the state board of 31379
education, for any subgroup of students based on performance 31380
measures reported or graded under section 3302.03 of the Revised 31381
Code, the district or school shall submit an improvement plan to 31382
the department for approval. The plan may be included in any other 31383
improvement plan required of the district or school under state or 31384
federal law. The department may require that a plan required under 31385
division (C) of this section include an agreement to partner with 31386
another organization that has demonstrated the ability to improve 31387
the educational outcome for that subgroup of students to provide 31388
services to those students. The partner organization may be 31389
another school, district, or other education provider. 31390

Not later than December 31, 2014, the state board of 31391
education shall establish measures of satisfactory achievement and 31392
progress, which include, but are not limited to, performance 31393
measures under section 3302.03 of the Revised Code. The department 31394
shall make the initial determination of satisfactory achievement 31395
and progress under this section using those measures not later 31396
than September 1, 2015, and then make determinations under this 31397
section annually thereafter. 31398

The department shall publish a list of schools, school districts, and other educational providers that have demonstrated an ability to serve each subgroup of students.

Sec. 3317.60. (A)(1)(a) The office of budget and management shall, in consultation with the department of education, create an inventory of all state budget line items that, in the office's determination, provide funding services to children that includes all of the following information:

(i) The fiscal year 2018 funding for each line item;

(ii) A brief description of services provided by each line item;

(iii) Estimates of funding and program descriptions of all line items that are also used to fund other types of programs, including a description explaining how those different programs interact and for whom they are provided;

(iv) A preliminary analysis of policy implications regarding the potential creation and funding of "wrap-around services," as defined by the office, including health clinics provided in educational settings.

(b) The data shall be disaggregated into three categories based on students' age ranges as follows:

(i) Students receiving special education services for a disability specified in divisions (A) to (F) of section 3317.013 of the Revised Code between zero and twenty-one years of age;

(ii) Students not described by division (A)(1)(b)(i) of this section between zero and four years of age; and

(iii) Students not described in division (A)(1)(b)(i) of this section between five and eighteen years of age.

Additionally, the data shall be disaggregated into service

categories that may be provided by multiple agencies, funds, and 31428
line items, such as children's mental health, children's physical 31429
health, child nutrition, early childhood education, primary and 31430
secondary education, special education, juvenile detention 31431
services, and any other categories that receive significant state 31432
and federal funding. 31433

(c) The office shall submit the inventory to the individuals 31434
prescribed in division (B) of this section not later than December 31435
31, 2020. 31436

(2) The department of education, in consultation with the 31437
joint education oversight committee, shall conduct an evaluation 31438
of all of the following topics regarding special education: 31439

(a) The categories of special education students specified 31440
under section 3317.013 of the Revised Code and the funding amounts 31441
corresponding to those categories; 31442

(b) Best practices for providing education to special 31443
education students; 31444

(c) Protocols for providing treatment to special education 31445
students; 31446

(d) Technology to enhance the provision of special education; 31447

(e) Costs of providing special education. 31448

The department shall submit a report of its findings and 31449
recommendations to the individuals prescribed in division (B) of 31450
this section not later than December 31, 2020. 31451

(3) The joint education oversight committee shall, in 31452
collaboration with the department of education, the auditor of 31453
state, and a workgroup established by the committee that consists 31454
of educators, auditors, and employees of the department of 31455
education, review the funding reporting protocols and requirements 31456
for gifted services with the intention of recommending 31457

improvements regarding accountability for the spending of gifted funds paid to city, local, and exempted village school districts under section 3317.022 of the Revised Code. The committee shall submit a report of its findings and recommendations to the individuals prescribed in division (B) of this section not later than December 31, 2020.

(4) The joint education oversight committee shall, in consultation with the department of education, develop recommendations for an incentive program for school districts in rural areas of the state that provide services to students identified as gifted under division (A), (B), (C), or (D) of section 3324.03 of the Revised Code and submit a report of its findings to the individuals prescribed in division (B) of this section not later than December 31, 2020.

(5) The department of education shall, in consultation with the joint education oversight committee, conduct a study that does both of the following:

(a) Evaluates and determines the essential types and amounts of resources needed to provide economically disadvantaged students the emotional, social, and academic services necessary to ensure adequate opportunities for success.

(b) Evaluates and revises the current definition of "economically disadvantaged student."

The department shall submit a report of its findings to the individuals prescribed in division (B) of this section not later than December 31, 2020.

(6) The department of education shall, in consultation with the joint education oversight committee, the department of job and family services, and the auditor of state, conduct an evaluation of all of the following topics regarding preschool education:

(a) The cost effectiveness of continuing the existing

<u>multiple provider system;</u>	31489
<u>(b) Ways in which the existing system may be better coordinated and cost efficient;</u>	31490
<u>(c) Alternative ways in which the state can supply high quality preschool, especially for economically disadvantaged students.</u>	31492
<u>The department shall submit a report of its findings to the individuals prescribed in division (B) of this section not later than December 31, 2020.</u>	31495
<u>(7) The joint education oversight committee shall, in collaboration with the department of education, the auditor of state, and the Ohio educational service center association, conduct an evaluation of educational service centers, including all of the following:</u>	31498
<u>(a) Services provided;</u>	31503
<u>(b) Cost of existing services;</u>	31504
<u>(c) The ability to generate revenue for providing nonmandatory services and offset fixed costs with that revenue;</u>	31505
<u>(d) The average operating cost per pupil;</u>	31507
<u>(e) The effectiveness and efficiency of all educational service centers.</u>	31508
<u>The committee shall submit a report of its findings to the individuals prescribed in division (B) of this section not later than December 31, 2020.</u>	31510
<u>(8) The department of education shall, in consultation with the joint education oversight committee, evaluate the current funding amounts and required services for all categories of English language learners described in section 3317.016 of the Revised Code. The department shall submit a report of its findings to the individuals prescribed in division (B) of this section not</u>	31513

later than December 31, 2020. 31519

(B) Reports prepared under divisions (A)(1), (2), (3), (4), (5), (6), (7), and (8) of this section shall be submitted to all of the following: 31520
31521
31522

(1) The chair, vice chair, and ranking minority member of the finance committee of the house of representatives and the senate; 31523
31524

(2) The chair, vice chair, and ranking minority member of the finance subcommittees regarding primary and secondary education of the house of representatives and the senate; 31525
31526
31527

(3) The chair, vice chair, and ranking minority member of the standing committee of the house of representatives and the senate that consider legislation regarding primary and secondary education; 31528
31529
31530
31531

(4) The superintendent of public instruction; 31532

(5) The president of the state board of education. 31533

(C) It is the intent of the general assembly that the recommendations developed under divisions (A)(2), (3), (4), (5), (6), and (7) of this section be the basis of legislation enacted by the general assembly in order to take effect for fiscal year 2022 and that the recommendations developed under division (A)(8) of this section be the basis of legislation enacted by the general assembly in order to take effect for fiscal year 2023. 31534
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Sec. 3317.61. (A) The department of education, in consultation with community school governing authorities and other appropriate stakeholders, shall evaluate the cost of operating community schools on a per-pupil or other reasonable basis as a replacement for the discontinuance of a fixed per pupil formula amount. 31541
31542
31543
31544
31545
31546

(B) Not later than December 31, 2020, the department shall submit its findings to all of the following: 31547
31548

(1) The chair, vice chair, and ranking minority member of the 31549
finance committee of the house of representatives and the senate; 31550

(2) The chair, vice chair, and ranking minority member of the 31551
finance subcommittees regarding primary and secondary education of 31552
the house of representatives and the senate; 31553

(3) The chair, vice chair, and ranking minority member of the 31554
standing committee of the house of representatives and the senate 31555
that consider legislation regarding primary and secondary 31556
education; 31557

(4) The superintendent of public instruction; 31558

(5) The president of the state board of education. 31559

Sec. 3317.62. (A) A joint legislative task force to examine 31560
transportation of community school and nonpublic school students 31561
is hereby established and shall consist of six members, three of 31562
whom shall be appointed by the speaker of the house of 31563
representatives and three of whom shall be appointed by the 31564
president of the senate. The speaker of the house of 31565
representatives and president of the senate shall appoint a 31566
chairperson and vice-chairperson or co-chairpersons for the task 31567
force. 31568

(B) The task force, in consultation with the superintendent 31569
of public instruction, the auditor of state, and other 31570
stakeholders, shall study the transportation of such students and 31571
determine methods to create greater efficiency and minimize costs 31572
in transporting such students. The task force shall report its 31573
findings to the speaker of the house of representatives and the 31574
president of the senate not later than December 31, 2020. 31575

Sec. 3318.036. (A) For purposes of this section: 31576

(1) "Eligible school district" is a city, local, or exempted 31577

village school district that satisfies both of the following 31578
conditions: 31579

(a) The district is either of the following: 31580

(i) A district that resulted from one of the following that 31581
became effective between July 1, 2013, and June 30, 2018: 31582

~~(i)~~(I) A transfer of all of the territory of one school 31583
district to another school district in accordance with section 31584
3311.22, 3311.231, 3311.24, or 3311.38 of the Revised Code; 31585

~~(ii)~~(II) The merger of two or more districts in accordance 31586
with section 3311.25 of the Revised Code; 31587

~~(iii)~~(III) The creation of a new local school district from 31588
all of one or more local school districts in accordance with 31589
section 3311.26 of the Revised Code; 31590

~~(iv)~~(IV) The consolidation of two or more school districts 31591
under section 3311.37 of the Revised Code. 31592

(ii) A district that intends to build a new school building 31593
on land originally owned by a state community college, as that 31594
term is defined in section 3358.01 of the Revised Code, with the 31595
intention of collaboratively working with the state community 31596
college on workforce development programs and curriculum. 31597

(b) The district has demonstrated to the Ohio facilities 31598
construction commission an efficient use of facility space, 31599
including a reduction in the number of buildings used by students 31600
and administrative staff. 31601

(2) "Basic project cost" and "required percentage of the 31602
basic project cost" have the same meanings as in section 3318.01 31603
of the Revised Code. 31604

(B) Notwithstanding anything to the contrary in this chapter: 31605

(1) If the commission determines that a district is an 31606
eligible school district, the commission shall give that district 31607

first priority for funding for a project under sections 3318.01 to 31608
3318.20 of the Revised Code as such funds become available, 31609
regardless of the district's percentile rank under section 31610
3318.011 of the Revised Code. If the district results from a 31611
transfer, merger, consolidation, or creation of a new local 31612
district that takes effect prior to April 6, 2017, the district's 31613
portion of the basic project cost shall be the required percentage 31614
of the basic project cost based on the percentile ranking of the 31615
district that was transferred, merged, consolidated, or existed 31616
prior to the creation of the new district that has the lowest 31617
three-year average adjusted valuation per pupil, as calculated 31618
under section 3318.011 of the Revised Code, on the date that the 31619
transfer, merger, consolidation, or creation of the new district 31620
became effective. 31621

(2) If an eligible school district is given priority under 31622
division (B)(1) of this section, the commission may reduce that 31623
district's portion of the basic project cost by twenty-five 31624
percentage points from the portion determined under section 31625
3318.032 of the Revised Code or, if the district results from a 31626
transfer, merger, consolidation, or creation of a new local 31627
district that takes effect prior to April 6, 2017, from the 31628
portion determined under division (B)(1) of this section. At no 31629
time, however, shall that district's portion of the basic project 31630
cost be less than five per cent. 31631

(3) If an eligible school district is given priority under 31632
division (B)(1) of this section, the commission may reduce that 31633
district's portion of the basic project cost by ten percentage 31634
points from the portion determined under section 3318.032 of the 31635
Revised Code or, if the district results from a transfer, merger, 31636
consolidation, or creation of a new local district that takes 31637
effect prior to April 6, 2017, from the portion determined under 31638
division (B)(1) of this section, if the district's project 31639

satisfies the following conditions: 31640

(a) The project involves construction of a building on land 31641
owned by a state institution of higher education, as that term is 31642
defined in section 3345.011 of the Revised Code, or on land 31643
originally owned by a state community college, as that term is 31644
defined in section 3358.01 of the Revised Code, with the intention 31645
of collaboratively working with the state community college on 31646
workforce development programs and curriculum, and the commission 31647
approves the project. 31648

(b) The district and the state institution of higher 31649
education enter into a written agreement regarding the continued 31650
use of the institution's land by the district, and the commission 31651
approves the agreement. Division (B)(3)(b) of this section does 31652
not apply to a district that satisfies the condition described in 31653
division (A)(1)(a)(ii) of this section. 31654

(c) On the date that the district and the state institution 31655
of higher education enter into the written agreement described in 31656
division (B)(3)(b) of this section, the state institution of 31657
higher education is participating in the college credit plus 31658
program established under Chapter 3365. of the Revised Code. 31659
Division (B)(3)(c) of this section does not apply to a district 31660
that satisfies the condition described in division (A)(1)(a)(ii) 31661
of this section. 31662

At no time, however, shall that district's portion of the 31663
basic project cost be less than five per cent. 31664

The reduction of the district's portion of the basic project 31665
cost described in division (B)(3) of this section may be in 31666
addition to a reduction of the district's portion of the basic 31667
project cost under division (B)(2) of this section. 31668

(C) Except as provided in division (B) of this section, a 31669
district's project undertaken pursuant to this section shall be 31670

subject to all other requirements in sections 3318.01 to 3318.20 31671
of the Revised Code. 31672

Sec. 3318.037. (A) For purposes of this section: 31673

(1) "Basic project cost," "percentile," and "school 31674
district's portion of the basic project cost" have the same 31675
meanings as in section 3318.01 of the Revised Code. 31676

(2) "Eligible school district" is a city, local, or exempted 31677
village school district that satisfies all of the following 31678
conditions: 31679

(a) The district intends to build new classroom facilities on 31680
land originally owned by a state community college, as that term 31681
is defined in section 3358.01 of the Revised Code, with the 31682
intention of collaboratively working with the state community 31683
college on workforce development programs and curriculum. 31684

(b) The district has previously participated in the school 31685
building assistance expedited local partnership program 31686
established under section 3318.36 of the Revised Code but did not 31687
construct any new facilities as part of that program. 31688

(c) The district reapplies for the expedited local 31689
partnership program between January 1, 2019, and July 1, 2020. 31690

(B) Notwithstanding anything to the contrary in this chapter, 31691
if an eligible school district reapplies for the expedited local 31692
partnership program between January 1, 2019, and July 1, 2020, and 31693
subsequently enters into a new agreement for that program, both of 31694
the following shall occur: 31695

(1) The district shall retain its percentile ranking that was 31696
determined at the time the district entered into its initial 31697
agreement under the expedited local partnership program. 31698

(2) The Ohio facilities construction commission shall give 31699
that district first priority for funding for a project under 31700

sections 3318.01 to 3318.20 of the Revised Code as such funds 31701
become available, regardless of the district's percentile rank 31702
under section 3318.011 of the Revised Code, and the district's 31703
portion of the basic project cost under sections 3318.01 to 31704
3318.20 of the Revised Code shall be the same percentage of the 31705
basic project cost as under its initial agreement under the 31706
expedited local partnership program. 31707

Sec. 3318.36. (A)(1) As used in this section: 31708

(a) "Ohio facilities construction commission," "classroom 31709
facilities," "school district," "school district board," "net 31710
bonded indebtedness," "required percentage of the basic project 31711
costs," "basic project cost," "valuation," and "percentile" have 31712
the same meanings as in section 3318.01 of the Revised Code. 31713

(b) "Required level of indebtedness" means five per cent of 31714
the school district's valuation for the year preceding the year in 31715
which the commission and school district enter into an agreement 31716
under division (B) of this section, plus [two one-hundredths of 31717
one per cent multiplied by (the percentile in which the district 31718
ranks minus one)]. 31719

(c) "Local resources" means any moneys generated in any 31720
manner permitted for a school district board to raise the school 31721
district portion of a project undertaken with assistance under 31722
sections 3318.01 to 3318.20 of the Revised Code. 31723

(2) For purposes of determining the required level of 31724
indebtedness, the required percentage of the basic project costs 31725
under division (C)(1) of this section, and priority for assistance 31726
under sections 3318.01 to 3318.20 of the Revised Code, the 31727
percentile ranking of a school district with which the commission 31728
has entered into an agreement under this section between the first 31729
day of July and the thirty-first day of August in each fiscal year 31730
is the percentile ranking calculated for that district for the 31731

immediately preceding fiscal year, and the percentile ranking of a 31732
school district with which the commission has entered into such 31733
agreement between the first day of September and the thirtieth day 31734
of June in each fiscal year is the percentile ranking calculated 31735
for that district for the current fiscal year. 31736

(B)(1) There is hereby established the school building 31737
assistance expedited local partnership program. Under the program, 31738
the Ohio facilities construction commission may enter into an 31739
agreement with the board of any school district under which the 31740
board may proceed with the new construction or major repairs of a 31741
part of the district's classroom facilities needs, as determined 31742
under sections 3318.01 to 3318.20 of the Revised Code, through the 31743
expenditure of local resources prior to the school district's 31744
eligibility for state assistance under those sections, and may 31745
apply that expenditure toward meeting the school district's 31746
portion of the basic project cost of the total of the district's 31747
classroom facilities needs, as recalculated under division (E) of 31748
this section, when the district becomes eligible for state 31749
assistance under sections 3318.01 to 3318.20 or section 3318.364 31750
of the Revised Code. ~~Any~~ 31751

Any school district that is reasonably expected to receive 31752
assistance under sections 3318.01 to 3318.20 of the Revised Code 31753
within two fiscal years from the date the school district adopts 31754
its resolution under division (B) of this section shall not be 31755
eligible to participate in the program established under this 31756
section unless that school district divides its project under 31757
those sections into segments as authorized by section 3318.034 of 31758
the Revised Code. In the case of a school district that has 31759
segmented its project as authorized in section 3318.034 of the 31760
Revised Code, the district shall select a discrete portion of one 31761
or more future segments of its project, to which the district may 31762
apply local resources under an agreement under this section prior 31763

to further state assistance for those future segments under 31764
sections 3318.01 to 3318.20 of the Revised Code. 31765

(2) To participate in the program, a school district board 31766
shall first adopt a resolution certifying to the commission the 31767
board's intent to participate in the program. 31768

The resolution shall specify the approximate date that the 31769
board intends to seek elector approval of any bond or tax measures 31770
or to apply other local resources to use to pay the cost of 31771
classroom facilities to be constructed under this section. The 31772
resolution may specify the application of local resources or 31773
elector-approved bond or tax measures after the resolution is 31774
adopted by the board, and in such case the board may proceed with 31775
a discrete portion of its project under this section as soon as 31776
the commission and the controlling board have approved the basic 31777
project cost of the district's classroom facilities needs as 31778
specified in division (D) of this section. The board shall submit 31779
its resolution to the commission not later than ten days after the 31780
date the resolution is adopted by the board. 31781

The commission shall not consider any resolution that is 31782
submitted pursuant to division (B)(2) of this section, as amended 31783
by this amendment, sooner than September 14, 2000. 31784

(3) For purposes of determining when a district that enters 31785
into an agreement under this section becomes eligible for 31786
assistance under sections 3318.01 to 3318.20 of the Revised Code 31787
or priority for assistance under section 3318.364 of the Revised 31788
Code, the commission shall use the district's percentile ranking 31789
determined at the time the district entered into the agreement 31790
under this section, as prescribed by division (A)(2) of this 31791
section. 31792

(4) Any project under this section shall comply with section 31793
3318.03 of the Revised Code and with any specifications for plans 31794

and materials for classroom facilities adopted by the commission 31795
under section 3318.04 of the Revised Code. 31796

(5) If a school district that enters into an agreement under 31797
this section has not begun a project applying local resources as 31798
provided for under that agreement at the time the district is 31799
notified by the commission that it is eligible to receive state 31800
assistance for its project under sections 3318.01 to 3318.20 of 31801
the Revised Code or for a segment of its project, if the district 31802
previously segmented its project as authorized in section 3318.034 31803
of the Revised Code, all assessment and agreement documents 31804
entered into under this section are void. 31805

(6) Only construction of or repairs to classroom facilities 31806
that have been approved by the commission and have been therefore 31807
included as part of a district's basic project cost qualify for 31808
application of local resources under this section. 31809

(C) Based on the results of on-site visits and assessment, 31810
the commission shall determine the basic project cost of the 31811
school district's classroom facilities needs. The commission shall 31812
determine the school district's portion of such basic project 31813
cost, which shall be the greater of: 31814

(1) The required percentage of the basic project costs, 31815
determined based on the school district's percentile ranking; 31816

(2) An amount necessary to raise the school district's net 31817
bonded indebtedness, as of the fiscal year the commission and the 31818
school district enter into the agreement under division (B) of 31819
this section, to within five thousand dollars of the required 31820
level of indebtedness. 31821

(D)(1) When the commission determines the basic project cost 31822
of the classroom facilities needs of a school district and the 31823
school district's portion of that basic project cost under 31824
division (C) of this section, the project shall be conditionally 31825

approved. Such conditional approval shall be submitted to the 31826
controlling board for approval thereof. The controlling board 31827
shall forthwith approve or reject the commission's determination, 31828
conditional approval, and the amount of the state's portion of the 31829
basic project cost; however, no state funds shall be encumbered 31830
under this section. Upon approval by the controlling board, the 31831
school district board may identify a discrete part of its 31832
classroom facilities needs, which shall include only new 31833
construction of or additions or major repairs to a particular 31834
building, to address with local resources. Upon identifying a part 31835
of the school district's basic project cost to address with local 31836
resources, the school district board may allocate any available 31837
school district moneys to pay the cost of that identified part, 31838
including the proceeds of an issuance of bonds if approved by the 31839
electors of the school district. 31840

All local resources utilized under this division shall first 31841
be deposited in the project construction account required under 31842
section 3318.08 of the Revised Code. 31843

(2) Unless the school district board exercises its option 31844
under division (D)(3) of this section, for a school district to 31845
qualify for participation in the program authorized under this 31846
section, one of the following conditions shall be satisfied: 31847

(a) The electors of the school district by a majority vote 31848
shall approve the levy of taxes outside the ten-mill limitation 31849
for a period of twenty-three years at the rate of not less than 31850
one-half mill for each dollar of valuation to be used to pay the 31851
cost of maintaining the classroom facilities included in the basic 31852
project cost as determined by the commission. The form of the 31853
ballot to be used to submit the question whether to approve the 31854
tax required under this division to the electors of the school 31855
district shall be the form for an additional levy of taxes 31856
prescribed in section 3318.361 of the Revised Code, which may be 31857

combined in a single ballot question with the questions prescribed 31858
under section 5705.218 of the Revised Code. 31859

(b) As authorized under division (C) of section 3318.05 of 31860
the Revised Code, the school district board shall earmark from the 31861
proceeds of a permanent improvement tax levied under section 31862
5705.21 of the Revised Code, an amount equivalent to the 31863
additional tax otherwise required under division (D)(2)(a) of this 31864
section for the maintenance of the classroom facilities included 31865
in the basic project cost as determined by the commission. 31866

(c) As authorized under section 3318.051 of the Revised Code, 31867
the school district board shall, if approved by the commission, 31868
annually transfer into the maintenance fund required under section 31869
3318.05 of the Revised Code the amount prescribed in section 31870
3318.051 of the Revised Code in lieu of the tax otherwise required 31871
under division (D)(2)(a) of this section for the maintenance of 31872
the classroom facilities included in the basic project cost as 31873
determined by the commission. 31874

(d) If the school district board has rescinded the agreement 31875
to make transfers under section 3318.051 of the Revised Code, as 31876
provided under division (F) of that section, the electors of the 31877
school district, in accordance with section 3318.063 of the 31878
Revised Code, first shall approve the levy of taxes outside the 31879
ten-mill limitation for the period specified in that section at a 31880
rate of not less than one-half mill for each dollar of valuation. 31881

(e) The school district board shall apply the proceeds of a 31882
tax to leverage bonds as authorized under section 3318.052 of the 31883
Revised Code or dedicate a local donated contribution in the 31884
manner described in division (B) of section 3318.084 of the 31885
Revised Code in an amount equivalent to the additional tax 31886
otherwise required under division (D)(2)(a) of this section for 31887
the maintenance of the classroom facilities included in the basic 31888
project cost as determined by the commission. 31889

(3) A school district board may opt to delay taking any of 31890
the actions described in division (D)(2) of this section until the 31891
school district becomes eligible for state assistance under 31892
sections 3318.01 to 3318.20 of the Revised Code. In order to 31893
exercise this option, the board shall certify to the commission a 31894
resolution indicating the board's intent to do so prior to 31895
entering into an agreement under division (B) of this section. 31896

(4) If pursuant to division (D)(3) of this section a district 31897
board opts to delay levying an additional tax until the district 31898
becomes eligible for state assistance, it shall submit the 31899
question of levying that tax to the district electors as follows: 31900

(a) In accordance with section 3318.06 of the Revised Code if 31901
it will also be necessary pursuant to division (E) of this section 31902
to submit a proposal for approval of a bond issue; 31903

(b) In accordance with section 3318.361 of the Revised Code 31904
if it is not necessary to also submit a proposal for approval of a 31905
bond issue pursuant to division (E) of this section. 31906

(5) No state assistance under sections 3318.01 to 3318.20 of 31907
the Revised Code shall be released until a school district board 31908
that adopts and certifies a resolution under division (D) of this 31909
section also demonstrates to the satisfaction of the commission 31910
compliance with the provisions of division (D)(2) of this section. 31911

Any amount required for maintenance under division (D)(2) of 31912
this section shall be deposited into a separate fund as specified 31913
in division (B) of section 3318.05 of the Revised Code. 31914

(E)(1) If the school district becomes eligible for state 31915
assistance under sections 3318.01 to 3318.20 of the Revised Code 31916
for its entire project or for future segments, if the district 31917
previously segmented its project as authorized in section 3318.034 31918
of the Revised Code, based on its percentile ranking under 31919
division (B)(3) of this section or is offered assistance under 31920

section 3318.364 of the Revised Code, the commission shall conduct 31921
a new assessment of the school district's classroom facilities 31922
needs and shall recalculate the basic project cost based on this 31923
new assessment. The basic project cost recalculated under this 31924
division shall include the amount of expenditures made by the 31925
school district board under division (D)(1) of this section. The 31926
commission shall then recalculate the school district's portion of 31927
the new basic project cost, which shall be the percentage of the 31928
original basic project cost assigned to the school district as its 31929
portion under division (C) of this section. The commission shall 31930
deduct the expenditure of school district moneys made under 31931
division (D)(1) of this section from the school district's portion 31932
of the basic project cost as recalculated under this division. If 31933
the amount of school district resources applied by the school 31934
district board to the school district's portion of the basic 31935
project cost under this section is less than the total amount of 31936
such portion as recalculated under this division, the school 31937
district board by a majority vote of all of its members shall, if 31938
it desires to seek state assistance under sections 3318.01 to 31939
3318.20 of the Revised Code, adopt a resolution as specified in 31940
section 3318.06 of the Revised Code to submit to the electors of 31941
the school district the question of approval of a bond issue in 31942
order to pay any additional amount of school district portion 31943
required for state assistance. Any tax levy approved under 31944
division (D) of this section satisfies the requirements to levy 31945
the additional tax under section 3318.06 of the Revised Code. 31946

(2) If the amount of school district resources applied by the 31947
school district board to the school district's portion of the 31948
basic project cost under this section is more than the total 31949
amount of such portion as recalculated under this division, within 31950
one year after the school district's portion is recalculated under 31951
division (E)(1) of this section the commission may grant to the 31952
school district the difference between the two calculated 31953

portions, but at no time shall the commission expend any state 31954
funds on a project in an amount greater than the state's portion 31955
of the basic project cost as recalculated under this division. 31956

Any reimbursement under this division shall be only for local 31957
resources the school district has applied toward construction cost 31958
expenditures for the classroom facilities approved by the 31959
commission, which shall not include any financing costs associated 31960
with that construction. 31961

The school district board shall use any moneys reimbursed to 31962
the district under this division to pay off any debt service the 31963
district owes for classroom facilities constructed under its 31964
project under this section before such moneys are applied to any 31965
other purpose. However, the district board first may deposit 31966
moneys reimbursed under this division into the district's general 31967
fund or a permanent improvement fund to replace local resources 31968
the district withdrew from those funds, as long as, and to the 31969
extent that, those local resources were used by the district for 31970
constructing classroom facilities included in the district's basic 31971
project cost. 31972

Sec. 3319.074. (A) As used in this section: 31973

(1) "Core subject area" means reading and English language 31974
arts, mathematics, science, social studies, foreign language, and 31975
fine arts. 31976

(2) "Properly certified or licensed teacher" means a any of 31977
the following individuals: 31978

(a) A classroom teacher who has successfully completed all 31979
requirements for certification or licensure under this chapter 31980
applicable to the subject areas and grade levels in which the 31981
teacher provides instruction and the students to whom the teacher 31982
provides the instruction; 31983

<u>(b) The holder of an early childhood long-term substitute</u>	31984
<u>license issued under former section 3319.226 of the Revised Code</u>	31985
<u>who provides instruction to students in any of grades</u>	31986
<u>pre-kindergarten through three;</u>	31987
<u>(c) The holder of a valid middle-childhood, adolescence to</u>	31988
<u>young adult, or multi-age long-term substitute license issued</u>	31989
<u>under former section 3319.226 of the Revised Code who provides</u>	31990
<u>instruction in the subject for which that license was issued;</u>	31991
<u>(d) The holder of a valid license issued pursuant to section</u>	31992
<u>3319.226 of the Revised Code, as it exists on or after the</u>	31993
<u>effective date of this amendment, who has satisfied the criteria</u>	31994
<u>contained in division (B)(1)(b) or (c) of that section.</u>	31995
(3) "Properly certified paraprofessional" means a	31996
paraprofessional who holds an educational aide permit issued under	31997
section 3319.088 of the Revised Code and satisfies at least one of	31998
the following conditions:	31999
(a) Has a designation of "ESEA qualified" on the educational	32000
aide permit;	32001
(b) Has successfully completed at least two years of	32002
coursework at an accredited institution of higher education;	32003
(c) Holds an associate degree or higher from an accredited	32004
institution of higher education;	32005
(d) Meets a rigorous standard of quality as demonstrated by	32006
attainment of a qualifying score on an academic assessment	32007
specified by the department of education.	32008
(B) Beginning July 1, 2019, no city, exempted village, local,	32009
joint vocational, or cooperative education school district shall	32010
do either of the following:	32011
(1) Employ any classroom teacher to provide instruction in a	32012
core subject area to any student, unless such teacher is a	32013

properly certified or licensed teacher; 32014

(2) Employ any paraprofessional in a program supported with 32015
funds received under Title I of the "Elementary and Secondary 32016
Education Act of 1965," 20 U.S.C. 6301 et seq., to provide 32017
academic support in a core subject area to any student, unless 32018
such paraprofessional is a properly certified paraprofessional. 32019

(3) Except as described in division (D) of this section, 32020
employ any individual to provide substitute instruction in a core 32021
subject area to any student, unless such individual is a properly 32022
certified or licensed teacher. 32023

(C) At the start of each school year, each school district 32024
shall notify the parent or guardian of each student enrolled in 32025
the district that the parent or guardian may request information 32026
on the professional qualifications of each classroom teacher who 32027
provides instruction to the student. The district shall provide 32028
the information on each applicable teacher in a timely manner to 32029
any parent or guardian who requests it. Such information shall 32030
include at least the following: 32031

(1) Whether the teacher has satisfied all requirements for 32032
certification or licensure under this chapter applicable to the 32033
subject areas and grade levels in which the teacher provides 32034
instruction and the students to whom the teacher provides the 32035
instruction, or whether the teacher provides instruction under a 32036
waiver of any such requirements; 32037

(2) Whether a paraprofessional provides any services to the 32038
student and, if so, the qualifications of the paraprofessional. 32039

(D) A district may provisionally employ for a period not to 32040
exceed sixty days an individual who has satisfied the criteria 32041
prescribed in division (B)(1)(b) or (c) of section 3319.226 of the 32042
Revised Code, provided that a substitute license is requested by 32043
or on behalf of that individual on or before the individual's 32044

first day of employment. 32045

Sec. 3319.226. (A) Beginning July 1, 2019, the state board of 32046
education shall issue educator licenses for substitute teaching 32047
only under this section. 32048

(B) The state board shall adopt rules establishing standards 32049
and requirements for obtaining a license under this section and 32050
for renewal of the license. Except as provided in division (F) of 32051
section 3319.229 of the Revised Code, the rules shall require an 32052
applicant to hold a post-secondary degree, but not in any 32053
specified subject area. The rules also shall allow the holder of a 32054
license issued under this section to work: 32055

(1) For an unlimited number of school days if the license 32056
holder has a one of the following: 32057

(a) A post-secondary degree in either education or a subject 32058
area directly related to the subject of the class the license 32059
holder will teach; 32060

(b) A baccalaureate degree from an accredited institution of 32061
higher education with twelve semester hours in professional 32062
education leading to a license to teach in any of grades 32063
pre-kindergarten through three, provided that license holder will 32064
be teaching one of those grades; 32065

(c) A baccalaureate degree from an accredited institution of 32066
higher education with twenty semester hours in the subject area 32067
directly related to the subject of the class the license holder 32068
will teach. 32069

(2) For one full semester, subject to the approval of the 32070
employing school district board of education, if the license 32071
holder has a post-secondary degree in a subject area that is not 32072
directly related to the subject of the class that the license 32073
holder will teach. 32074

The district superintendent may request that the board 32075
approve one or more additional subsequent semester-long periods of 32076
teaching for the license holder. 32077

(C) Any license issued or renewed under former section 32078
3319.226 of the Revised Code that was still in force on ~~the~~ 32079
~~effective date of this section~~ November 2, 2018, shall remain in 32080
force for the remainder of the term for which it was issued or 32081
renewed. Upon the expiration of that term, the holder of that 32082
license shall be subject to licensure under the rules adopted 32083
under this section. 32084

(D) An application for licensure under this section made by 32085
or on behalf of an individual who satisfies the criteria 32086
prescribed in division (B)(1)(b) or (c) of this section who is 32087
provisionally employed in accordance with division (D) of section 32088
3319.074 of the Revised Code shall be granted within thirty days 32089
after its submission. 32090

Sec. 3319.26. (A) The state board of education shall adopt 32091
rules establishing the standards and requirements for obtaining an 32092
alternative resident educator license for teaching in grades 32093
kindergarten to twelve, or the equivalent, in a designated subject 32094
area or in the area of intervention specialist, as defined by rule 32095
of the state board. The rules shall also include the reasons for 32096
which an alternative resident educator license may be renewed 32097
under division (D) of this section. 32098

(B) The superintendent of public instruction and the 32099
chancellor of ~~the Ohio board of regents~~ higher education jointly 32100
shall develop an intensive pedagogical training institute to 32101
provide instruction in the principles and practices of teaching 32102
for individuals seeking an alternative resident educator license. 32103
The instruction shall cover such topics as student development and 32104
learning, pupil assessment procedures, curriculum development, 32105

classroom management, and teaching methodology. 32106

(C) The rules adopted under this section shall require 32107
applicants for the alternative resident educator license to 32108
satisfy the following conditions prior to issuance of the license, 32109
but they shall not require applicants to have completed a major or 32110
coursework in the subject area for which application is being 32111
made: 32112

(1) Hold a minimum of a baccalaureate degree; 32113

(2) Successfully complete the pedagogical training institute 32114
described in division (B) of this section or ~~a summer~~ the 32115
preservice training ~~institute~~ provided to participants of a 32116
teacher preparation program that ~~is operated by a nonprofit~~ 32117
~~organization and~~ has been approved by the chancellor. The 32118
chancellor shall approve any such program that requires 32119
participants to hold a bachelor's degree; have a cumulative 32120
undergraduate grade point average of at least 2.5 out of 4.0, or 32121
its equivalent; and successfully complete the program's ~~summer~~ 32122
preservice training ~~institute~~. 32123

(3) Pass an examination in the subject area for which 32124
application is being made. 32125

(D) An alternative resident educator license shall be valid 32126
for four years and shall be renewable for reasons specified by 32127
rules adopted by the state board pursuant to division (A) of this 32128
section. The state board, on a case-by-case basis, may extend the 32129
license's duration as necessary to enable the license holder to 32130
complete the Ohio teacher residency program established under 32131
section 3319.223 of the Revised Code. 32132

(E) The rules shall require the holder of an alternative 32133
resident educator license, as a condition of continuing to hold 32134
the license, to do all of the following: 32135

(1) Participate in the Ohio teacher residency program; 32136

(2) Show satisfactory progress in taking and successfully completing one of the following:	32137 32138
(a) At least twelve additional semester hours, or the equivalent, of college coursework in the principles and practices of teaching in such topics as student development and learning, pupil assessment procedures, curriculum development, classroom management, and teaching methodology;	32139 32140 32141 32142 32143
(b) Professional development provided by a teacher preparation program that has been approved by the chancellor under division (C)(2) of this section.	32144 32145 32146
(3) Take an assessment of professional knowledge in the second year of teaching under the license.	32147 32148
(F) The rules shall provide for the granting of a professional educator license to a holder of an alternative resident educator license upon successfully completing all of the following:	32149 32150 32151 32152
(1) Four years of teaching under the alternative license;	32153
(2) The additional college coursework or professional development described in division (E)(2) of this section;	32154 32155
(3) The assessment of professional knowledge described in division (E)(3) of this section. The standards for successfully completing this assessment and the manner of conducting the assessment shall be the same as for any other individual who is required to take the assessment pursuant to rules adopted by the state board under section 3319.22 of the Revised Code.	32156 32157 32158 32159 32160 32161
(4) The Ohio teacher residency program;	32162
(5) All other requirements for a professional educator license adopted by the state board under section 3319.22 of the Revised Code.	32163 32164 32165
(G) A person who is assigned to teach in this state as a	32166

participant in the teach for America program or who has completed 32167
two years of teaching in another state as a participant in that 32168
program shall be eligible for a license only under section 32169
3319.227 of the Revised Code and shall not be eligible for a 32170
license under this section. 32171

Sec. 3319.272. (A) ~~As used in this section, the~~ The "bright 32172
new leaders for Ohio schools program" ~~means the program created~~ 32173
~~and implemented by the nonprofit corporation incorporated pursuant~~ 32174
~~to section 3319.271 of the Revised Code to~~ administered by the 32175
Ohio state university Fisher college of business and college 32176
education and human ecology shall provide an alternative path for 32177
individuals to receive training and development in the 32178
administration of primary and secondary education and leadership, 32179
enable those individuals to earn degrees and obtain licenses in 32180
public school administration, and promote the placement of those 32181
individuals in public schools that have a poverty percentage 32182
greater than fifty per cent. 32183

(B) The state board of education shall issue ~~an alternative~~ 32184
~~principal license or an administrator license, as applicable, a~~ 32185
professional administrator license for grades pre-kindergarten 32186
through twelve to an individual who successfully completes the 32187
bright new leaders for Ohio schools program and satisfies the 32188
requirements in rules adopted by the state board under division 32189
(C) of this section. 32190

(C) The state board, in consultation with the ~~board of~~ 32191
~~directors of the~~ bright new leaders for Ohio schools program, 32192
shall adopt rules that prescribe the requirements for obtaining ~~an~~ 32193
~~alternative principal license or an~~ a professional administrator 32194
license for grades pre-kindergarten through twelve under this 32195
section. The state board shall use the rules adopted under section 32196
3319.27 of the Revised Code as guidance in developing the rules 32197

adopted under this division. 32198

Sec. 3326.11. Each science, technology, engineering, and 32199
mathematics school established under this chapter and its 32200
governing body shall comply with sections 9.90, 9.91, 109.65, 32201
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 32202
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 32203
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 32204
3313.482, 3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 32205
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6021, 32206
3313.6024, 3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 32207
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 32208
3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 32209
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 32210
3313.721, 3313.80, 3313.801, 3313.814, 3313.816, 3313.817, 32211
3313.818, 3313.86, 3313.89, 3313.96, 3319.073, 3319.21, 3319.32, 32212
3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 32213
3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 3321.141, 3321.17, 32214
3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 32215
5705.391 and Chapters 102., 117., 1347., 2744., 3307., 3309., 32216
3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code 32217
as if it were a school district. 32218

Sec. 3326.31. As used in sections 3326.31 to 3326.50 of the 32219
Revised Code: 32220

(A)(1) "Category one career-technical education student" 32221
means a student who is receiving the career-technical education 32222
services described in division (A) of section 3317.014 of the 32223
Revised Code. 32224

(2) "Category two career-technical student" means a student 32225
who is receiving the career-technical education services described 32226
in division (B) of section 3317.014 of the Revised Code. 32227

(3) "Category three career-technical student" means a student 32228
who is receiving the career-technical education services described 32229
in division (C) of section 3317.014 of the Revised Code. 32230

(4) "Category four career-technical student" means a student 32231
who is receiving the career-technical education services described 32232
in division (D) of section 3317.014 of the Revised Code. 32233

(5) "Category five career-technical education student" means 32234
a student who is receiving the career-technical education services 32235
described in division (E) of section 3317.014 of the Revised Code. 32236

(B)(1) "Category one ~~limited English proficient student~~ 32237
learner" means a ~~limited~~ an English ~~proficient student~~ learner 32238
described in division (A) of section 3317.016 of the Revised Code. 32239

(2) "Category two ~~limited English proficient student learner~~ 32240
means a ~~limited~~ an English ~~proficient student~~ learner described in 32241
division (B) of section 3317.016 of the Revised Code. 32242

(3) "Category three ~~limited English proficient student~~ 32243
learner" means a ~~limited~~ an English ~~proficient student~~ learner 32244
described in division (C) of section 3317.016 of the Revised Code. 32245

(C)(1) "Category one special education student" means a 32246
student who is receiving special education services for a 32247
disability specified in division (A) of section 3317.013 of the 32248
Revised Code. 32249

(2) "Category two special education student" means a student 32250
who is receiving special education services for a disability 32251
specified in division (B) of section 3317.013 of the Revised Code. 32252

(3) "Category three special education student" means a 32253
student who is receiving special education services for a 32254
disability specified in division (C) of section 3317.013 of the 32255
Revised Code. 32256

(4) "Category four special education student" means a student 32257

who is receiving special education services for a disability 32258
specified in division (D) of section 3317.013 of the Revised Code. 32259

(5) "Category five special education student" means a student 32260
who is receiving special education services for a disability 32261
specified in division (E) of section 3317.013 of the Revised Code. 32262

(6) "Category six special education student" means a student 32263
who is receiving special education services for a disability 32264
specified in division (F) of section 3317.013 of the Revised Code. 32265

(D) "Formula amount" has the same meaning as in section 32266
3317.02 of the Revised Code. 32267

(E) "IEP" means an individualized education program as 32268
defined in section 3323.01 of the Revised Code. 32269

(F) "Resident district" means the school district in which a 32270
student is entitled to attend school under section 3313.64 or 32271
3313.65 of the Revised Code. 32272

(G) "State education aid" has the same meaning as in section 32273
5751.20 of the Revised Code. 32274

Sec. 3326.32. Each science, technology, engineering, and 32275
mathematics school shall report to the department of education, in 32276
the form and manner required by the department, all of the 32277
following information: 32278

(A) The total number of students enrolled in the school who 32279
are residents of this state; 32280

(B) The number of students reported under division (A) of 32281
this section who are receiving special education and related 32282
services pursuant to an IEP; 32283

(C) For each student reported under division (B) of this 32284
section, which category specified in divisions (A) to (F) of 32285
section 3317.013 of the Revised Code applies to the student; 32286

(D) The full-time equivalent number of students reported	32287
under division (A) of this section who are enrolled in	32288
career-technical education programs or classes described in each	32289
of divisions (A), (B), (C), (D), and (E) of section 3317.014 of	32290
the Revised Code that are provided by the STEM school;	32291
(E) The number of students reported under division (A) of	32292
this section who are limited English proficient students <u>learners</u>	32293
and which category specified in divisions (A) to (C) of section	32294
3317.016 of the Revised Code applies to each student;	32295
(F) The number of students reported under division (A) of	32296
this section who are economically disadvantaged, as defined by the	32297
department. A student shall not be categorically excluded from the	32298
number reported under division (F) of this section based on	32299
anything other than family income.	32300
(G) The resident district of each student reported under	32301
division (A) of this section;	32302
(H) The total number of students enrolled in the school who	32303
are not residents of this state and any additional information	32304
regarding these students that the department requires the school	32305
to report. The school shall not receive any payments under this	32306
chapter for students reported under this division.	32307
(I) Any additional information the department determines	32308
necessary to make payments under this chapter.	32309
Sec. 3326.33. For each student enrolled in a science,	32310
technology, engineering, and mathematics school established under	32311
this chapter, on a full-time equivalency basis, the department of	32312
education annually shall deduct from the state education aid of a	32313
student's resident school district and, if necessary, from the	32314
payment made to the district under sections 321.24 and 323.156 of	32315
the Revised Code and pay to the school the sum of the following:	32316

(A) An opportunity grant in an amount equal to the formula amount;	32317 32318
(B) The per pupil amount of targeted assistance funds calculated under division (A) of section 3317.0217 of the Revised Code for the student's resident district, as determined by the department, X 0.25;	32319 32320 32321 32322
(C) Additional state aid for special education and related services provided under Chapter 3323. of the Revised Code as follows:	32323 32324 32325
(1) If the student is a category one special education student, the amount specified in division (A) of section 3317.013 of the Revised Code;	32326 32327 32328
(2) If the student is a category two special education student, the amount specified in division (B) of section 3317.013 of the Revised Code;	32329 32330 32331
(3) If the student is a category three special education student, the amount specified in division (C) of section 3317.013 of the Revised Code;	32332 32333 32334
(4) If the student is a category four special education student, the amount specified in division (D) of section 3317.013 of the Revised Code;	32335 32336 32337
(5) If the student is a category five special education student, the amount specified in division (E) of section 3317.013 of the Revised Code;	32338 32339 32340
(6) If the student is a category six special education student, the amount specified in division (F) of section 3317.013 of the Revised Code.	32341 32342 32343
(D) If the student is in kindergarten through third grade, \$320;	32344 32345
(E) If the student is economically disadvantaged, an amount	32346

equal to the following:	32347
\$272 X the resident district's economically disadvantaged index	32348
(F) Limited English proficiency <u>learner</u> funds, as follows:	32349
(1) If the student is a category one limited English	32350
proficient student <u>learner</u> , the amount specified in division (A)	32351
of section 3317.016 of the Revised Code;	32352
(2) If the student is a category two limited English	32353
proficient student <u>learner</u> , the amount specified in division (B)	32354
of section 3317.016 of the Revised Code;	32355
(3) If the student is a category three limited English	32356
proficient student <u>learner</u> , the amount specified in division (C)	32357
of section 3317.016 of the Revised Code.	32358
(G) Career-technical education funds as follows:	32359
(1) If the student is a category one career-technical	32360
education student, the amount specified in division (A) of section	32361
3317.014 of the Revised Code;	32362
(2) If the student is a category two career-technical	32363
education student, the amount specified in division (B) of section	32364
3317.014 of the Revised Code;	32365
(3) If the student is a category three career-technical	32366
education student, the amount specified in division (C) of section	32367
3317.014 of the Revised Code;	32368
(4) If the student is a category four career-technical	32369
education student, the amount specified in division (D) of section	32370
3317.014 of the Revised Code;	32371
(5) If the student is a category five career-technical	32372
education student, the amount specified in division (E) of section	32373
3317.014 of the Revised Code.	32374
Deduction and payment of funds under division (G) of this	32375
section is subject to approval under section 3317.161 of the	32376

Revised Code.	32377
<u>Sec. 3326.42. (A) As used in this section:</u>	32378
<u>(1) "Base per pupil amount" has the same meaning as in section 3317.0219 of the Revised Code.</u>	32379 32380
<u>(2) "Eligible school district" has the same meaning as in division (C)(1) of section 3317.0219 of the Revised Code.</u>	32381 32382
<u>(3) "Resident district" has the same meaning as in section 3326.31 of the Revised Code.</u>	32383 32384
<u>(B) Subject to division (D) of this section, for fiscal years 2020 and 2021, the department of education shall calculate and pay to each science, technology, engineering, and mathematics school student wellness and success funds, on a full-time equivalency basis, for each student enrolled in the school as of the school's payment under section 3326.33 of the Revised Code in June of the immediately preceding fiscal year in an amount equal to the following:</u>	32385 32386 32387 32388 32389 32390 32391 32392
<u>(The base per pupil amount of the student's resident district for that fiscal year + the scaled amount of the student's resident district, if any, computed under division (B)(4) of section 3317.0219 of the Revised Code)</u>	32393 32394 32395 32396
<u>However, each science, technology, engineering, and mathematics school shall receive a minimum payment of \$25,000, for fiscal year 2020, or \$36,000 for fiscal year 2021.</u>	32397 32398 32399
<u>(C) Subject to division (D) of this section, for fiscal years 2020 and 2021, the department shall pay to each science, technology, engineering, and mathematics school student wellness and success enhancement funds, on a full-time equivalency basis, for each student enrolled in the school as of the school's payment under section 3326.33 of the Revised Code in June of the immediately preceding fiscal year whose resident district is an</u>	32400 32401 32402 32403 32404 32405 32406

eligible school district, in an amount equal to the following: 32407

The amount paid to the student's resident district under division 32408

(C)(2) of section 3317.0219 of the Revised Code for that fiscal 32409

year / the enrolled ADM of the student's resident district that 32410

was used for the second payment under Chapter 3317. of the Revised 32411

Code in June of the immediately preceding fiscal year 32412

(D) The department shall pay funds under divisions (B) and 32413

(C) of this section as follows: 32414

(1) One-half of the amount shall be paid not later than the 32415

thirty-first day of October of the fiscal year for which the 32416

payment is calculated. 32417

(2) One-half of the amount shall be paid not later than the 32418

twenty-eighth day of February of the fiscal year for which the 32419

payment is calculated. 32420

Upon making a payment for a fiscal year under this section, 32421

the department shall not make any reconciliations or adjustments 32422

to that payment. 32423

(E) A science, technology, engineering, and mathematics 32424

school that receives a payment under this section shall comply 32425

with section 3317.26 of the Revised Code. 32426

Sec. 3327.01. Notwithstanding division (D) of section 3311.19 32427

and division (D) of section 3311.52 of the Revised Code, this 32428

section and sections 3327.011, 3327.012, and 3327.02 of the 32429

Revised Code do not apply to any joint vocational or cooperative 32430

education school district. 32431

In all city, local, and exempted village school districts 32432

where resident school pupils in grades kindergarten through eight 32433

live more than two miles from the school for which the state board 32434

of education prescribes minimum standards pursuant to division (D) 32435

of section 3301.07 of the Revised Code and to which they are 32436

assigned by the board of education of the district of residence or 32437
to and from the nonpublic or community school which they attend, 32438
the board of education shall provide transportation for such 32439
pupils to and from that school except as provided in section 32440
3327.02 of the Revised Code. 32441

In all city, local, and exempted village school districts 32442
where pupil transportation is required under a career-technical 32443
plan approved by the state board of education under section 32444
3313.90 of the Revised Code, for any student attending a 32445
career-technical program operated by another school district, 32446
including a joint vocational school district, as prescribed under 32447
that section, the board of education of the student's district of 32448
residence shall provide transportation from the public high school 32449
operated by that district to which the student is assigned to the 32450
career-technical program. 32451

In all city, local, and exempted village school districts, 32452
the board may provide transportation for resident school pupils in 32453
grades nine through twelve to and from the high school to which 32454
they are assigned by the board of education of the district of 32455
residence or to and from the nonpublic or community high school 32456
which they attend for which the state board of education 32457
prescribes minimum standards pursuant to division (D) of section 32458
3301.07 of the Revised Code. 32459

A board of education shall not be required to transport 32460
elementary or high school pupils to and from a nonpublic or 32461
community school where such transportation would require more than 32462
thirty minutes of direct travel time as measured by school bus 32463
from the public school building to which the pupils would be 32464
assigned if attending the public school designated by the district 32465
of residence. 32466

Where it is impractical to transport a pupil by school 32467
conveyance, a board of education may offer payment, in lieu of 32468

providing such transportation in accordance with section 3327.02 32469
of the Revised Code. 32470

A board of education shall not be required to transport 32471
elementary or high school pupils to and from a nonpublic or 32472
community school on Saturday or Sunday, unless a board of 32473
education and a nonpublic or community school have an agreement in 32474
place to do so before the first day of July of the school year in 32475
which the agreement takes effect. 32476

In all city, local, and exempted village school districts, 32477
the board shall provide transportation for all children who are so 32478
disabled that they are unable to walk to and from the school for 32479
which the state board of education prescribes minimum standards 32480
pursuant to division (D) of section 3301.07 of the Revised Code 32481
and which they attend. In case of dispute whether the child is 32482
able to walk to and from the school, the health commissioner shall 32483
be the judge of such ability. In all city, exempted village, and 32484
local school districts, the board shall provide transportation to 32485
and from school or special education classes for mentally disabled 32486
children in accordance with standards adopted by the state board 32487
of education. 32488

When transportation of pupils is provided the conveyance 32489
shall be run on a time schedule that shall be adopted and put in 32490
force by the board not later than ten days after the beginning of 32491
the school term. For pupils attending a nonpublic or community 32492
school, the district's drop-off time may be up to thirty minutes 32493
prior to the start of the school day for that school and the 32494
pick-up time may be up to thirty minutes after the end of the 32495
school day for that school. 32496

The cost of any transportation service authorized by this 32497
section shall be paid first out of federal funds, if any, 32498
available for the purpose of pupil transportation, and secondly 32499
out of state appropriations, in accordance with regulations 32500

adopted by the state board of education. 32501

No transportation of any pupils shall be provided by any 32502
board of education to or from any school which in the selection of 32503
pupils, faculty members, or employees, practices discrimination 32504
against any person on the grounds of race, color, religion, or 32505
national origin. 32506

Sec. 3327.015. No board of education of a school district 32507
shall reduce the transportation it provides to students the 32508
district is not required to transport under section 3327.01 of the 32509
Revised Code, but that the district chooses to transport, during a 32510
school year after the first day of that school year. 32511

Sec. 3327.10. (A) No person shall be employed as driver of a 32512
school bus or motor van, owned and operated by any school district 32513
or educational service center or privately owned and operated 32514
under contract with any school district or service center in this 32515
state, who has not received a certificate from either the 32516
educational service center governing board that has entered into 32517
an agreement with the school district under section 3313.843 or 32518
3313.845 of the Revised Code or the superintendent of the school 32519
district, certifying that such person is at least eighteen years 32520
of age and is of good moral character and is qualified physically 32521
and otherwise for such position. The service center governing 32522
board or the superintendent, as the case may be, shall provide for 32523
an annual physical examination that conforms with rules adopted by 32524
the state board of education of each driver to ascertain the 32525
driver's physical fitness for such employment. ~~Any~~ The examination 32526
shall be performed by one of the following: 32527

(1) A person licensed under Chapter 4731. or 4734. of the 32528
Revised Code or by another state to practice medicine and surgery, 32529
osteopathic medicine and surgery, or chiropractic; 32530

<u>(2) A physician assistant;</u>	32531
<u>(3) A certified nurse practitioner;</u>	32532
<u>(4) A clinical nurse specialist;</u>	32533
<u>(5) A certified nurse-midwife;</u>	32534
<u>(6) A medical examiner who is listed on the national registry</u>	32535
<u>of certified medical examiners established by the federal motor</u>	32536
<u>carrier safety administration in accordance with 49 C.F.R. part</u>	32537
<u>390.</u>	32538
<u>Any</u> certificate may be revoked by the authority granting the	32539
same on proof that the holder has been guilty of failing to comply	32540
with division (D)(1) of this section, or upon a conviction or a	32541
guilty plea for a violation, or any other action, that results in	32542
a loss or suspension of driving rights. Failure to comply with	32543
such division may be cause for disciplinary action or termination	32544
of employment under division (C) of section 3319.081, or section	32545
124.34 of the Revised Code.	32546
(B) No person shall be employed as driver of a school bus or	32547
motor van not subject to the rules of the department of education	32548
pursuant to division (A) of this section who has not received a	32549
certificate from the school administrator or contractor certifying	32550
that such person is at least eighteen years of age, is of good	32551
moral character, and is qualified physically and otherwise for	32552
such position. Each driver shall have an annual physical	32553
examination which conforms to the state highway patrol rules,	32554
ascertaining the driver's physical fitness for such employment.	32555
The examination shall be performed by one of the following:	32556
(1) A person licensed under Chapter 4731. or 4734. of the	32557
Revised Code or by another state to practice medicine and surgery,	32558
osteopathic medicine and surgery, or chiropractic;	32559
(2) A physician assistant;	32560

(3) A certified nurse practitioner;	32561
(4) A clinical nurse specialist;	32562
(5) A certified nurse-midwife;	32563
(6) A medical examiner who is listed on the national registry	32564
of certified medical examiners established by the federal motor	32565
carrier safety administration in accordance with 49 C.F.R. part	32566
390.	32567
Any written documentation of the physical examination shall	32568
be completed by the individual who performed the examination.	32569
Any certificate may be revoked by the authority granting the	32570
same on proof that the holder has been guilty of failing to comply	32571
with division (D)(2) of this section.	32572
(C) Any person who drives a school bus or motor van must give	32573
satisfactory and sufficient bond except a driver who is an	32574
employee of a school district and who drives a bus or motor van	32575
owned by the school district.	32576
(D) No person employed as driver of a school bus or motor van	32577
under this section who is convicted of a traffic violation or who	32578
has had the person's commercial driver's license suspended shall	32579
drive a school bus or motor van until the person has filed a	32580
written notice of the conviction or suspension, as follows:	32581
(1) If the person is employed under division (A) of this	32582
section, the person shall file the notice with the superintendent,	32583
or a person designated by the superintendent, of the school	32584
district for which the person drives a school bus or motor van as	32585
an employee or drives a privately owned and operated school bus or	32586
motor van under contract.	32587
(2) If employed under division (B) of this section, the	32588
person shall file the notice with the employing school	32589
administrator or contractor, or a person designated by the	32590

administrator or contractor. 32591

(E) In addition to resulting in possible revocation of a 32592
certificate as authorized by divisions (A) and (B) of this 32593
section, violation of division (D) of this section is a minor 32594
misdemeanor. 32595

(F)(1) Not later than thirty days after June 30, 2007, each 32596
owner of a school bus or motor van shall obtain the complete 32597
driving record for each person who is currently employed or 32598
otherwise authorized to drive the school bus or motor van. An 32599
owner of a school bus or motor van shall not permit a person to 32600
operate the school bus or motor van for the first time before the 32601
owner has obtained the person's complete driving record. 32602
Thereafter, the owner of a school bus or motor van shall obtain 32603
the person's driving record not less frequently than semiannually 32604
if the person remains employed or otherwise authorized to drive 32605
the school bus or motor van. An owner of a school bus or motor van 32606
shall not permit a person to resume operating a school bus or 32607
motor van, after an interruption of one year or longer, before the 32608
owner has obtained the person's complete driving record. 32609

(2) The owner of a school bus or motor van shall not permit a 32610
person to operate the school bus or motor van for ten years after 32611
the date on which the person pleads guilty to or is convicted of a 32612
violation of section 4511.19 of the Revised Code or a 32613
substantially equivalent municipal ordinance. 32614

(3) An owner of a school bus or motor van shall not permit 32615
any person to operate such a vehicle unless the person meets all 32616
other requirements contained in rules adopted by the state board 32617
of education prescribing qualifications of drivers of school buses 32618
and other student transportation. 32619

(G) No superintendent of a school district, educational 32620
service center, community school, or public or private employer 32621

shall permit the operation of a vehicle used for pupil 32622
transportation within this state by an individual unless both of 32623
the following apply: 32624

(1) Information pertaining to that driver has been submitted 32625
to the department of education, pursuant to procedures adopted by 32626
that department. Information to be reported shall include the name 32627
of the employer or school district, name of the driver, driver 32628
license number, date of birth, date of hire, status of physical 32629
evaluation, and status of training. 32630

(2) The most recent criminal records check required by 32631
division (J) of this section has been completed and received by 32632
the superintendent or public or private employer. 32633

(H) A person, school district, educational service center, 32634
community school, nonpublic school, or other public or nonpublic 32635
entity that owns a school bus or motor van, or that contracts with 32636
another entity to operate a school bus or motor van, may impose 32637
more stringent restrictions on drivers than those prescribed in 32638
this section, in any other section of the Revised Code, and in 32639
rules adopted by the state board. 32640

(I) For qualified drivers who, on July 1, 2007, are employed 32641
by the owner of a school bus or motor van to drive the school bus 32642
or motor van, any instance in which the driver was convicted of or 32643
pleaded guilty to a violation of section 4511.19 of the Revised 32644
Code or a substantially equivalent municipal ordinance prior to 32645
two years prior to July 1, 2007, shall not be considered a 32646
disqualifying event with respect to division (F) of this section. 32647

(J)(1) This division applies to persons hired by a school 32648
district, educational service center, community school, chartered 32649
nonpublic school, or science, technology, engineering, and 32650
mathematics school established under Chapter 3326. of the Revised 32651
Code to operate a vehicle used for pupil transportation. 32652

For each person to whom this division applies who is hired on 32653
or after November 14, 2007, the employer shall request a criminal 32654
records check in accordance with section 3319.39 of the Revised 32655
Code and every six years thereafter. For each person to whom this 32656
division applies who is hired prior to that date, the employer 32657
shall request a criminal records check by a date prescribed by the 32658
department of education and every six years thereafter. 32659

(2) This division applies to persons hired by a public or 32660
private employer not described in division (J)(1) of this section 32661
to operate a vehicle used for pupil transportation. 32662

For each person to whom this division applies who is hired on 32663
or after November 14, 2007, the employer shall request a criminal 32664
records check prior to the person's hiring and every six years 32665
thereafter. For each person to whom this division applies who is 32666
hired prior to that date, the employer shall request a criminal 32667
records check by a date prescribed by the department and every six 32668
years thereafter. 32669

(3) Each request for a criminal records check under division 32670
(J) of this section shall be made to the superintendent of the 32671
bureau of criminal identification and investigation in the manner 32672
prescribed in section 3319.39 of the Revised Code, except that if 32673
both of the following conditions apply to the person subject to 32674
the records check, the employer shall request the superintendent 32675
only to obtain any criminal records that the federal bureau of 32676
investigation has on the person: 32677

(a) The employer previously requested the superintendent to 32678
determine whether the bureau of criminal identification and 32679
investigation has any information, gathered pursuant to division 32680
(A) of section 109.57 of the Revised Code, on the person in 32681
conjunction with a criminal records check requested under section 32682
3319.39 of the Revised Code or under division (J) of this section. 32683

(b) The person presents proof that the person has been a resident of this state for the five-year period immediately prior to the date upon which the person becomes subject to a criminal records check under this section.

Upon receipt of a request, the superintendent shall conduct the criminal records check in accordance with section 109.572 of the Revised Code as if the request had been made under section 3319.39 of the Revised Code. However, as specified in division (B)(2) of section 109.572 of the Revised Code, if the employer requests the superintendent only to obtain any criminal records that the federal bureau of investigation has on the person for whom the request is made, the superintendent shall not conduct the review prescribed by division (B)(1) of that section.

(K)(1) Until the effective date of the amendments to rule 3301-83-23 of the Ohio Administrative Code required by the second paragraph of division (E) of section 3319.39 of the Revised Code, any person who is the subject of a criminal records check under division (J) of this section and has been convicted of or pleaded guilty to any offense described in division (B)(1) of section 3319.39 of the Revised Code shall not be hired or shall be released from employment, as applicable, unless the person meets the rehabilitation standards prescribed for nonlicensed school personnel by rule 3301-20-03 of the Ohio Administrative Code.

(2) Beginning on the effective date of the amendments to rule 3301-83-23 of the Ohio Administrative Code required by the second paragraph of division (E) of section 3319.39 of the Revised Code, any person who is the subject of a criminal records check under division (J) of this section and has been convicted of or pleaded guilty to any offense that, under the rule, disqualifies a person for employment to operate a vehicle used for pupil transportation shall not be hired or shall be released from employment, as applicable, unless the person meets the rehabilitation standards

prescribed by the rule. 32716

Sec. 3328.24. A college-preparatory boarding school 32717
established under this chapter and its board of trustees shall 32718
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 32719
3301.0714, 3301.0729, 3301.948, 3313.536, 3313.6013, 3313.6021, 32720
3313.6024, 3313.6411, 3313.668, 3313.7112, 3313.721, 3313.89, 32721
3319.39, 3319.391, and 3319.46 and Chapter 3365. of the Revised 32722
Code as if the school were a school district and the school's 32723
board of trustees were a district board of education. 32724

Sec. 3333.052. (A) The chancellor of higher education, with 32725
the assistance of the department of job and family services, shall 32726
establish the community college acceleration program to enhance 32727
financial, academic, and personal support services to students in 32728
need of support from local social service agencies. The program 32729
shall identify the services and resources available to assist 32730
eligible students enrolled in a community college established 32731
under Chapter 3354., a state community college established under 32732
Chapter 3358., a technical college established under Chapter 32733
3357., or a university branch campus established under Chapter 32734
3355. of the Revised Code. 32735

(B) The chancellor shall adopt rules to administer the 32736
program. The rules shall specify the types of services provided by 32737
the program, which may include any of the following: 32738

(1) Comprehensive and personalized advisement; 32739

(2) Career counseling; 32740

(3) Tutoring; 32741

(4) Tuition waivers; 32742

(5) Financial assistance to defray the costs of 32743
transportation and textbooks. 32744

Sec. 3333.26. (A) Any citizen of this state who has resided 32745
within the state for one year, who was in the active service of 32746
the United States as a soldier, sailor, nurse, or marine between 32747
April 6, 1917, and November 11, 1918, and who has been honorably 32748
discharged from that service, shall be admitted to any school, 32749
college, or university that receives state funds in support 32750
thereof, without being required to pay any tuition or 32751
matriculation fee, but is not relieved from the payment of 32752
laboratory or similar fees. 32753

(B)(1) As used in this division: 32754

(a) "Volunteer firefighter" has the meaning as in division 32755
(B)(1) of section 146.01 of the Revised Code. 32756

(b) "Public service officer" means an Ohio firefighter, 32757
volunteer firefighter, police officer, member of the state highway 32758
patrol, employee designated to exercise the powers of police 32759
officers pursuant to section 1545.13 of the Revised Code, or other 32760
peace officer as defined by division (B) of section 2935.01 of the 32761
Revised Code, or a person holding any equivalent position in 32762
another state. 32763

(c) "Qualified former spouse" means the former spouse of a 32764
public service officer, or of a member of the armed services of 32765
the United States, who is the custodial parent of a minor child of 32766
that marriage pursuant to an order allocating the parental rights 32767
and responsibilities for care of the child issued pursuant to 32768
section 3109.04 of the Revised Code. 32769

(d) "Operation enduring freedom" means that period of 32770
conflict which began October 7, 2001, and ends on a date declared 32771
by the president of the United States or the congress. 32772

(e) "Operation Iraqi freedom" means that period of conflict 32773
which began March 20, 2003, and ends on a date declared by the 32774

president of the United States or the congress. 32775

(f) "Combat zone" means an area that the president of the 32776
United States by executive order designates, for purposes of 26 32777
U.S.C. 112, as an area in which armed forces of the United States 32778
are or have engaged in combat. 32779

(2) Any resident of this state who is under twenty-six years 32780
of age, or under thirty years of age if the resident has been 32781
honorably discharged from the armed services of the United States, 32782
who is the child of a public service officer killed in the line of 32783
duty or of a member of the armed services of the United States 32784
killed in the line of duty during operation enduring freedom or 32785
operation Iraqi freedom, and who is admitted to any state 32786
university or college as defined in division (A)(1) of section 32787
3345.12 of the Revised Code, community college, state community 32788
college, university branch, or technical college shall not be 32789
required to pay any tuition or any student fee for up to four 32790
academic years of education, which shall be at the undergraduate 32791
level. 32792

A child of a member of the armed services of the United 32793
States killed in the line of duty during operation enduring 32794
freedom or operation Iraqi freedom is eligible for a waiver of 32795
tuition and student fees under this division only if the student 32796
is not eligible for a war orphans and severely disabled veterans' 32797
children scholarship authorized by Chapter 5910. of the Revised 32798
Code. In any year in which the war orphans and severely disabled 32799
veterans' children scholarship board reduces the percentage of 32800
tuition covered by a war orphans and severely disabled veterans' 32801
children scholarship below one hundred per cent pursuant to 32802
division (A) of section 5910.04 of the Revised Code, the waiver of 32803
tuition and student fees under this division for a child of a 32804
member of the armed services of the United States killed in the 32805
line of duty during operation enduring freedom or operation Iraqi 32806

freedom shall be reduced by the same percentage. 32807

(3) Any resident of this state who is the spouse or qualified 32808
former spouse of a public service officer killed in the line of 32809
duty, and who is admitted to any state university or college as 32810
defined in division (A)(1) of section 3345.12 of the Revised Code, 32811
community college, state community college, university branch, or 32812
technical college, shall not be required to pay any tuition or any 32813
student fee for up to four academic years of education, which 32814
shall be at the undergraduate level. 32815

(4) Any resident of this state who is the spouse or qualified 32816
former spouse of a member of the armed services of the United 32817
States killed in the line of duty while serving in a combat zone 32818
after May 7, 1975, and who is admitted to any state university or 32819
college as defined in division (A)(1) of section 3345.12 of the 32820
Revised Code, community college, state community college, 32821
university branch, or technical college, shall not be required to 32822
pay any tuition or any student fee for up to four years of 32823
academic education, which shall be at the undergraduate level. In 32824
order to qualify under division (B)(4) of this section, the spouse 32825
or qualified former spouse shall have been a resident of this 32826
state at the time the member was killed in the line of duty. 32827

(C) Any institution that is not subject to division (B) of 32828
this section and that holds a valid certificate of registration 32829
issued under Chapter 3332. of the Revised Code, a valid 32830
certificate issued under Chapter 4709. of the Revised Code, or a 32831
valid license issued under Chapter 4713. of the Revised Code, or 32832
that is nonprofit and has a certificate of authorization issued 32833
under section 1713.02 of the Revised Code, or that is a private 32834
institution exempt from regulation under Chapter 3332. of the 32835
Revised Code as prescribed in section 3333.046 of the Revised 32836
Code, which reduces tuition and student fees of a student who is 32837
eligible to attend an institution of higher education under the 32838

provisions of division (B) of this section by an amount indicated 32839
by the chancellor of higher education shall be eligible to receive 32840
a grant in that amount from the chancellor. 32841

Each institution that enrolls students under division (B) of 32842
this section shall report to the chancellor, by the first day of 32843
July of each year, the number of students who were so enrolled and 32844
the average amount of all such tuition and student fees waived 32845
during the preceding year. The chancellor shall determine the 32846
average amount of all such tuition and student fees waived during 32847
the preceding year. The average amount of the tuition and student 32848
fees waived under division (B) of this section during the 32849
preceding year shall be the amount of grants that participating 32850
institutions shall receive under this division during the current 32851
year, but no grant under this division shall exceed the tuition 32852
and student fees due and payable by the student prior to the 32853
reduction referred to in this division. The grants shall be made 32854
for four years of undergraduate education of an eligible student. 32855

Sec. 3333.45. (A) For purposes of this section, "eligible 32856
institution of higher education" means any of the following: 32857

~~(1) A regionally accredited private, nonprofit institution of 32858
higher education that is created by the governors of several 32859
states. At least one of the governors of these states shall also 32860
be a member of the institution's board of trustees. 32861~~

~~(2) A state institution of higher education, as that term is 32862
defined in section 3345.011 of the Revised Code; 32863~~

~~(3)~~(2) A private, nonprofit institution of higher education 32864
that has received a certificate of authorization under Chapter 32865
1713. of the Revised Code. 32866

(B) The chancellor of higher education may recognize or 32867
endorse an eligible institution of higher education for the 32868

purpose of providing competency-based education programs. 32869

~~(C) In recognizing or endorsing an eligible institution of 32870
higher education described in division (A)(1) of this section, the 32871
chancellor may specify all of the following: 32872~~

~~(1) The eligibility of students enrolled in the institution 32873
for state student financial aid programs; 32874~~

~~(2) Any articulation and transfer policies of the chancellor 32875
that apply to the institution; 32876~~

~~(3) The reporting requirements for the institution. 32877~~

~~(D) In recognizing or endorsing any eligible institution of 32878
higher education, the chancellor may: 32879~~

~~(1) Recognize competency-based education as an important 32880
component of this state's higher education system; 32881~~

~~(2) Eliminate any unnecessary barriers to the delivery of 32882
competency-based education; 32883~~

~~(3) Facilitate opportunities to share best practices on the 32884
delivery of competency-based education with any eligible 32885
institution of higher education; 32886~~

~~(4) Establish any other requirements that the chancellor 32887
determines are in the best interest of this state. 32888~~

~~(E) The chancellor shall not provide any public operating or 32889
capital assistance to an eligible institution of higher education 32890
described in division (A)(1) of this section for the purpose of 32891
providing competency based education in this state. 32892~~

Sec. 3333.59. (A) As used in this section: 32893

(1) "Allocated state share of instruction" means, for any 32894
fiscal year, the amount of the state share of instruction 32895
appropriated to the department of higher education by the general 32896
assembly that is allocated to a community or technical college or 32897

community or technical college district for such fiscal year.	32898
(2) "Issuing authority" has the same meaning as in section 154.01 of the Revised Code.	32899 32900
(3) "Bond service charges" has the same meaning as in section 154.01 of the Revised Code.	32901 32902
(4) "Chancellor" means the chancellor of higher education.	32903
(5) "Community or technical college" or "college" means any of the following state-supported or state-assisted institutions of higher education:	32904 32905 32906
(a) A community college as defined in section 3354.01 of the Revised Code;	32907 32908
(b) A technical college as defined in section 3357.01 of the Revised Code;	32909 32910
(c) A state community college as defined in section 3358.01 of the Revised Code.	32911 32912
(6) "Community or technical college district" or "district" means any of the following institutions of higher education that are state-supported or state-assisted:	32913 32914 32915
(a) A community college district as defined in section 3354.01 of the Revised Code;	32916 32917
(b) A technical college district as defined in section 3357.01 of the Revised Code;	32918 32919
(c) A state community college district as defined in section 3358.01 of the Revised Code.	32920 32921
(7) "Credit enhancement facilities" has the same meaning as in section 133.01 of the Revised Code.	32922 32923
(8) "Obligations" has the meaning as in section 154.01 or 3345.12 of the Revised Code, as the context requires.	32924 32925
(B) The board of trustees of any community or technical	32926

college district authorizing the issuance of obligations under 32927
section 3354.12, 3354.121, 3357.11, 3357.112, ~~or~~ 3358.10, or 32928
3358.11 of the Revised Code, or for whose benefit and on whose 32929
behalf the issuing authority proposes to issue obligations under 32930
section 154.25 of the Revised Code, may adopt a resolution 32931
requesting the chancellor to enter into an agreement with the 32932
community or technical college district and the primary paying 32933
agent or fiscal agent for such obligations, providing for the 32934
withholding and deposit of funds otherwise due the district or the 32935
community or technical college it operates in respect of its 32936
allocated state share of instruction, for the payment of bond 32937
service charges on such obligations. 32938

The board of trustees shall deliver to the chancellor a copy 32939
of the resolution and any additional pertinent information the 32940
chancellor may require. 32941

The chancellor and the office of budget and management, and 32942
the issuing authority in the case of obligations to be issued by 32943
the issuing authority, shall evaluate each request received from a 32944
community or technical college district under this section. The 32945
chancellor, with the advice and consent of the director of budget 32946
and management and the issuing authority in the case of 32947
obligations to be issued by the issuing authority, shall approve 32948
each request if all of the following conditions are met: 32949

(1) Approval of the request will enhance the marketability of 32950
the obligations for which the request is made; 32951

(2) The chancellor and the office of budget and management, 32952
and the issuing authority in the case of obligations to be issued 32953
by the issuing authority, have no reason to believe the requesting 32954
community or technical college district or the community or 32955
technical college it operates will be unable to pay when due the 32956
bond service charges on the obligations for which the request is 32957
made, and bond service charges on those obligations are therefore 32958

not anticipated to be paid pursuant to this section from the 32959
allocated state share of instruction for purposes of Section 17 of 32960
Article VIII, Ohio Constitution. 32961

(3) Any other pertinent conditions established in rules 32962
adopted under division (H) of this section. 32963

(C) If the chancellor approves the request of a community or 32964
technical college district to withhold and deposit funds pursuant 32965
to this section, the chancellor shall enter into a written 32966
agreement with the district and the primary paying agent or fiscal 32967
agent for the obligations, which agreement shall provide for the 32968
withholding of funds pursuant to this section for the payment of 32969
bond service charges on those obligations. The agreement may also 32970
include both of the following: 32971

(1) Provisions for certification by the district to the 32972
chancellor, prior to the deadline for payment of the applicable 32973
bond service charges, whether the district and the community or 32974
technical college it operates are able to pay those bond service 32975
charges when due; 32976

(2) Requirements that the district or the community or 32977
technical college it operates deposits amounts for the payment of 32978
those bond service charges with the primary paying agent or fiscal 32979
agent for the obligations prior to the date on which the bond 32980
service charges are due to the owners or holders of the 32981
obligations. 32982

(D) Whenever a district or the community or technical college 32983
it operates notifies the chancellor that it will not be able to 32984
pay the bond service charges when they are due, subject to the 32985
withholding provisions of this section, or whenever the applicable 32986
paying agent or fiscal agent notifies the chancellor that it has 32987
not timely received from a district or from the college it 32988
operates the full amount needed for payment of the bond service 32989

charges when due to the holders or owners of such obligations, the 32990
chancellor shall immediately contact the district or college and 32991
the paying agent or fiscal agent to confirm that the district and 32992
the college are not able to make the required payment by the date 32993
on which it is due. 32994

If the chancellor confirms that the district and the college 32995
are not able to make the payment and the payment will not be made 32996
pursuant to a credit enhancement facility, the chancellor shall 32997
promptly pay to the applicable primary paying agent or fiscal 32998
agent the lesser of the amount due for bond service charges or the 32999
amount of the next periodic distribution scheduled to be made to 33000
the district or to the college in respect of its allocated state 33001
share of instruction. If this amount is insufficient to pay the 33002
total amount then due the agent for the payment of bond service 33003
charges, the chancellor shall continue to pay to the agent from 33004
each periodic distribution thereafter, and until the full amount 33005
due the agent for unpaid bond service charges is paid in full, the 33006
lesser of the remaining amount due the agent for bond service 33007
charges or the amount of the next periodic distribution scheduled 33008
to be made to the district or college in respect of its allocated 33009
state share of instruction. 33010

(E) The chancellor may make any payments under this section 33011
by direct deposit of funds by electronic transfer. 33012

Any amount received by a paying agent or fiscal agent under 33013
this section shall be applied only to the payment of bond service 33014
charges on the obligations of the community or technical college 33015
district or community or technical college subject to this section 33016
or to the reimbursement of the provider of a credit enhancement 33017
facility that has paid the bond service charges. 33018

(F) The chancellor may make payments under this section to 33019
paying agents or fiscal agents during any fiscal biennium of the 33020
state only from and to the extent that money is appropriated to 33021

the department by the general assembly for distribution during 33022
such biennium for the state share of instruction and only to the 33023
extent that a portion of the state share of instruction has been 33024
allocated to the community or technical college district or 33025
community or technical college. Obligations of the issuing 33026
authority or of a community or technical college district to which 33027
this section is made applicable do not constitute an obligation or 33028
a debt or a pledge of the faith, credit, or taxing power of the 33029
state, and the holders or owners of those obligations have no 33030
right to have excises or taxes levied or appropriations made by 33031
the general assembly for the payment of bond service charges on 33032
the obligations, and the obligations shall contain a statement to 33033
that effect. The agreement for or the actual withholding and 33034
payment of money under this section does not constitute the 33035
assumption by the state of any debt of a community or technical 33036
college district or a community or technical college, and bond 33037
service charges on the related obligations are not anticipated to 33038
be paid from the state general revenue fund for purposes of 33039
Section 17 of Article VIII, Ohio Constitution. 33040

(G) In the case of obligations subject to the withholding 33041
provisions of this section, the issuing community or technical 33042
college district, or the issuing authority in the case of 33043
obligations issued by the issuing authority, shall appoint a 33044
paying agent or fiscal agent who is not an officer or employee of 33045
the district or college. 33046

(H) The chancellor, with the advice and consent of the office 33047
of budget and management, may adopt reasonable rules not 33048
inconsistent with this section for the implementation of this 33049
section to secure payment of bond service charges on obligations 33050
issued by a community or technical college district or by the 33051
issuing authority for the benefit of a community or technical 33052
college district or the community or technical college it 33053

operates. Those rules shall include criteria for the evaluation 33054
and approval or denial of community or technical college district 33055
requests for withholding under this section. 33056

(I) The authority granted by this section is in addition to 33057
and not a limitation on any other authorizations granted by or 33058
pursuant to law for the same or similar purposes. 33059

Sec. 3333.65. The chancellor of higher education shall 33060
require each state university or college that the controlling 33061
board approves to receive an award under the Ohio innovation 33062
partnership to enter into an agreement governing the use of the 33063
award. The agreement shall contain terms the chancellor determines 33064
to be necessary, which shall include performance measures, 33065
reporting requirements, and an obligation to fulfill pledges of 33066
other institutional, public, or nonpublic resources for the 33067
proposal. 33068

The chancellor may require a state university or college that 33069
violates the terms of its agreement to repay the award plus 33070
interest at the rate required by section 5703.47 of the Revised 33071
Code to the chancellor only as the award and any interest due is 33072
collected from a student for repayment. The chancellor shall not 33073
hold a state university or college responsible for repayment to 33074
the department of higher education until the state university or 33075
college is able to obtain repayment from the student or if the 33076
state university or college has certified collection of the 33077
repayment to the attorney general and has sent a copy of the 33078
certification to the chancellor. 33079

If the chancellor makes an award to a program or initiative 33080
that is intended to be implemented by a state university or 33081
college in collaboration with other state institutions of higher 33082
education or nonpublic Ohio universities or colleges, the 33083
chancellor may enter into an agreement with the collaborating 33084

universities or colleges that permits awards to be received 33085
directly by the collaborating universities or colleges consistent 33086
with the terms of the program or initiative. In that case, the 33087
chancellor shall incorporate into the agreement terms consistent 33088
with the requirements of this section. 33089

Sec. 3345.48. (A) As used in this section: 33090

(1) "Cohort" means a group of students who will complete 33091
their bachelor's degree requirements and graduate from a state 33092
university at the same time. A cohort may include transfer 33093
students and other selected undergraduate student academic 33094
programs as determined by the board of trustees of a state 33095
university. 33096

(2) "Eligible student" means an undergraduate student who: 33097

(a) Is enrolled full-time in a bachelor's degree program at a 33098
state university; 33099

(b) Is a resident of this state, as defined by the chancellor 33100
of higher education under section 3333.31 of the Revised Code. 33101

(3) "State university" has the same meaning as in section 33102
3345.011 of the Revised Code. 33103

(B) The board of trustees of ~~a~~ each state university ~~may~~ 33104
shall establish an undergraduate tuition guarantee program that 33105
allows eligible students in the same cohort to pay a fixed rate 33106
for general and instructional fees for four years. A board of 33107
trustees may include room and board and any additional fees in the 33108
program. 33109

~~If the board of trustees chooses to establish such a program,~~ 33110
The board shall adopt rules for the program that include, but 33111
are not limited to, all of the following: 33112

(1) The number of credit hours required to earn an 33113
undergraduate degree in each major; 33114

(2) A guarantee that the general and instructional fees for each student in the cohort shall remain constant for four years so long as the student complies with the requirements of the program, except that, notwithstanding any law to the contrary, the board may increase the guaranteed amount by up to six per cent above what has been charged in the previous academic year one time for the first cohort enrolled under the tuition guarantee program. If the board of trustees determines that economic conditions or other circumstances require an increase for the first cohort of above six per cent, the board shall submit a request to increase the amount by a specified percentage to the chancellor. The chancellor, based on information the chancellor requires from the board of trustees, shall approve or disapprove such a request. Thereafter, the board of trustees may increase the guaranteed amount by up to the sum of the following above what has been charged in the previous academic year one time per subsequent cohort:

(a) The average rate of inflation, as measured by the consumer price index prepared by the bureau of labor statistics of the United States department of labor (all urban consumers, all items), for the previous ~~sixty-month~~ thirty-six-month period; and

(b) The percentage amount the general assembly restrains increases on in-state undergraduate instructional and general fees for the applicable fiscal year. If the general assembly does not enact a limit on the increase of in-state undergraduate instructional and general fees, then no limit shall apply under this division for the cohort that first enrolls in any academic year for which the general assembly does not prescribe a limit.

If, beginning with the academic year that starts four years after September 29, 2013, the board of trustees determines that the general and instructional fees charged under the tuition guarantee have fallen significantly lower than those of other

state universities, the board of trustees may submit a request to 33147
increase the amount charged to a cohort by a specified percentage 33148
to the chancellor, who shall approve or disapprove such a request. 33149

(3) A benchmark by which the board sets annual increases in 33150
general and instructional fees. This benchmark and any subsequent 33151
change to the benchmark shall be subject to approval of the 33152
chancellor. 33153

(4) Eligibility requirements for students to participate in 33154
the program; 33155

(5) Student rights and privileges under the program; 33156

(6) Consequences to the university for students unable to 33157
complete a degree program within four years, as follows: 33158

(a) For a student who could not complete the program in four 33159
years due to a lack of available classes or space in classes 33160
provided by the university, the university shall provide the 33161
necessary course or courses for completion to the student free of 33162
charge. 33163

(b) For a student who could not complete the program in four 33164
years due to military service or other circumstances beyond a 33165
student's control, as determined by the board of trustees, the 33166
university shall provide the necessary course or courses for 33167
completion to the student at the student's initial cohort rate. 33168

(c) For a student who did not complete the program in four 33169
years for any other reason, as determined by the board of 33170
trustees, the university shall provide the necessary course or 33171
courses for completion to the student at a rate determined through 33172
a method established by the board under division (B)(7) of this 33173
section. 33174

(7) Guidelines for adjusting a student's annual charges if 33175
the student, due to circumstances under the student's control, is 33176

unable to complete a degree program within four years;	33177
(8) A requirement that the rules adopted under division (B)	33178
of this section be published or posted in the university handbook,	33179
course catalog, and web site.	33180
(C) If a board of trustees implements a program under this	33181
section, the <u>The</u> board shall submit the rules adopted under	33182
division (B) of this section to the chancellor for approval before	33183
beginning implementation of the program.	33184
The chancellor shall not unreasonably withhold approval of a	33185
program if the program conforms in principle with the parameters	33186
and guidelines of this section.	33187
(D) A board of trustees of a state university may establish	33188
an undergraduate tuition guarantee program for nonresident	33189
students.	33190
(E) Within five years after September 29, 2013, the	33191
chancellor shall publish on the chancellor's web site a report	33192
that includes all of the following:	33193
(1) The state universities that have adopted an undergraduate	33194
tuition guarantee program under this section:	33195
(2) The details of each undergraduate tuition guarantee	33196
program established under this section:	33197
(3) Comparative data, including general and instructional	33198
fees, room and board, graduation rates, and retention rates, from	33199
all state universities.	33200
(F) Except as provided in this section, no other limitation	33201
on the increase of in-state undergraduate instructional and	33202
general fees shall apply to a state university that has	33203
established an undergraduate tuition guarantee program under this	33204
section.	33205

Sec. 3353.07. (A) There is hereby created the Ohio government 33206
telecommunications service. The Ohio government telecommunications 33207
service shall provide the state government and affiliated 33208
organizations with multimedia support including audio, visual, and 33209
internet services, multimedia streaming, and hosting multimedia 33210
programs. 33211

Services relating to the official activities of the general 33212
assembly and the executive offices provided by the Ohio government 33213
telecommunications service shall be funded through grants to an 33214
educational television broadcasting station that will manage the 33215
staff and provide the services of the Ohio government 33216
telecommunications service. The Ohio educational television 33217
stations shall select a member station to manage the Ohio 33218
government telecommunications service. The Ohio government 33219
telecommunications service shall receive grants from, or contract 33220
with, any of the three branches of Ohio government, and their 33221
affiliates, to provide additional services. Services provided by 33222
the Ohio government telecommunications service shall not be used 33223
for political purposes included in campaign materials, or 33224
otherwise used to influence an election, legislation, issue, 33225
judicial decision, or other policy of state government. 33226

(B)(1) There is hereby created the legislative programming 33227
committee of the Ohio government telecommunications service that 33228
shall consist of the president of the senate, speaker of the house 33229
of representatives, minority leader of the senate, and minority 33230
leader of the house of representatives, or their designees, and 33231
the clerks of the senate and house of representatives as 33232
nonvoting, ex officio members. By a vote of a majority of its 33233
members, the program committee may add additional members to the 33234
committee. 33235

(2) The legislative programming committee shall adopt rules 33236

that govern the operation of the Ohio government 33237
telecommunications service relating to the general assembly and 33238
any affiliated organizations. 33239

(C) The Ohio government telecommunications service is 33240
authorized to broadcast and record any committee meeting of the 33241
senate or house of representatives as directed by the presiding 33242
officer of the senate or house of representatives. 33243

As used in this division, "committee" and "meeting" have the 33244
same meanings as in section 101.15 of the Revised Code. 33245

Sec. 3358.02. (A) A state community college district may be 33246
created to take the place of a technical college or a university 33247
branch with the approval of the ~~Ohio board of regents~~ chancellor 33248
of higher education upon the proposal of the board of trustees of 33249
a technical college district, or upon the proposal of the board of 33250
trustees of a state university, or upon the joint proposal of both 33251
such boards, and pursuant to an agreement entered into under 33252
section 3358.05 of the Revised Code. A state community college 33253
district may not be created to take the place of both a technical 33254
college district and a university branch without the consent of 33255
both boards of trustees. 33256

The attorney general shall be the attorney for each state 33257
community college district and shall provide legal advice in all 33258
matters relating to its powers and duties. 33259

(B)(1) Qualified electors residing in a county, or in two or 33260
more contiguous counties, with a total population of at least one 33261
hundred fifty thousand may, in the manner prescribed in division 33262
(C) of section 3354.02 of the Revised Code, execute a petition 33263
proposing the creation of a state community college district 33264
within the territory of the county or counties. Upon the 33265
certification to the ~~board of regents~~ chancellor that a majority 33266
of the electors voting on the proposition in the territory in 33267

which the proposed college is to be located voted in favor 33268
thereof, the ~~board~~ chancellor may create a state community college 33269
district comprising the territory included in the petition. 33270

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(2) The board of county commissioners of a county in which 33272
there is no university branch or technical college and which has a 33273
population of not less than one hundred fifty thousand may, by 33274
resolution approved by two-thirds of its members, propose the 33275
creation of a state community college district within the county. 33276
Upon certification to the ~~board of regents~~ chancellor of a copy of 33277
such resolution, the ~~board~~ chancellor may create a state community 33278
college district comprising a county. 33279

(3) The boards of county commissioners of any two or more 33280
contiguous counties in which there is no university branch or 33281
technical college and which have a combined population of not less 33282
than one hundred fifty thousand may, by a resolution approved by 33283
two-thirds of the members of each such board, jointly propose the 33284
creation of a state community college district within the 33285
territory of the counties. Upon certification to the ~~board of~~ 33286
~~regents~~ chancellor of a copy of the resolution, the ~~board~~ 33287
chancellor may create a state community college district 33288
comprising the counties. 33289

(C) A state community college district may be expanded to 33290
include one or more counties, by a majority vote of the board of 33291
trustees and upon approval by the ~~board of regents~~ chancellor. 33292

(D) Upon a proposal of the board of trustees of a state 33293
community college district, the board of regents may amend the 33294
charter of a state community college to change it into a community 33295
college as defined in section 3354.01 of the Revised Code, in 33296
order to permit the college to seek a local levy. Such amendment 33297
of the charter is effective immediately upon its acceptance by the 33298
board of regents, and the state community college district shall 33299

thereupon become a community college district. If a levy is 33300
defeated by the voters or if no levy is approved by the electors 33301
within one year after the date the amendment takes effect, such 33302
amendment becomes void, and the college shall thereupon become a a 33303
state community college, and the district operating such college 33304
shall become a state community college district. On the effective 33305
date of a charter amendment the board of trustees of the state 33306
community college district shall become the initial board of 33307
trustees for the community college district to serve for the 33308
balance of their existing terms, and the board or boards of county 33309
commissioners from the counties involved shall fill the first six 33310
vacancies occurring on the community college board, and thereafter 33311
board members shall be appointed under section 3354.05 of the 33312
Revised Code. If such an amendment takes effect and is 33313
subsequently voided under this section, any persons appointed to 33314
the board during the period the amendment was in effect shall be 33315
considered members of the state community college district board, 33316
and thereafter trustees shall be appointed in accordance with 33317
section 3358.03 of the Revised Code. 33318

Within thirty days after approval by the board of regents of 33319
a state community college district proposed under this section, 33320
the board of regents shall file with the secretary of state a copy 33321
of its certification or resolution creating the district. This 33322
copy shall be recorded in the office of the secretary of state, 33323
who shall then declare the district to be established. 33324

In addition to the process described in this division, a 33325
state community college may seek a local levy in accordance with 33326
section 3358.11 of the Revised Code for the purposes prescribed in 33327
that section. 33328

Sec. 3358.06. (A)(1) The treasurer of each state community 33329
college district shall be its fiscal officer, and the treasurer 33330

shall receive and disburse all funds under the direction of the 33331
college president. No contract of the college's board of trustees 33332
involving the expenditure of money shall become effective until 33333
the treasurer certifies that there are funds of the board 33334
otherwise uncommitted and sufficient to provide therefor, subject 33335
to division (A)(2) of this section. 33336

When the treasurer ceases to hold the office, the treasurer 33337
or the treasurer's legal representative shall deliver to the 33338
treasurer's successor or the president all moneys, books, papers, 33339
and other property of the college. 33340

Before entering upon the discharge of official duties, the 33341
treasurer shall give bond to the state or be insured for the 33342
faithful performance of official duties and the proper accounting 33343
for all moneys coming into the treasurer's care. The amount of the 33344
bond or insurance shall be determined by the board but shall not 33345
be for a sum less than the estimated amount that may come into the 33346
treasurer's control at any time, less any reasonable deductible. 33347

(2) If the board of trustees levies a tax under section 33348
3358.11 of the Revised Code, the board and the treasurer are 33349
subject to and shall comply with division (D) of section 5705.41 33350
of the Revised Code. 33351

(B) The board of trustees may provide for the investment of 33352
district funds. Investments may be made in securities of the 33353
United States government or of its agencies or instrumentalities, 33354
the treasurer of state's pooled investment program, obligations of 33355
this state or any political subdivision of this state, 33356
certificates of deposit of any national bank located in this 33357
state, written repurchase agreements with any eligible Ohio 33358
financial institution that is a member of the federal reserve 33359
system or federal home loan bank, money market funds, or bankers 33360
acceptances maturing in two hundred seventy days or less which are 33361
eligible for purchase by the federal reserve system, as a reserve. 33362

Notwithstanding the foregoing or any provision of the Revised Code 33363
to the contrary, the board of trustees of a state community 33364
college district may provide for the investment of district funds 33365
in any manner authorized under section 3345.05 of the Revised 33366
Code. 33367

Sec. 3358.11. (A) In the same manner as a tax may be proposed 33368
by a board of trustees of a community college district under 33369
section 3354.12 of the Revised Code, the board of trustees of a 33370
state community college district may adopt and certify a 33371
resolution to the board of elections of one or more of the 33372
counties comprising the state community college district directing 33373
the board of elections to place on the ballot at any general or 33374
special election the question of levying a tax in excess of the 33375
ten-mill limitation on all the taxable property in that county or 33376
those counties. The tax may be for any of the following purposes, 33377
as stated in the resolution: 33378

(1) The acquisition of sites in that county or those 33379
counties; 33380

(2) The erection, furnishing, and equipment of buildings in 33381
that county or those counties; 33382

(3) The acquisition, construction, or improvement of any 33383
property in that county or those counties which the board of 33384
trustees of a state community college is authorized to acquire, 33385
construct, or improve and which has an estimated life or 33386
usefulness of five years or more as certified by the treasurer of 33387
the board of trustees. 33388

The resolution shall declare that the proceeds of the levy or 33389
issue may be used solely within the county or counties in which 33390
the tax is levied and state the term of the tax, which may be for 33391
any term authorized for a tax levied under section 3354.12 of the 33392
Revised Code. The question of such a tax may not be submitted at 33393

more than two special elections held in any one calendar year. 33394
Levies for a continuing period of time adopted under this section 33395
may be reduced in accordance with section 5705.261 of the Revised 33396
Code. 33397

The election shall be held, canvassed, and certified in the 33398
manner provided for the submission of a tax levy under section 33399
3354.12 of the Revised Code. A tax levied under this section may 33400
be renewed in the same manner as a tax levied under section 33401
3354.12 of the Revised Code or replaced in accordance with section 33402
5705.192 of the Revised Code. 33403

If electors approve the levy, the board of trustees may 33404
anticipate a fraction of the proceeds of the levy and may, from 33405
time to time, issue anticipation notes in the same manner and 33406
subject to the same limitations provided under section 3354.12 of 33407
the Revised Code. 33408

(B) In accordance with Chapter 133. of the Revised Code, the 33409
board of trustees of a state community college district may adopt 33410
and certify a resolution to the board of elections of one or more 33411
of the counties comprising the district directing the board of 33412
elections to place on the ballot at any election authorized under 33413
section 133.18 of the Revised Code both of the following 33414
questions: 33415

(1) The question of issuing bonds for paying all or part of 33416
the cost of the following: 33417

(a) The purchase of sites in that county or those counties; 33418

(b) The erection, furnishings, and equipment of buildings in 33419
that county or those counties; 33420

(c) The acquisition or construction of any property in that 33421
county or those counties which the board of trustees is authorized 33422
to acquire or construct and which has an estimated life or 33423
usefulness of five years or more as certified by the treasurer of 33424

the board of trustees. 33425

(2) The question of levying a tax in excess of the ten-mill limitation on all the taxable property in that county or those counties to pay the interest on and retire any bonds approved by the electors under division (B)(1) of this section. 33426
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The election shall be held, canvassed, and certified in the manner provided for the submission of a bond issuance and tax levy under section 3354.11 of the Revised Code. Bonds approved by electors under division (B)(1) of this section may be issued for one or more improvements which the district is authorized to acquire or construct, notwithstanding the fact that such improvements may not be for more than one purpose under Chapter 133. of the Revised Code. 33430
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Notes may be issued in anticipation of any bonds that may be approved by the electors under division (B)(1) of this section in the manner provided under section 133.22 of the Revised Code. 33438
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For the purpose of applying Chapter 133. of the Revised Code to division (B) of this section, the treasurer of the state community college district shall be considered to be the district's fiscal officer, and the board of trustees of the state community college district shall be considered to be the taxing authority. 33441
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(C) The board of trustees of a state community college district that levies a tax or proposes to levy a tax under division (A) or (B) of this section shall be considered to be a taxing authority, the county or counties in which the tax is levied shall be considered to be a subdivision, and the treasurer of the board of trustees shall be considered to be a fiscal officer for the purposes of Chapter 5705. of the Revised Code, except for section 5705.19 of the Revised Code. 33447
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Sec. 3365.03. (A) A student enrolled in a public or nonpublic secondary school during the student's ninth, tenth, eleventh, or twelfth grade school year; a student enrolled in a nonchartered nonpublic secondary school in the student's ninth, tenth, eleventh, or twelfth grade school year; or a student who has been excused from the compulsory attendance law for the purpose of home instruction under section 3321.04 of the Revised Code and is the equivalent of a ninth, tenth, eleventh, or twelfth grade student, may apply to and enroll in a college under the college credit plus program.

(1) In order for a public secondary school student to participate in the program, all of the following criteria shall be met:

(a) The student or the student's parent shall inform the principal, or equivalent, of the student's school by the first day of April of the student's intent to participate in the program during the following school year. Any student who fails to provide the notification by the required date may not participate in the program during the following school year without the written consent of the principal, or equivalent. If a student seeks consent from the principal after failing to provide notification by the required date, the principal shall notify the department of education of the student's intent to participate within ten days of the date on which the student seeks consent. If the principal does not provide written consent, the student may appeal the principal's decision to the governing entity of the school, except for a student who is enrolled in a school district, who may appeal the decision to the district superintendent. Not later than thirty days after the notification of the appeal, the district superintendent or governing entity shall hear the appeal and shall make a decision to either grant or deny that student's participation in the program. The decision of the district

superintendent or governing entity shall be final. 33487

(b) The student shall: 33488

(i) Apply to a public or a participating private college, or 33489
an eligible out-of-state college participating in the program, in 33490
accordance with the college's established procedures for 33491
admission, pursuant to section 3365.05 of the Revised Code; 33492

(ii) As a condition of eligibility, be remediation-free, in 33493
accordance with one of the assessments established under division 33494
(F) of section 3345.061 of the Revised Code. However, a student 33495
who scores within one standard error of measurement below the 33496
remediation-free threshold for one of those assessments shall be 33497
considered to have met this requirement if the student also 33498
either: 33499

(I) Has a cumulative high school grade point average of at 33500
least 3.0. If the student is seeking to participate under section 33501
3365.033 of the Revised Code, the student must have an equivalent 33502
cumulative grade point average in the applicable grade levels. 33503

(II) Receives a recommendation from a school counselor, 33504
principal, or career-technical program advisor. 33505

(iii) Meet the college's and relevant academic program's 33506
established standards for admission, enrollment, and course 33507
placement, including course-specific capacity limitations, 33508
pursuant to section 3365.05 of the Revised Code; 33509

(iv) Complete the free application for federal student aid 33510
and provide proof of completion in a manner prescribed by the 33511
chancellor of higher education in order to participate in grade 33512
twelve or the equivalent. 33513

(c) The student shall elect at the time of enrollment to 33514
participate under either division (A) or (B) of section 3365.06 of 33515
the Revised Code for each course under the program. 33516

(d) The student and the student's parent shall sign a form, 33517
provided by the school, stating that they have received the 33518
counseling required under division (B) of section 3365.04 of the 33519
Revised Code and that they understand the responsibilities they 33520
must assume in the program. 33521

(2) In order for a nonpublic secondary school student, a 33522
nonchartered nonpublic secondary school student, or a 33523
home-instructed student to participate in the program, both of the 33524
following criteria shall be met: 33525

(a) The student shall meet the criteria in divisions 33526
(A)(1)(b) and (c) of this section. 33527

(b)(i) If the student is enrolled in a nonpublic secondary 33528
school, that student shall send to the department of education a 33529
copy of the student's acceptance from a college and an 33530
application. The application shall be made on forms provided by 33531
the state board of education and shall include information about 33532
the student's proposed participation, including the school year in 33533
which the student wishes to participate; and the semesters or 33534
terms the student wishes to enroll during such year. The 33535
department shall mark each application with the date and time of 33536
receipt. 33537

(ii) If the student is enrolled in a nonchartered nonpublic 33538
secondary school or is home-instructed, the parent or guardian of 33539
that student shall notify the department by the first day of April 33540
prior to the school year in which the student wishes to 33541
participate. 33542

(B) Except as provided for in division (C) of this section 33543
and in sections 3365.031 and 3365.032 of the Revised Code: 33544

(1) No public secondary school shall prohibit a student 33545
enrolled in that school from participating in the program if that 33546
student meets all of the criteria in division (A)(1) of this 33547

section. 33548

(2) No participating nonpublic secondary school shall 33549
prohibit a student enrolled in that school from participating in 33550
the program if the student meets all of the criteria in division 33551
(A)(2) of this section and, if the student is enrolled under 33552
division (B) of section 3365.06 of the Revised Code, the student 33553
is awarded funding from the department in accordance with rules 33554
adopted by the chancellor ~~of higher education~~, in consultation 33555
with the superintendent of public instruction, pursuant to section 33556
3365.071 of the Revised Code. 33557

(C) For purposes of this section, during the period of an 33558
expulsion imposed by a public secondary school, a student is 33559
ineligible to apply to enroll in a college under this section, 33560
unless the student is admitted to another public secondary or 33561
participating nonpublic secondary school. If a student is enrolled 33562
in a college under this section at the time the student is 33563
expelled, the student's status for the remainder of the college 33564
term in which the expulsion is imposed shall be determined under 33565
section 3365.032 of the Revised Code. 33566

(D) Upon a student's graduation from high school, 33567
participation in the college credit plus program shall not affect 33568
the student's eligibility at any public college for scholarships 33569
or for other benefits or opportunities that are available to 33570
first-time college students and are awarded by that college, 33571
regardless of the number of credit hours that the student 33572
completed under the program. 33573

(E) The college to which a student applies to participate 33574
under this section shall pay for one assessment used to determine 33575
that student's eligibility under this section. However, 33576
notwithstanding anything to the contrary in Chapter 3365. of the 33577
Revised Code, any additional assessments used to determine the 33578
student's eligibility shall be the financial responsibility of the 33579

student. 33580

Sec. 3501.12. (A) The annual compensation of members of the 33581
board of elections shall be determined on the basis of the 33582
population of the county according to the next preceding federal 33583
census, and shall be paid monthly out of the appropriations made 33584
to the board and upon vouchers or payrolls certified by the 33585
chairperson, or a member of the board designated by it, and 33586
countersigned by the director or in the director's absence by the 33587
deputy director. Upon presentation of any such voucher or payroll, 33588
the county auditor shall issue a warrant upon the county treasurer 33589
for the amount thereof as in the case of vouchers or payrolls for 33590
county offices and the treasurer shall pay such warrant. 33591

(B) In calendar year 2018, the amount of annual compensation 33592
of each member of the board of elections shall be ~~as follows~~ the 33593
greater of the following: 33594

(1) ~~One~~ The sum of the following: 33595

(a) One hundred two dollars and forty-one cents for each full 33596
one thousand of the first one hundred thousand population; 33597

~~(2)~~(b) Forty-eight dollars and seventy-nine cents for each 33598
full one thousand of the second one hundred thousand population; 33599

~~(3)~~(c) Twenty-six dollars and fifty cents for each full one 33600
thousand of the third one hundred thousand population; 33601

~~(4)~~(d) Eight dollars and thirteen cents for each full one 33602
thousand above three hundred thousand population. 33603

(2) Six thousand dollars. 33604

(C) In calendar year 2019 and in each calendar year 33605
thereafter through calendar year 2028, the annual compensation of 33606
each member of the board shall be computed after increasing the 33607
dollar amounts specified in ~~division~~ divisions (B)(1) and (2) of 33608
this section by one and three-quarters per cent. 33609

~~Such compensation shall not be less than six thousand
dollars.~~ 33610
33611

(D) For the purposes of this section, members of boards of 33612
elections shall be deemed to be appointed and not elected, and 33613
therefore not subject to Section 20 of Article II of the Ohio 33614
Constitution. 33615

Sec. 3701.044. When ~~the director of health or department of~~ 33616
~~health is~~ required or authorized to conduct or administer an 33617
examination or evaluation of ~~individuals~~ an individual for the 33618
purpose of determining competency or ~~for the purpose of~~ issuing a 33619
license, certificate, registration, or other authority to practice 33620
or perform duties, the director of health or department of health 33621
may ~~provide for the examination or evaluation by contracting~~ 33622
contract with ~~any public or private~~ an entity to conduct or 33623
administer the examination or evaluation. The contract may 33624
authorize the entity to collect and retain, as all or part of the 33625
entity's compensation under the contract, any fee paid by an 33626
individual for the examination or evaluation. ~~An~~ The entity 33627
~~authorized to collect and retain a fee~~ is not required to deposit 33628
the fee into the state treasury. 33629

The director or department shall post to the department's web 33630
site the dollar amounts for fees described in this section. Any 33631
changes in fee amounts shall be posted to the web site not later 33632
than thirty days before such changes are effective. 33633

Except when considered to be necessary by the director or 33634
department, the director or department shall not disclose test 33635
materials, examinations, or evaluation tools used in any 33636
examination or evaluation the director or department conducts, 33637
administers, or provides for by contract. The test materials, 33638
examinations, and evaluation tools are not public records for the 33639
purpose of section 149.43 of the Revised Code and are not subject 33640

to inspection or copying under section 1347.08 of the Revised Code. 33641
33642

Sec. 3701.139. (A) Subject to division (B) of this section, 33643
the director of health shall convene meetings with staff of the 33644
department of health, department of medicaid, department of 33645
administrative services, and commission on minority health to do 33646
all of the following: 33647

(1) Assess the prevalence of all types of diabetes in this 33648
state, including disparities in that prevalence among various 33649
demographic populations and local jurisdictions; 33650

(2) Establish and reevaluate goals for each of the agencies 33651
to reduce that prevalence; 33652

(3) Identify how to measure the progress achieved toward 33653
attaining the goals established under division (A)(2) of this 33654
section; 33655

(4) Establish and monitor the implementation of plans for 33656
each agency to reduce the prevalence of all types of diabetes, 33657
improve diabetes care, and control complications associated with 33658
diabetes among the populations of concern to each agency; 33659

(5) Consider any other matter associated with reducing the 33660
prevalence of all types of diabetes in this state that the 33661
director considers appropriate; 33662

(6) Collect the information needed to prepare the reports 33663
required by division (C) of this section. 33664

(B) The director shall convene the meetings required by 33665
division (A) of this section at the director's discretion, but not 33666
less than twice each calendar year. 33667

(C) Not later than the thirty-first day of January of ~~each~~ 33668
~~even-numbered~~ every third year beginning in ~~2018~~ 2021, the 33669
director shall submit a report to the general assembly in 33670

accordance with section 101.68 of the Revised Code that addresses 33671
or contains all of the following for the ~~two-year~~ three-year 33672
period preceding the report's submission: 33673

(1) The results of the assessment required by division (A)(1) 33674
of this section; 33675

(2) The progress each agency has made toward achieving the 33676
goals established under division (A)(2) of this section and 33677
implementing the plans required by division (A)(4) of this 33678
section; 33679

(3) An assessment of the health and financial impacts that 33680
all types of diabetes have had on the state and local 33681
jurisdictions, and, subject to division (D) of this section, each 33682
agency specified in division (A) of this section; 33683

(4) A description of the efforts the agencies specified in 33684
division (A) of this section have taken to coordinate programs 33685
intended to prevent, treat, and manage all types of diabetes and 33686
associated complications; 33687

(5) Recommendations for legislative policies to reduce the 33688
impact that diabetes, pre-diabetes, and complications from 33689
diabetes have on the citizens of this state, including specific 33690
action steps that could be taken, the expected outcomes of the 33691
action steps, and benchmarks for measuring progress toward 33692
achieving the outcomes; 33693

(6) A budget proposal that identifies the needs and resources 33694
required to implement the recommendations described in division 33695
(C)(5) of this section, as well as estimates of the costs to 33696
implement the recommendations; 33697

(7) Any other information concerning diabetes prevention, 33698
treatment, or management in this state that the director considers 33699
appropriate. 33700

(D) An agency-specific assessment required by division (C) of this section shall include all of the following:

(1) A list and description of each diabetes prevention or control program the agency administers, the number of individuals with each type of diabetes and their dependents who are impacted by each program, the expenses associated with administering each program, and the funds appropriated for each program, along with each funding source;

(2) A comparison of the expenses described in division (D)(1) of this section with the expenses the agency incurs in administering programs to reduce the prevalence of other chronic diseases and conditions;

(3) An evaluation of the benefits that have resulted from each program listed pursuant to division (D)(1) of this section.

(E) Nothing in this section requires the agencies specified in division (A) of this section to establish programs for diabetes prevention, treatment, and management that had not been initiated or funded prior to ~~the effective date of this section~~ April 6, 2017.

Sec. 3701.24. (A) As used in this section and sections 3701.241 to 3701.249 of the Revised Code:

(1) "AIDS" means the illness designated as acquired immunodeficiency syndrome.

(2) "HIV" means the human immunodeficiency virus identified as the causative agent of AIDS.

(3) "AIDS-related condition" means symptoms of illness related to HIV infection, including AIDS-related complex, that are confirmed by a positive HIV test.

(4) "HIV test" means any test for the antibody or antigen to HIV that has been approved by the director of health under

- division (B) of section 3701.241 of the Revised Code. 33731
- (5) "Health care facility" has the same meaning as in section 33732
1751.01 of the Revised Code. 33733
- (6) "Director" means the director of health or any employee 33734
of the department of health acting on the director's behalf. 33735
- (7) "Physician" means a person ~~who holds a current, valid~~ 33736
~~certificate issued~~ authorized under Chapter 4731. of the Revised 33737
Code ~~authorizing the~~ to practice ~~of~~ medicine ~~or~~ and surgery and ~~or~~ 33738
osteopathic medicine and surgery. 33739
- (8) "Nurse" means a registered nurse or licensed practical 33740
nurse who holds a license ~~or certificate~~ issued under Chapter 33741
4723. of the Revised Code. 33742
- (9) "Anonymous test" means an HIV test administered so that 33743
the individual to be tested can give informed consent to the test 33744
and receive the results by means of a code system that does not 33745
link the identity of the individual tested to the request for the 33746
test or the test results. 33747
- (10) "Confidential test" means an HIV test administered so 33748
that the identity of the individual tested is linked to the test 33749
but is held in confidence to the extent provided by sections 33750
3701.24 to 3701.248 of the Revised Code. 33751
- (11) "Health care provider" means an individual who provides 33752
diagnostic, evaluative, or treatment services. Pursuant to Chapter 33753
119. of the Revised Code, the director may adopt rules further 33754
defining the scope of the term "health care provider." 33755
- (12) "Significant exposure to body fluids" means a 33756
percutaneous or mucous membrane exposure of an individual to the 33757
blood, semen, vaginal secretions, or spinal, synovial, pleural, 33758
peritoneal, pericardial, or amniotic fluid of another individual. 33759
- (13) "Emergency medical services worker" means all of the 33760

following:	33761
(a) A peace officer;	33762
(b) An employee of an emergency medical service organization as defined in section 4765.01 of the Revised Code;	33763 33764
(c) A firefighter employed by a political subdivision;	33765
(d) A volunteer firefighter, emergency operator, or rescue operator;	33766 33767
(e) An employee of a private organization that renders rescue services, emergency medical services, or emergency medical transportation to accident victims and persons suffering serious illness or injury.	33768 33769 33770 33771
(14) "Peace officer" has the same meaning as in division (A) of section 109.71 of the Revised Code, except that it also includes a sheriff and the superintendent and troopers of the state highway patrol.	33772 33773 33774 33775
(B) Persons designated by rule adopted by the director under section 3701.241 of the Revised Code shall report promptly every case of AIDS, every AIDS-related condition, and every confirmed positive HIV test to the department of health on forms and in a manner prescribed by the director. In each county the director shall designate the health commissioner of a health district in the county to receive the reports.	33776 33777 33778 33779 33780 33781 33782
(C) No person shall fail to comply with the reporting requirements established under division (B) of this section.	33783 33784
(D) Information reported under this section that identifies an individual is confidential and may be released only with the written consent of the individual except as the director determines necessary to ensure the accuracy of the information, as necessary to provide treatment to the individual, as ordered by a court pursuant to section 3701.243 or 3701.247 of the Revised	33785 33786 33787 33788 33789 33790

Code, or pursuant to a search warrant or a subpoena issued by or 33791
at the request of a grand jury, prosecuting attorney, city 33792
director of law or similar chief legal officer of a municipal 33793
corporation, or village solicitor, in connection with a criminal 33794
investigation or prosecution. Information that does not identify 33795
an individual may be released in summary, statistical, or 33796
aggregate form. 33797

Sec. 3701.262. (A) As used in this section: 33798

(1) "Physician" means a person ~~who holds a valid certificate~~ 33799
~~issued~~ authorized under Chapter 4731. of the Revised Code 33800
~~authorizing the person~~ to practice medicine and surgery or 33801
osteopathic medicine and surgery. 33802

(2) "Dentist" means a person who is licensed under Chapter 33803
4715. of the Revised Code to practice dentistry. 33804

(3) "Hospital" has the same meaning as in section 3727.01 of 33805
the Revised Code. 33806

(4) "Cancer" includes those diseases specified by rule of the 33807
director of health under division (B)(2) of this section. 33808

(B) The director of health shall adopt rules in accordance 33809
with Chapter 119. of the Revised Code to do all of the following: 33810

(1) Establish the Ohio cancer incidence surveillance system 33811
required by section 3701.261 of the Revised Code; 33812

(2) Specify the types of cancer and other tumorous and 33813
precancerous diseases to be reported to the department of health 33814
under division (D) of this section; 33815

(3) Establish reporting requirements for information 33816
concerning diagnosed cancer cases as the director considers 33817
necessary to conduct epidemiologic surveys of cancer in this 33818
state; 33819

(4) Establish standards that must be met by research projects 33820
to be eligible to receive information concerning individual cancer 33821
patients from the department of health. 33822

(C) The department of health shall record in the registry all 33823
reports of cancer received by it. In the development and 33824
administration of the cancer registry the department may use 33825
information compiled by public or private cancer registries and 33826
may contract for the collection and analysis of, and research 33827
related to, the information recorded under this section. 33828

(D)(1) Each physician, dentist, hospital, or person providing 33829
diagnostic or treatment services to patients with cancer shall 33830
report each case of cancer to the department. Any person required 33831
to report pursuant to this section may elect to report to the 33832
department through an existing cancer registry if the registry 33833
meets the reporting standards established by the director and 33834
reports to the department. 33835

(2) No person shall fail to make the cancer reports required 33836
by division (D)(1) of this section. 33837

(E) All physicians, dentists, hospitals, or persons providing 33838
diagnostic or treatment services to patients with cancer shall 33839
grant to the department or its authorized representative access to 33840
all records that identify cases of cancer or establish 33841
characteristics of cancer, the treatment of cancer, or the medical 33842
status of any identified cancer patient. 33843

(F) The Arthur G. James cancer hospital and Richard J. Solove 33844
research institute of the Ohio state university, shall analyze and 33845
evaluate the cancer reports collected pursuant to this section. 33846
The department shall publish and make available to the public 33847
reports summarizing the information collected. Reports shall be 33848
made on a calendar year basis and published not later than ninety 33849
days after the end of each calendar year. 33850

(G) Furnishing information, including records, reports, 33851
statements, notes, memoranda, or other information, to the 33852
department of health, either voluntarily or as required by this 33853
section, or to a person or governmental entity designated as a 33854
medical research project by the department, does not subject a 33855
physician, dentist, hospital, or person providing diagnostic or 33856
treatment services to patients with cancer to liability in an 33857
action for damages or other relief for furnishing the information. 33858

(H) This section does not affect the authority of any person 33859
or facility providing diagnostic or treatment services to patients 33860
with cancer to maintain facility-based tumor registries, in 33861
addition to complying with the reporting requirements of this 33862
section. 33863

Sec. 3701.351. (A) The governing body of every hospital shall 33864
set standards and procedures to be applied by the hospital and its 33865
medical staff in considering and acting upon applications for 33866
staff membership or professional privileges. These standards and 33867
procedures shall be available for public inspection. 33868

(B) The governing body of any hospital, in considering and 33869
acting upon applications for staff membership or professional 33870
privileges within the scope of the applicants' respective 33871
licensures, shall not discriminate against a qualified person 33872
solely on the basis of whether that person is ~~certified~~ licensed 33873
to practice medicine, osteopathic medicine, or podiatry, is 33874
licensed to practice dentistry or psychology, or is licensed to 33875
practice nursing as an advanced practice registered nurse. Staff 33876
membership or professional privileges shall be considered and 33877
acted on in accordance with standards and procedures established 33878
under division (A) of this section. This section does not permit a 33879
psychologist to admit a patient to a hospital in violation of 33880
section 3727.06 of the Revised Code. 33881

(C) The governing body of any hospital that is licensed to provide maternity services, in considering and acting upon applications for clinical privileges, shall not discriminate against a qualified person solely on the basis that the person is authorized to practice nurse-midwifery. An application from a certified nurse-midwife who is not employed by the hospital shall contain the name of a physician member of the hospital's medical staff who holds clinical privileges in obstetrics at that hospital and who has agreed to be the collaborating physician for the applicant in accordance with section 4723.43 of the Revised Code.

(D) Any person may apply to the court of common pleas for temporary or permanent injunctions restraining a violation of division (A), (B), or (C) of this section. This action is an additional remedy not dependent on the adequacy of the remedy at law.

(E)(1) If a hospital does not provide or permit the provision of any diagnostic or treatment service for mental or emotional disorders or any other service that may be legally performed by a psychologist licensed under Chapter 4732. of the Revised Code, this section does not require the hospital to provide or permit the provision of any such service and the hospital shall be exempt from requirements of this section pertaining to psychologists.

(2) This section does not impair the right of a hospital to enter into an employment, personal service, or any other kind of contract with a licensed psychologist, upon any such terms as the parties may mutually agree, for the provision of any service that may be legally performed by a licensed psychologist.

Sec. 3701.36. (A) As used in this section and in sections 3701.361 and 3701.362 of the Revised Code, "palliative care" has the same meaning as in section 3712.01 of the Revised Code.

(B) There is hereby created the palliative care and quality

of life interdisciplinary council. Subject to division (C) of this 33913
section, members of the council shall be appointed by the director 33914
of health and include individuals with expertise in palliative 33915
care who represent the following professions or constituencies: 33916

(1) Physicians authorized under Chapter 4731. of the Revised 33917
Code to practice medicine and surgery or osteopathic medicine and 33918
surgery, including those who are board-certified in pediatrics and 33919
those who are board-certified in psychiatry, as those designations 33920
are issued by a medical specialty certifying board recognized by 33921
the American board of medical specialties or American osteopathic 33922
association; 33923

(2) Physician assistants licensed under Chapter 4730. of the 33924
Revised Code; 33925

(3) Advanced practice registered nurses licensed under 33926
Chapter 4723. of the Revised Code who are designated as clinical 33927
nurse specialists or certified nurse practitioners; 33928

(4) Registered nurses and licensed practical nurses licensed 33929
under Chapter 4723. of the Revised Code; 33930

(5) Pharmacists licensed under Chapter 4729. of the Revised 33931
Code; 33932

(6) Psychologists licensed under Chapter 4732. of the Revised 33933
Code; 33934

(7) Licensed professional clinical counselors or licensed 33935
professional counselors licensed under Chapter 4757. of the 33936
Revised Code; 33937

(8) Independent social workers or social workers licensed 33938
under Chapter 4757. of the Revised Code; 33939

(9) Marriage and family therapists licensed under Chapter 33940
4757. of the Revised Code; 33941

(10) Child life specialists; 33942

- (11) Clergy or spiritual advisers; 33943
- (12) Exercise physiologists; 33944
- (13) Health insurers; 33945
- (14) Patients; 33946
- (15) Family caregivers. 33947

The council's membership also may include employees of 33948
agencies of this state that administer programs pertaining to 33949
palliative care or are otherwise concerned with the delivery of 33950
palliative care in this state. 33951

(C) The council's membership shall include individuals who 33952
have worked with various age groups, including children and the 33953
elderly. The council's membership also shall include individuals 33954
who have experience or expertise in various palliative care 33955
delivery models, including acute care, long-term care, hospice 33956
care, home health agency services, home-based care, and spiritual 33957
care. At least two members shall be physicians who are 33958
board-certified in hospice and palliative care by a medical 33959
specialty certifying board recognized by the American board of 33960
medical specialties or American osteopathic association. At least 33961
one member shall be employed as an administrator of a hospital or 33962
system of hospitals in this state or be a professional specified 33963
in divisions (B)(1) to (10) or division (B)(12) of this section 33964
who treats patients as an employee or contractor of such a 33965
hospital or system of hospitals. 33966

Not more than twenty individuals shall serve as members of 33967
the council at any one time. Not more than two members shall be 33968
employed by the same health care facility or provider or practice 33969
at or for the same health care facility or provider. 33970

In making appointments to the council, the director shall 33971
seek to include as members individuals who represent underserved 33972

areas of the state and to have all geographic areas of the state 33973
represented. 33974

(D) The director shall make initial appointments to the 33975
council not later than ninety days after ~~the effective date of~~ 33976
~~this section~~ March 20, 2019. Terms of office shall be three years. 33977
Each member shall hold office from the date of appointment until 33978
the end of the term for which the member was appointed. In the 33979
event of death, removal, resignation, or incapacity of a council 33980
member, the director shall appoint a successor who shall hold 33981
office for the remainder of the term for which the successor's 33982
predecessor was appointed. A member shall continue in office 33983
subsequent to the expiration date of the member's term until the 33984
member's successor takes office or until a period of sixty days 33985
has elapsed, whichever occurs first. 33986

The council shall meet at the call of the director, but not 33987
less than twice annually. The council shall select annually from 33988
among its members a chairperson and vice-chairperson, whose duties 33989
shall be established by the council. 33990

Each member shall serve without compensation, except to the 33991
extent that serving on the council is considered part of the 33992
member's regular employment duties. 33993

(E) The council shall do all of the following: 33994

(1) Consult with and advise the director on matters related 33995
to the establishment, maintenance, operation, and evaluation of 33996
palliative care initiatives in this state; 33997

(2) Consult with the department of health for purposes of its 33998
implementation of section 3701.361 of the Revised Code; 33999

(3) Identify national organizations that have established 34000
standards of practice and best practice models for palliative 34001
care; 34002

(4) Identify initiatives established at the national and state levels aimed at integrating palliative care into the health care system and enhancing the use and development of palliative care; 34003
34004
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34006

(5) Establish guidelines for health care facilities and providers to use under section 3701.362 of the Revised Code in identifying patients and residents who could benefit from palliative care; 34007
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(6) On or before December 31 of each year, prepare and submit to the governor, general assembly, director of health, director of aging, superintendent of insurance, and medicaid director, ~~and executive director of the office of health transformation~~ a report of recommendations for improving the provision of palliative care in this state. 34011
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The council shall submit the report to the general assembly in accordance with section 101.68 of the Revised Code. 34017
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(F) The department of health shall provide to the council the administrative support necessary to execute its duties. At the request of the council, the department shall examine potential sources of funding to assist with any duties described in this section or sections 3701.361 and 3701.362 of the Revised Code. 34019
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(G) The council is not subject to sections 101.82 to 101.87 of the Revised Code. 34024
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Sec. 3701.501. (A)(1) Except as provided in division (A)(2) of this section, all newborn children shall be screened for the presence of the genetic, endocrine, and metabolic disorders specified in rules, adopted pursuant to this section. 34026
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(2) Division (A)(1) of this section does not apply in either of the following circumstances: 34030
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(a) If the parents of the child object to the screening on 34032

the grounds that it conflicts with their religious tenets and 34033
practices; 34034

(b) With respect to the screening for Krabbe disease 34035
described in division (C)(1)(b) of this section, if the parents of 34036
the child communicate their decision to forgo the screening. 34037

(B) There is hereby created the newborn screening advisory 34038
council to advise the director of health regarding the screening 34039
of newborn children for genetic, endocrine, and metabolic 34040
disorders. The council shall engage in an ongoing review of the 34041
newborn screening requirements established under this section and 34042
shall provide recommendations and reports to the director as the 34043
director requests and as the council considers necessary. The 34044
director may assign other duties to the council, as the director 34045
considers appropriate. 34046

The council shall consist of fourteen members appointed by 34047
the director. In making appointments, the director shall select 34048
individuals and representatives of entities with interest and 34049
expertise in newborn screening, including such individuals and 34050
entities as health care professionals, hospitals, children's 34051
hospitals, regional genetic centers, regional sickle cell centers, 34052
newborn screening coordinators, and members of the public. 34053

The department of health shall provide meeting space, staff 34054
services, and other technical assistance required by the council 34055
in carrying out its duties. Members of the council shall serve 34056
without compensation, but shall be reimbursed for their actual and 34057
necessary expenses incurred in attending meetings of the council 34058
or performing assignments for the council. 34059

The council is not subject to sections 101.82 to 101.87 of 34060
the Revised Code. 34061

(C)(1)(a) Subject to division (C)(1)(b) of this section, the 34062
director of health shall adopt rules in accordance with Chapter 34063

119. of the Revised Code specifying the disorders for which each 34064
newborn child must be screened. 34065

(b) In adopting the rules, the director shall specify Krabbe 34066
disease as a disorder for which a newborn child who is born on or 34067
after July 1, 2016, must be screened. ~~The rules shall limit the 34068
screening requirement for Krabbe disease to the process known as 34069
"first tier testing," which is a screening for Krabbe disease that 34070
is accomplished by measuring galactocerebrosidase activity using 34071
mass spectrometry.~~ 34072

(2) The newborn screening advisory council shall evaluate 34073
genetic, metabolic, and endocrine disorders to assist the director 34074
in determining which disorders should be included in the 34075
screenings required under this section. In determining whether a 34076
disorder should be included, the council shall consider all of the 34077
following: 34078

(a) The disorder's incidence, mortality, and morbidity; 34079

(b) Whether the disorder causes disability if diagnosis, 34080
treatment, and early intervention are delayed; 34081

(c) The potential for successful treatment of the disorder; 34082

(d) The expected benefits to children and society in relation 34083
to the risks and costs associated with screening for the disorder; 34084

(e) Whether a screening for the disorder can be conducted 34085
without taking an additional blood sample or specimen. 34086

(3) Based on the considerations specified in division (C)(2) 34087
of this section, the council shall make recommendations to the 34088
director of health for the adoption of rules under division (C)(1) 34089
of this section. The director shall promptly and thoroughly review 34090
each recommendation the council submits. 34091

(D) The director shall adopt rules in accordance with Chapter 34092
119. of the Revised Code establishing standards and procedures for 34093

the screenings required by this section. The rules shall include 34094
standards and procedures for all of the following: 34095

(1) Causing rescreenings to be performed when initial 34096
screenings have abnormal results; 34097

(2) Designating the person or persons who will be responsible 34098
for causing screenings and rescreenings to be performed; 34099

(3) Giving to the parents of a child notice of the required 34100
initial screening and the possibility that rescreenings may be 34101
necessary; 34102

(4) Communicating to the parents of a child the results of 34103
the child's screening and any rescreenings that are performed; 34104

(5) Giving notice of the results of an initial screening and 34105
any rescreenings to the person who caused the child to be screened 34106
or rescreened, or to another person or government entity when the 34107
person who caused the child to be screened or rescreened cannot be 34108
contacted; 34109

(6) Referring children who receive abnormal screening or 34110
rescreening results to providers of follow-up services, including 34111
the services made available through funds disbursed under division 34112
(F) of this section. 34113

(E)(1) Except as provided in divisions (E)(2) and (3) of this 34114
section, all newborn screenings required by this section shall be 34115
performed by the public health laboratory authorized under section 34116
3701.22 of the Revised Code. 34117

(2) If the director determines that the public health 34118
laboratory is unable to perform screenings for all of the 34119
disorders specified in the rules adopted under division (C) of 34120
this section, the director shall select another laboratory to 34121
perform the screenings. The director shall select the laboratory 34122
by issuing a request for proposals. The director may accept 34123

proposals submitted by laboratories located outside this state. At 34124
the conclusion of the selection process, the director shall enter 34125
into a written contract with the selected laboratory. If the 34126
director determines that the laboratory is not complying with the 34127
terms of the contract, the director shall immediately terminate 34128
the contract and another laboratory shall be selected and 34129
contracted with in the same manner. 34130

(3) Any rescreening caused to be performed pursuant to this 34131
section may be performed by the public health laboratory or one or 34132
more other laboratories designated by the director. Any laboratory 34133
the director considers qualified to perform rescreenings may be 34134
designated, including a laboratory located outside this state. If 34135
more than one laboratory is designated, the person responsible for 34136
causing a rescreening to be performed is also responsible for 34137
selecting the laboratory to be used. 34138

(F)(1) The director shall adopt rules in accordance with 34139
Chapter 119. of the Revised Code establishing a fee that shall be 34140
charged and collected in addition to or in conjunction with any 34141
laboratory fee that is charged and collected for performing the 34142
screenings required by this section. The fee, which shall be not 34143
less than fourteen dollars, shall be disbursed as follows: 34144

(a) Not less than ten dollars and twenty-five cents shall be 34145
deposited in the state treasury to the credit of the genetics 34146
services fund, which is hereby created. Not less than seven 34147
dollars and twenty-five cents of each fee credited to the genetics 34148
services fund shall be used to defray the costs of the programs 34149
authorized by section 3701.502 of the Revised Code. Not less than 34150
three dollars from each fee credited to the genetics services fund 34151
shall be used to defray costs of phenylketonuria programs. 34152

(b) Not less than three dollars and seventy-five cents shall 34153
be deposited into the state treasury to the credit of the sickle 34154
cell fund, which is hereby created. Money credited to the sickle 34155

cell fund shall be used to defray costs of programs authorized by 34156
section 3701.131 of the Revised Code. 34157

(2) In adopting rules under division (F)(1) of this section, 34158
the director shall not establish a fee that differs according to 34159
whether a screening is performed by the public health laboratory 34160
or by another laboratory selected by the director pursuant to 34161
division (E)(2) of this section. 34162

Sec. 3701.571. (A) The director of health shall adopt rules 34163
pursuant to Chapter 119. of the Revised Code that establish a 34164
graduated system of fines based on the scope and severity of 34165
violations and the history of compliance, not to exceed seven 34166
hundred fifty dollars per incident, and in an adjudication under 34167
Chapter 119. of the Revised Code, may impose a fine against any 34168
person who violates division (C) of section 3701.23, division (C) 34169
of section 3701.232, division (C) of section 3701.24, ~~division (B)~~ 34170
~~of section 3701.25,~~ or division (B) of section 3707.06 of the 34171
Revised Code or against any poison prevention and treatment center 34172
or other health-related entity that fails to comply with division 34173
(C) of section 3701.201 of the Revised Code. 34174

(B) On request of the director, the attorney general shall 34175
bring and prosecute to judgment a civil action to collect any fine 34176
imposed under division (A) of this section that remains unpaid. 34177

(C) All fines collected under this section shall be deposited 34178
into the state treasury to the credit of the general operations 34179
fund created under section 3701.83 of the Revised Code. 34180

Sec. 3701.601. There is hereby created in the state treasury 34181
the breast and cervical cancer project income tax contribution 34182
fund, which shall consist of money contributed to it under section 34183
5747.113 of the Revised Code and of contributions made directly to 34184
it. Any person may contribute directly to the fund in addition to 34185

or independently of the income tax refund contribution system 34186
established in section 5747.113 of the Revised Code. 34187

The director of health shall distribute the contributed funds 34188
to the Ohio breast and cervical cancer project administered under 34189
section 3701.144 of the Revised Code. The contributed funds shall 34190
be used specifically for the provision of breast and cervical 34191
cancer screening, diagnostic, and outreach services to uninsured 34192
and under-insured women who meet the eligibility requirements 34193
specified in that section. The breast and cervical cancer project, 34194
through its regional agencies, shall use the contributed funds to 34195
pay for services provided directly by personnel of ~~local~~ 34196
departments health facilities operated by boards of health, free 34197
clinics as defined in section 3701.071 of the Revised Code, 34198
mammography services providers, radiology services providers, 34199
federally qualified health centers as defined by section 3701.047 34200
of the Revised Code, rural health centers, or other community 34201
health centers. 34202

Sec. 3701.602. (A) As used in this section, "eligible 34203
nonprofit corporation" means a nonprofit corporation that meets 34204
all of the following requirements: 34205

(1) The nonprofit corporation is exempt from federal income 34206
taxation under subsection 501(c)(3) of the Internal Revenue Code. 34207

(2) For at least ten years before ~~the effective date of this~~ 34208
~~section~~ September 29, 2015, the primary purpose of the nonprofit 34209
corporation, or the nonprofit corporation's predecessor in 34210
interest, has been granting the wishes of individuals under the 34211
age of eighteen who have been diagnosed with a life-threatening 34212
medical condition. 34213

(3) The nonprofit corporation has spent at least ~~one million~~ 34214
two hundred fifty thousand dollars per year for each of the last 34215

three years in furtherance of the purpose described in division 34216
(A)(2) of this section. 34217

(B) There is hereby created in the state treasury the wishes 34218
for sick children income tax contribution fund, which shall 34219
consist of money contributed to it under section 5747.113 of the 34220
Revised Code and of contributions made directly to it. Any person 34221
may contribute directly to the fund in addition to or 34222
independently of the income tax refund contribution system 34223
established in section 5747.113 of the Revised Code. 34224

The department of health shall distribute all funds 34225
contributed under this section to an eligible nonprofit 34226
corporation that will use the contributions to grant the wishes of 34227
individuals who are under the age of eighteen, are residents of 34228
this state, and have been diagnosed with a life-threatening 34229
medical condition. Not later than six months after ~~the effective~~ 34230
~~date of this section~~ September 29, 2015, the department shall 34231
develop guidelines under which an eligible nonprofit corporation 34232
may apply to receive funding under this section. 34233

Sec. 3701.611. (A) ~~Not later than six months after April 6,~~ 34234
~~2017, the~~ The department of health ~~and the department of~~ 34235
~~developmental disabilities~~ shall create a central intake and 34236
referral system for ~~the state's part C early intervention services~~ 34237
~~program and~~ all home visiting programs operating in this state. 34238
~~The system shall comply with all regulations governing the part C~~ 34239
~~early intervention program for infants and toddlers with~~ 34240
~~disabilities that are promulgated under the "Individuals with~~ 34241
~~Disabilities Education Act of 1997," 20 U.S.C. 1400, as amended.~~ 34242
Through a competitive bidding process, the department of health 34243
~~and department of developmental disabilities~~ may select one or 34244
more persons or government entities to operate the system. 34245

(B) If the department of health ~~and department of~~ 34246

~~developmental disabilities choose~~ chooses to select one or more 34247
system operators as described in division (A) of this section, a 34248
contract with any system operator shall require that the system do 34249
both of the following: 34250

(1) Serve as a single point of entry for access, assessment, 34251
and referral of families to appropriate home visiting services ~~and~~ 34252
~~part C early intervention services~~ based on each family's location 34253
of residence; 34254

(2) Use a standardized form or other mechanism to assess for 34255
each family member's risk factors and social determinants of 34256
health, as well as ensure that the family is referred to the 34257
appropriate home visiting ~~or part C early intervention~~ program ~~or~~ 34258
service, which may include a program that uses home visiting 34259
contractors who provide services within a community HUB that fully 34260
or substantially complies with the pathways community HUB 34261
certification standards developed by the pathways community HUB 34262
institute. 34263

(C) The standardized form or other mechanism described in 34264
division (B)(2) of this section shall be agreed to by the home 34265
visiting consortium created under section 3701.612 of the Revised 34266
Code ~~and the early intervention services advisory council created~~ 34267
~~under section 5123.0422 of the Revised Code.~~ 34268

(D) A contract entered into under division (B) of this 34269
section shall require a system operator to issue an annual report 34270
to the department of health ~~and department of developmental~~ 34271
~~disabilities~~ that includes data regarding referrals made by the 34272
central intake and referral system, costs associated with the 34273
referrals, and the quality of services received by families who 34274
were referred to services through the system. The report shall be 34275
distributed to the home visiting consortium created under section 34276
3701.612 of the Revised Code ~~and the early intervention services~~ 34277
~~advisory council created under section 5123.0422 of the Revised~~ 34278

Code. 34279

(E) ~~The department of health and department of developmental disabilities shall share any funding made available to each department for local outreach and child find efforts after creating the central intake and referral system described in division (A) of this section.~~ 34280
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~~(F)~~ Nothing in this section is intended to do any of the following: 34285
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(1) Prohibit the department of health ~~or department of developmental disabilities~~ from using alternative promotional materials or names for the central intake and referral system; 34287
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(2) Require the use of help me grow program promotional materials or names; 34290
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(3) Prohibit providers, central coordinators, the department of health, ~~the department of developmental disabilities,~~ or stakeholders from using the help me grow name for promotional materials for ~~both the home visiting and part C early intervention services components.~~ 34292
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Sec. 3701.612. (A) The Ohio home visiting consortium is hereby created. The purpose of the consortium is to ensure that home visiting services provided by home visiting programs operating in this state, as well as home visiting services provided or arranged for by medicaid managed care organizations, are high-quality and delivered through evidence-based or innovative, promising home visiting models, including models used by home visiting contractors who provide services within one or more community HUBs that fully or substantially comply with the pathways community HUB certification standards developed by the pathways community HUB institute. It is the intent of the general assembly that all home visiting services provided in this state do 34297
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both of the following: 34309

(1) Improve health, educational, and social outcomes for expectant and new parents and young children; 34310
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(2) Promote safe, connected families and communities in which children are able to grow up healthy and ready to learn. 34312
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(B)(1) In furtherance of the consortium's purpose, the consortium shall do both of the following: 34314
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(a) Make recommendations to the department of health, department of medicaid, department of mental health and addiction services, and department of developmental disabilities regarding how to leverage all funding sources available for home visiting services, including medicaid, to accomplish both of the following in this state: 34316
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(i) Expand the use of evidence-based home visiting program models, including models used by home visiting contractors who provide services within one or more community HUBs that fully or substantially comply with the pathways community HUB certification standards developed by the pathways community HUB institute; 34322
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(ii) Initiate, as pilot projects, innovative, promising home visiting models. 34327
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(b) Make recommendations to the department of medicaid on the terms to be included in contracts the department enters into with medicaid managed care organizations under section 5167.10 of the Revised Code to ensure that the organizations are providing or arranging for the medicaid recipients enrolled in their ~~organizations~~ medicaid MCO plans, as defined in section 5167.01 of the Revised Code, to receive home visiting services that are delivered as part of the home visiting program models described in divisions (B)(1)(a)(i) and (ii) of this section. 34329
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(2) The consortium may recommend a standardized form or other 34338

mechanism to assess family risk factors and social determinants of 34339
health for purposes of the central intake and referral system 34340
described in section 3701.611 of the Revised Code. 34341

(C) The consortium shall consist of the following members: 34342

(1) The director of health or the director's designee; 34343

(2) The medicaid director or the director's designee; 34344

(3) The director of mental health and addiction services or 34345
the director's designee; 34346

(4) The director of developmental disabilities or the 34347
director's designee; 34348

(5) The executive director of the commission on minority 34349
health or the executive director's designee; 34350

(6) A member of the commission on infant mortality who is not 34351
a legislator or an individual specified under this division; 34352

(7) One individual who represents medicaid managed care 34353
organizations, recommended by the board of trustees of the Ohio 34354
association of health plans; 34355

(8) One individual who represents county boards of 34356
developmental disabilities, recommended by the Ohio association of 34357
county boards of developmental disabilities; 34358

(9) A home visiting contractor who provides services within 34359
the help me grow program through a contract, grant, or other 34360
agreement with the department of health; 34361

(10) A home visiting contractor who provides services within 34362
one or more community HUBs that fully or substantially comply with 34363
the pathways community HUB certification standards developed by 34364
the pathways community HUB institute through a contract, grant, or 34365
other agreement with the commission on minority health; 34366

(11) An individual who receives home visiting services from 34367

the help me grow program; 34368

~~(11)~~(12) An individual who receives home visiting services 34369
from a home visiting contractor who provides services within one 34370
or more community HUBs that fully or substantially comply with the 34371
pathways community HUB certification standards developed by the 34372
pathways community HUB institute; 34373

(13) Two members of the senate, one from the majority party 34374
and one from the minority party, each appointed by the senate 34375
president; 34376

~~(12)~~(14) Two members of the house of representatives, one 34377
from the majority party and one from the minority party, each 34378
appointed by the speaker of the house of representatives. 34379

(D) The consortium members described in divisions (C)~~(6)~~ ~~to~~ 34380
~~(11)~~(10) and (12) of this section shall be appointed not later 34381
than thirty days after ~~the effective date of this section~~ the 34382
effective date of this amendment. An appointed member shall hold 34383
office until a successor is appointed. A vacancy shall be filled 34384
in the same manner as the original appointment. 34385

The director of health shall serve as the chairperson of the 34386
consortium. 34387

A member shall serve without compensation except to the 34388
extent that serving on the consortium is considered part of the 34389
member's regular duties of employment. 34390

(E) The consortium shall meet at the call of the director of 34391
health but not less than once each calendar quarter. The 34392
consortium's first meeting shall occur not later than sixty days 34393
after ~~the effective date of this section~~ April 6, 2017. 34394

(F) The department of health shall provide meeting space and 34395
staff and other administrative support for the consortium. 34396

(G) The consortium is not subject to sections 101.82 to 34397

101.87 of the Revised Code.	34398
Sec. 3701.68. (A) As used in this section:	34399
(1) "Academic medical center" means a medical school and its affiliated teaching hospitals.	34400 34401
(2) "State registrar" has the same meaning as in section 3705.01 of the Revised Code.	34402 34403
(B) There is hereby created the commission on infant mortality. The commission shall do all of the following:	34404 34405
(1) Conduct a complete inventory of services provided or administered by the state that are available to address the infant mortality rate in this state;	34406 34407 34408
(2) For each service identified under division (B)(1) of this section, determine both of the following:	34409 34410
(a) The sources of the funds that are used to pay for the service;	34411 34412
(b) Whether the service and its funding sources have a connection with programs provided or administered by local or community-based public or private entities and, to the extent they do not, whether they should.	34413 34414 34415 34416
(3) With assistance from academic medical centers, track and analyze infant mortality rates by county for the purpose of determining the impact of state and local initiatives to reduce those rates.	34417 34418 34419 34420
(C) The commission shall consist of the following members:	34421
(1) Two members of the senate, one from the majority party and one from the minority party, each appointed by the senate president;	34422 34423 34424
(2) Two members of the house of representatives, one from the majority party and one from the minority party, each appointed by	34425 34426

the speaker of the house of representatives;	34427
(3) The executive director of the office of health	34428
transformation or the executive director's <u>governor or the</u>	34429
<u>governor's</u> designee;	34430
(4) The medicaid director or the director's designee;	34431
(5) The director of health or the director's designee;	34432
(6) The director of developmental disabilities or the	34433
director's designee;	34434
(7) The executive director of the commission on minority	34435
health or the executive director's designee;	34436
(8) The attorney general or the attorney general's designee;	34437
(9) A health commissioner of a city or general health	34438
district, appointed by the governor;	34439
(10) A coroner, deputy coroner, or other person who conducts	34440
death scene investigations, appointed by the governor;	34441
(11) An individual who represents the Ohio hospital	34442
association, appointed by the association's president;	34443
(12) An individual who represents the Ohio children's	34444
hospital association, appointed by the association's president;	34445
(13) Two individuals who represent community-based programs	34446
that serve pregnant women or new mothers whose infants tend to be	34447
at a higher risk for infant mortality, appointed by the governor.	34448
(D) The commission members described in divisions (C)(1),	34449
(2), (9), (10), (11), (12), and (13) of this section shall be	34450
appointed not later than thirty days after March 19, 2015. An	34451
appointed <u>commission</u> member shall hold office until a successor is	34452
appointed. A vacancy shall be filled in the same manner as the	34453
original appointment.	34454
From among the members, the president of the senate and	34455

speaker of the house of representatives shall appoint two to serve 34456
as co-chairpersons of the commission. The co-chairpersons, upon 34457
mutual agreement, may appoint additional members to the 34458
commission. 34459

A member shall serve without compensation except to the 34460
extent that serving on the commission is considered part of the 34461
member's regular duties of employment. 34462

(E) The commission may request assistance from the staff of 34463
the legislative service commission. 34464

(F) For purposes of division (B)(3) of this section, the 34465
state registrar shall ensure that the commission and academic 34466
medical centers located in this state have access to any 34467
electronic system of vital records the state registrar or 34468
department of health maintains, including the Ohio public health 34469
information warehouse. Not later than six months after March 19, 34470
2015, the commission on infant mortality shall prepare a written 34471
report of its findings and recommendations concerning the matters 34472
described in division (B) of this section. On completion, the 34473
commission shall submit the report to the governor and, in 34474
accordance with section 101.68 of the Revised Code, the general 34475
assembly. 34476

(G) The president of the senate and speaker of the house of 34477
representatives shall determine the responsibilities of the 34478
commission following submission of the report under division (F) 34479
of this section. 34480

(H) The commission is not subject to sections 101.82 to 34481
101.87 of the Revised Code. 34482

(I) The commission shall provide information to the Ohio 34483
housing finance agency for the purposes of division (A) of section 34484
175.14 of the Revised Code. 34485

~~Sec. 3701.95. (A) As used in this section, "government program providing public benefits" has the same meaning as in section 191.01 of the Revised Code.~~ 34486
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~~(B)~~ The director of health shall identify each government program providing benefits, other than the help me grow program established by the department of health pursuant to section 3701.61 of the Revised Code, that has the goal of reducing infant mortality and negative birth outcomes or the goal of reducing disparities among women who are pregnant or capable of becoming pregnant and who belong to a racial or ethnic minority. A program shall be identified only if it provides education, ~~training~~, and support services related to those goals to program participants in their homes. The director may consult with the Ohio partnership to build stronger families for assistance with identifying the programs. 34489
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~~(C)~~(B) An administrator of a program identified under division ~~(B)~~(A) of this section shall report to the director data on program performance indicators that are used to assess progress toward achieving program goals. The administrator shall report the data in the format and within the time frames specified in rules adopted under division ~~(D)~~(C) of this section. Using the data reported under this division, the director shall prepare an annual report assessing the performance of each government program identified pursuant to division ~~(B)~~(A) of this section during the immediately preceding twelve-month period. In addition, the report shall summarize and provide an analysis of the information contained in the "information for medical and health use only" section of the birth records for individuals born during the prior twelve-month period. 34501
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The director shall provide a copy of the report to the general assembly and the joint medicaid oversight committee. The 34515
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copy to the general assembly shall be provided in accordance with 34517
section 101.68 of the Revised Code. 34518

~~(D)~~(C) The director shall adopt rules specifying program 34519
performance indicators on which data must be reported by the 34520
administrators described in division ~~(C)~~(B) of this section as 34521
well as the format and time frames in which the data must be 34522
reported. To the extent possible, the program performance 34523
indicators specified in the rules shall be consistent with federal 34524
reporting requirements for federally funded home visiting 34525
services. The rules shall be adopted in accordance with Chapter 34526
119. of the Revised Code. 34527

Sec. 3701.99. (A) Whoever violates division (C) of section 34528
3701.23, division (C) of section 3701.232, division (C) of section 34529
3701.24, ~~division (B) of section 3701.25,~~ division (D)(2) of 34530
section 3701.262, or sections 3701.46 to 3701.55 of the Revised 34531
Code is guilty of a minor misdemeanor on a first offense; on each 34532
subsequent offense, the person is guilty of a misdemeanor of the 34533
fourth degree. 34534

(B) Whoever violates section 3701.82 of the Revised Code is 34535
guilty of a misdemeanor of the first degree. 34536

(C) Whoever violates section 3701.352 or 3701.81 of the 34537
Revised Code is guilty of a misdemeanor of the second degree. 34538

Sec. 3702.12. Initial rules for each activity specified in 34539
section 3702.11 of the Revised Code and for each health care 34540
facility ~~listed as defined~~ in ~~division (A)(4) of~~ section 3702.30 34541
of the Revised Code shall be adopted using the procedure 34542
prescribed by this section. 34543

The director of health shall file proposed rules in 34544
accordance with section 119.03 of the Revised Code. If, prior to 34545
expiration of the time for legislative review and invalidation 34546

under division (I) of that section, the joint committee on agency 34547
rule review recommends the adoption of a concurrent resolution 34548
invalidating a proposed rule, the director shall withdraw the 34549
proposed rule, revise it, and refile it as if it were a newly 34550
proposed rule; the director shall not file the proposed rule in 34551
final form. A proposed rule that the director refiles following a 34552
recommendation for a concurrent resolution of invalidation shall 34553
be treated, for purposes of determining the time for legislative 34554
review and invalidation under section 119.03 of the Revised Code, 34555
as if it were a newly proposed rule. If, after filing the revised 34556
proposed rule, the joint committee again recommends the adoption 34557
of a concurrent resolution of invalidation, the director shall 34558
file the revised proposed rule in final form in accordance with 34559
section 111.15 of the Revised Code, and the rule shall take effect 34560
in accordance with that section. 34561

If, prior to expiration of the time for legislative review 34562
and invalidation, the joint committee does not recommend the 34563
adoption of a concurrent resolution invalidating a proposed rule 34564
or revised proposed rule filed in accordance with section 119.03 34565
of the Revised Code, the director shall file the rule in final 34566
form in accordance with section 119.04 of the Revised Code, and 34567
the rule shall take effect in accordance with that section. 34568

Initial rules adopted for each activity specified in section 34569
3702.11 of the Revised Code shall include rules pertaining to all 34570
of the matters required by section 3702.16 of the Revised Code. 34571

Initial rules shall not be adopted as emergency rules. 34572

Sec. 3702.13. After the adoption, in accordance with section 34573
3702.12 of the Revised Code, of initial rules applicable to an 34574
activity specified in section 3702.11 of the Revised Code or a 34575
health care facility listed as defined in ~~division (A)(4) of~~ 34576
section 3702.30 of the Revised Code, any amendments to the rules 34577

applicable to that activity or facility, including enactment of 34578
new rules or amendments or rescissions of existing rules, shall be 34579
adopted in accordance with Chapter 119. of the Revised Code. 34580

Sec. 3702.30. (A) As used in this section: 34581

(1) "Ambulatory surgical facility" means a facility, ~~whether~~ 34582
~~or not part of the same organization as a hospital, that is~~ 34583
~~located in a building distinct from another in which inpatient~~ 34584
~~care is provided~~ surgical services are provided to patients who do 34585
not require hospitalization for inpatient care, the duration of 34586
services for any patient does not extend beyond twenty-four hours 34587
after the patient's admission, and to which any of the following 34588
apply: 34589

(a) ~~Outpatient surgery is routinely performed in the~~ 34590
~~facility, and the facility functions separately from a hospital's~~ 34591
~~inpatient surgical service and from the offices of private~~ 34592
~~physicians, podiatrists, and dentists~~ The surgical services are 34593
provided in a building that is separate from another building in 34594
which inpatient care is provided, regardless of whether the 34595
separate building is part of the same organization as the building 34596
in which inpatient care is provided. 34597

(b) ~~Anesthesia is administered in the facility by an~~ 34598
~~anesthesiologist or certified registered nurse anesthetist, and~~ 34599
~~the facility functions separately from a hospital's inpatient~~ 34600
~~surgical service and from the offices of private physicians,~~ 34601
~~podiatrists, and dentists.~~ 34602

(c) ~~The facility applies to be certified by the United States~~ 34603
~~centers for medicare and medicaid services as an ambulatory~~ 34604
~~surgical center for purposes of reimbursement under Part B of the~~ 34605
~~medicare program, Part B of Title XVIII of the "Social Security~~ 34606
~~Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended.~~ 34607

~~(d) The facility applies to be certified by a national accrediting body approved by the centers for medicare and medicaid services for purposes of deemed compliance with the conditions for participating in the medicare program as an ambulatory surgical center.~~ 34608
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~~(e) The facility bills or receives from any third party payer, governmental health care program, or other person or government entity any ambulatory surgical facility fee that is billed or paid in addition to any fee for professional services. The surgical services are provided within a building in which inpatient care is provided and the entity that operates the portion of the building where the surgical services are provided is not the entity that operates the remainder of the building.~~ 34613
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~~(f)(c) The facility is held out to any person or government entity as an ambulatory surgical facility or similar facility by means of signage, advertising, or other promotional efforts.~~ 34621
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34623

"Ambulatory surgical facility" does not include a hospital emergency department or an office of a physician, podiatrist, or dentist. 34624
34625
34626

~~(2) "Ambulatory surgical facility fee" means a fee for certain overhead costs associated with providing surgical services in an outpatient setting. A fee is an ambulatory surgical facility fee only if it directly or indirectly pays for costs associated with any of the following:~~ 34627
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34629
34630
34631

~~(a) Use of operating and recovery rooms, preparation areas, and waiting rooms and lounges for patients and relatives;~~ 34632
34633

~~(b) Administrative functions, record keeping, housekeeping, utilities, and rent;~~ 34634
34635

~~(c) Services provided by nurses, pharmacists, orderlies, technical personnel, and others involved in patient care related to providing surgery.~~ 34636
34637
34638

~~"Ambulatory surgical facility fee" does not include any additional payment in excess of a professional fee that is provided to encourage physicians, podiatrists, and dentists to perform certain surgical procedures in their office or their group practice's office rather than a health care facility, if the purpose of the additional fee is to compensate for additional cost incurred in performing office-based surgery.~~

~~(3) "Governmental health care program" has the same meaning as in section 4731.65 of the Revised Code.~~

~~(4) "Health care facility" means any of the following:~~

~~(a) An ambulatory surgical facility;~~

~~(b) A freestanding dialysis center;~~

~~(c) A freestanding inpatient rehabilitation facility;~~

~~(d) A freestanding birthing center;~~

~~(e) A freestanding radiation therapy center;~~

~~(f) A freestanding or mobile diagnostic imaging center.~~

~~(5) "Third party payer" has the same meaning as in section 3901.38 of the Revised Code.~~

(B) By rule adopted in accordance with sections 3702.12 and 3702.13 of the Revised Code, the director of health shall establish quality standards for health care facilities. The standards may incorporate accreditation standards or other quality standards established by any entity recognized by the director.

In the case of an ambulatory surgical facility, the standards shall require the ambulatory surgical facility to maintain an infection control program. The purposes of the program are to minimize infections and communicable diseases and facilitate a functional and sanitary environment consistent with standards of professional practice. To achieve these purposes, ambulatory surgical facility staff managing the program shall create and

administer a plan designed to prevent, identify, and manage 34669
infections and communicable diseases; ensure that the program is 34670
directed by a qualified professional trained in infection control; 34671
ensure that the program is an integral part of the ambulatory 34672
surgical facility's quality assessment and performance improvement 34673
program; and implement in an expeditious manner corrective and 34674
preventive measures that result in improvement. 34675

(C) Every ambulatory surgical facility shall require that 34676
each physician who practices at the facility comply with all 34677
relevant provisions in the Revised Code that relate to the 34678
obtaining of informed consent from a patient. 34679

(D) The director shall issue a license to each health care 34680
facility that makes application for a license and demonstrates to 34681
the director that it meets the quality standards established by 34682
the rules adopted under division (B) of this section and satisfies 34683
the informed consent compliance requirements specified in division 34684
(C) of this section. 34685

(E)(1) Except as provided in division (H) of this section and 34686
in section 3702.301 of the Revised Code, no health care facility 34687
shall operate without a license issued under this section. 34688

The general assembly does not intend for the provisions of 34689
this section or section 3702.301 of the Revised Code that 34690
establish health care facility licensing requirements or 34691
exemptions to have an effect on any third-party payments that may 34692
be available for the services provided by either a licensed health 34693
care facility or an entity exempt from licensure. 34694

(2) If the department of health finds that a physician who 34695
practices at a health care facility is not complying with any 34696
provision of the Revised Code related to the obtaining of informed 34697
consent from a patient, the department shall report its finding to 34698
the state medical board, the physician, and the health care 34699

facility. 34700

(3) ~~This division~~ Division (E)(2) of this section does not 34701
create, and shall not be construed as creating, a new cause of 34702
action or substantive legal right against a health care facility 34703
and in favor of a patient who allegedly sustains harm as a result 34704
of the failure of the patient's physician to obtain informed 34705
consent from the patient prior to performing a procedure on or 34706
otherwise caring for the patient in the health care facility. 34707

(F) The rules adopted under division (B) of this section 34708
shall include all of the following: 34709

(1) Provisions governing application for, renewal, 34710
suspension, and revocation of a license under this section; 34711

(2) Provisions governing orders issued pursuant to section 34712
3702.32 of the Revised Code for a health care facility to cease 34713
its operations or to prohibit certain types of services provided 34714
by a health care facility; 34715

(3) Provisions governing the imposition under section 3702.32 34716
of the Revised Code of civil penalties for violations of this 34717
section or the rules adopted under this section, including a scale 34718
for determining the amount of the penalties; 34719

(4) Provisions specifying the form inspectors must use when 34720
conducting inspections of ambulatory surgical facilities. 34721

(G) An ambulatory surgical facility that performs or induces 34722
abortions shall comply with section 3701.791 of the Revised Code. 34723

(H) The following entities are not required to obtain a 34724
license as a freestanding diagnostic imaging center issued under 34725
this section: 34726

(1) A hospital registered under section 3701.07 of the 34727
Revised Code that provides diagnostic imaging; 34728

(2) An entity that is reviewed as part of a hospital 34729

accreditation or certification program and that provides	34730
diagnostic imaging;	34731
(3) An ambulatory surgical facility that provides diagnostic	34732
imaging in conjunction with or during any portion of a surgical	34733
procedure.	34734
Sec. 3702.51. As used in sections 3702.51 to 3702.62 of the	34735
Revised Code:	34736
(A) "Applicant" means any person that submits an application	34737
for a certificate of need and who is designated in the application	34738
as the applicant.	34739
(B) "Person" means any individual, corporation, business	34740
trust, estate, firm, partnership, association, joint stock	34741
company, insurance company, government unit, or other entity.	34742
(C) "Certificate of need" means a written approval granted by	34743
the director of health to an applicant to authorize conducting a	34744
reviewable activity.	34745
(D) "Service area" means the current and projected primary	34746
and secondary service areas to which the long-term care facility	34747
is, or will be, providing long-term care services.	34748
(E) "Primary service area" means the geographic region,	34749
usually comprised of the Ohio zip code in which the long-term care	34750
facility is located and contiguous zip codes, from which	34751
approximately seventy-five to eighty per cent of the facility's	34752
residents currently originate or are expected to originate.	34753
(F) "Secondary service area" means the geographic region,	34754
usually comprised of Ohio zip codes not included in the primary	34755
service area, excluding isolated exceptions, from which the	34756
facility's remaining residents currently originate or are expected	34757
to originate.	34758
(G) "Third-party payer" means a health insuring corporation	34759

licensed under Chapter 1751. of the Revised Code, a health 34760
maintenance organization as defined in division (I) of this 34761
section, an insurance company that issues sickness and accident 34762
insurance in conformity with Chapter 3923. of the Revised Code, a 34763
state-financed health insurance program under Chapter 3701. or 34764
4123. of the Revised Code, the medicaid program, or any 34765
self-insurance plan. 34766

(H) "Government unit" means the state and any county, 34767
municipal corporation, township, or other political subdivision of 34768
the state, or any department, division, board, or other agency of 34769
the state or a political subdivision. 34770

(I) "Health maintenance organization" means a public or 34771
private organization organized under the law of any state that is 34772
qualified under section 1310(d) of Title XIII of the "Public 34773
Health Service Act," 87 Stat. 931 (1973), 42 U.S.C. 300e-9. 34774

(J) "Existing long-term care facility" means either of the 34775
following: 34776

(1) A long-term care facility that is licensed or otherwise 34777
authorized to operate in this state in accordance with applicable 34778
law, including a county home or a county nursing home that is 34779
certified under Title XVIII or Title XIX of the "Social Security 34780
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, is staffed 34781
and equipped to provide long-term care services, and is actively 34782
providing long-term care services; 34783

(2) A long-term care facility that is licensed or otherwise 34784
authorized to operate in this state in accordance with applicable 34785
law, including a county home or a county nursing home that is 34786
certified under Title XVIII or Title XIX of the "Social Security 34787
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, or that has 34788
beds registered under section 3701.07 of the Revised Code as 34789
skilled nursing beds or long-term care beds and has provided 34790

long-term care services for at least three hundred sixty-five 34791
consecutive days within the twenty-four months immediately 34792
preceding the date a certificate of need application is filed with 34793
the director of health. 34794

(K) "State" means the state of Ohio, including, but not 34795
limited to, the general assembly, the supreme court, the offices 34796
of all elected state officers, and all departments, boards, 34797
offices, commissions, agencies, institutions, and other 34798
instrumentalities of the state of Ohio. "State" does not include 34799
political subdivisions. 34800

(L) "Political subdivision" means a municipal corporation, 34801
township, county, school district, and all other bodies corporate 34802
and politic responsible for governmental activities only in 34803
geographic areas smaller than that of the state to which the 34804
sovereign immunity of the state attaches. 34805

(M) "Affected person" means: 34806

(1) An applicant for a certificate of need, including an 34807
applicant whose application was reviewed comparatively with the 34808
application in question; 34809

(2) The person that requested the reviewability ruling in 34810
question; 34811

(3) Any person that resides or regularly uses long-term care 34812
facilities within the service area served or to be served by the 34813
long-term care services that would be provided under the 34814
certificate of need or reviewability ruling in question; 34815

(4) Any long-term care facility that is located in the 34816
service area where the long-term care services would be provided 34817
under the certificate of need or reviewability ruling in question; 34818

(5) Third-party payers that reimburse long-term care 34819
facilities for services in the service area where the long-term 34820

care services would be provided under the certificate of need or 34821
reviewability ruling in question. 34822

(N) "Long-term care facility" means, ~~except as provided in~~ 34823
~~section 3702.594 of the Revised Code,~~ any of the following: 34824

(1) A nursing home licensed under section 3721.02 of the 34825
Revised Code or by a political subdivision certified under section 34826
3721.09 of the Revised Code; 34827

(2) The portion of any facility, including a county home or 34828
county nursing home, that is certified as a skilled nursing 34829
facility or a nursing facility under Title XVIII or XIX of the 34830
"Social Security Act"; 34831

(3) The portion of any hospital that contains beds registered 34832
under section 3701.07 of the Revised Code as skilled nursing beds 34833
or long-term care beds. 34834

(O) "Long-term care bed" or "bed" means a bed that is 34835
categorized as one of the following: 34836

(1) A bed that is located in a facility that is a nursing 34837
home licensed under section 3721.02 of the Revised Code or a 34838
facility licensed by a political subdivision certified under 34839
section 3721.09 of the Revised Code and is included in the 34840
authorized maximum licensed capacity of the facility; 34841

(2) A bed that is located in the portion of any facility, 34842
including a county home or county nursing home, that is certified 34843
as a skilled nursing facility under the medicare program or a 34844
nursing facility under the medicaid program and is included in the 34845
authorized maximum certified capacity of that portion of the 34846
facility; 34847

(3) A bed that is registered under section 3701.07 of the 34848
Revised Code as a skilled nursing bed, a long-term care bed, or a 34849
special skilled nursing bed; 34850

(4) A bed in a county home or county nursing home that has
been certified under section 5155.38 of the Revised Code as having
been in operation on July 1, 1993, and is eligible for licensure
as a nursing home bed;

(5) A bed held as an approved bed under a certificate of need
approved by the director.

A bed cannot simultaneously be both a bed described in
division (O)(1), (2), (3), or (4) of this section and a bed
described in division (O)(5) of this section.

(P) "Reviewability ruling" means a ruling issued by the
director of health under division (A) of section 3702.52 of the
Revised Code as to whether a particular proposed project is or is
not a reviewable activity.

(Q) "County nursing home" has the same meaning as in section
5155.31 of the Revised Code.

(R) "Principal participant" means both of the following:

(1) A person who has an ownership or controlling interest of
at least five per cent in an applicant, in a long-term care
facility that is the subject of an application for a certificate
of need, or in the owner or operator of the applicant or such a
facility;

(2) An officer, director, trustee, or general partner of an
applicant, of a long-term care facility that is the subject of an
application for a certificate of need, or of the owner or operator
of the applicant or such a facility.

(S) "Actual harm but not immediate jeopardy deficiency" means
a deficiency that, under 42 C.F.R. 488.404, either constitutes a
pattern of deficiencies resulting in actual harm that is not
immediate jeopardy or represents widespread deficiencies resulting
in actual harm that is not immediate jeopardy.

(T) "Immediate jeopardy deficiency" means a deficiency that, 34881
under 42 C.F.R. 488.404, either constitutes a pattern of 34882
deficiencies resulting in immediate jeopardy to resident health or 34883
safety or represents widespread deficiencies resulting in 34884
immediate jeopardy to resident health or safety. 34885

(U) "Existing bed" or "existing long-term care bed" means a 34886
bed from an existing long-term care facility, a bed described in 34887
division (O)(5) of this section, or a bed correctly reported as a 34888
long-term care bed pursuant to section 5155.38 of the Revised 34889
Code. 34890

Sec. 3702.52. The director of health shall administer a state 34891
certificate of need program in accordance with sections 3702.51 to 34892
3702.62 of the Revised Code and rules adopted under those 34893
sections. Administration of the program shall include both a 34894
standard review process and an expedited review process. 34895

(A) The director shall issue rulings on whether a particular 34896
proposed project is a reviewable activity. The director shall 34897
issue a ruling not later than forty-five days after receiving a 34898
request for a ruling accompanied by the information needed to make 34899
the ruling, except that if an expedited review is requested, the 34900
ruling shall be issued not later than thirty days after receiving 34901
the request for a ruling accompanied by the information needed to 34902
make the ruling. If the director does not issue a ruling in the 34903
required time, the project shall be considered to have been ruled 34904
not a reviewable activity. 34905

(B)(1) Each application for a certificate of need shall be 34906
submitted to the director on forms and in the manner prescribed by 34907
the director. An application for which expedited review is 34908
requested must meet the same requirements as all other 34909
applications. 34910

Each application shall include a plan for obligating the 34911

capital expenditures or implementing the proposed project on a 34912
timely basis in accordance with section 3702.524 of the Revised 34913
Code. Each application shall also include all other information 34914
required by rules adopted under division (B) of section 3702.57 of 34915
the Revised Code. 34916

(2) Each application shall be accompanied by the application 34917
fee established in rules adopted under division (G) of section 34918
3702.57 of the Revised Code. Application fees received by the 34919
director under this division shall be deposited into the state 34920
treasury to the credit of the certificate of need fund, which is 34921
hereby created. The director shall use the fund only to pay the 34922
costs of administering sections 3702.11 to 3702.20, 3702.30, and 34923
3702.51 to 3702.62 of the Revised Code and rules adopted under 34924
those sections. An application fee is nonrefundable unless the 34925
director determines that the application cannot be accepted. 34926

(3) The director shall review applications for certificates 34927
of need. As part of a review, the director shall determine whether 34928
an application is complete. The director shall not consider an 34929
application to be complete unless the application meets all 34930
criteria for a complete application specified in rules adopted 34931
under section 3702.57 of the Revised Code. For an application 34932
being considered under the standard review process, the director 34933
shall mail to the applicant a written notice that the application 34934
is complete, or a written request for additional information, not 34935
later than thirty days after receiving an application or a 34936
response to an earlier request for information. For an application 34937
for which expedited review is requested, the director's notice or 34938
request shall be mailed not later than fourteen days after the 34939
director receives the application or a response to an earlier 34940
request for information. Except as provided in section 3702.522 of 34941
the Revised Code, the director shall not make more than two 34942
requests for additional information. ~~The~~ For either the standard 34943

or expedited review process, the director shall make a final 34944
determination regarding an application's completeness and issue a 34945
notice of the determination not later than one hundred eighty days 34946
after the date the director received the initial application. 34947

The director's determination that an application is not 34948
complete is final and not subject to appeal. 34949

(4) Except as necessary to comply with a subpoena issued 34950
under division (F) of this section, after a notice of completeness 34951
has been received, no person shall make revisions to information 34952
that was submitted to the director before the director mailed the 34953
notice of completeness or knowingly discuss in person or by 34954
telephone the merits of the application with the director. A 34955
person may supplement an application after a notice of 34956
completeness has been received by submitting clarifying 34957
information to the director. 34958

(C) All of the following apply to the process of granting or 34959
denying a certificate of need: 34960

(1) If the project proposed in a certificate of need 34961
application meets all of the applicable certificate of need 34962
criteria for approval under sections 3702.51 to 3702.62 of the 34963
Revised Code and the rules adopted under those sections, the 34964
director shall grant a certificate of need for all or part of the 34965
project that is the subject of the application by the applicable 34966
deadline specified in division (C)(4) of this section or any 34967
extension of it under division (C)(5) of this section. 34968

(2) The director's grant of a certificate of need does not 34969
affect, and sets no precedent for, the director's decision to 34970
grant or deny other applications for similar reviewable 34971
activities. 34972

(3) Any affected person may submit written comments regarding 34973
an application. The director shall consider all written comments 34974

received by the forty-fifth day after the application is submitted 34975
to the director, except that to be considered in an expedited 34976
review, written comments must be received by the twenty-first day 34977
after the application is submitted. 34978

(4) Except as provided in division (C)(5) of this section, 34979
the director shall grant or deny certificate of need applications 34980
not later than sixty days after mailing the notice of completeness 34981
unless the application is receiving expedited review. If the 34982
application is receiving expedited review, the director shall 34983
grant or deny the application not later than forty-five days after 34984
mailing the notice of completeness. 34985

(5) Except as otherwise provided in division (C)(6) of this 34986
section, the director or the applicant may extend the deadline 34987
prescribed in division (C)(4) of this section once, for no longer 34988
than thirty days, by written notice before the end of the deadline 34989
prescribed by division (C)(4) of this section. An extension by the 34990
director under division (C)(5) of this section shall apply to all 34991
applications that are in comparative review. 34992

(6) No applicant in a comparative review may extend the 34993
deadline specified in division (C)(4) of this section. 34994

(7) If the director does not grant or deny the certificate by 34995
the applicable deadline specified in division (C)(4) of this 34996
section or any extension of it under division (C)(5) of this 34997
section, the certificate shall be considered to have been granted. 34998

(8) In granting a certificate of need, the director shall 34999
specify as the maximum capital expenditure the certificate holder 35000
may obligate under the certificate a figure equal to one hundred 35001
ten per cent of the approved project cost. 35002

(9) In granting a certificate of need, the director may grant 35003
the certificate with conditions that must be met by the holder of 35004
the certificate. 35005

(D) When a certificate of need is granted for a project under 35006
which beds are to be relocated, upon completion of the project for 35007
which the certificate of need was granted a number of beds equal 35008
to the number of beds relocated shall cease to be operated in the 35009
long-term care facility from which they are relocated, except that 35010
the beds may continue to be operated for not more than fifteen 35011
days to allow relocation of residents to the facility to which the 35012
beds have been relocated. Notwithstanding section 3721.03 of the 35013
Revised Code, if the relocated beds are in a home licensed under 35014
Chapter 3721. of the Revised Code, the facility's license is 35015
automatically reduced by the number of beds relocated effective 35016
fifteen days after the beds are relocated. If the beds are in a 35017
facility that is certified as a skilled nursing facility or 35018
nursing facility under Title XVIII or XIX of the "Social Security 35019
Act," the certification for the beds shall be surrendered. If the 35020
beds are registered under section 3701.07 of the Revised Code as 35021
skilled nursing beds or long-term care beds, the director shall 35022
remove the beds from registration not later than fifteen days 35023
after the beds are relocated. 35024

(E) During the period beginning with the granting of a 35025
certificate of need and ending five years after implementation of 35026
the reviewable activity for which the certificate was granted, the 35027
director shall monitor the activities of the person granted the 35028
certificate to determine whether the reviewable activity is 35029
conducted in substantial accordance with the certificate. A 35030
reviewable activity shall not be determined to be not in 35031
substantial accordance with the certificate of need solely because 35032
of either of the following: 35033

(1) A decrease in bed capacity; 35034

(2) A change in the owner or operator of the facility unless 35035
any of the circumstances specified in division (B) of section 35036
3702.59 of the Revised Code apply to the new owner or operator. 35037

(F) When reviewing applications for certificates of need, 35038
considering appeals under section 3702.60 of the Revised Code, or 35039
monitoring activities of persons granted certificates of need, the 35040
director may issue and enforce, in the manner provided in section 35041
119.09 of the Revised Code, subpoenas and subpoenas duces tecum to 35042
compel a person to testify and produce documents relevant to 35043
review of the application, consideration of the appeal, or 35044
monitoring of the activities. In addition, the director or the 35045
director's designee may visit the sites where the activities are 35046
or will be conducted. 35047

(G) The director may withdraw certificates of need. 35048

(H) All long-term care facilities shall submit to the 35049
director, upon request, any information prescribed by rules 35050
adopted under division (H) of section 3702.57 of the Revised Code 35051
that is necessary to conduct reviews of certificate of need 35052
applications and to develop criteria for reviews. 35053

(I) Any decision to grant or deny a certificate of need shall 35054
consider the special needs and circumstances resulting from moral 35055
and ethical values and the free exercise of religious rights of 35056
long-term care facilities administered by religious organizations, 35057
and the special needs and circumstances of inner city and rural 35058
communities. 35059

Sec. 3702.57. (A) The director of health shall adopt rules 35060
establishing procedures and criteria for reviews of applications 35061
for certificates of need and issuance, denial, or withdrawal of 35062
certificates. 35063

(1) In adopting rules that establish criteria for reviews of 35064
applications of certificates of need, the director shall consider 35065
the availability of and need for long-term care beds to provide 35066
care and treatment to persons diagnosed as having traumatic brain 35067
injuries and shall prescribe criteria for reviewing applications 35068

that propose to add long-term care beds to provide care and 35069
treatment to persons diagnosed as having traumatic brain injuries. 35070

(2) The criteria for reviews of applications for certificates 35071
of need shall relate to the need for the reviewable activity and 35072
shall pertain to all of the following matters: 35073

(a) The impact of the reviewable activity on the cost and 35074
quality of long-term care services in the relevant service area, 35075
including, but not limited, to the historical and projected 35076
utilization of the services to which the application pertains and 35077
the effect of the reviewable activity on utilization of other 35078
providers of similar services; 35079

(b) The quality of the services to be provided as the result 35080
of the activity, as evidenced by the historical performance of the 35081
persons that will be involved in providing the services and by the 35082
provisions that are proposed in the application to ensure quality, 35083
including but not limited to adequate available personnel, 35084
available ancillary and support services, available equipment, 35085
size and configuration of physical plant, and relations with other 35086
providers; 35087

(c) The impact of the reviewable activity on the availability 35088
and accessibility of the type of services proposed in the 35089
application to the population of the relevant service area, and 35090
the level of access to the services proposed in the application 35091
that will be provided to medically underserved individuals such as 35092
recipients of public assistance and individuals who have no health 35093
insurance or whose health insurance is insufficient; 35094

(d) The activity's short- and long-term financial feasibility 35095
and cost-effectiveness, the impact of the activity on the 35096
applicant's costs and charges, and a comparison of the applicant's 35097
costs and charges with those of providers of similar services in 35098
the applicant's proposed service area; 35099

(e) The advantages, disadvantages, and costs of alternatives to the reviewable activity;	35100 35101
(f) The impact of the activity on all other providers of similar services in the relevant service area, including the impact on their utilization, market share, and financial status;	35102 35103 35104
(g) The historical performance of the applicant and related or affiliated parties in complying with previously granted certificates of need and any applicable certification, accreditation, or licensure requirements;	35105 35106 35107 35108
(h) The historical performance of the applicant and related or affiliated parties in providing cost-effective long-term care services;	35109 35110 35111
(i) The special needs and circumstances of the applicant or population proposed to be served by the proposed project, including research activities, prevalence of particular diseases, unusual demographic characteristics, cost-effective contractual affiliations, and other special circumstances;	35112 35113 35114 35115 35116
(j) The appropriateness of the zoning status of the proposed site of the activity;	35117 35118
(k) The participation by the applicant in research conducted by the United States food and drug administration or clinical trials sponsored by the national institutes of health.	35119 35120 35121
(3) The criteria for reviews of applications shall include a formula for determining each county's long-term care bed need for purposes of section 3702.593 of the Revised Code and may include other formulas for determining need for beds.	35122 35123 35124 35125
Any rules prescribing criteria that establish ratios of beds to population shall specify the bases for establishing the ratios or mitigating factors or exceptions to the ratios.	35126 35127 35128
(B) The director shall adopt rules specifying all of the	35129

following:	35130
(1) Information that must be provided in applications for certificates of need;	35131 35132
(2) Procedures for reviewing applications for completeness of information;	35133 35134
(3) Criteria for determining that the application is complete;	35135 35136
<u>(4) Procedures for making a final determination regarding an application's completeness and issuing a notice of the determination in accordance with division (B)(3) of section 3702.52 of the Revised Code.</u>	35137 35138 35139 35140
(C) The director shall adopt rules specifying requirements that holders of certificates of need must meet in order for the certificates to remain valid and establishing definitions and requirements for obligation of capital expenditures and implementation of projects authorized by certificates of need.	35141 35142 35143 35144 35145
(D) The director shall adopt rules establishing criteria and procedures under which the director of health may withdraw a certificate of need if the holder fails to meet requirements for continued validity of the certificate.	35146 35147 35148 35149
(E) The director shall adopt rules establishing procedures under which the department of health shall monitor project implementation activities of holders of certificates of need. The rules adopted under this division also may establish procedures for monitoring implementation activities of persons that have received nonreviewability rulings.	35150 35151 35152 35153 35154 35155
(F) The director shall adopt rules establishing procedures under which the director of health shall review certificates of need whose holders exceed or appear likely to exceed an expenditure maximum specified in a certificate.	35156 35157 35158 35159

(G) The director shall adopt rules establishing certificate of need application fees sufficient to pay the costs incurred by the department for administering sections 3702.51 to 3702.62 of the Revised Code. Unless rules are adopted under this division establishing different application fees, the application fee for a project not involving a capital expenditure shall be three thousand dollars and the application fee for a project involving a capital expenditure shall be nine-tenths of one per cent of the capital expenditure proposed subject to a minimum of three thousand dollars and a maximum of twenty thousand dollars.

(H) The director shall adopt rules specifying information that is necessary to conduct reviews of certificate of need applications and to develop criteria for reviews that long-term care facilities are to submit to the director under division (H) of section 3702.52 of the Revised Code.

(I) The director shall adopt rules defining "affiliated person," "related person," and "ultimate controlling interest" for purposes of section 3702.523 of the Revised Code.

(J) The director shall adopt rules prescribing requirements for holders of certificates of need to demonstrate to the director under section 3702.525 of the Revised Code that reasonable progress is being made toward completion of the reviewable activity and establishing standards by which the director shall determine whether reasonable progress is being made.

(K) The director shall adopt rules establishing procedures for providing administrative reviews for purposes of appeals made under division (A) of section 3702.60 of the Revised Code.

(L) The director shall adopt all rules under divisions (A) to ~~(J)~~(K) of this section in accordance with Chapter 119. of the Revised Code. The director may adopt other rules as necessary to carry out the purposes of sections 3702.51 to 3702.62 of the

Revised Code. 35191

Sec. 3702.59. (A) The director of health shall accept for 35192
review certificate of need applications as provided in sections 35193
3702.592, and 3702.593, ~~and 3702.594~~ of the Revised Code. 35194

(B)(1) The director shall not approve an application for a 35195
certificate of need for the addition of long-term care beds to an 35196
existing long-term care facility or for the development of a new 35197
long-term care facility if any of the following apply: 35198

(a) The existing long-term care facility in which the beds 35199
are being placed has one or more waivers for life safety code 35200
deficiencies, one or more state fire code violations, or one or 35201
more state building code violations, and the project identified in 35202
the application does not propose to correct all life safety code 35203
deficiencies for which a waiver has been granted, all state fire 35204
code violations, and all state building code violations at the 35205
existing long-term care facility in which the beds are being 35206
placed; 35207

(b) During the sixty-month period preceding the filing of the 35208
application, a notice of proposed license revocation was issued 35209
under section 3721.03 of the Revised Code for the existing 35210
long-term care facility in which the beds are being placed or a 35211
nursing home owned or operated by the applicant or a principal 35212
participant, unless in the case of such a nursing home ~~the~~ either 35213
of the following applies: 35214

(i) The notice was issued solely because the nursing home had 35215
already closed or ceased operations; 35216

(ii) The department of health did not provide the owner of 35217
the nursing home with copies of the inspection or survey reports 35218
giving rise to the proposed license revocation before the notice 35219
was issued. 35220

(c) During the period that precedes the filing of the application and is encompassed by the three most recent standard surveys of the existing long-term care facility in which the beds are being placed, any of the following occurred:

(i) The facility was cited on three or more separate occasions for final, nonappealable actual harm but not immediate jeopardy deficiencies.

(ii) The facility was cited on two or more separate occasions for final, nonappealable immediate jeopardy deficiencies.

(iii) The facility was cited on two separate occasions for final, nonappealable actual harm but not immediate jeopardy deficiencies and on one occasion for a final, nonappealable immediate jeopardy deficiency.

(d) More than two nursing homes owned or operated in this state by the applicant or a principal participant or, if the applicant or a principal participant owns or operates more than twenty nursing homes in this state, more than ten per cent of those nursing homes, were each cited during the period that precedes the filing of the application for the certificate of need and is encompassed by the three most recent standard surveys of the nursing homes that were so cited in any of the following manners:

(i) On three or more separate occasions for final, nonappealable actual harm but not immediate jeopardy deficiencies;

(ii) On two or more separate occasions for final, nonappealable immediate jeopardy deficiencies;

(iii) On two separate occasions for final, nonappealable actual harm but not immediate jeopardy deficiencies and on one occasion for a final, nonappealable immediate jeopardy deficiency.

(2) In applying divisions (B)(1)(a) to (d) of this section,

the director shall not consider deficiencies or violations cited 35251
before the applicant or a principal participant acquired or began 35252
to own or operate the long-term care facility at which the 35253
deficiencies or violations were cited. The director may disregard 35254
deficiencies and violations cited after the long-term care 35255
facility was acquired or began to be operated by the applicant or 35256
a principal participant if the deficiencies or violations were 35257
attributable to circumstances that arose under the previous owner 35258
or operator and the applicant or principal participant has 35259
implemented measures to alleviate the circumstances. In the case 35260
of an application proposing development of a new long-term care 35261
facility by relocation of beds, the director shall not consider 35262
deficiencies or violations that were solely attributable to the 35263
physical plant of the existing long-term care facility from which 35264
the beds are being relocated. 35265

(C) The director also shall accept for review any application 35266
for the conversion of infirmary beds to long-term care beds if the 35267
infirmary meets all of the following conditions: 35268

(1) Is operated exclusively by a religious order; 35269

(2) Provides care exclusively to members of religious orders 35270
who take vows of celibacy and live by virtue of their vows within 35271
the orders as if related; 35272

(3) Was providing care exclusively to members of such a 35273
religious order on January 1, 1994. 35274

(D) Notwithstanding division (C)(2) of this section, a 35275
facility that has been granted a certificate of need under 35276
division (C) of this section may provide care to any of the 35277
following family members of the individuals described in division 35278
(C)(2) of this section: mothers, fathers, brothers, sisters, 35279
brothers-in-law, sisters-in-law, or children. Such a facility may 35280
also provide care to any individual who has been designated an 35281

associate member by the religious order that operates the 35282
facility. 35283

The long-term care beds in a facility that have been granted 35284
a certificate of need under division (C) of this section may not 35285
be relocated pursuant to sections 3702.592 ~~to 3702.594~~ and 35286
3702.593 of the Revised Code. 35287

Sec. 3702.593. (A) At the times specified in this section, 35288
the director of health shall accept, for review under section 35289
3702.52 of the Revised Code, certificate of need applications for 35290
any of the following purposes if the proposed increase in beds is 35291
attributable solely to relocation of existing beds from an 35292
existing long-term care facility in a county with excess beds to a 35293
long-term care facility in a county in which there are fewer 35294
long-term care beds than the county's bed need: 35295

(1) Approval of beds in a new long-term care facility or an 35296
increase of beds in an existing long-term care facility if the 35297
beds are proposed to be licensed as nursing home beds under 35298
Chapter 3721. of the Revised Code; 35299

(2) Approval of beds in a new county home or new county 35300
nursing home, or an increase of beds in an existing county home or 35301
existing county nursing home if the beds are proposed to be 35302
certified as skilled nursing facility beds under the medicare 35303
program, Title XVIII of the "Social Security Act," 49 Stat. 286 35304
(1965), 42 U.S.C. 1395, as amended, or nursing facility beds under 35305
the medicaid program, Title XIX of the "Social Security Act," 49 35306
Stat. 286 (1965), 42 U.S.C. 1396, as amended; 35307

(3) An increase of hospital beds registered pursuant to 35308
section 3701.07 of the Revised Code as long-term care beds. 35309

(B) For the purpose of implementing this section, the 35310
director shall do all of the following: 35311

(1) Not later than April 1, 2012, and every four years 35312
thereafter, determine the long-term care bed supply for each 35313
county, which shall consist of all of the following: 35314

(a) Nursing home beds licensed under Chapter 3721. of the 35315
Revised Code; 35316

(b) Beds certified as skilled nursing facility beds under the 35317
medicare program or nursing facility beds under the medicaid 35318
program; 35319

(c) Beds in any portion of a hospital that are properly 35320
registered under section 3701.07 of the Revised Code as skilled 35321
nursing beds, long-term care beds, or special skilled nursing 35322
beds; 35323

(d) Beds in a county home or county nursing home that are 35324
certified under section 5155.38 of the Revised Code as having been 35325
in operation on July 1, 1993, and are eligible for licensure as 35326
nursing home beds; 35327

(e) Beds described in division (O)(5) of section 3702.51 of 35328
the Revised Code. 35329

(2) Determine the long-term care bed occupancy rate for the 35330
state at the time the determination is made; 35331

(3) For each county, determine the county's bed need by 35332
identifying the number of long-term care beds that would be needed 35333
in the county in order for the statewide occupancy rate for a 35334
projected population aged sixty-five and older to be ninety per 35335
cent. 35336

In determining each county's bed need, the director shall use 35337
the formula developed in rules adopted under section 3702.57 of 35338
the Revised Code. A determination shall be made every four years. 35339
After each determination is made, the director shall publish the 35340
county's bed need on the web site maintained by the department of 35341

health. 35342

(C) The director's consideration of a certificate of need 35343
that would increase the number of beds in a county shall be 35344
consistent with the county's bed need determined under division 35345
(B) of this section ~~except as follows:~~ 35346

~~(1) If a county's occupancy rate is less than eighty five per 35347
cent, the county shall be considered to have no need for 35348
additional beds. 35349~~

~~(2) Even if a county is determined not to need any additional 35350
long term care beds, the director may approve an increase in beds 35351
equal to up to ten per cent of the county's bed supply if the 35352
county's occupancy rate is greater than ninety per cent. 35353~~

(D)(1) The review period for the first review process shall 35354
begin July 1, 2010, and end June 30, 2012. The next review period 35355
shall begin July 1, 2012, and end June 30, 2016. Thereafter, the 35356
review period for each comparative review process shall begin on 35357
the first day of July following the end of the previous review 35358
period and shall be four years. 35359

(2) ~~Certificate~~ Except as provided in division (D)(3) of this 35360
section, certificate of need applications shall be accepted during 35361
the first month of the review period and reviewed through the 35362
thirtieth day of April of the following year. 35363

~~(3) Except for the first review period after October 16, 35364
2009, each review period may consist of two phases. The first 35365
phase of the review period shall be the period during which the 35366
director accepts and reviews certificate of need applications as 35367
provided in division (D)(2) of this section. If the director 35368
determines that there will be acceptance and review of additional 35369
certificate of need applications, the second phase of the review 35370
period shall begin on the first day of July of the third year of 35371
the review period. The second phase shall be limited to acceptance 35372~~

~~and review of applications for redistribution of beds made~~ 35373
~~available pursuant to division (I) of this section. During the~~ 35374
~~period between the first and second phases of the review period,~~ 35375
~~the director shall act in accordance with division (I) of this~~ 35376
~~section~~ The director shall accept certificate of need applications 35377
from January 1, 2020, through January 31, 2020. 35378

(E) The director shall consider certificate of need 35379
applications in accordance with all of the following: 35380

(1) The number of beds approved for a county shall include 35381
only beds available for relocation from another county and shall 35382
not exceed the bed need of the receiving county; 35383

(2) The director shall consider the existence of community 35384
resources serving persons who are age sixty-five or older or 35385
disabled that are demonstrably effective in providing alternatives 35386
to long-term care facility placement. 35387

(3) The director shall approve relocation of beds from a 35388
county only if, after the relocation, the number of beds remaining 35389
in the county will exceed the county's bed need by at least one 35390
hundred beds; 35391

(4) The director shall approve relocation of beds from a 35392
long-term care facility only if, after the relocation, the number 35393
of beds in the facility's service area is at least equal to the 35394
state bed need rate. For purposes of this division, a facility's 35395
service area shall be either of the following: 35396

(a) The census tract in which the facility is located, if the 35397
facility is located in an area designated by the United States 35398
secretary of health and human services as a health professional 35399
shortage area under the "Public Health Service Act," 88 Stat. 682 35400
(1944), 42 U.S.C. 254(e), as amended; 35401

(b) The area that is within a fifteen-mile radius of the 35402
facility's location, if the facility is not located in a health 35403

professional shortage area. 35404

(F) Applications made under this section are subject to 35405
comparative review if two or more applications are submitted 35406
during the same review period and any of the following applies: 35407

(1) The applications propose to relocate beds from the same 35408
county and the number of beds for which certificates of need are 35409
being requested totals more than the number of beds available in 35410
the county from which the beds are to be relocated. 35411

(2) The applications propose to relocate beds to the same 35412
county and the number of beds for which certificates of need are 35413
being requested totals more than the number of beds needed in the 35414
county to which the beds are to be relocated. 35415

(3) The applications propose to relocate beds from the same 35416
service area and the number of beds left in the service area from 35417
which the beds are being relocated would be less than the state 35418
bed need rate determined by the director. 35419

(G) In determining which applicants should receive preference 35420
in the comparative review process, the director shall consider all 35421
of the following as weighted priorities: 35422

(1) Whether the beds will be part of a continuing care 35423
retirement community; 35424

(2) Whether the beds will serve an underserved population, 35425
such as low-income individuals, individuals with disabilities, or 35426
individuals who are members of racial or ethnic minority groups; 35427

(3) Whether the project in which the beds will be included 35428
will provide alternatives to institutional care, such as adult 35429
day-care, home health care, respite or hospice care, mobile meals, 35430
residential care, independent living, or congregate living 35431
services; 35432

(4) Whether the long-term care facility's owner or operator 35433

will participate in medicaid waiver programs for alternatives to institutional care; 35434
35435

(5) Whether the project in which the beds will be included will reduce alternatives to institutional care by converting residential care beds or other alternative care beds to long-term care beds; 35436
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(6) Whether the facility in which the beds will be placed has positive resident and family satisfaction surveys; 35440
35441

(7) Whether the facility in which the beds will be placed has fewer than fifty long-term care beds; 35442
35443

(8) Whether the long-term care facility in which the beds will be placed is located within the service area of a hospital and is designed to accept patients for rehabilitation after an in-patient hospital stay; 35444
35445
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35447

(9) Whether the long-term care facility in which the beds will be placed is or proposes to become a nurse aide training and testing site; 35448
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35450

(10) The rating, under the centers for medicare and medicaid services' five star nursing home quality rating system, of the long-term care facility in which the beds will be placed. 35451
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(H) A person who has submitted an application under this section that is not subject to comparative review may revise the site of the proposed project pursuant to section 3702.522 of the Revised Code. 35454
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(I) When a certificate of need application is approved ~~during the initial phase of a four year review period~~, in addition to the actions required by division (D) of section 3702.52 of the Revised Code, the long-term care facility from which the beds were relocated shall reduce the number of beds operated in the facility by a number of beds equal to at least ten per cent of the number 35458
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of beds relocated. If these beds are in a home licensed under 35464
Chapter 3721. of the Revised Code, the long-term care facility 35465
shall have the beds removed from the license. If the beds are in a 35466
facility that is certified as a skilled nursing facility or 35467
nursing facility under Title XVIII or XIX of the "Social Security 35468
Act," the facility shall surrender the certification of these 35469
beds. If the beds are registered as skilled nursing beds or 35470
long-term care beds under section 3701.07 of the Revised Code, the 35471
long-term care facility shall surrender the registration for these 35472
beds. This reduction shall be made not later than the completion 35473
date of the project for which the beds were relocated. 35474

(J)(1) Once approval of certificate of need applications in 35475
~~the first phase of~~ a four-year review period is complete, the 35476
director shall make a new determination of the bed need for each 35477
county by reducing the county's bed need by the number of beds 35478
approved for relocation to the county. The new bed-need 35479
determination shall be made not later than the first day of April 35480
of the third year of the review period. 35481

(2) The director may publish on the department's web site the 35482
~~remaining updated~~ bed need for counties that ~~will be considered~~ 35483
~~for redistribution of beds that, in accordance with division (I)~~ 35484
~~of this section, have ceased or will cease to be operated. The~~ 35485
~~director shall base the determination of whether to include a~~ 35486
~~county on all of the following:~~ 35487

~~(a) The statewide number of beds that, in accordance with~~ 35488
~~division (I) of this section, have ceased or will cease to be~~ 35489
~~operated;~~ 35490

~~(b) The county's remaining bed need;~~ 35491

~~(c) The county's bed occupancy rate.~~ 35492

~~(K) If the director publishes the remaining bed need for a~~ 35493
~~county under division (J)(2) of this section, the director may,~~ 35494

~~beginning on the first day of the second phase of the review 35495
period, accept certificate of need applications for redistribution 35496
to long term care facilities in that county of beds that have 35497
ceased or will cease operation in accordance with division (I) of 35498
this section. The total number of beds approved for redistribution 35499
in the second phase of a review period shall not exceed the number 35500
that have ceased or will cease operation in accordance with 35501
division (I) of this section. Beds that are not approved for 35502
redistribution during the second phase of a review period shall 35503
not be available for redistribution at any future time had a new 35504
determination. 35505~~

Sec. 3702.60. (A) Any affected person who is other than a 35506
certificate of need applicant may appeal ~~a reviewability ruling to 35507
the director of health in accordance with Chapter 119. of the 35508
Revised Code~~ a reviewability ruling made by the director or a 35509
decision issued by the director to grant or deny a certificate of 35510
need application, and the director shall provide an ~~adjudication 35511
hearing~~ administrative review in accordance with ~~that chapter 35512
rules adopted under section 3702.57 of the Revised Code.~~ An 35513
affected person may appeal the director's ruling in the 35514
adjudication hearing to the tenth district court of appeals The 35515
affected person appealing the director's reviewability ruling or 35516
decision to grant or deny a certificate of need application must 35517
prove by a preponderance of the evidence that the director's 35518
ruling or decision is not in accordance with sections 3702.52 to 35519
3702.62 of the Revised Code or rules adopted under those sections. 35520
The administrative review decision shall be made not later than 35521
sixty days after receiving notification of the appeal. The 35522
administrative review decision is final and not subject to appeal. 35523

(B) The certificate of need applicant ~~or another affected 35524
person~~ may appeal to the director in accordance with Chapter 119. 35525
of the Revised Code a decision issued by the director to ~~grant or 35526~~

deny a certificate of need application, and the director shall 35527
provide an adjudication hearing in accordance with that chapter. 35528
The certificate of need applicant ~~or other affected person~~ that 35529
appeals the director's decision to ~~grant or~~ deny a certificate of 35530
need application must prove by a preponderance of the evidence 35531
that the director's decision is not in accordance with sections 35532
3702.52 to 3702.62 of the Revised Code or rules adopted under 35533
those sections. The certificate of need applicant ~~or an affected~~ 35534
~~person~~ that was a party to and participated in an adjudication 35535
hearing conducted under this division may appeal to the tenth 35536
district court of appeals the decision issued by the director 35537
following the adjudication hearing. 35538

(C) The certificate of need holder may appeal to the director 35539
in accordance with Chapter 119. of the Revised Code a decision 35540
issued by the director under section 3702.52 or 3702.525 of the 35541
Revised Code to withdraw a certificate of need, and the director 35542
shall provide an adjudication hearing in accordance with that 35543
chapter. The person may appeal the director's ruling in the 35544
adjudication hearing to the tenth district court of appeals. 35545

(D) Any person determined by the director to have violated 35546
section 3702.53 of the Revised Code may appeal that determination, 35547
or the penalties imposed under section 3702.54 or 3702.541 of the 35548
Revised Code, to the director in accordance with Chapter 119. of 35549
the Revised Code, and the director shall provide an adjudication 35550
hearing in accordance with that chapter. The person may appeal the 35551
director's ruling in the adjudication hearing to the tenth 35552
district court of appeals. 35553

(E) Each person appealing under this section to the director 35554
shall file with the director, not later than thirty days after the 35555
decision, ruling, or determination of the director was mailed, a 35556
notice of appeal designating the decision, ruling, or 35557
determination appealed from. 35558

(F) Each person appealing under this section to the tenth district court of appeals shall file with the court, not later than ~~thirty~~ fourteen days after the date the director's adjudication order was mailed, a notice of appeal designating the order appealed from. The appellant also shall file notice with the director not later than thirty days after the date the order was mailed.

(1) Not later than thirty days after receipt of the notice of appeal, the director shall prepare and certify to the court the complete record of the proceedings out of which the appeal arises. The expense of preparing and transcribing the record shall be taxed as part of the costs of the appeal. In the event that the record or a part thereof is not certified within the time prescribed by this division, the appellant may apply to the court for an order that the record be certified.

(2) In hearing the appeal, the court shall consider only the evidence contained in the record certified to it by the director. The court may remand the matter to the director for the admission of additional evidence on a finding that the additional evidence is material, newly discovered, and could not with reasonable diligence have been ascertained before the hearing before the director. Except as otherwise provided by statute, the court shall give the hearing on the appeal preference over all other civil matters, irrespective of the position of the proceedings on the calendar of the court.

(3) The court shall affirm the director's order if it finds, upon consideration of the entire record and any additional evidence admitted under division (F)(2) of this section, that the order is supported by reliable, probative, and substantial evidence and is in accordance with law. In the absence of such a finding, it shall reverse, vacate, or modify the order.

(4) If the court determines that the director committed

material procedural error, the court shall remand the matter to 35591
the director for further consideration or action. 35592

(G) The court may award reasonable attorney's fees against 35593
the appellant if it determines that the appeal was frivolous. 35594
Sections 119.092, 119.093, and 2335.39 of the Revised Code do not 35595
apply to adjudication hearings under this section or section 35596
3702.52 of the Revised Code and judicial appeals under this 35597
section. 35598

(H) No person may intervene in an appeal brought under this 35599
section. 35600

Sec. 3702.967. The director of health may accept gifts of 35601
money from any source for the implementation and administration of 35602
sections 3702.96 to 3702.965 of the Revised Code. 35603

The director shall pay all gifts accepted under this section 35604
~~into the state treasury, to the credit of the dental hygiene~~ 35605
~~resource shortage area fund, which is hereby created,~~ and all 35606
damages collected under division (C)(3) of section 3702.965 of the 35607
Revised Code, ~~into the state treasury,~~ to the credit of the dental 35608
hygienist loan repayment fund, which is hereby created. 35609

The director shall use the ~~dental hygiene resource shortage~~ 35610
~~area~~ and dental hygienist loan repayment ~~fund~~ fund for the 35611
implementation and administration of sections 3702.96 to 3702.967 35612
of the Revised Code. 35613

Sec. 3704.01. As used in this chapter: 35614

(A) "Administrator" means the administrator of the United 35615
States environmental protection agency or the chief executive of 35616
any successor federal agency responsible for implementation of the 35617
federal Clean Air Act. 35618

(B) "Air contaminant" means particulate matter, dust, fumes, 35619

gas, mist, radionuclides, smoke, vapor, or odorous substances, or 35620
any combination thereof, but does not mean emissions from 35621
agricultural production activities, as defined in section 929.01 35622
of the Revised Code, that are consistent with generally accepted 35623
agricultural practices, were established prior to adjacent 35624
nonagricultural activities, have no substantial, adverse effect on 35625
the public health, safety, or welfare, do not result from the 35626
negligent or other improper operations of any such agricultural 35627
activities, and would not be required to obtain a Title V permit. 35628
For the purposes of this chapter, agricultural production 35629
activities do not include the installation and operation of 35630
off-farm facilities for the storage or processing of agricultural 35631
products, including, but not limited to, alfalfa dehydrating 35632
facilities, rendering plants, and feed and grain mills, elevators, 35633
and terminals. 35634

(C) "Air contaminant source" means each separate operation or 35635
activity that results or may result in the emission of any air 35636
contaminant. 35637

(D) "Air pollution" means the presence in the ambient air of 35638
one or more air contaminants or any combination thereof in 35639
sufficient quantity and of such characteristics and duration as is 35640
or threatens to be injurious to human health or welfare, plant or 35641
animal life, or property, or as unreasonably interferes with the 35642
comfortable enjoyment of life or property. 35643

(E) "Ambient air" means that portion of the atmosphere 35644
outside of buildings and other enclosures, stacks, or ducts that 35645
surrounds human, plant, or animal life or property. 35646

(F) "Best available technology" means any combination of work 35647
practices, raw material specifications, throughput limitations, 35648
source design characteristics, an evaluation of the annualized 35649
cost per ton of pollutant removed, and air pollution control 35650
devices that have been previously demonstrated to the director of 35651

environmental protection to operate satisfactorily in this state 35652
or other states with similar air quality on substantially similar 35653
air pollution sources. 35654

(G) "Change within a permitted facility" means, within the 35655
context of the Title V permit program established under section 35656
3704.036 of the Revised Code, a change that is limited by a 35657
federally enforceable provision of an applicable Title V permit 35658
and that does not include physical, production, or other changes 35659
that are neither addressed nor limited by the federally 35660
enforceable portion of a Title V permit unless the change would 35661
result in a violation of a federally enforceable requirement or a 35662
modification under Title I of the federal Clean Air Act or would 35663
be subject to any requirements under Title IV of that act. 35664

(H) "Emit" or "emission" means the release into the ambient 35665
air of an air contaminant. 35666

(I) "Emission limitation" and "emission standard" mean a 35667
requirement that limits the quantity, rate, or concentration of 35668
emissions of air contaminants, including any requirement relating 35669
to the operation or maintenance of an air contaminant source. 35670

(J) "Facility," for the purposes of the Title V permit 35671
program established under section 3704.036 of the Revised Code, 35672
means all of the emitting activities that are located on 35673
contiguous or adjacent properties that are under the control of 35674
the same person or persons or are under common control and that 35675
are in the same major group as described in the standard 35676
Industrial Classification Manual, 1987. 35677

(K) "Federal Clean Air Act" means "Air Quality Act of 1967," 35678
81 Stat. 485, 42 U.S.C. 1857, as amended by "Clean Air Act 35679
Amendments of 1970," 84 Stat. 1676, 42 U.S.C. 1857, "Act of 35680
November 18, 1971," 85 Stat. 464, 42 U.S.C. 1857, "Act of April 9, 35681
1973," 87 Stat. 11, 42 U.S.C. 1857, "Act of June 24, 1974," 88 35682

Stat. 248, 42 U.S.C. 1857, "Clean Air Act Amendments of 1977," 91 35683
Stat. 685, 42 U.S.C. 7401, "Safe Drinking Water Act Amendments of 35684
1977," 91 Stat. 1393, 42 U.S.C. 7401, "Clean Air Act Amendments of 35685
1990," 104 Stat. 2399, 42 U.S.C.A. 7401, and any other amendments 35686
that have been or may hereafter be adopted, or any supplements to 35687
those acts and laws of the United States that have been or may 35688
hereafter be enacted in substitution therefor, together with any 35689
regulations that have been or may hereafter be adopted by the 35690
administrator by virtue of and in accordance with those acts and 35691
laws. Reference to a particular title or section of the federal 35692
Clean Air Act includes any amendments that have been or may 35693
hereafter be enacted in substitution therefor and any regulations 35694
pertaining to the title or section that have been or may hereafter 35695
be adopted by the administrator by virtue of and in accordance 35696
with the federal Clean Air Act. 35697

(L) "Hazardous air pollutant" means any pollutant listed 35698
under section 112(b) of the federal Clean Air Act. 35699

(M) "Implementation plan" means a program for the prevention 35700
and abatement of air pollution in the state that has been 35701
promulgated or approved by the administrator pursuant to the 35702
federal Clean Air Act. 35703

(N) "Local air pollution control authority" includes all of 35704
the following unless terminated by the political subdivisions 35705
represented thereby: 35706

(1) All of the following agencies representing the following 35707
political subdivisions, as those agencies existed on July 1, 1993: 35708

(a) The Akron regional air quality management district 35709
representing Medina, Summit, and Portage counties; 35710

(b) The Canton city health department representing Stark 35711
county; 35712

(c) The Hamilton county department of environmental services, 35713

southwest Ohio air quality agency representing Butler, Warren, Hamilton, and Clermont counties;	35714 35715
(d) The city of Cleveland division of the environment representing Cuyahoga county;	35716 35717
(e) The regional air pollution control agency representing Darke, Preble, Miami, Montgomery, Clark, and Greene counties;	35718 35719
(f) The Lake county general health district representing Lake and Geauga counties;	35720 35721
(g) The Portsmouth city health department representing Brown, Adams, Scioto, and Lawrence counties;	35722 35723
(h) The city of Toledo division of pollution control representing Lucas county and the city of Rossford in Wood county+;	35724 35725
(i) The Mahoning Trumbull air pollution control agency, city of Youngstown, representing Trumbull and Mahoning counties.	35726 35727
(2) Any successor to an existing local air pollution control authority listed in divisions (N)(1)(a) to (i) of this section that results from a change in the political subdivisions comprising the local air pollution control authority through the withdrawal of a political subdivision from membership in the local air pollution control authority or the inclusion of an additional political subdivision in the membership of the local air pollution control authority;	35728 35729 35730 35731 35732 35733 35734 35735
(3) Any new local air pollution control authority established on or after July 1, 1993, by one or more political subdivisions of this state for the purposes of exercising the powers reserved to political subdivisions of this state under division (A) of section 3704.11 of the Revised Code.	35736 35737 35738 35739 35740
(O) "Person" means the federal government or any agency thereof, the state or any agency thereof, any political subdivision or any agency thereof, or any public or private	35741 35742 35743

corporation, individual, partnership, or other entity. 35744

(P) "Research and development sources" means sources whose 35745
activities are conducted for nonprofit scientific or educational 35746
purposes; sources whose activities are conducted to test more 35747
efficient production processes or methods for preventing or 35748
reducing adverse environmental impacts, provided that the 35749
activities do not include the production of an intermediate or 35750
final product for sale or exchange for commercial profit, except 35751
in a de minimis manner; a research or laboratory source the 35752
primary purpose of which is to conduct research and development 35753
into new processes and products, that is operated under the close 35754
supervision of technically trained personnel, and that is not 35755
engaged in the manufacture of products for sale or exchange for 35756
commercial profit, except in a de minimis manner; the temporary 35757
use of normal production sources in a research and development 35758
mode to test the technical or commercial viability of alternative 35759
raw materials or production processes, provided that the use does 35760
not include the production of an intermediate or final product for 35761
sale or exchange for commercial profit, except in a de minimis 35762
manner; the experimental firing of any fuel or combination of 35763
fuels in a boiler, heater, furnace, or dryer for the purpose of 35764
conducting research and development of more efficient combustion 35765
or more effective prevention or control of air pollutant 35766
emissions, provided that, during those periods of research and 35767
development, the heat generated is not used for normal production 35768
purposes or for producing a product for sale or exchange for 35769
commercial profit, except in a de minimis manner; and such other 35770
similar sources as the director may prescribe by rule. 35771

(Q) "Responsible official" means one of the following, as 35772
applicable: 35773

(1) For a corporation: a president, secretary, treasurer, or 35774
vice-president of the corporation in charge of a principal 35775

business function, any other person who performs similar policy or 35776
decision-making functions for the corporation, or a duly 35777
authorized representative of any such person if the representative 35778
is responsible for the overall operation of one or more 35779
manufacturing, production, or operating facilities applying for or 35780
subject to a Title V permit and if one of the following applies: 35781

(a) The facilities employ more than two hundred fifty 35782
individuals or have gross annual sales or expenditures exceeding 35783
twenty-five million dollars, in second quarter 1980 dollars; 35784

(b) The delegation of authority to the representative is 35785
approved in advance by the director. 35786

(2) For a partnership or sole proprietorship: a general 35787
partner or the proprietor, respectively. 35788

(3) For the federal government or any agency thereof, the 35789
state or any agency thereof, a political subdivision or any agency 35790
thereof, or any other public agency, either a principal executive 35791
officer or authorized elected official. For the purposes of this 35792
division, a principal executive officer of a federal agency 35793
includes the chief executive officer having responsibility for the 35794
overall operation of a principal geographic unit of the agency. 35795

(4) For affected sources, both of the following: 35796

(a) The designated representative insofar as actions, 35797
standards, requirements, or prohibitions under Title IV of the 35798
federal Clean Air Act or regulations adopted under it are 35799
concerned; 35800

(b) The designated representative for any other purposes 35801
under 40 C.F.R. part 70. 35802

(R) "Small business stationary source" means any building, 35803
structure, facility, or installation that emits any federally 35804
regulated air pollutant and is owned or operated by a person who 35805

employs one hundred or fewer individuals; is a small business 35806
concern as defined in the "Small Business Act," 72 Stat. 384 35807
(1958), 15 U.S.C.A. 632, as amended; is not a major stationary 35808
source as defined in section 302(j) of the federal Clean Air Act; 35809
does not emit fifty tons or more per year of any federally 35810
regulated air pollutant or any hazardous air pollutant; and emits 35811
less than seventy-five tons per year of all federally regulated 35812
air pollutants. 35813

(S) "Title V permit" means an operating permit required to be 35814
issued by the state under section 502 of the federal Clean Air Act 35815
and issued under section 3704.036 of the Revised Code and rules 35816
adopted under it. 35817

(T) For the purposes of the Title V permit program 35818
established under this chapter and rules adopted under it, all 35819
terms defined in 40 C.F.R. part 70 have the same meaning as in 35820
that part. 35821

Sec. 3704.111. (A) Not later than October 1, 1993, the 35822
director of environmental protection shall enter into a delegation 35823
agreement with each local air pollution control authority listed 35824
in divisions (N)(1)(a) to ~~(i)~~(h) of section 3704.01 of the Revised 35825
Code under which the local air pollution control authority agrees 35826
to perform on behalf of the environmental protection agency air 35827
pollution control regulatory services within the political 35828
subdivision represented by the local air pollution control 35829
authority. The director may enter into such a delegation agreement 35830
with a local air pollution control authority established on or 35831
after the effective date of this section, subject to the condition 35832
established in division (B) of this section. Each delegation 35833
agreement shall be self-renewing on an annual basis on the first 35834
day of October of each year. The terms of each such delegation 35835
agreement shall remain unchanged from year to year unless they are 35836

amended by mutual agreement of the director and the local air pollution control authority. 35837
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(B) The director may conduct a periodic performance evaluation of the air pollution control program operated by each local air pollution control authority. Based upon the findings of such a performance evaluation, the director may terminate or refuse to renew the delegation agreement with a local air pollution control authority if the director determines that the local air pollution control authority is not adequately performing its obligations under the agreement. 35839
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(C) The director may enter into contracts for payments to local air pollution control authorities from moneys credited to the clean air fund created in section 3704.035 of the Revised Code, subject to the limitation specified in that section, and any other moneys appropriated by the general assembly for that purpose. The director shall distribute the moneys available for making payments to the local air pollution control authorities pursuant to such contracts equitably among the local air pollution control authorities based upon the amount of local funding and the workload of each local air pollution control authority, including, without limitation, population served, number of air permits issued for both new and existing sources, land area, and number of air contaminant sources. The director biennially shall review the workload of each local air pollution control authority and shall determine the percentage of the moneys available for the purpose of making payments under the contracts. In determining the percentage of those moneys that is to be so distributed, the director shall consider the recommendations of the local air pollution control authorities. 35847
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(D) The director may modify a contract between the director and a local air pollution control authority to authorize the local air pollution control authority to perform air pollution control 35866
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activities outside the geographic boundaries of that local air 35869
pollution control authority. 35870

Sec. 3704.14. (A)(1) If the director of environmental 35871
protection determines that implementation of a motor vehicle 35872
inspection and maintenance program is necessary for the state to 35873
effectively comply with the federal Clean Air Act after June 30, 35874
~~2015~~ 2019, the director may provide for the implementation of the 35875
program in those counties in this state in which such a program is 35876
federally mandated. Upon making such a determination, the director 35877
of environmental protection may request the director of 35878
administrative services to extend the terms of the contract that 35879
was entered into under the authority of Am. Sub. H.B. ~~153~~ 64 of 35880
the ~~129th~~ 131st general assembly. Upon receiving the request, the 35881
director of administrative services shall extend the contract, 35882
beginning on July 1, ~~2015~~ 2019, in accordance with this section. 35883
The contract shall be extended for a period of up to twenty-four 35884
months with the contractor who conducted the motor vehicle 35885
inspection and maintenance program under that contract. 35886

(2) Prior to the expiration of the contract extension that is 35887
authorized by division (A)(1) of this section, the director of 35888
environmental protection shall request the director of 35889
administrative services to enter into a contract with a vendor to 35890
operate a decentralized motor vehicle inspection and maintenance 35891
program in each county in this state in which such a program is 35892
federally mandated through June 30, ~~2019~~ 2023, with an option for 35893
the state to renew the contract for a period of up to twenty-four 35894
months through June 30, ~~2021~~ 2025. The contract shall ensure that 35895
the decentralized motor vehicle inspection and maintenance program 35896
achieves at least the same emission reductions as achieved by the 35897
program operated under the authority of the contract that was 35898
extended under division (A)(1) of this section. The director of 35899
administrative services shall select a vendor through a 35900

competitive selection process in compliance with Chapter 125. of 35901
the Revised Code. 35902

(3) Notwithstanding any law to the contrary, the director of 35903
administrative services shall ensure that a competitive selection 35904
process regarding a contract to operate a decentralized motor 35905
vehicle inspection and maintenance program in this state 35906
incorporates the following, which shall be included in the 35907
contract: 35908

(a) For purposes of expanding the number of testing locations 35909
for consumer convenience, a requirement that the vendor utilize 35910
established local businesses, auto repair facilities, or leased 35911
properties to operate state-approved inspection and maintenance 35912
testing facilities; 35913

(b) A requirement that the vendor selected to operate the 35914
program provide notification of the program's requirements to each 35915
owner of a motor vehicle that is required to be inspected under 35916
the program. The contract shall require the notification to be 35917
provided not later than sixty days prior to the date by which the 35918
owner of the motor vehicle is required to have the motor vehicle 35919
inspected. The director of environmental protection and the vendor 35920
shall jointly agree on the content of the notice. However, the 35921
notice shall include at a minimum the locations of all inspection 35922
facilities within a specified distance of the address that is 35923
listed on the owner's motor vehicle registration; 35924

(c) A requirement that the vendor comply with testing 35925
methodology and supply the required equipment approved by the 35926
director of environmental protection as specified in the 35927
competitive selection process in compliance with Chapter 125. of 35928
the Revised Code. 35929

(4) A decentralized motor vehicle inspection and maintenance 35930
program operated under this section shall comply with division (B) 35931

of this section. The director of environmental protection shall 35932
administer the decentralized motor vehicle inspection and 35933
maintenance program operated under this section. 35934

(B) The decentralized motor vehicle inspection and 35935
maintenance program authorized by this section, at a minimum, 35936
shall do all of the following: 35937

(1) Comply with the federal Clean Air Act; 35938

(2) Provide for the issuance of inspection certificates; 35939

(3) Provide for a new car exemption for motor vehicles four 35940
years old or newer and provide that a new motor vehicle is exempt 35941
for four years regardless of whether legal title to the motor 35942
vehicle is transferred during that period. 35943

(C) The director of environmental protection shall adopt 35944
rules in accordance with Chapter 119. of the Revised Code that the 35945
director determines are necessary to implement this section. The 35946
director may continue to implement and enforce rules pertaining to 35947
the motor vehicle inspection and maintenance program previously 35948
implemented under former section 3704.14 of the Revised Code as 35949
that section existed prior to its repeal and reenactment by Am. 35950
Sub. H.B. 66 of the 126th general assembly, provided that the 35951
rules do not conflict with this section. 35952

(D) There is hereby created in the state treasury the auto 35953
emissions test fund, which shall consist of money received by the 35954
director from any cash transfers, state and local grants, and 35955
other contributions that are received for the purpose of funding 35956
the program established under this section. The director of 35957
environmental protection shall use money in the fund solely for 35958
the implementation, supervision, administration, operation, and 35959
enforcement of the motor vehicle inspection and maintenance 35960
program established under this section. Money in the fund shall 35961
not be used for either of the following: 35962

(1) To pay for the inspection costs incurred by a motor vehicle dealer so that the dealer may provide inspection certificates to an individual purchasing a motor vehicle from the dealer when that individual resides in a county that is subject to the motor vehicle inspection and maintenance program;

(2) To provide payment for more than one free passing emissions inspection or a total of three emissions inspections for a motor vehicle in any three-hundred-sixty-five-day period. The owner or lessee of a motor vehicle is responsible for inspection fees that are related to emissions inspections beyond one free passing emissions inspection or three total emissions inspections in any three-hundred-sixty-five-day period. Inspection fees that are charged by a contractor conducting emissions inspections under a motor vehicle inspection and maintenance program shall be approved by the director of environmental protection.

(E) The motor vehicle inspection and maintenance program established under this section expires upon the termination of all contracts entered into under this section and shall not be implemented beyond the final date on which termination occurs.

Sec. 3705.07. (A) The local registrar of vital statistics shall number consecutively each fetal death and death certificate printed on paper that the local registrar receives from the electronic death registration system (EDRS) maintained by the department of health. The number assigned to each certificate shall be the one provided by EDRS. Such local registrar shall sign the local registrar's name in attest to the date of filing in the local office. The local registrar shall make a complete and accurate copy of each fetal death and death certificate printed on paper that is filed. Each paper copy shall be filed and preserved as the local record until the electronic information regarding the event has been completed and made available in EDRS and EDRS is

capable of issuing a complete and accurate electronic copy of the certificate. The local record may be a photographic, electronic, or other reproduction. The local registrar shall transmit to the state office of vital statistics all original fetal death and death certificates received using the state transmittal schedule specified by the department of health. The local registrar shall immediately notify the health commissioner with jurisdiction in the registration district of the receipt of a death certificate attesting that death resulted from a communicable disease.

The office of vital statistics shall carefully examine the records and certificates received from local registrars of vital statistics and shall secure any further information that may be necessary to make each record and certificate complete and satisfactory. It shall arrange and preserve the records and certificates, or reproductions of them produced pursuant to section 3705.03 of the Revised Code, in a systematic manner and shall maintain a permanent index of all births, fetal deaths, and deaths registered, which shall show the name of the child or deceased person, place and date of birth or death, and number of the certificate.

(B)(1) The office of vital statistics shall make available ~~to the division of child support in the department of job and family services~~ all social security numbers that accompany a birth certificate submitted for filing under division (H) of section 3705.09 or section 3705.10 of the Revised Code or that accompany a death certificate registered under section 3705.16 of the Revised Code to both of the following:

(a) For the purpose of child support enforcement, the division of child support in the department of job and family services;

(b) For the purpose of eligibility determinations for medical assistance programs as defined in section 5160.01 of the Revised

Code, the department of medicaid. 36026

(2) The office of vital statistics also shall make available 36027
to the division of child support in the department of job and 36028
family services any other information recorded in the birth record 36029
that may enable the division to use the social security numbers 36030
provided under division (B)(1) of this section to obtain the 36031
location of the father of the child whose birth certificate was 36032
accompanied by the social security number or to otherwise enforce 36033
a child support order pertaining to that child or any other child. 36034

Sec. 3705.09. (A) A birth certificate for each live birth in 36035
this state shall be filed in the registration district in which it 36036
occurs within ten calendar days after such birth and shall be 36037
registered if it has been completed and filed in accordance with 36038
this section. 36039

(B) When a birth occurs in or en route to an institution, the 36040
person in charge of the institution or a designated representative 36041
shall obtain the personal data, prepare the certificate, and 36042
complete and certify the facts of birth on the certificate within 36043
ten calendar days. The physician or certified nurse-midwife in 36044
attendance shall be listed on the birth record. 36045

(C) When a birth occurs outside an institution, the birth 36046
certificate shall be prepared and filed by one of the following in 36047
the indicated order of priority: 36048

(1) The physician or certified nurse-midwife in attendance at 36049
or immediately after the birth; 36050

(2) Any other person in attendance at or immediately after 36051
the birth; 36052

(3) The father; 36053

(4) The mother; 36054

(5) The person in charge of the premises where the birth 36055

occurred. 36056

(D) Either of the parents of the child or other informant 36057
shall attest to the accuracy of the personal data entered on the 36058
birth certificate in time to permit the filing of the certificate 36059
within the ten days prescribed in this section. 36060

(E) When a birth occurs in a moving conveyance within the 36061
United States and the child is first removed from the conveyance 36062
in this state, the birth shall be registered in this state and the 36063
place where it is first removed shall be considered the place of 36064
birth. When a birth occurs on a moving conveyance while in 36065
international waters or air space or in a foreign country or its 36066
air space and the child is first removed from the conveyance in 36067
this state, the birth shall be registered in this state but the 36068
record shall show the actual place of birth insofar as can be 36069
determined. 36070

(F)(1) If the mother of a child was married at the time of 36071
either conception or birth or between conception and birth, the 36072
child shall be registered in the surname designated by the mother, 36073
and the name of the husband shall be entered on the certificate as 36074
the father of the child. The presumption of paternity shall be in 36075
accordance with section 3111.03 of the Revised Code. 36076

(2) If the mother was not married at the time of conception 36077
or birth or between conception and birth, the child shall be 36078
registered by the surname designated by the mother. The name of 36079
the father of such child shall also be inserted on the birth 36080
certificate if both the mother and the father sign an 36081
acknowledgement of paternity affidavit before the birth record has 36082
been sent to the local registrar. If the father is not named on 36083
the birth certificate pursuant to division (F)(1) or (2) of this 36084
section, no other information about the father shall be entered on 36085
the record. 36086

(G) When a man is presumed, found, or declared to be the father of a child, according to section 2105.26, sections 3111.01 to 3111.18, former section 3111.21, or sections 3111.38 to 3111.54 of the Revised Code, or the father has acknowledged the child as his child in an acknowledgment of paternity, and the acknowledgment has become final pursuant to section 2151.232, 3111.25, or 3111.821 of the Revised Code, and documentary evidence of such fact is submitted to the department of health in such form as the director may require, a new birth record shall be issued by the department which shall have the same overall appearance as the record which would have been issued under this section if a marriage had occurred before the birth of such child. Where handwriting is required to effect such appearance, the department shall supply it. Upon the issuance of such new birth record, the original birth record shall cease to be a public record. Except as provided in division (C) of section 3705.091 of the Revised Code, the original record and any documentary evidence supporting the new registration of birth shall be placed in an envelope which shall be sealed by the department and shall not be open to inspection or copy unless so ordered by a court of competent jurisdiction.

(H) Every birth certificate filed under this section on or after July 1, 1990, shall be accompanied by all social security numbers that have been issued to the parents of the child, unless the division of child support in the department of job and family services, acting in accordance with regulations prescribed under the "Family Support Act of 1988," 102 Stat. 2353, 42 U.S.C.A. 405, as amended, finds good cause for not requiring that the numbers be furnished with the certificate. The parents' social security numbers shall not be recorded on the certificate. No social security number obtained under this division shall be used for any purpose other than ~~child support enforcement~~ the purposes specified in division (B)(1) of section 3705.07 of the Revised

Code. 36120

Sec. 3705.10. Any birth certificate submitted for filing 36121
eleven or more days after the birth occurred constitutes a delayed 36122
birth registration. A delayed birth certificate may be filed in 36123
accordance with rules which shall be adopted by the director of 36124
health. The rules shall include, but not be limited to, all of the 36125
following requirements for each delayed birth certificate filed on 36126
or after July 1, 1990: 36127

(A) The certificate shall be accompanied by all social 36128
security numbers that have been issued to the parents of the 36129
child, unless the division of child support in the department of 36130
job and family services, acting in accordance with regulations 36131
prescribed under the "Family Support Act of 1988," 102 Stat. 2353, 36132
42 U.S.C.A. 405, as amended, finds good cause for not requiring 36133
that the numbers be furnished with the certificate. 36134

(B) The parents' social security numbers shall not be 36135
recorded on the certificate. 36136

(C) No social security number obtained under this section 36137
shall be used for any purpose other than ~~child support enforcement~~ 36138
the purposes specified in division (B)(1) of section 3705.07 of 36139
the Revised Code. 36140

Sec. 3706.25. As used in sections 3706.25 to ~~3706.30~~ 3706.29 36141
of the Revised Code: 36142

(A) "Advanced energy project" means any technologies, 36143
products, activities, or management practices or strategies that 36144
facilitate the generation or use of electricity or energy and that 36145
reduce or support the reduction of energy consumption or support 36146
the production of clean, renewable energy for industrial, 36147
distribution, commercial, institutional, governmental, research, 36148
not-for-profit, or residential energy users including, but not 36149

limited to, advanced energy resources and renewable energy 36150
resources. "Advanced energy project" includes any project 36151
described in division (A), (B), or (C) of section 4928.621 of the 36152
Revised Code. 36153

(B) "Advanced energy resource" means any of the following: 36154

(1) Any method or any modification or replacement of any 36155
property, process, device, structure, or equipment that increases 36156
the generation output of an electric generating facility to the 36157
extent such efficiency is achieved without additional carbon 36158
dioxide emissions by that facility; 36159

(2) Any distributed generation system consisting of customer 36160
cogeneration technology, primarily to meet the energy needs of the 36161
customer's facilities; 36162

(3) Advanced nuclear energy technology consisting of 36163
generation III technology as defined by the nuclear regulatory 36164
commission; other, later technology; or significant improvements 36165
to existing facilities; 36166

(4) Any fuel cell used in the generation of electricity, 36167
including, but not limited to, a proton exchange membrane fuel 36168
cell, phosphoric acid fuel cell, molten carbonate fuel cell, or 36169
solid oxide fuel cell; 36170

(5) Advanced solid waste or construction and demolition 36171
debris conversion technology, including, but not limited to, 36172
advanced stoker technology, and advanced fluidized bed 36173
gasification technology, that results in measurable greenhouse gas 36174
emissions reductions as calculated pursuant to the United States 36175
environmental protection agency's waste reduction model (WARM). 36176

(C) "Air contaminant source" has the same meaning as in 36177
section 3704.01 of the Revised Code. 36178

(D) "Cogeneration technology" means technology that produces 36179

electricity and useful thermal output simultaneously. 36180

(E) "Renewable energy resource" means solar photovoltaic or 36181
solar thermal energy, wind energy, power produced by a 36182
hydroelectric facility, power produced by a run-of-the-river 36183
hydroelectric facility placed in service on or after January 1, 36184
1980, that is located within this state, relies upon the Ohio 36185
river, and operates, or is rated to operate, at an aggregate 36186
capacity of forty or more megawatts, geothermal energy, fuel 36187
derived from solid wastes, as defined in section 3734.01 of the 36188
Revised Code, through fractionation, biological decomposition, or 36189
other process that does not principally involve combustion, 36190
biomass energy, energy produced by cogeneration technology that is 36191
placed into service on or before December 31, 2015, and for which 36192
more than ninety per cent of the total annual energy input is from 36193
combustion of a waste or byproduct gas from an air contaminant 36194
source in this state, which source has been in operation since on 36195
or before January 1, 1985, provided that the cogeneration 36196
technology is a part of a facility located in a county having a 36197
population of more than three hundred sixty-five thousand but less 36198
than three hundred seventy thousand according to the most recent 36199
federal decennial census, biologically derived methane gas, heat 36200
captured from a generator of electricity, boiler, or heat 36201
exchanger fueled by biologically derived methane gas, or energy 36202
derived from nontreated by-products of the pulping process or wood 36203
manufacturing process, including bark, wood chips, sawdust, and 36204
lignin in spent pulping liquors. "Renewable energy resource" 36205
includes, but is not limited to, any fuel cell used in the 36206
generation of electricity, including, but not limited to, a proton 36207
exchange membrane fuel cell, phosphoric acid fuel cell, molten 36208
carbonate fuel cell, or solid oxide fuel cell; wind turbine 36209
located in the state's territorial waters of Lake Erie; methane 36210
gas emitted from an abandoned coal mine; storage facility that 36211
will promote the better utilization of a renewable energy resource 36212

that primarily generates off peak; or distributed generation 36213
system used by a customer to generate electricity from any such 36214
energy. As used in this division, "hydroelectric facility" means a 36215
hydroelectric generating facility that is located at a dam on a 36216
river, or on any water discharged to a river, that is within or 36217
bordering this state or within or bordering an adjoining state and 36218
meets all of the following standards: 36219

(1) The facility provides for river flows that are not 36220
detrimental for fish, wildlife, and water quality, including 36221
seasonal flow fluctuations as defined by the applicable licensing 36222
agency for the facility. 36223

(2) The facility demonstrates that it complies with the water 36224
quality standards of this state, which compliance may consist of 36225
certification under Section 401 of the "Clean Water Act of 1977," 36226
91 Stat. 1598, 1599, 33 U.S.C. 1341, and demonstrates that it has 36227
not contributed to a finding by this state that the river has 36228
impaired water quality under Section 303(d) of the "Clean Water 36229
Act of 1977," 114 Stat. 870, 33 U.S.C. 1313. 36230

(3) The facility complies with mandatory prescriptions 36231
regarding fish passage as required by the federal energy 36232
regulatory commission license issued for the project, regarding 36233
fish protection for riverine, anadromous, and catadromous fish. 36234

(4) The facility complies with the recommendations of the 36235
Ohio environmental protection agency and with the terms of its 36236
federal energy regulatory commission license regarding watershed 36237
protection, mitigation, or enhancement, to the extent of each 36238
agency's respective jurisdiction over the facility. 36239

(5) The facility complies with provisions of the "Endangered 36240
Species Act of 1973," 87 Stat. 884, 16 U.S.C. 1531 to 1544, as 36241
amended. 36242

(6) The facility does not harm cultural resources of the 36243

area. This can be shown through compliance with the terms of its 36244
federal energy regulatory commission license or, if the facility 36245
is not regulated by that commission, through development of a plan 36246
approved by the Ohio historic preservation office, to the extent 36247
it has jurisdiction over the facility. 36248

(7) The facility complies with the terms of its federal 36249
energy regulatory commission license or exemption that are related 36250
to recreational access, accommodation, and facilities or, if the 36251
facility is not regulated by that commission, the facility 36252
complies with similar requirements as are recommended by resource 36253
agencies, to the extent they have jurisdiction over the facility; 36254
and the facility provides access to water to the public without 36255
fee or charge. 36256

(8) The facility is not recommended for removal by any 36257
federal agency or agency of any state, to the extent the 36258
particular agency has jurisdiction over the facility. 36259

Sec. 3706.29. The Ohio air quality development authority 36260
shall, in accordance with Chapter 119. of the Revised Code, adopt 36261
any rules necessary to implement ~~section 166.30~~ and sections 36262
3706.25 to 3706.28 of the Revised Code. 36263

Sec. 3710.01. As used in this chapter: 36264

(A) "Asbestos" means the asbestiform varieties of serpentine 36265
(chrysotile), riebeckite (crocidolite), cummingtonite-grunerite, 36266
anthophyllite, and actinolite-tremolite as determined using the 36267
method specified in 40 C.F.R. Part 763, Subpart E, Appendix E, 36268
Section 1, Polarized Light Microscopy (PLM). 36269

(B) "Asbestos hazard abatement activity" means any activity 36270
involving the removal, renovation, enclosure, repair, ~~or~~ 36271
encapsulation, or operations and maintenance of reasonably related 36272
friable asbestos-containing materials in an amount greater than 36273

~~fifty three linear feet or fifty three square feet. "Asbestos hazard abatement activity" also includes any such activity involving such asbestos-containing materials in an amount of fifty linear or fifty square feet or less if, when combined with any other reasonably related activity in terms of time and location of the activity, the total amount is in an amount greater than fifty linear or fifty square feet.~~

(C) "Asbestos hazard abatement contractor" means a business entity or public entity that engages in or intends to engage in asbestos hazard abatement ~~activities~~ projects and that employs or supervises one or more asbestos hazard abatement specialists for asbestos hazard abatement activities. "Asbestos hazard abatement contractor" does not mean an employee of an asbestos hazard abatement contractor, a general contractor who subcontracts to an asbestos hazard abatement contractor an asbestos hazard abatement ~~activity~~ project, or any individual who engages in an asbestos hazard abatement ~~activity~~ project in the individual's own home.

(D) "Asbestos hazard abatement project" means one or more asbestos hazard abatement activities ~~that are~~ the sum total of which is greater than fifty linear feet or fifty square feet of friable asbestos-containing materials and is conducted by one asbestos hazard abatement contractor ~~and that are reasonably related to each other.~~ "Asbestos hazard abatement project" includes any such activity involving such friable asbestos-containing materials in an amount of fifty linear feet or fifty square feet or less if, when combined with any other reasonably related activity in terms of time or location of the activity, the total amount is in an amount greater than fifty linear feet or fifty square feet.

(E) "Asbestos hazard abatement specialist" means a person with responsibility for the oversight or supervision of asbestos hazard abatement activities, including asbestos hazard abatement

project managers, hazard abatement project supervisors and 36306
foremen, and employees of school districts or other governmental 36307
or public entities who coordinate or directly supervise or oversee 36308
asbestos hazard abatement activities performed by school district, 36309
governmental, or other public employees in school district, 36310
governmental, or other public buildings. 36311

(F) "Asbestos hazard evaluation specialist" means a person 36312
responsible for the inspection, identification, detection, and 36313
assessment of asbestos-containing materials or suspect 36314
asbestos-containing materials, the determination of appropriate 36315
response actions, or the preparation of asbestos management plans 36316
for the purpose of protecting the public health from the hazards 36317
associated with exposure to asbestos, including the performance of 36318
air and bulk sampling. This category of specialists includes 36319
inspectors, management planners, health professionals, industrial 36320
hygienists, private consultants, or other individuals involved in 36321
asbestos risk identification or assessment or regulatory 36322
activities. 36323

(G) "Business entity" means a partnership, firm, association, 36324
corporation, sole proprietorship, or other business concern. 36325

(H) "Public entity" means the state or any of its political 36326
subdivisions or any agency or instrumentality of either. 36327

(I) "License" means a document issued by the director of 36328
environmental protection to a business entity or public entity 36329
affirming that the entity has met the requirements set forth in 36330
this chapter to engage in asbestos hazard abatement ~~activities~~ 36331
projects as an asbestos hazard abatement contractor. 36332

(J) "Certificate" means: 36333

(1) A document issued by the director to an individual 36334
affirming that the individual has successfully completed the 36335
training and other requirements set forth in this chapter to 36336

qualify as an asbestos hazard abatement specialist, an asbestos 36337
hazard evaluation specialist, an asbestos hazard abatement worker, 36338
an asbestos hazard abatement project designer, an asbestos hazard 36339
abatement air-monitoring technician, an approved asbestos hazard 36340
training provider, or other category of asbestos hazard specialist 36341
that the director establishes by rule; or 36342

(2) A document issued by a training institution in accordance 36343
with rules adopted by the director affirming that an individual 36344
has successfully completed the instruction required in all 36345
categories as provided in sections 3710.07 and 3710.10 of the 36346
Revised Code. 36347

(K) "Person" means any individual, business entity, 36348
governmental body, or other public or private entity. 36349

(L) "Encapsulate" means to coat, bind, or resurface walls, 36350
ceilings, pipes, or other structures for asbestos-containing 36351
materials with suitable products to prevent friable asbestos from 36352
becoming airborne. 36353

(M) "Friable asbestos-containing material" means friable 36354
asbestos material as defined in rules adopted under Chapter 3704. 36355
of the Revised Code. 36356

(N) "Enclosure" means the permanent confinement of friable 36357
asbestos-containing materials with an airtight barrier in an area 36358
not used as an air plenum. 36359

(O) "Renovation" means altering a facility or one or more 36360
facility components in any way, including the stripping or removal 36361
of friable asbestos-containing material from a facility component. 36362

(P) "Asbestos hazard abatement worker" means the person 36363
responsible in a nonsupervisory capacity for the performance of an 36364
asbestos hazard abatement activity. 36365

(Q) "Asbestos hazard abatement project designer" means the 36366

person responsible for the oversight of an asbestos hazard 36367
abatement activity or the determination of the workscope, work 36368
sequence, or performance standards for an asbestos hazard 36369
abatement activity, including preparation of specifications, 36370
plans, and contract documents. 36371

(R) "Clearance air sampling" means an air sampling performed 36372
after the completion of any asbestos hazard abatement ~~activity~~ 36373
project and prior to the reoccupation of the contained work area 36374
by the public and conducted for the purpose of protecting the 36375
public from the health hazards associated with exposure to friable 36376
asbestos-containing material. 36377

(S) "Asbestos hazard abatement air-monitoring technician" 36378
means the person who is responsible for environmental monitoring 36379
or work area clearance air sampling, including air monitoring 36380
performed to determine completion of response actions under the 36381
rules set forth in 40 C.F.R. 763 Subpart E, adopted by the United 36382
States environmental protection agency pursuant to the "Asbestos 36383
Hazard Emergency Response Act of 1986," Pub. L. 99-519, 100 Stat. 36384
2970. "Asbestos hazard abatement air-monitoring technician" does 36385
not mean an industrial hygienist ~~or industrial hygienist in~~ 36386
~~training~~, certified by the American board of industrial hygiene. 36387

Sec. 3710.04. (A) To qualify for an asbestos hazard abatement 36388
contractor's license, a business entity or public entity shall 36389
meet the requirements of this section. 36390

(B) Each employee or agent of the business entity or public 36391
entity applying for a license who will come in contact with 36392
asbestos or will be responsible for an asbestos hazard abatement 36393
~~project~~ activity shall: 36394

(1) Be familiar with all applicable state and federal 36395
standards for asbestos hazard abatement projects; 36396

(2) Have successfully completed the course of instruction on asbestos hazard abatement activities, for their particular certification, approved by the Ohio environmental protection agency pursuant to section 3710.10 of the Revised Code, have passed an examination approved by the agency, and demonstrate to the agency that the employee or agent is capable of complying with all applicable standards of this state, the United States environmental protection agency, and the United States occupational safety and health administration.

(C) A business entity or public entity applying for an asbestos hazard abatement contractor's license shall, in addition to the other requirements of this section, provide at least one asbestos hazard abatement specialist, certified pursuant to this chapter and the rules adopted under it, for each asbestos hazard abatement project, and demonstrate to the satisfaction of the Ohio environmental protection agency that the applicant:

(1) Has access to at least one asbestos disposal site approved by the agency that is sufficient for the deposit of all asbestos waste that the applicant will generate during the term of the license;

(2) Is sufficiently qualified to safely remove asbestos, demonstrated by reliability as an asbestos hazard abatement contractor, possesses a work program that prevents the contamination or recontamination of the environment and protects the public health from the hazards of exposure to asbestos, possesses evidence of certification of each individual employee or agent who will be responsible for others who may come in contact with friable asbestos-containing materials, possesses evidence of training of workers required by section 3710.07 of the Revised Code, and has prior successful experience in asbestos hazard abatement projects or equivalent qualifications as determined in accordance with rules adopted by the director of environmental

protection; 36429

(3) Possesses a worker protection program consistent with 36430
requirements established by the director if the contractor is a 36431
public entity, and a worker protection program consistent with the 36432
requirements of the United States occupational safety and health 36433
administration if the contractor is a business entity; 36434

(4) Is registered as a business entity with the secretary of 36435
state. 36436

(D) No applicant for licensure as an asbestos hazard 36437
abatement contractor, in order to meet the requirements of this 36438
chapter, shall list an employee of another contractor. 36439

(E) The business entity or public entity shall meet any other 36440
standards that the director, by rule, sets. 36441

(F) Nothing in this chapter or the rules adopted pursuant 36442
thereto relating to asbestos hazard abatement project designers 36443
shall be interpreted as authorizing or permitting an individual 36444
who is certified as an asbestos hazard abatement project designer 36445
to perform the services of a registered architect or professional 36446
engineer unless that person is registered under Chapter 4703. or 36447
4733. of the Revised Code to perform such services. 36448

Sec. 3710.05. (A) Except as otherwise provided in this 36449
chapter, no person shall engage in any asbestos hazard abatement 36450
activities in this state unless licensed or certified pursuant to 36451
this chapter. 36452

(B) To apply for licensure as an asbestos hazard abatement 36453
contractor or certification as an asbestos hazard abatement 36454
specialist, an asbestos hazard evaluation specialist, an asbestos 36455
hazard abatement project designer, or an asbestos hazard abatement 36456
air-monitoring technician, a person shall do all of the following: 36457

(1) Submit a completed application to the director of 36458

environmental protection, on a form provided by the agency;	36459
(2) Pay the requisite fee as provided in division (D) of this section;	36460 36461
(3) Submit any other information the director by rule requires.	36462 36463
(C) The application form for a business entity or public entity applying for an asbestos hazard abatement contractor's license shall include all of the following:	36464 36465 36466
(1) A description of the protective clothing and respirators that the public entity will use to comply with rules adopted by the director and that the business entity will use to comply with requirements of the United States occupational safety and health administration;	36467 36468 36469 36470 36471
(2) A description of procedures the business entity or public entity will use for the selection, utilization, handling, removal, and disposal of clothing to prevent contamination or recontamination of the environment and to protect the public health from the hazards associated with exposure to asbestos;	36472 36473 36474 36475 36476
(3) The name and address of each asbestos disposal site that the business entity or public entity might use during the year;	36477 36478
(4) A description of the site decontamination procedures that the business entity or public entity will use;	36479 36480
(5) A description of the asbestos hazard abatement procedures that the business entity or public entity will use;	36481 36482
(6) A description of the procedures that the business entity or public entity will use for handling waste containing asbestos;	36483 36484
(7) A description of the air-monitoring procedures that the business entity or public entity will use to prevent contamination or recontamination of the environment and to protect the public health from the hazards of exposure to asbestos;	36485 36486 36487 36488

(8) A description of the final clean-up procedures that the business entity or public entity will use;	36489 36490
(9) A list of all partners, owners, and officers of the business entity along with their social security numbers;	36491 36492
(10) The federal tax identification number of the business entity or the public entity.	36493 36494
(D) The fees to be charged to each public entity, except for the agency, and each business entity and their employees and agents for licensure, certification, approval, and renewal of licenses, certifications, and approvals granted under this chapter, subject to division (A)(4) of section 3710.02 of the Revised Code, are:	36495 36496 36497 36498 36499 36500
(1) Seven hundred fifty dollars for asbestos hazard abatement contractors;	36501 36502
(2) Two hundred dollars for asbestos hazard abatement project designers;	36503 36504
(3) Fifty dollars for asbestos hazard abatement workers;	36505
(4) Two hundred dollars for asbestos hazard abatement specialists;	36506 36507
(5) Two hundred dollars for asbestos hazard evaluation specialists; and	36508 36509
(6) Nine hundred dollars for approval or renewal of asbestos hazard training providers.	36510 36511
(E) Notwithstanding division (A) of this section, no business entity which that engages in asbestos hazard abatement activities <u>projects</u> solely at its own place of business is required to be licensed as an asbestos hazard abatement contractor provided that the business entity is required to and does comply with all applicable standards of the United States environmental protection agency and the United States occupational safety and health	36512 36513 36514 36515 36516 36517 36518

administration and provided further that all persons employed by 36519
the business entity on the ~~activity~~ project meet the requirements 36520
of this chapter. 36521

Sec. 3710.051. No ~~person~~ asbestos hazard abatement contractor 36522
shall enter into an agreement to perform any aspect of an asbestos 36523
hazard abatement project unless the agreement is written and 36524
contains at least all of the following: 36525

(A) A requirement that all persons working on the project are 36526
licensed or certified by the director of environmental protection 36527
as required by this chapter; 36528

(B) A requirement that all project clearance levels and 36529
sampling be in accordance with rules adopted by the director; 36530

(C) A requirement that all clearance air-monitoring be 36531
conducted by asbestos hazard abatement air-monitoring technicians 36532
or asbestos hazard evaluation specialists certified by the 36533
director. 36534

Sec. 3710.06. (A) Within fifteen business days after 36535
receiving an application, the director of environmental protection 36536
shall acknowledge receipt of the application and notify the 36537
applicant of any deficiency in the application. Within sixty 36538
calendar days after receiving a completed application, including 36539
all additional information requested by the director, the director 36540
shall issue a license or certificate or deny the application. The 36541
director shall issue only one license or certificate that is in 36542
effect at one time to a business entity and its principal officers 36543
and a public entity and its principal officers. 36544

(B)(1) The director shall deny an application if it 36545
determines that the applicant has not demonstrated the ability to 36546
comply fully with all applicable federal and state requirements 36547
and all requirements, procedures, and standards established by the 36548

director in this chapter, Chapter 3704. of the Revised Code, or 36549
rules adopted under those chapters, as those chapters and rules 36550
pertain to asbestos. 36551

(2) The director shall deny any application for an asbestos 36552
hazard abatement contractor's license if the applicant or an 36553
officer or employee of the applicant has been convicted of a 36554
felony or found liable in a civil proceeding under any state or 36555
federal law designed to protect the environment. 36556

(3) The director shall send all denials of an application by 36557
certified mail to the applicant. If the director receives a timely 36558
request for a hearing from the applicant on the proposed denial of 36559
an application, the director shall hold a hearing in accordance 36560
with Chapter 119. of the Revised Code, as provided in division (A) 36561
of section 3710.13 of the Revised Code. 36562

(C) In an emergency that results from a sudden, unexpected 36563
event that is not a planned asbestos hazard abatement project, the 36564
director may waive the requirements for a license ~~or certificate~~. 36565
For the purposes of this division, "emergency" includes operations 36566
necessitated by nonroutine failures of equipment or by actions of 36567
fire and emergency medical personnel pursuant to duties within 36568
their official capacities. Any person who performs an asbestos 36569
hazard abatement ~~activity~~ project under emergency conditions shall 36570
notify the director within three days after performance thereof. 36571

(D) Each license or certificate issued under this chapter 36572
expires one year after the date of issue, but each licensee or 36573
certificate holder may apply to the environmental protection 36574
agency for the extension of the holder's license or certificate 36575
under the standard renewal procedures of Chapter 4745. of the 36576
Revised Code. 36577

To qualify for renewal of a license or certificate issued 36578
under this chapter, each licensee or certificate holder shall send 36579

the appropriate renewal fee set forth in division (D) of section 3710.05 of the Revised Code or as adopted by rule by the director pursuant to division (A)(4) of section 3710.02 of the Revised Code.

Certificate holders also shall successfully complete an annual renewal course approved by the agency pursuant to section 3710.10 of the Revised Code.

(E) The director may charge a fee in addition to those specified in division (D) of section 3710.05 of the Revised Code or in rules adopted by the director pursuant to division (A)(4) of section 3710.02 of the Revised Code if the licensee or certificate holder applies for renewal after the expiration thereof or requests a reissuance of any license or certificate, provided that no such fee shall exceed the original fees by more than fifty per cent.

Sec. 3710.07. (A) Prior to engaging in any asbestos hazard abatement project, an asbestos hazard abatement contractor shall do all of the following:

(1) Prepare a written respiratory protection program as defined by the director of environmental protection pursuant to rule, and make the program available to the environmental protection agency, and workers at the job site if the contractor is a public entity or prepare a written respiratory protection program, consistent with 29 C.F.R. 1910.134 and make the program available to the agency, and workers at the job site if the contractor is a business entity;

(2) Ensure that each worker who will be involved in any asbestos hazard abatement project has been examined within the preceding year and has been declared by a physician to be physically capable of working while wearing a respirator;

(3) Ensure that each of the contractor's employees or agents who will come in contact with asbestos-containing materials or will be responsible for an asbestos hazard abatement project receives the appropriate certification or licensure required by this chapter and the following training:

(a) An initial course approved by the agency pursuant to section 3710.10 of the Revised Code, completed before engaging in any asbestos hazard abatement ~~project~~ activity; and

(b) An annual review course approved by the agency pursuant to section 3710.10 of the Revised Code.

(B) After obtaining or renewing a license, an asbestos hazard abatement contractor shall notify the agency, on a form approved by the director, at least ten working days before beginning each asbestos hazard abatement project conducted during the term of the contractor's license.

(C) In addition to any other fee imposed under this chapter, an asbestos hazard abatement contractor shall pay, at the time of providing notice under division (B) of this section, the agency a fee of sixty-five dollars for each asbestos hazard abatement project conducted.

Sec. 3710.08. (A) An asbestos hazard abatement contractor engaging in any asbestos hazard abatement project shall, during the course of the project:

(1) Conduct each project in a manner that is in compliance with the requirements the director of environmental protection adopts pursuant to section 3704.03 of the Revised Code and the asbestos requirements of the United States occupational safety and health administration set forth in 29 C.F.R. 1926.1101;

(2) Comply with all applicable rules adopted by the director of environmental protection pursuant to sections 3704.03 and

3710.02 of the Revised Code. 36640

(B) An asbestos hazard abatement contractor that is a public 36641
entity shall: 36642

(1) Provide workers with protective clothing and equipment 36643
and ensure that the workers involved in any asbestos hazard 36644
abatement project use the items properly. Protective clothing and 36645
equipment shall include: 36646

(a) Respirators approved by the national institute of 36647
occupational safety and health. These respirators shall be fit 36648
tested in accordance with requirements of the United States 36649
occupational safety and health administration set forth in 29 36650
C.F.R. 1926.1101. At the request of an employee, the asbestos 36651
hazard abatement contractor shall provide the employee with a 36652
powered air purifying respirator, in which case, the testing 36653
requirements of division (B)(1)(a) of this section do not apply. 36654

(b) Items required by the director by rule as provided in 36655
division (A)(7) of section 3710.02 of the Revised Code. 36656

(2) Comply with all applicable standards of conduct and 36657
requirements adopted by the director pursuant to section 3710.02 36658
of the Revised Code. 36659

(C) An asbestos hazard abatement specialist engaging in any 36660
asbestos hazard abatement ~~project~~ activity shall, during the 36661
course of the ~~project~~ activity: 36662

(1) Conduct each ~~project~~ activity in a manner that will meet 36663
decontamination procedures, project containment procedures, and 36664
asbestos fiber dispersal methods as provided in division (A)(6) of 36665
section 3710.02 of the Revised Code; 36666

(2) Ensure that workers utilize, handle, remove, and dispose 36667
of the disposable clothing provided by abatement contractors in a 36668
manner that will prevent contamination or recontamination of the 36669

environment and protect the public health from the hazards of exposure to asbestos; 36670
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(3) Ensure that workers utilize protective clothing and equipment and comply with the applicable health and safety standards set forth in division (A) of section 3710.08 of the Revised Code; 36672
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(4) Ensure that there is no smoking, eating, or drinking in the work area; 36676
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(5) Comply with all applicable standards of conduct and requirements adopted by the director pursuant to sections 3704.03 and 3710.02 of the Revised Code. 36678
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(D) An asbestos hazard evaluation specialist engaged in the identification, detection, and assessment of asbestos-containing materials, the determination of appropriate response actions, or other activities associated with an abatement project or the preparation of management plans, shall comply with the applicable standards of conduct and requirements adopted by the director pursuant to sections 3704.03 and 3710.02 of the Revised Code. 36681
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(E) Every asbestos hazard abatement worker shall comply with all applicable standards adopted by the director pursuant to sections 3704.03 and 3710.02 of the Revised Code. 36688
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~~(F) The director may, on a case by case basis, approve an alternative to the worker protection requirements of divisions (A), (B), and (C) of this section for an asbestos hazard abatement project conducted by a public entity, provided that the asbestos hazard abatement contractor submits the alternative procedure to the director in writing and demonstrates to the satisfaction of the director that the proposed alternative procedure provides equivalent worker protection.~~ 36691
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Sec. 3710.12. Subject to section 3710.13 of the Revised Code, 36699

the director of environmental protection may deny, suspend, or 36700
revoke any license or certificate, or renewal thereof, if the 36701
licensee or certificate holder: 36702

(A) Fraudulently or deceptively obtains or attempts to obtain 36703
a license or certificate; 36704

(B) Fails at any time to meet the qualifications for a 36705
license or certificate; 36706

(C) Is violating or threatening to violate any provisions of 36707
any of the following: 36708

(1) This chapter, Chapters 3704. and 3745. of the Revised 36709
Code, or the rules of the director adopted pursuant to those 36710
chapters, as those chapters and rules pertain to asbestos; 36711

(2) The "National Emission Standard for Hazardous Air 36712
Pollutants" regulations of the United States environmental 36713
protection agency as the regulations pertain to asbestos; 36714

(3) The regulations of the United States occupational safety 36715
and health administration as the regulations pertain to asbestos; 36716

(4) The regulations adopted by the United States 36717
environmental protection agency pursuant to the "Asbestos Hazard 36718
Emergency Response Act," Title II of the "Federal Toxic Substances 36719
Control Act," 90 Stat. 2003, 15 U.S.C. 2641 et seq. (1986). 36720

Sec. 3711.02. (A) Except as provided in division (B) of this 36721
section, no person shall operate any of the following, unless the 36722
person holds the appropriate license issued under this chapter and 36723
the license is valid: 36724

(1) A maternity unit; 36725

(2) A newborn care nursery; 36726

(3) A maternity home. 36727

(B) Division (A) of this section does not apply to a health 36728

care facility, as defined in ~~division (A)(4) of~~ section 3702.30 of 36729
the Revised Code. 36730

Sec. 3713.022. (A) No person shall recklessly manufacture, 36731
offer for sale, sell, deliver, or possess for the purpose of 36732
manufacturing, selling, or delivering a mesh crib liner intended 36733
for placement between a crib mattress and one or more of the 36734
crib's inner sides that does not comply with consumer product 36735
safety standards governing such liners that are promulgated after 36736
October 9, 2016, by the United States consumer product safety 36737
commission (pursuant to section 104 of the "Consumer Product 36738
Safety Improvement Act of 2008," 15 U.S.C. 2056a, as amended) for 36739
the purpose of ensuring sufficient permeability and breathability 36740
so as to prevent infant suffocation. 36741

(B) In the absence of standards described in division (A) of 36742
this section, ~~no person shall, beginning three years after the~~ 36743
~~effective date of this section, recklessly~~ a person may 36744
manufacture, offer for sale, sell, deliver, or possess for the 36745
purpose of manufacturing, selling, or delivering a mesh crib 36746
liner. 36747

(C) The superintendent of industrial compliance shall issue a 36748
notice of violation to any person found to have violated division 36749
(A) ~~or (B)~~ of this section. 36750

Sec. 3713.99. (A) Whoever violates division (A), (B), or (D) 36751
of section 3713.02 of the Revised Code is guilty of a misdemeanor 36752
of the fourth degree. 36753

(B) Whoever violates division (C) of section 3713.02 of the 36754
Revised Code is guilty of a misdemeanor of the third degree. 36755

(C) A person who, after receiving a notice issued under 36756
division (B) of section 3713.021 of the Revised Code or division 36757
~~(B) or~~ (C) of section 3713.022 of the Revised Code, continues to 36758

violate the applicable division of either of those sections is 36759
subject to a fine of not more than five hundred dollars. Each day 36760
of violation constitutes a separate offense. 36761

Sec. 3721.026. (A) If the operation of a nursing home is 36762
assigned or transferred to a different person, the person to whom 36763
the operation is assigned or transferred must, before the director 36764
of health may issue a license authorizing the person to operate 36765
the nursing home, submit to the director documentation showing 36766
that the person meets all of the following requirements: 36767

(1) Unless the assignment or transfer is in the form of a 36768
lease of the nursing home, the person has financial resources that 36769
the director determines are sufficient to cover any reasonably 36770
anticipated revenue shortfall for at least twelve months after the 36771
assignment or transfer. 36772

(2) If the assignment or transfer is in the form of a lease 36773
of the nursing home, either of the following applies to the 36774
person: 36775

(a) The person has obtained a bond that has a term of at 36776
least twelve months, has an annual renewal, and is for an amount 36777
not less than one million dollars. 36778

(b) If the person is unable to obtain a bond that meets the 36779
requirements of division (A)(2)(a) of this section at a cost the 36780
director determines to be reasonable or operates other nursing 36781
homes in this state, the person has financial resources that the 36782
director determines are sufficient to cover any reasonably 36783
anticipated revenue shortfall for at least twelve months after the 36784
assignment or transfer. 36785

(3) The person has at least five years of experience as an 36786
operator, manager, or administrator of a nursing home. 36787

(4) The person has plans for quality assurance and risk 36788

management for the nursing home. 36789

(5) The person has general and professional liability insurance coverage that provides coverage of at least one million dollars per occurrence and three million dollars aggregate. 36790
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(B) The documentation required by divisions (A)(1) and (2)(b) of this section shall include projected financial statements for the nursing home for the twelve-month period after the assignment or transfer of the operation of the nursing home. 36793
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The documentation required by division (A)(3) of this section shall include a list of each currently or previously licensed nursing home located in this or another state in which the person has or previously had any percentage of ownership. The percentage of ownership may have been in the operation, real property, or both of the nursing home. 36797
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(C) The requirements established by this section are in addition to the other requirements established by this chapter and the rules adopted under it for a license to operate a nursing home. 36803
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Sec. 3721.03. (A) As used in this section, "person" has the same meaning as in section 1.59 of the Revised Code. 36807
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(B) The director of health shall enforce the provisions of sections 3721.01 to 3721.13 and 3721.99 of the Revised Code and may issue orders to secure compliance with the provisions of these sections and the rules adopted under them. The director may hold hearings, issue subpoenas, compel testimony, and make adjudications. 36809
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The director may issue an order revoking a license in the event the director finds, upon hearing or opportunity afforded pursuant to Chapter 119. of the Revised Code, that any of the following apply to a person, county home, or district home 36815
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licensed under section 3721.07 of the Revised Code: 36819

(1) Has violated any of the provisions of Chapter 3721. of 36820
the Revised Code or rules adopted by the director under it; 36821

(2) Has violated any order issued by the director; 36822

(3) Is not, or any of its principals are not suitable, 36823
morally or financially to operate such an institution; 36824

(4) Is not furnishing humane, kind, and adequate treatment 36825
and care; 36826

(5) Has had a long-standing pattern of violations of this 36827
chapter or the rules adopted under it that has caused physical, 36828
emotional, mental, or psychosocial harm to one or more residents. 36829

Upon the issuance of any order of revocation, the person 36830
whose license is revoked, or the county home or district home that 36831
has its license revoked, may appeal in accordance with Chapter 36832
119. of the Revised Code. 36833

(C) Once the director notifies a person, county home, or 36834
district home licensed to operate a home that the license may be 36835
revoked or issues any order under this section, the person, county 36836
home, or district home shall not assign or transfer to another 36837
person or entity the right to operate the home, unless the notice 36838
or order is issued solely because the home has already closed or 36839
ceased operations or a certificate of need application has been 36840
filed with the director prior to the notification. This 36841
prohibition shall remain in effect until proceedings under Chapter 36842
119. of the Revised Code concerning the order or license 36843
revocation have been concluded ~~or the director notifies the~~ 36844
~~person, county home, or district home that the prohibition has~~ 36845
~~been lifted.~~ 36846

If a license is revoked under this section, the former 36847
license holder shall not assign or transfer or consent to 36848

assignment or transfer of the right to operate the home. Any 36849
attempted assignment or transfer to another person or entity is 36850
void. 36851

On revocation of a license, the former licensee shall take 36852
all necessary steps to cease operation of the home. 36853

The director of health shall not accept a certificate of need 36854
application under section 3702.52 of the Revised Code regarding a 36855
home if the license to operate the home has been revoked under 36856
this section. 36857

Sec. 3723.081. The director of health shall not require a 36858
licensed radon mitigation specialist to be physically present for 36859
supervision purposes when radon mitigation is performed. However, 36860
the director may require such a specialist to be physically 36861
present immediately before and after radon mitigation is 36862
performed. 36863

Sec. 3727.49. (A) As used in this section: 36864

(1) "Freestanding emergency department" means a facility that 36865
provides emergency care and is structurally separate and distinct 36866
from a hospital, as defined in section 3727.01 of the Revised 36867
Code. 36868

(2) "Health benefit plan" has the same meaning as in section 36869
3922.01 of the Revised Code. 36870

(B)(1) Unless a freestanding emergency department chooses to 36871
act under division (B)(2) of this section, the freestanding 36872
emergency department shall post, in a conspicuous place in an area 36873
of the facility accessible to the public, a notice that does all 36874
of the following: 36875

(a) Identifies the facility as a freestanding emergency 36876
department; 36877

(b) Specifies that the facility or a health care professional providing services at the facility may not be a participating provider in the provider network established by the patient's health benefit plan; 36878
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(c) Specifies that a health care professional providing services at the facility may charge separately from the facility for the services provided to the patient; 36882
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(d) Lists each health benefit plan in which the facility is a participating provider in the provider network established by the plan or states that the facility is not a participating provider in any provider network established by any health benefit plan. 36885
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(2) If a freestanding emergency department is a participating provider in one or more health benefit plan provider networks, the freestanding emergency department may do both of the following in lieu of posting the notice described in division (B)(1) of this section: 36889
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(a) Post a notice on the facility's internet web site listing each health benefit plan in which the facility is a participating provider in the provider network established by the plan; 36894
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(b) Provide each patient with written confirmation specifying whether the facility is a participating provider in the provider network established by the patient's health benefit plan. 36897
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(C) A freestanding emergency department shall use the national provider identifier, as assigned to the freestanding emergency department by the national provider system pursuant to 45 C.F.R. 162.408, on all claims for payment for health care services or goods. 36900
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(D) The director of health may apply to the court of common pleas of the county in which a freestanding emergency department is located for a temporary or permanent injunction restraining the freestanding emergency department from failure to comply with this 36905
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<u>section.</u>	36909
Sec. 3734.01. As used in this chapter:	36910
(A) "Board of health" means the board of health of a city or general health district or the authority having the duties of a board of health in any city as authorized by section 3709.05 of the Revised Code.	36911 36912 36913 36914
(B) "Director" means the director of environmental protection.	36915 36916
(C) "Health district" means a city or general health district as created by or under authority of Chapter 3709. of the Revised Code.	36917 36918 36919
(D) "Agency" means the environmental protection agency.	36920
(E) "Solid wastes" means such unwanted residual solid or semisolid material as results from industrial, commercial, agricultural, and community operations, excluding earth or material from construction, mining, or demolition operations, or other waste materials of the type that normally would be included in demolition debris, nontoxic fly ash and bottom ash, including at least ash that results from the combustion of coal and ash that results from the combustion of coal in combination with scrap tires where scrap tires comprise not more than fifty per cent of heat input in any month, spent nontoxic foundry sand, nontoxic, nonhazardous, unwanted fired and unfired, glazed and unglazed, structural products made from shale and clay products, and slag and other substances that are not harmful or inimical to public health, and includes, but is not limited to, garbage, scrap tires, combustible and noncombustible material, street dirt, and debris. "Solid wastes" does not include any material that is an infectious waste or a hazardous waste.	36921 36922 36923 36924 36925 36926 36927 36928 36929 36930 36931 36932 36933 36934 36935 36936 36937
(F) "Disposal" means the discharge, deposit, injection,	36938

dumping, spilling, leaking, emitting, or placing of any solid 36939
wastes or hazardous waste into or on any land or ground or surface 36940
water or into the air, except if the disposition or placement 36941
constitutes storage or treatment or, if the solid wastes consist 36942
of scrap tires, the disposition or placement constitutes a 36943
beneficial use or occurs at a scrap tire recovery facility 36944
licensed under section 3734.81 of the Revised Code. "Disposal" 36945
does not include the process of converting post-use polymers and 36946
recoverable feedstocks using gasification or pyrolysis. 36947

(G) "Person" includes the state, any political subdivision 36948
and other state or local body, the United States and any agency or 36949
instrumentality thereof, and any legal entity defined as a person 36950
under section 1.59 of the Revised Code. 36951

(H) "Open burning" means the burning of solid wastes in an 36952
open area or burning of solid wastes in a type of chamber or 36953
vessel that is not approved or authorized in rules adopted by the 36954
director under section 3734.02 of the Revised Code or, if the 36955
solid wastes consist of scrap tires, in rules adopted under 36956
division (V) of this section or section 3734.73 of the Revised 36957
Code, or the burning of treated or untreated infectious wastes in 36958
an open area or in a type of chamber or vessel that is not 36959
approved in rules adopted by the director under section 3734.021 36960
of the Revised Code. 36961

(I) "Open dumping" means the depositing of solid wastes into 36962
a body or stream of water or onto the surface of the ground at a 36963
site that is not licensed as a solid waste facility under section 36964
3734.05 of the Revised Code or, if the solid wastes consist of 36965
scrap tires, as a scrap tire collection, storage, monocell, 36966
monofill, or recovery facility licensed under section 3734.81 of 36967
the Revised Code; the depositing of solid wastes that consist of 36968
scrap tires onto the surface of the ground at a site or in a 36969
manner not specifically identified in divisions (C)(2) to (5), 36970

(7), or (10) of section 3734.85 of the Revised Code; the 36971
depositing of untreated infectious wastes into a body or stream of 36972
water or onto the surface of the ground; or the depositing of 36973
treated infectious wastes into a body or stream of water or onto 36974
the surface of the ground at a site that is not licensed as a 36975
solid waste facility under section 3734.05 of the Revised Code. 36976

(J) "Hazardous waste" means any waste or combination of 36977
wastes in solid, liquid, semisolid, or contained gaseous form that 36978
in the determination of the director, because of its quantity, 36979
concentration, or physical or chemical characteristics, may do 36980
either of the following: 36981

(1) Cause or significantly contribute to an increase in 36982
mortality or an increase in serious irreversible or incapacitating 36983
reversible illness; 36984

(2) Pose a substantial present or potential hazard to human 36985
health or safety or to the environment when improperly stored, 36986
treated, transported, disposed of, or otherwise managed. 36987

"Hazardous waste" includes any substance identified by 36988
regulation as hazardous waste under the "Resource Conservation and 36989
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 36990
amended, and does not include any substance that is subject to the 36991
"Atomic Energy Act of 1954," 68 Stat. 919, 42 U.S.C.A. 2011, as 36992
amended. 36993

(K) "Treat" or "treatment," when used in connection with 36994
hazardous waste, means any method, technique, or process, 36995
including neutralization, designed to change the physical, 36996
chemical, or biological character or composition of any hazardous 36997
waste so as to neutralize the waste; recover energy or material 36998
resources from the waste; render the waste nonhazardous or less 36999
hazardous, safer to transport, store, or dispose of, or amenable 37000
for recovery or storage; or reduce the volume of the waste. When 37001

used in connection with infectious wastes, "treat" or "treatment" 37002
means any method, technique, or process that renders the wastes 37003
noninfectious so that it is no longer an infectious waste and is 37004
no longer an infectious substance as defined in applicable federal 37005
law, including, without limitation, steam sterilization and 37006
incineration, and, in the instance of wastes identified in 37007
division (R)(7) of this section, to substantially reduce or 37008
eliminate the potential for the wastes to cause lacerations or 37009
puncture wounds. 37010

(L) "Manifest" means the form used for identifying the 37011
quantity, composition, origin, routing, and destination of 37012
hazardous waste during its transportation from the point of 37013
generation to the point of disposal, treatment, or storage. 37014

(M) ~~"Storage," when~~ (1) When used in connection with 37015
hazardous waste, "storage" means the holding of hazardous waste 37016
for a temporary period in such a manner that it remains 37017
retrievable and substantially unchanged physically and chemically 37018
and, at the end of the period, is treated; disposed of; stored 37019
elsewhere; or reused, recycled, or reclaimed in a beneficial 37020
manner. ~~When~~ 37021

(2) When used in connection with ~~solid wastes that consist of~~ 37022
scrap tires, "storage" means the holding of scrap tires for a 37023
temporary period in such a manner that they remain retrievable 37024
and, at the end of that period, are beneficially used; stored 37025
elsewhere; placed in a scrap tire monocell or monofill facility 37026
licensed under section 3734.81 of the Revised Code; processed at a 37027
scrap tire recovery facility licensed under that section or a 37028
solid waste incineration or energy recovery facility subject to 37029
regulation under this chapter; or transported to a scrap tire 37030
monocell, monofill, or recovery facility, any other solid waste 37031
facility authorized to dispose of scrap tires, or a facility that 37032
will beneficially use the scrap tires, that is located in another 37033

state and is operating in compliance with the laws of the state in 37034
which the facility is located. 37035

(3) When used in connection with recoverable feedstocks or 37036
post-use polymers, "storage" means holding recoverable feedstocks 37037
or post-use polymers for a period of less than ninety days, 37038
provided all of the following apply: 37039

(a) The recoverable feedstocks or post-use polymers remain 37040
retrievable and substantially unchanged physically and chemically. 37041

(b) The storage of recoverable feedstocks or post-use 37042
polymers does not cause a nuisance. 37043

(c) The storage of recoverable feedstocks or post-use 37044
polymers does not pose a threat from vectors. 37045

(d) The storage of recoverable feedstocks or post-use 37046
polymers does not adversely impact public health, safety, or the 37047
environment. 37048

(e) Prior to the end of the storage period of less than 37049
ninety days, the recoverable feedstocks or post-use polymers are 37050
converted using gasification or pyrolysis. 37051

(N) "Facility" means any site, location, tract of land, 37052
installation, or building used for incineration, composting, 37053
sanitary landfilling, or other methods of disposal of solid wastes 37054
or, if the solid wastes consist of scrap tires, for the 37055
collection, storage, or processing of the solid wastes; for the 37056
transfer of solid wastes; for the treatment of infectious wastes; 37057
or for the storage, treatment, or disposal of hazardous waste. 37058

(O) "Closure" means the time at which a hazardous waste 37059
facility will no longer accept hazardous waste for treatment, 37060
storage, or disposal, the time at which a solid waste facility 37061
will no longer accept solid wastes for transfer or disposal or, if 37062
the solid wastes consist of scrap tires, for storage or 37063

processing, or the effective date of an order revoking the permit 37064
for a hazardous waste facility or the registration certificate, 37065
permit, or license for a solid waste facility, as applicable. 37066
"Closure" includes measures performed to protect public health or 37067
safety, to prevent air or water pollution, or to make the facility 37068
suitable for other uses, if any, including, but not limited to, 37069
the removal of processing residues resulting from solid wastes 37070
that consist of scrap tires; the establishment and maintenance of 37071
a suitable cover of soil and vegetation over cells in which 37072
hazardous waste or solid wastes are buried; minimization of 37073
erosion, the infiltration of surface water into such cells, the 37074
production of leachate, and the accumulation and runoff of 37075
contaminated surface water; the final construction of facilities 37076
for the collection and treatment of leachate and contaminated 37077
surface water runoff, except as otherwise provided in this 37078
division; the final construction of air and water quality 37079
monitoring facilities, except as otherwise provided in this 37080
division; the final construction of methane gas extraction and 37081
treatment systems; or the removal and proper disposal of hazardous 37082
waste or solid wastes from a facility when necessary to protect 37083
public health or safety or to abate or prevent air or water 37084
pollution. With regard to a solid waste facility that is a scrap 37085
tire facility, "closure" includes the final construction of 37086
facilities for the collection and treatment of leachate and 37087
contaminated surface water runoff and the final construction of 37088
air and water quality monitoring facilities only if those actions 37089
are determined to be necessary. 37090

(P) "Premises" means either of the following: 37091

(1) Geographically contiguous property owned by a generator; 37092

(2) Noncontiguous property that is owned by a generator and 37093
connected by a right-of-way that the generator controls and to 37094
which the public does not have access. Two or more pieces of 37095

property that are geographically contiguous and divided by public 37096
or private right-of-way or rights-of-way are a single premises. 37097

(Q) "Post-closure" means that period of time following 37098
closure during which a hazardous waste facility is required to be 37099
monitored and maintained under this chapter and rules adopted 37100
under it, including, without limitation, operation and maintenance 37101
of methane gas extraction and treatment systems, or the period of 37102
time after closure during which a scrap tire monocell or monofill 37103
facility licensed under section 3734.81 of the Revised Code is 37104
required to be monitored and maintained under this chapter and 37105
rules adopted under it. 37106

(R) "Infectious wastes" means any wastes or combination of 37107
wastes that include cultures and stocks of infectious agents and 37108
associated biologicals, human blood and blood products, and 37109
substances that were or are likely to have been exposed to or 37110
contaminated with or are likely to transmit an infectious agent or 37111
zoonotic agent, including all of the following: 37112

(1) Laboratory wastes; 37113

(2) Pathological wastes; 37114

(3) Animal blood and blood products; 37115

(4) Animal carcasses and parts; 37116

(5) Waste materials from the rooms of humans, or the 37117
enclosures of animals, that have been isolated because of 37118
diagnosed communicable disease that are likely to transmit 37119
infectious agents. Such waste materials from the rooms of humans 37120
do not include any wastes of patients who have been placed on 37121
blood and body fluid precautions under the universal precaution 37122
system established by the centers for disease control in the 37123
public health service of the United States department of health 37124
and human services, except to the extent specific wastes generated 37125
under the universal precautions system have been identified as 37126

infectious wastes by rules adopted under division (R)(7) of this 37127
section. 37128

(6) Sharp wastes used in the treatment, diagnosis, or 37129
inoculation of human beings or animals; 37130

(7) Any other waste materials generated in the diagnosis, 37131
treatment, or immunization of human beings or animals, in research 37132
pertaining thereto, or in the production or testing of 37133
biologicals, that the director of health, by rules adopted in 37134
accordance with Chapter 119. of the Revised Code, identifies as 37135
infectious wastes after determining that the wastes present a 37136
substantial threat to human health when improperly managed because 37137
they are contaminated with, or are likely to be contaminated with, 37138
infectious agents. 37139

As used in this division, "blood products" does not include 37140
patient care waste such as bandages or disposable gowns that are 37141
lightly soiled with blood or other body fluids unless those wastes 37142
are soiled to the extent that the generator of the wastes 37143
determines that they should be managed as infectious wastes. 37144

(S) "Infectious agent" means a type of microorganism, 37145
pathogen, virus, or proteinaceous infectious particle that can 37146
cause or significantly contribute to disease in or death of human 37147
beings. 37148

(T) "Zoonotic agent" means a type of microorganism, pathogen, 37149
or virus that causes disease in vertebrate animals, is 37150
transmissible to human beings, and can cause or significantly 37151
contribute to disease in or death of human beings. 37152

(U) "Solid waste transfer facility" means any site, location, 37153
tract of land, installation, or building that is used or intended 37154
to be used primarily for the purpose of transferring solid wastes 37155
that were generated off the premises of the facility from vehicles 37156
or containers into other vehicles for transportation to a solid 37157

waste disposal facility. "Solid waste transfer facility" does not 37158
include any facility that consists solely of portable containers 37159
that have an aggregate volume of fifty cubic yards or less nor any 37160
facility where legitimate recycling activities are conducted. 37161

(V) "Beneficially use" includes: 37162

(1) With regard to scrap tires, to use a scrap tire in a 37163
manner that results in a commodity for sale or exchange or in any 37164
other manner authorized as a beneficial use in rules adopted by 37165
the director in accordance with Chapter 119. of the Revised Code; 37166

(2) With regard to material from a horizontal well that has 37167
come in contact with a refined oil-based substance and that is not 37168
technologically enhanced naturally occurring radioactive material, 37169
to use the material in any manner authorized as a beneficial use 37170
in rules adopted by the director under section 3734.125 of the 37171
Revised Code. 37172

(W) "Commercial car," "commercial tractor," "farm machinery," 37173
"motor bus," "vehicles," "motor vehicle," and "semitrailer" have 37174
the same meanings as in section 4501.01 of the Revised Code. 37175

(X) "Construction equipment" means road rollers, traction 37176
engines, power shovels, power cranes, and other equipment used in 37177
construction work, or in mining or producing or processing 37178
aggregates, and not designed for or used in general highway 37179
transportation. 37180

(Y) "Motor vehicle salvage dealer" has the same meaning as in 37181
section 4738.01 of the Revised Code. 37182

(Z) "Scrap tire" means an unwanted or discarded tire. 37183

(AA) "Scrap tire collection facility" means any facility that 37184
meets all of the following qualifications: 37185

(1) The facility is used for the receipt and storage of whole 37186
scrap tires from the public prior to their transportation to a 37187

scrap tire storage, monocell, monofill, or recovery facility 37188
licensed under section 3734.81 of the Revised Code; a solid waste 37189
incineration or energy recovery facility subject to regulation 37190
under this chapter; a premises within the state where the scrap 37191
tires will be beneficially used; or a scrap tire storage, 37192
monocell, monofill, or recovery facility, any other solid waste 37193
disposal facility authorized to dispose of scrap tires, or a 37194
facility that will beneficially use the scrap tires, that is 37195
located in another state, and that is operating in compliance with 37196
the laws of the state in which the facility is located. 37197

(2) The facility exclusively stores scrap tires in portable 37198
containers. 37199

(3) The aggregate storage of the portable containers in which 37200
the scrap tires are stored does not exceed five thousand cubic 37201
feet. 37202

(BB) "Scrap tire monocell facility" means an individual site 37203
within a solid waste landfill that is used exclusively for the 37204
environmentally sound storage or disposal of whole scrap tires or 37205
scrap tires that have been shredded, chipped, or otherwise 37206
mechanically processed. 37207

(CC) "Scrap tire monofill facility" means an engineered 37208
facility used or intended to be used exclusively for the storage 37209
or disposal of scrap tires, including at least facilities for the 37210
submergence of whole scrap tires in a body of water. 37211

(DD) "Scrap tire recovery facility" means any facility, or 37212
portion thereof, for the processing of scrap tires for the purpose 37213
of extracting or producing usable products, materials, or energy 37214
from the scrap tires through a controlled combustion process, 37215
mechanical process, or chemical process. "Scrap tire recovery 37216
facility" includes any facility that uses the controlled 37217
combustion of scrap tires in a manufacturing process to produce 37218

process heat or steam or any facility that produces usable heat or 37219
electric power through the controlled combustion of scrap tires in 37220
combination with another fuel, but does not include any solid 37221
waste incineration or energy recovery facility that is designed, 37222
constructed, and used for the primary purpose of incinerating 37223
mixed municipal solid wastes and that burns scrap tires in 37224
conjunction with mixed municipal solid wastes, or any tire 37225
retreading business, tire manufacturing finishing center, or tire 37226
adjustment center having on the premises of the business a single, 37227
covered scrap tire storage area at which not more than four 37228
thousand scrap tires are stored. 37229

(EE) "Scrap tire storage facility" means any facility where 37230
whole scrap tires are stored prior to their transportation to a 37231
scrap tire monocell, monofill, or recovery facility licensed under 37232
section 3734.81 of the Revised Code; a solid waste incineration or 37233
energy recovery facility subject to regulation under this chapter; 37234
a premises within the state where the scrap tires will be 37235
beneficially used; or a scrap tire storage, monocell, monofill, or 37236
recovery facility, any other solid waste disposal facility 37237
authorized to dispose of scrap tires, or a facility that will 37238
beneficially use the scrap tires, that is located in another 37239
state, and that is operating in compliance with the laws of the 37240
state in which the facility is located. 37241

(FF) "Used oil" means any oil that has been refined from 37242
crude oil, or any synthetic oil, that has been used and, as a 37243
result of that use, is contaminated by physical or chemical 37244
impurities. "Used oil" includes only those substances identified 37245
as used oil by the United States environmental protection agency 37246
under the "Used Oil Recycling Act of 1980," 94 Stat. 2055, 42 37247
U.S.C.A. 6901a, as amended. 37248

(GG) "Accumulated speculatively" has the same meaning as in 37249
rules adopted by the director under section 3734.12 of the Revised 37250

Code.	37251
(HH) "Horizontal well" has the same meaning as in section 1509.01 of the Revised Code.	37252 37253
(II) "Technologically enhanced naturally occurring radioactive material" has the same meaning as in section 3748.01 of the Revised Code.	37254 37255 37256
<u>(JJ) "Post-use polymer" means a plastic polymer to which both of the following apply:</u>	37257 37258
<u>(1) It is derived from any source and is not being used for its original intended purpose.</u>	37259 37260
<u>(2) Its use or intended use is to manufacture crude oil, fuels, other raw materials, intermediate products, or final products using pyrolysis or gasification. "Post-use polymer" may contain incidental contaminants or impurities, such as paper labels or metal rings.</u>	37261 37262 37263 37264 37265
<u>(KK) "Pyrolysis" means a process through which post-use polymers are heated in the absence of oxygen until melted and thermally decomposed, and are then cooled, condensed, and converted to one of the following:</u>	37266 37267 37268 37269
<u>(1) Crude oil, diesel, gasoline, home heating oil, or another fuel;</u>	37270 37271
<u>(2) Feedstocks;</u>	37272
<u>(3) Diesel and gasoline blendstocks;</u>	37273
<u>(4) Chemicals, waxes, or lubricants;</u>	37274
<u>(5) Other raw materials, intermediate products, or final products.</u>	37275 37276
<u>(LL) "Gasification" means a process through which recoverable feedstocks are heated and converted into a fuel-gas mixture in an oxygen-deficient atmosphere, and the mixture is converted into</u>	37277 37278 37279

fuel, including ethanol and transportation fuel, chemicals, or 37280
other chemical feedstocks. 37281

(MM) "Recoverable feedstock" means one or more of the 37282
following materials, derived from nonrecycled waste, that have 37283
been processed for use as a feedstock in a gasification facility: 37284

(1) Post-use polymers; 37285

(2) Materials concerning which the United States 37286
environmental protection agency has made a non-waste determination 37287
under 40 C.F.R. 241.3(c) or has otherwise determined are not solid 37288
waste. 37289

Sec. 3734.57. (A) The following fees are hereby levied on the 37290
transfer or disposal of solid wastes in this state: 37291

(1) Ninety cents per ton through June 30, ~~2020~~ 2022, twenty 37292
cents of the proceeds of which shall be deposited in the state 37293
treasury to the credit of the hazardous waste facility management 37294
fund created in section 3734.18 of the Revised Code and seventy 37295
cents of the proceeds of which shall be deposited in the state 37296
treasury to the credit of the hazardous waste clean-up fund 37297
created in section 3734.28 of the Revised Code; 37298

(2) An additional seventy-five cents per ton through June 30, 37299
~~2020~~ 2022, the proceeds of which shall be deposited in the state 37300
treasury to the credit of the waste management fund created in 37301
section 3734.061 of the Revised Code. 37302

(3) An additional two dollars and eighty-five cents per ton 37303
through June 30, ~~2020~~ 2022, the proceeds of which shall be 37304
deposited in the state treasury to the credit of the environmental 37305
protection fund created in section 3745.015 of the Revised Code; 37306

(4) An additional twenty-five cents per ton through June 30, 37307
~~2020~~ 2022, the proceeds of which shall be deposited in the state 37308
treasury to the credit of the soil and water conservation district 37309

assistance fund created in section 940.15 of the Revised Code. 37310

In the case of solid wastes that are taken to a solid waste 37311
transfer facility located in this state prior to being transported 37312
for disposal at a solid waste disposal facility located in this 37313
state or outside of this state, the fees levied under this 37314
division shall be collected by the owner or operator of the 37315
transfer facility as a trustee for the state. The amount of fees 37316
required to be collected under this division at such a transfer 37317
facility shall equal the total tonnage of solid wastes received at 37318
the facility multiplied by the fees levied under this division. In 37319
the case of solid wastes that are not taken to a solid waste 37320
transfer facility located in this state prior to being transported 37321
to a solid waste disposal facility, the fees shall be collected by 37322
the owner or operator of the solid waste disposal facility as a 37323
trustee for the state. The amount of fees required to be collected 37324
under this division at such a disposal facility shall equal the 37325
total tonnage of solid wastes received at the facility that was 37326
not previously taken to a solid waste transfer facility located in 37327
this state multiplied by the fees levied under this division. Fees 37328
levied under this division do not apply to materials separated 37329
from a mixed waste stream for recycling by a generator or 37330
materials removed from the solid waste stream through recycling, 37331
as "recycling" is defined in rules adopted under section 3734.02 37332
of the Revised Code. 37333

The owner or operator of a solid waste transfer facility or 37334
disposal facility, as applicable, shall prepare and file with the 37335
director of environmental protection each month a return 37336
indicating the total tonnage of solid wastes received at the 37337
facility during that month and the total amount of the fees 37338
required to be collected under this division during that month. In 37339
addition, the owner or operator of a solid waste disposal facility 37340
shall indicate on the return the total tonnage of solid wastes 37341

received from transfer facilities located in this state during 37342
that month for which the fees were required to be collected by the 37343
transfer facilities. The monthly returns shall be filed on a form 37344
prescribed by the director. Not later than thirty days after the 37345
last day of the month to which a return applies, the owner or 37346
operator shall mail to the director the return for that month 37347
together with the fees required to be collected under this 37348
division during that month as indicated on the return or may 37349
submit the return and fees electronically in a manner approved by 37350
the director. If the return is filed and the amount of the fees 37351
due is paid in a timely manner as required in this division, the 37352
owner or operator may retain a discount of three-fourths of one 37353
per cent of the total amount of the fees that are required to be 37354
paid as indicated on the return. 37355

The owner or operator may request an extension of not more 37356
than thirty days for filing the return and remitting the fees, 37357
provided that the owner or operator has submitted such a request 37358
in writing to the director together with a detailed description of 37359
why the extension is requested, the director has received the 37360
request not later than the day on which the return is required to 37361
be filed, and the director has approved the request. If the fees 37362
are not remitted within thirty days after the last day of the 37363
month to which the return applies or are not remitted by the last 37364
day of an extension approved by the director, the owner or 37365
operator shall not retain the three-fourths of one per cent 37366
discount and shall pay an additional ten per cent of the amount of 37367
the fees for each month that they are late. For purposes of 37368
calculating the late fee, the first month in which fees are late 37369
begins on the first day after the deadline has passed for timely 37370
submitting the return and fees, and one additional month shall be 37371
counted every thirty days thereafter. 37372

The owner or operator of a solid waste facility may request a 37373

refund or credit of fees levied under this division and remitted 37374
to the director that have not been paid to the owner or operator. 37375
Such a request shall be made only if the fees have not been 37376
collected by the owner or operator, have become a debt that has 37377
become worthless or uncollectable for a period of six months or 37378
more, and may be claimed as a deduction, including a deduction 37379
claimed if the owner or operator keeps accounts on an accrual 37380
basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 37381
U.S.C. 166, as amended, and regulations adopted under it. Prior to 37382
making a request for a refund or credit, an owner or operator 37383
shall make reasonable efforts to collect the applicable fees. A 37384
request for a refund or credit shall not include any costs 37385
resulting from those efforts to collect unpaid fees. 37386

A request for a refund or credit of fees shall be made in 37387
writing, on a form prescribed by the director, and shall be 37388
supported by evidence that may be required in rules adopted by the 37389
director under this chapter. After reviewing the request, and if 37390
the request and evidence submitted with the request indicate that 37391
a refund or credit is warranted, the director shall grant a refund 37392
to the owner or operator or shall permit a credit to be taken by 37393
the owner or operator on a subsequent monthly return submitted by 37394
the owner or operator. The amount of a refund or credit shall not 37395
exceed an amount that is equal to ninety days' worth of fees owed 37396
to an owner or operator by a particular debtor of the owner or 37397
operator. A refund or credit shall not be granted by the director 37398
to an owner or operator more than once in any twelve-month period 37399
for fees owed to the owner or operator by a particular debtor. 37400

If, after receiving a refund or credit from the director, an 37401
owner or operator receives payment of all or part of the fees, the 37402
owner or operator shall remit the fees with the next monthly 37403
return submitted to the director together with a written 37404
explanation of the reason for the submittal. 37405

For purposes of computing the fees levied under this division 37406
or division (B) of this section, any solid waste transfer or 37407
disposal facility that does not use scales as a means of 37408
determining gate receipts shall use a conversion factor of three 37409
cubic yards per ton of solid waste or one cubic yard per ton for 37410
baled waste, as applicable. 37411

The fees levied under this division and divisions (B) and (C) 37412
of this section are in addition to all other applicable fees and 37413
taxes and shall be paid by the customer or a political subdivision 37414
to the owner or operator of a solid waste transfer or disposal 37415
facility. In the alternative, the fees shall be paid by a customer 37416
or political subdivision to a transporter of waste who 37417
subsequently transfers the fees to the owner or operator of such a 37418
facility. The fees shall be paid notwithstanding the existence of 37419
any provision in a contract that the customer or a political 37420
subdivision may have with the owner or operator or with a 37421
transporter of waste to the facility that would not require or 37422
allow such payment regardless of whether the contract was entered 37423
prior to or after October 16, 2009. For those purposes, "customer" 37424
means a person who contracts with, or utilizes the solid waste 37425
services of, the owner or operator of a solid waste transfer or 37426
disposal facility or a transporter of solid waste to such a 37427
facility. 37428

(B) For the purposes specified in division (G) of this 37429
section, the solid waste management policy committee of a county 37430
or joint solid waste management district may levy fees upon the 37431
following activities: 37432

(1) The disposal at a solid waste disposal facility located 37433
in the district of solid wastes generated within the district; 37434

(2) The disposal at a solid waste disposal facility within 37435
the district of solid wastes generated outside the boundaries of 37436
the district, but inside this state; 37437

(3) The disposal at a solid waste disposal facility within 37438
the district of solid wastes generated outside the boundaries of 37439
this state. 37440

The solid waste management plan of the county or joint 37441
district approved under section 3734.521 or 3734.55 of the Revised 37442
Code and any amendments to it, or the resolution adopted under 37443
this division, as appropriate, shall establish the rates of the 37444
fees levied under divisions (B)(1), (2), and (3) of this section, 37445
if any, and shall specify whether the fees are levied on the basis 37446
of tons or cubic yards as the unit of measurement. A solid waste 37447
management district that levies fees under this division on the 37448
basis of cubic yards shall do so in accordance with division (A) 37449
of this section. 37450

The fee levied under division (B)(1) of this section shall be 37451
not less than one dollar per ton nor more than two dollars per 37452
ton, the fee levied under division (B)(2) of this section shall be 37453
not less than two dollars per ton nor more than four dollars per 37454
ton, and the fee levied under division (B)(3) of this section 37455
shall be not more than the fee levied under division (B)(1) of 37456
this section. 37457

Prior to the approval of the solid waste management plan of a 37458
district under section 3734.55 of the Revised Code, the solid 37459
waste management policy committee of a district may levy fees 37460
under this division by adopting a resolution establishing the 37461
proposed amount of the fees. Upon adopting the resolution, the 37462
committee shall deliver a copy of the resolution to the board of 37463
county commissioners of each county forming the district and to 37464
the legislative authority of each municipal corporation and 37465
township under the jurisdiction of the district and shall prepare 37466
and publish the resolution and a notice of the time and location 37467
where a public hearing on the fees will be held. Upon adopting the 37468
resolution, the committee shall deliver written notice of the 37469

adoption of the resolution; of the amount of the proposed fees; 37470
and of the date, time, and location of the public hearing to the 37471
director and to the fifty industrial, commercial, or institutional 37472
generators of solid wastes within the district that generate the 37473
largest quantities of solid wastes, as determined by the 37474
committee, and to their local trade associations. The committee 37475
shall make good faith efforts to identify those generators within 37476
the district and their local trade associations, but the 37477
nonprovision of notice under this division to a particular 37478
generator or local trade association does not invalidate the 37479
proceedings under this division. The publication shall occur at 37480
least thirty days before the hearing. After the hearing, the 37481
committee may make such revisions to the proposed fees as it 37482
considers appropriate and thereafter, by resolution, shall adopt 37483
the revised fee schedule. Upon adopting the revised fee schedule, 37484
the committee shall deliver a copy of the resolution doing so to 37485
the board of county commissioners of each county forming the 37486
district and to the legislative authority of each municipal 37487
corporation and township under the jurisdiction of the district. 37488
Within sixty days after the delivery of a copy of the resolution 37489
adopting the proposed revised fees by the policy committee, each 37490
such board and legislative authority, by ordinance or resolution, 37491
shall approve or disapprove the revised fees and deliver a copy of 37492
the ordinance or resolution to the committee. If any such board or 37493
legislative authority fails to adopt and deliver to the policy 37494
committee an ordinance or resolution approving or disapproving the 37495
revised fees within sixty days after the policy committee 37496
delivered its resolution adopting the proposed revised fees, it 37497
shall be conclusively presumed that the board or legislative 37498
authority has approved the proposed revised fees. The committee 37499
shall determine if the resolution has been ratified in the same 37500
manner in which it determines if a draft solid waste management 37501
plan has been ratified under division (B) of section 3734.55 of 37502

the Revised Code. 37503

The committee may amend the schedule of fees levied pursuant 37504
to a resolution adopted and ratified under this division by 37505
adopting a resolution establishing the proposed amount of the 37506
amended fees. The committee may repeal the fees levied pursuant to 37507
such a resolution by adopting a resolution proposing to repeal 37508
them. Upon adopting such a resolution, the committee shall proceed 37509
to obtain ratification of the resolution in accordance with this 37510
division. 37511

Not later than fourteen days after declaring the new fees to 37512
be ratified or the fees to be repealed under this division, the 37513
committee shall notify by certified mail the owner or operator of 37514
each solid waste disposal facility that is required to collect the 37515
fees of the ratification and the amount of the fees or of the 37516
repeal of the fees. Collection of any fees shall commence or 37517
collection of repealed fees shall cease on the first day of the 37518
second month following the month in which notification is sent to 37519
the owner or operator. 37520

Fees levied under this division also may be established, 37521
amended, or repealed by a solid waste management policy committee 37522
through the adoption of a new district solid waste management 37523
plan, the adoption of an amended plan, or the amendment of the 37524
plan or amended plan in accordance with sections 3734.55 and 37525
3734.56 of the Revised Code or the adoption or amendment of a 37526
district plan in connection with a change in district composition 37527
under section 3734.521 of the Revised Code. 37528

Not later than fourteen days after the director issues an 37529
order approving a district's solid waste management plan, amended 37530
plan, or amendment to a plan or amended plan that establishes, 37531
amends, or repeals a schedule of fees levied by the district, the 37532
committee shall notify by certified mail the owner or operator of 37533
each solid waste disposal facility that is required to collect the 37534

fees of the approval of the plan or amended plan, or the amendment 37535
to the plan, as appropriate, and the amount of the fees, if any. 37536
In the case of an initial or amended plan approved under section 37537
3734.521 of the Revised Code in connection with a change in 37538
district composition, other than one involving the withdrawal of a 37539
county from a joint district, the committee, within fourteen days 37540
after the change takes effect pursuant to division (G) of that 37541
section, shall notify by certified mail the owner or operator of 37542
each solid waste disposal facility that is required to collect the 37543
fees that the change has taken effect and of the amount of the 37544
fees, if any. Collection of any fees shall commence or collection 37545
of repealed fees shall cease on the first day of the second month 37546
following the month in which notification is sent to the owner or 37547
operator. 37548

If, in the case of a change in district composition involving 37549
the withdrawal of a county from a joint district, the director 37550
completes the actions required under division (G)(1) or (3) of 37551
section 3734.521 of the Revised Code, as appropriate, forty-five 37552
days or more before the beginning of a calendar year, the policy 37553
committee of each of the districts resulting from the change that 37554
obtained the director's approval of an initial or amended plan in 37555
connection with the change, within fourteen days after the 37556
director's completion of the required actions, shall notify by 37557
certified mail the owner or operator of each solid waste disposal 37558
facility that is required to collect the district's fees that the 37559
change is to take effect on the first day of January immediately 37560
following the issuance of the notice and of the amount of the fees 37561
or amended fees levied under divisions (B)(1) to (3) of this 37562
section pursuant to the district's initial or amended plan as so 37563
approved or, if appropriate, the repeal of the district's fees by 37564
that initial or amended plan. Collection of any fees set forth in 37565
such a plan or amended plan shall commence on the first day of 37566
January immediately following the issuance of the notice. If such 37567

an initial or amended plan repeals a schedule of fees, collection 37568
of the fees shall cease on that first day of January. 37569

If, in the case of a change in district composition involving 37570
the withdrawal of a county from a joint district, the director 37571
completes the actions required under division (G)(1) or (3) of 37572
section 3734.521 of the Revised Code, as appropriate, less than 37573
forty-five days before the beginning of a calendar year, the 37574
director, on behalf of each of the districts resulting from the 37575
change that obtained the director's approval of an initial or 37576
amended plan in connection with the change proceedings, shall 37577
notify by certified mail the owner or operator of each solid waste 37578
disposal facility that is required to collect the district's fees 37579
that the change is to take effect on the first day of January 37580
immediately following the mailing of the notice and of the amount 37581
of the fees or amended fees levied under divisions (B)(1) to (3) 37582
of this section pursuant to the district's initial or amended plan 37583
as so approved or, if appropriate, the repeal of the district's 37584
fees by that initial or amended plan. Collection of any fees set 37585
forth in such a plan or amended plan shall commence on the first 37586
day of the second month following the month in which notification 37587
is sent to the owner or operator. If such an initial or amended 37588
plan repeals a schedule of fees, collection of the fees shall 37589
cease on the first day of the second month following the month in 37590
which notification is sent to the owner or operator. 37591

If the schedule of fees that a solid waste management 37592
district is levying under divisions (B)(1) to (3) of this section 37593
is amended or repealed, the fees in effect immediately prior to 37594
the amendment or repeal shall continue to be collected until 37595
collection of the amended fees commences or collection of the 37596
repealed fees ceases, as applicable, as specified in this 37597
division. In the case of a change in district composition, money 37598
so received from the collection of the fees of the former 37599

districts shall be divided among the resulting districts in 37600
accordance with division (B) of section 343.012 of the Revised 37601
Code and the agreements entered into under division (B) of section 37602
343.01 of the Revised Code to establish the former and resulting 37603
districts and any amendments to those agreements. 37604

For the purposes of the provisions of division (B) of this 37605
section establishing the times when newly established or amended 37606
fees levied by a district are required to commence and the 37607
collection of fees that have been amended or repealed is required 37608
to cease, "fees" or "schedule of fees" includes, in addition to 37609
fees levied under divisions (B)(1) to (3) of this section, those 37610
levied under section 3734.573 or 3734.574 of the Revised Code. 37611

(C) For the purposes of defraying the added costs to a 37612
municipal corporation or township of maintaining roads and other 37613
public facilities and of providing emergency and other public 37614
services, and compensating a municipal corporation or township for 37615
reductions in real property tax revenues due to reductions in real 37616
property valuations resulting from the location and operation of a 37617
solid waste disposal facility within the municipal corporation or 37618
township, a municipal corporation or township in which such a 37619
solid waste disposal facility is located may levy a fee of not 37620
more than twenty-five cents per ton on the disposal of solid 37621
wastes at a solid waste disposal facility located within the 37622
boundaries of the municipal corporation or township regardless of 37623
where the wastes were generated. 37624

The legislative authority of a municipal corporation or 37625
township may levy fees under this division by enacting an 37626
ordinance or adopting a resolution establishing the amount of the 37627
fees. Upon so doing the legislative authority shall mail a 37628
certified copy of the ordinance or resolution to the board of 37629
county commissioners or directors of the county or joint solid 37630
waste management district in which the municipal corporation or 37631

township is located or, if a regional solid waste management 37632
authority has been formed under section 343.011 of the Revised 37633
Code, to the board of trustees of that regional authority, the 37634
owner or operator of each solid waste disposal facility in the 37635
municipal corporation or township that is required to collect the 37636
fee by the ordinance or resolution, and the director of 37637
environmental protection. Although the fees levied under this 37638
division are levied on the basis of tons as the unit of 37639
measurement, the legislative authority, in its ordinance or 37640
resolution levying the fees under this division, may direct that 37641
the fees be levied on the basis of cubic yards as the unit of 37642
measurement based upon a conversion factor of three cubic yards 37643
per ton generally or one cubic yard per ton for baled wastes. 37644

Not later than five days after enacting an ordinance or 37645
adopting a resolution under this division, the legislative 37646
authority shall so notify by certified mail the owner or operator 37647
of each solid waste disposal facility that is required to collect 37648
the fee. Collection of any fee levied on or after March 24, 1992, 37649
shall commence on the first day of the second month following the 37650
month in which notification is sent to the owner or operator. 37651

(D)(1) The fees levied under divisions (A), (B), and (C) of 37652
this section do not apply to the disposal of solid wastes that: 37653

(a) Are disposed of at a facility owned by the generator of 37654
the wastes when the solid waste facility exclusively disposes of 37655
solid wastes generated at one or more premises owned by the 37656
generator regardless of whether the facility is located on a 37657
premises where the wastes are generated; 37658

(b) Are generated from the combustion of coal, or from the 37659
combustion of primarily coal, regardless of whether the disposal 37660
facility is located on the premises where the wastes are 37661
generated; 37662

(c) Are asbestos or asbestos-containing materials or products 37663
disposed of at a construction and demolition debris facility that 37664
is licensed under Chapter 3714. of the Revised Code or at a solid 37665
waste facility that is licensed under this chapter. 37666

(2) Except as provided in section 3734.571 of the Revised 37667
Code, any fees levied under division (B)(1) of this section apply 37668
to solid wastes originating outside the boundaries of a county or 37669
joint district that are covered by an agreement for the joint use 37670
of solid waste facilities entered into under section 343.02 of the 37671
Revised Code by the board of county commissioners or board of 37672
directors of the county or joint district where the wastes are 37673
generated and disposed of. 37674

(3) When solid wastes, other than solid wastes that consist 37675
of scrap tires, are burned in a disposal facility that is an 37676
incinerator or energy recovery facility, the fees levied under 37677
divisions (A), (B), and (C) of this section shall be levied upon 37678
the disposal of the fly ash and bottom ash remaining after burning 37679
of the solid wastes and shall be collected by the owner or 37680
operator of the sanitary landfill where the ash is disposed of. 37681

(4) When solid wastes are delivered to a solid waste transfer 37682
facility, the fees levied under divisions (B) and (C) of this 37683
section shall be levied upon the disposal of solid wastes 37684
transported off the premises of the transfer facility for disposal 37685
and shall be collected by the owner or operator of the solid waste 37686
disposal facility where the wastes are disposed of. 37687

(5) The fees levied under divisions (A), (B), and (C) of this 37688
section do not apply to sewage sludge that is generated by a waste 37689
water treatment facility holding a national pollutant discharge 37690
elimination system permit and that is disposed of through 37691
incineration, land application, or composting or at another 37692
resource recovery or disposal facility that is not a landfill. 37693

(6) The fees levied under divisions (A), (B), and (C) of this section do not apply to solid wastes delivered to a solid waste composting facility for processing. When any unprocessed solid waste or compost product is transported off the premises of a composting facility and disposed of at a landfill, the fees levied under divisions (A), (B), and (C) of this section shall be collected by the owner or operator of the landfill where the unprocessed waste or compost product is disposed of.

(7) When solid wastes that consist of scrap tires are processed at a scrap tire recovery facility, the fees levied under divisions (A), (B), and (C) of this section shall be levied upon the disposal of the fly ash and bottom ash or other solid wastes remaining after the processing of the scrap tires and shall be collected by the owner or operator of the solid waste disposal facility where the ash or other solid wastes are disposed of.

(8) The director of environmental protection may issue an order exempting from the fees levied under this section solid wastes, including, but not limited to, scrap tires, that are generated, transferred, or disposed of as a result of a contract providing for the expenditure of public funds entered into by the administrator or regional administrator of the United States environmental protection agency, the director of environmental protection, or the director of administrative services on behalf of the director of environmental protection for the purpose of remediating conditions at a hazardous waste facility, solid waste facility, or other location at which the administrator or regional administrator or the director of environmental protection has reason to believe that there is a substantial threat to public health or safety or the environment or that the conditions are causing or contributing to air or water pollution or soil contamination. An order issued by the director of environmental protection under division (D)(8) of this section shall include a

determination that the amount of the fees not received by a solid waste management district as a result of the order will not adversely impact the implementation and financing of the district's approved solid waste management plan and any approved amendments to the plan. Such an order is a final action of the director of environmental protection.

(E) The fees levied under divisions (B) and (C) of this section shall be collected by the owner or operator of the solid waste disposal facility where the wastes are disposed of as a trustee for the county or joint district and municipal corporation or township where the wastes are disposed of. Moneys from the fees levied under division (B) of this section shall be forwarded to the board of county commissioners or board of directors of the district in accordance with rules adopted under division (H) of this section. Moneys from the fees levied under division (C) of this section shall be forwarded to the treasurer or such other officer of the municipal corporation as, by virtue of the charter, has the duties of the treasurer or to the fiscal officer of the township, as appropriate, in accordance with those rules.

(F) Moneys received by the treasurer or other officer of the municipal corporation under division (E) of this section shall be paid into the general fund of the municipal corporation. Moneys received by the fiscal officer of the township under that division shall be paid into the general fund of the township. The treasurer or other officer of the municipal corporation or the township fiscal officer, as appropriate, shall maintain separate records of the moneys received from the fees levied under division (C) of this section.

(G) Moneys received by the board of county commissioners or board of directors under division (E) of this section or section 3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code shall be paid to the county treasurer, or other official acting in

a similar capacity under a county charter, in a county district or 37758
to the county treasurer or other official designated by the board 37759
of directors in a joint district and kept in a separate and 37760
distinct fund to the credit of the district. If a regional solid 37761
waste management authority has been formed under section 343.011 37762
of the Revised Code, moneys received by the board of trustees of 37763
that regional authority under division (E) of this section shall 37764
be kept by the board in a separate and distinct fund to the credit 37765
of the district. Moneys in the special fund of the county or joint 37766
district arising from the fees levied under division (B) of this 37767
section and the fee levied under division (A) of section 3734.573 37768
of the Revised Code shall be expended by the board of county 37769
commissioners or directors of the district in accordance with the 37770
district's solid waste management plan or amended plan approved 37771
under section 3734.521, 3734.55, or 3734.56 of the Revised Code 37772
exclusively for the following purposes: 37773

(1) Preparation of the solid waste management plan of the 37774
district under section 3734.54 of the Revised Code, monitoring 37775
implementation of the plan, and conducting the periodic review and 37776
amendment of the plan required by section 3734.56 of the Revised 37777
Code by the solid waste management policy committee; 37778

(2) Implementation of the approved solid waste management 37779
plan or amended plan of the district, including, without 37780
limitation, the development and implementation of solid waste 37781
recycling or reduction programs; 37782

(3) Providing financial assistance to boards of health within 37783
the district, if solid waste facilities are located within the 37784
district, for enforcement of this chapter and rules, orders, and 37785
terms and conditions of permits, licenses, and variances adopted 37786
or issued under it, other than the hazardous waste provisions of 37787
this chapter and rules adopted and orders and terms and conditions 37788
of permits issued under those provisions; 37789

(4) Providing financial assistance to each county within the district to defray the added costs of maintaining roads and other public facilities and of providing emergency and other public services resulting from the location and operation of a solid waste facility within the county under the district's approved solid waste management plan or amended plan;	37790 37791 37792 37793 37794 37795
(5) Pursuant to contracts entered into with boards of health within the district, if solid waste facilities contained in the district's approved plan or amended plan are located within the district, for paying the costs incurred by those boards of health for collecting and analyzing samples from public or private water wells on lands adjacent to those facilities;	37796 37797 37798 37799 37800 37801
(6) Developing and implementing a program for the inspection of solid wastes generated outside the boundaries of this state that are disposed of at solid waste facilities included in the district's approved solid waste management plan or amended plan;	37802 37803 37804 37805
(7) Providing financial assistance to boards of health within the district for the enforcement of section 3734.03 of the Revised Code or to local law enforcement agencies having jurisdiction within the district for enforcing anti-littering laws and ordinances;	37806 37807 37808 37809 37810
(8) Providing financial assistance to boards of health of health districts within the district that are on the approved list under section 3734.08 of the Revised Code to defray the costs to the health districts for the participation of their employees responsible for enforcement of the solid waste provisions of this chapter and rules adopted and orders and terms and conditions of permits, licenses, and variances issued under those provisions in the training and certification program as required by rules adopted under division (L) of section 3734.02 of the Revised Code;	37811 37812 37813 37814 37815 37816 37817 37818 37819
(9) Providing financial assistance to individual municipal	37820

corporations and townships within the district to defray their 37821
added costs of maintaining roads and other public facilities and 37822
of providing emergency and other public services resulting from 37823
the location and operation within their boundaries of a 37824
composting, energy or resource recovery, incineration, or 37825
recycling facility that either is owned by the district or is 37826
furnishing solid waste management facility or recycling services 37827
to the district pursuant to a contract or agreement with the board 37828
of county commissioners or directors of the district; 37829

(10) Payment of any expenses that are agreed to, awarded, or 37830
ordered to be paid under section 3734.35 of the Revised Code and 37831
of any administrative costs incurred pursuant to that section. In 37832
the case of a joint solid waste management district, if the board 37833
of county commissioners of one of the counties in the district is 37834
negotiating on behalf of affected communities, as defined in that 37835
section, in that county, the board shall obtain the approval of 37836
the board of directors of the district in order to expend moneys 37837
for administrative costs incurred. 37838

Prior to the approval of the district's solid waste 37839
management plan under section 3734.55 of the Revised Code, moneys 37840
in the special fund of the district arising from the fees shall be 37841
expended for those purposes in the manner prescribed by the solid 37842
waste management policy committee by resolution. 37843

Notwithstanding division (G)(6) of this section as it existed 37844
prior to October 29, 1993, or any provision in a district's solid 37845
waste management plan prepared in accordance with division 37846
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 37847
prior to that date, any moneys arising from the fees levied under 37848
division (B)(3) of this section prior to January 1, 1994, may be 37849
expended for any of the purposes authorized in divisions (G)(1) to 37850
(10) of this section. 37851

(H) The director shall adopt rules in accordance with Chapter 37852

119. of the Revised Code prescribing procedures for collecting and 37853
forwarding the fees levied under divisions (B) and (C) of this 37854
section to the boards of county commissioners or directors of 37855
county or joint solid waste management districts and to the 37856
treasurers or other officers of municipal corporations and the 37857
fiscal officers of townships. The rules also shall prescribe the 37858
dates for forwarding the fees to the boards and officials and may 37859
prescribe any other requirements the director considers necessary 37860
or appropriate to implement and administer divisions (A), (B), and 37861
(C) of this section. 37862

Sec. 3734.901. (A)(1) For the purpose of providing revenue to 37863
defray the cost of administering and enforcing the scrap tire 37864
provisions of this chapter, rules adopted under those provisions, 37865
and terms and conditions of orders, variances, and licenses issued 37866
under those provisions; to abate accumulations of scrap tires; to 37867
make grants supporting market development activities for scrap 37868
tires and synthetic rubber from tire manufacturing processes and 37869
tire recycling processes and to support scrap tire amnesty and 37870
cleanup events; to make loans to promote the recycling or recovery 37871
of energy from scrap tires; and to defray the costs of 37872
administering and enforcing sections 3734.90 to 3734.9014 of the 37873
Revised Code, a fee of fifty cents per tire is hereby levied on 37874
the sale of tires. The proceeds of the fee shall be deposited in 37875
the state treasury to the credit of the scrap tire management fund 37876
created in section 3734.82 of the Revised Code. The fee is levied 37877
from the first day of the calendar month that begins next after 37878
thirty days from October 29, 1993, through June 30, ~~2020~~ 2022. 37879

(2) Beginning on July 1, 2011, and ending on June 30, ~~2020~~ 37880
2022, there is hereby levied an additional fee of fifty cents per 37881
tire on the sale of tires the proceeds of which shall be deposited 37882
in the state treasury to the credit of the soil and water 37883
conservation district assistance fund created in section 940.15 of 37884

the Revised Code. 37885

(B) Only one sale of the same article shall be used in 37886
computing the amount of the fee due. 37887

Sec. 3735.31. A metropolitan housing authority created under 37888
sections 3735.27 to 3735.50 of the Revised Code constitutes a body 37889
corporate and politic. Nothing in this chapter shall limit the 37890
authority of a metropolitan housing authority, or a nonprofit 37891
corporation formed by a metropolitan housing authority to carry 37892
out its functions, to compete for and perform federal housing 37893
contracts or grants within or outside this state. To clear, plan, 37894
redevelop, and rebuild slum areas within the district in which the 37895
authority is created; to provide safe and sanitary housing 37896
accommodations to families of low income within that district; to 37897
make available, acquire, construct, improve, manage, lease, or own 37898
mixed-use or mixed-income developments, or a combination of such 37899
developments; or to accomplish any combination of the foregoing 37900
public purposes, the authority may do any of the following: 37901

(A) Sue and be sued; have a seal; have corporate succession; 37902
receive grants from state, federal, or other governments, or from 37903
private sources; conduct investigations into housing and living 37904
conditions; enter any buildings or property in order to conduct 37905
its investigations; conduct examinations, subpoena, and require 37906
the attendance of witnesses and the production of books and 37907
papers; issue commissions for the examination of witnesses who are 37908
out of the state or unable to attend before the authority or 37909
excused from attendance; and in connection with these powers, any 37910
member of the authority may administer oaths, take affidavits, and 37911
issue subpoenas; 37912

(B) Determine what areas constitute slum areas, and prepare 37913
plans for housing or other projects in those areas; purchase, 37914
lease, sell, exchange, transfer, assign, or mortgage any property, 37915

real or personal, or any interest in that property, or acquire the 37916
same by gift, bequest, or eminent domain; own, hold, clear, and 37917
improve property; provide and set aside housing projects, or 37918
dwelling units comprising portions of housing projects, designed 37919
especially for the use of families, the head of which or the 37920
spouse of which is sixty-five years of age or older; engage in, or 37921
contract for, the construction, reconstruction, alteration, or 37922
repair, or both, of any housing project or part of any housing 37923
project; participate in partnerships or joint ventures relating to 37924
the development of housing or projects with other public or 37925
private entities; include in any contract let in connection with a 37926
project, stipulations requiring that the contractor and any 37927
subcontractors comply with requirements as to minimum wages and 37928
maximum hours of labor, and comply with any conditions that the 37929
federal government has attached to its financial aid of the 37930
project; lease or operate, or both, any project, and establish or 37931
revise schedules of rents for any projects or part of any project; 37932
arrange with the county or municipal corporations, or both, for 37933
the planning and replanning of streets, alleys, and other public 37934
places or facilities in connection with any area or project; 37935
borrow money upon its notes, debentures, or other evidences of 37936
indebtedness, and secure the same by mortgages upon property held 37937
or to be held by it, or by pledge of its revenues, or in any other 37938
manner; invest any funds held in reserves or sinking funds or not 37939
required for immediate disbursements; enter into a shared service 37940
agreement with another metropolitan housing authority; execute 37941
contracts and all other instruments necessary or convenient to the 37942
exercise of the powers granted in this section; make, amend, and 37943
repeal bylaws and rules to carry into effect its powers and 37944
purposes; 37945

(C) Borrow money or accept grants or other financial 37946
assistance from the federal government for or in aid of any 37947
housing project within its territorial limits; take over or lease 37948

or manage any housing project or undertaking constructed or owned 37949
by the federal government; comply with any conditions and enter 37950
into any mortgages, trust indentures, leases, or agreements that 37951
are necessary, convenient, or desirable; 37952

(D) Subject to section 3735.311 of the Revised Code, employ a 37953
police force to protect the lives and property of the residents of 37954
housing projects within the district, to preserve the peace in the 37955
housing projects, and to enforce the laws, ordinances, and 37956
regulations of this state and its political subdivisions in the 37957
housing projects and, when authorized by law, outside the limits 37958
of the housing projects. 37959

(E) Enter into an agreement with a county, municipal 37960
corporation, or township in whose jurisdiction the metropolitan 37961
housing authority is located that permits metropolitan housing 37962
authority police officers employed under division (D) of this 37963
section to exercise full arrest powers as provided in section 37964
2935.03 of the Revised Code, perform any police function, exercise 37965
any police power, or render any police service within specified 37966
areas of the county, municipal corporation, or township for the 37967
purpose of preserving the peace and enforcing all laws of the 37968
state, ordinances of the municipal corporation, or regulations of 37969
the township. 37970

Sec. 3735.33. Any two or more metropolitan housing 37971
authorities created under sections 3735.27 to 3735.50 of the 37972
Revised Code, may join or cooperate with one another in the 37973
exercise, either jointly or otherwise, of any or all of their 37974
powers relative to the purpose of financing as provided in 37975
sections 3735.31 and 3735.45 to 3735.49 of the Revised Code. The 37976
moneys received from such joint or cooperative financing may be 37977
used for planning, undertaking, owning, constructing, operating, 37978
or contracting with respect to a housing project or projects 37979

located within the area of operation of any one or more of the 37980
authorities. An authority may by resolution prescribe and 37981
authorize any other authority or authorities, joining or 37982
cooperating with it, to act on its behalf with respect to any or 37983
all powers relative to the purpose of financing, as its agent or 37984
otherwise, in the name of the authority or authorities so joining 37985
or cooperating, or in its own name. 37986

Any two or more metropolitan housing authorities created 37987
under sections 3735.27 to 3735.50 of the Revised Code may enter 37988
into a shared service agreement. 37989

A metropolitan housing authority may, directly or through its 37990
subsidiaries or instrumentalities, provide, consult, sell, 37991
license, transfer, or contract to provide to other metropolitan 37992
housing authorities, public housing authorities, or other 37993
organizations formed inside or outside of this state, or to 37994
government agencies, housing-related knowledge, technology, 37995
software, innovations, or expertise for any of the following: 37996

(A) The development or redevelopment of housing projects; 37997

(B) The performance of federal housing contracts or grants; 37998

(C) Any matter related to the efficient operation of housing 37999
organizations; 38000

(D) The management or operation of a metropolitan housing 38001
authority or redevelopment authority. 38002

Sec. 3735.40. As used in sections 3735.27, 3735.31, and 38003
3735.40 to 3735.50 of the Revised Code: 38004

(A) "Federal government" includes the United States, the 38005
federal works administrator, or any other agency or 38006
instrumentality, corporate or otherwise, of the United States. 38007

(B) "Slum" has the meaning defined in section 1.08 of the 38008
Revised Code. 38009

(C) "Housing project" or "project" means any of the following works or undertakings: 38010
38011

(1) Demolish, clear, or remove buildings from any slum area. 38012
Such work or undertaking may embrace the adaptation of such area 38013
to public purposes, including parks or other recreational or 38014
community purposes. 38015

(2) Provide decent, safe, and sanitary urban or rural 38016
dwellings, apartments, or other living accommodations for persons 38017
of low income. 38018

(3) Provide for buildings, land, equipment, facilities, and 38019
other real or personal property for necessary, convenient, or 38020
desirable appurtenances, streets, sewers, water service, parks, 38021
site preparation, gardening, administrative, community, health, 38022
recreational, educational, welfare, commercial, residential, or 38023
other purposes. 38024

(4) Accomplish a combination of the foregoing. "Housing 38025
project" also may be applied to the planning of the buildings and 38026
improvements, the acquisition of property, the demolition of 38027
existing structures, the construction, reconstruction, alteration, 38028
and repair of the improvements, and all other work in connection 38029
therewith. 38030

(D) "Families of low income" ~~means~~ and "persons of low 38031
income" mean persons or families who lack the amount of income 38032
which is necessary, as determined by the metropolitan housing 38033
authority undertaking the housing project, to enable them, without 38034
financial assistance, to live in decent, safe, and sanitary 38035
dwellings, without overcrowding. The terms include persons or 38036
families as defined by federal law or regulations who are eligible 38037
for a federally derived rent subsidy. 38038

(E) "Families" means families consisting of two or more 38039
persons, a single person who has attained the age at which an 38040

individual may elect to receive an old age benefit under Title II 38041
of the "Social Security Act" or is under disability as defined in 38042
section 223 of that act, 49 Stat. 622 (1935), 42 U.S.C.A. 401, as 38043
amended, or the remaining member of a tenant family. 38044

(F) "Families" also means a single person discharged by the 38045
head of a hospital pursuant to section 5122.21 of the Revised Code 38046
after March 10, 1964. 38047

(G) "Mixed-income development" means a development that 38048
includes decent, safe, and sanitary urban or rural dwellings, 38049
apartments, or other living accommodations for persons or families 38050
of varying incomes. 38051

(H) "Mixed-use development" means a development that is both 38052
residential and nonresidential in character. 38053

Sec. 3735.41. Except as otherwise provided in section 3735.43 38054
of the Revised Code, in the operation or management of housing 38055
projects a metropolitan housing authority shall observe the 38056
following with respect to rentals and tenant selection: 38057

(A)(1) It shall not provide a federally derived rent subsidy 38058
to any tenant for any dwelling in a housing project if the persons 38059
who would occupy the dwelling have an aggregate annual net income 38060
that equals or exceeds the amount that the authority determines to 38061
be necessary to enable such persons to do both of the following: 38062

(a) Secure safe, sanitary, and uncongested dwelling 38063
accommodations within the area of operation of the authority; 38064

(b) Provide an adequate standard of living for themselves. 38065

(2) As used in this division, "aggregate annual net income" 38066
means the aggregate annual income less the deductions and 38067
exemptions from that income authorized by law or regulations 38068
established by the United States department of housing and urban 38069
development. 38070

(B) ~~It~~ (1) Except as provided in division (B)(2) of this section, it may rent or lease the dwelling accommodations therein only at rentals within the financial reach of persons who lack the amount of income which it determines, pursuant to division (A) of this section, to be necessary in order to obtain safe, sanitary, and uncongested dwelling accommodations within the area of operation of the authority and to provide an adequate standard of living. 38071
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(2) It may rent or lease to nonresidential tenants and persons of varying incomes within a project, mixed-use development, or mixed-income development. 38079
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(C) It may use a federally derived rent subsidy to rent or lease to a tenant a dwelling consisting of the number of rooms, but no greater number, which it considers necessary to provide safe and sanitary accommodations to the proposed occupants thereof, without overcrowding. 38082
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Sections 3735.27 to 3735.50 of the Revised Code do not limit the power of an authority to vest in a bondholder the right, in the event of a default by such authority, to take possession of a housing project or cause the appointment of a receiver thereof or acquire title thereto through foreclosure proceedings, free from all the restrictions imposed by such sections. 38087
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Sec. 3735.661. (A) For the purpose of determining the "first two amendments" referenced in division (B) of Section 3 of Am. Sub. S.B. 19 of the 120th general assembly, an amendment means any modification to an ordinance or resolution adopted under section 3735.66 of the Revised Code that does any of the following: 38093
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(1) Expands the geographic size of a community reinvestment area; 38098
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(2) Increases a property's or category of property's exempted 38100

percentage of assessed valuation, notwithstanding the requirements 38101
of section 3735.66 of the Revised Code as that section existed on 38102
July 21, 1994. Division (A)(2) of this section does not authorize 38103
a municipal corporation or county to increase a property's or 38104
category of property's exempted percentage of assessed valuation 38105
pursuant to that section. 38106

(3) Increases the term of any tax exemption or category of 38107
tax exemptions, except as provided in division (B)~~(6)~~(7) of this 38108
section; 38109

(4) Extends the duration of a community reinvestment area; 38110

(5) Changes eligibility requirements for receiving tax 38111
exemptions. 38112

(B) For the purpose of determining the "first two amendments" 38113
in division (B) of Section 3 of Am. Sub. S.B. 19 of the 120th 38114
general assembly, an amendment does not include any modification 38115
to an ordinance or resolution adopted under section 3735.66 of the 38116
Revised Code that does any of the following: 38117

(1) Restricts the availability of tax exemptions, including 38118
any of the following: 38119

(a) Removes area from or decreases the geographic size of a 38120
community reinvestment area; 38121

(b) Decreases a property's or category of property's exempted 38122
percentage of assessed valuation, notwithstanding the requirements 38123
of section 3735.66 of the Revised Code as that section existed on 38124
July 21, 1994. Division (B)(1)(b) of this section does not 38125
authorize a municipal corporation or county to decrease a 38126
property's or category of property's exempted percentage of 38127
assessed valuation pursuant to that section. 38128

(c) Decreases the term of any tax exemption or category of 38129
exemption; 38130

(d) Shortens the period of time after which the granting of tax exemptions may be terminated.	38131 38132
(2) <u>Requires property owners or developers to enter into an agreement to provide a number of affordable housing units as a condition of granting, continuing, or revoking an exemption, and authorizing municipal or county officials to implement such conditions and agreements;</u>	38133 38134 38135 38136 38137
(3) Recognizes or confirms the continuing existence of a community reinvestment area, including by providing a date after which the area may be terminated;	38138 38139 38140
(3) (4) Recognizes or confirms a previously granted tax exemption;	38141 38142
(4) (5) Clarifies ambiguities or corrects defects in previously enacted ordinances or resolutions;	38143 38144
(5) (6) Makes modifications that are procedural or administrative, including changing the designation of a housing officer, the process for approving or appealing a tax exemption, or the amount of any application fee, or modifying a community reinvestment area housing council created under section 3735.69 of the Revised Code or a tax incentive review council under section 5709.85 of the Revised Code;	38145 38146 38147 38148 38149 38150 38151
(6) (7) Increases the term of tax exemption for remodeling to not more than that authorized by H.B. 463 of the 131st general assembly for an exemption application that has been filed but not yet granted, or has been filed, on or after April 6, 2017, or that is filed on or after any other later date, provided the maximum term of the exemption for such remodeling before the ordinance's or resolution's modification was the maximum term allowed under division (D)(1) or (2) of section 3735.67 of the Revised Code as that section existed before its amendment by H.B. 463 of the 131st general assembly.	38152 38153 38154 38155 38156 38157 38158 38159 38160 38161

Sec. 3738.01. (A) As used in this section and sections 38162
3738.02 to 3738.09 of the Revised Code, "pregnancy-associated 38163
death" means the death of a woman while pregnant or anytime within 38164
one year of pregnancy regardless of cause. 38165

(B) There is hereby established in the department of health a 38166
pregnancy-associated mortality review (PAMR) board to identify and 38167
review all pregnancy-associated deaths statewide for the purpose 38168
of reducing the incidence of those deaths. 38169

Sec. 3738.02. The PAMR board may not conduct a review of a 38170
pregnancy-associated death while an investigation of the death or 38171
prosecution of a person for causing the death is pending unless 38172
the prosecuting attorney agrees to allow the review. The law 38173
enforcement agency conducting the criminal investigation, on the 38174
conclusion of the investigation, and the prosecuting attorney 38175
prosecuting the case, on the conclusion of the prosecution, shall 38176
notify the chairperson of the PAMR board of the conclusion. 38177

Sec. 3738.03. All of the following apply with respect to the 38178
PAMR board: 38179

(A) The director of health shall appoint the board's members. 38180
In doing so, the director shall make a good faith effort to select 38181
members who represent all regions of the state and multiple areas 38182
of expertise and constituencies concerned with the care of 38183
pregnant and postpartum women. 38184

(B) The board, by a majority vote of a quorum of its members, 38185
shall select an individual to serve as its chairperson. The board 38186
may replace a chairperson in the same manner. 38187

(C) An appointed member shall hold office until a successor 38188
is appointed. The director of health shall fill a vacancy as soon 38189
as practicable. 38190

(D) A member shall not receive any compensation for, and shall not be paid for any expenses incurred pursuant to, fulfilling the member's duties on the board. 38191
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(E) The board shall meet at the call of the board's chairperson as often as the chairperson determines necessary for timely completion of pregnancy-associated death reviews. The reviews shall be conducted in accordance with rules adopted under section 3738.09 of the Revised Code. 38194
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(F) The department of health shall provide meeting space, staff services, and other technical assistance required by the board in carrying out its duties. 38199
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Sec. 3738.04. The PAMR board shall seek to reduce the incidence of pregnancy-associated deaths in this state by doing all of the following: 38202
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(A) Promoting cooperation, collaboration, and communication between all groups, professions, agencies, and entities that serve pregnant and postpartum women and families; 38205
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(B) Recommending and developing plans for implementing service and program changes, as well as changes to the groups, professions, agencies, and entities that serve pregnant and postpartum women and families; 38208
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38211

(C) Providing the department of health with aggregate data, trends, and patterns regarding pregnancy-associated deaths using data and other relevant information specified in rules adopted under section 3738.09 of the Revised Code; 38212
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38215

(D) Developing effective interventions to reduce the mortality of pregnant and postpartum women. 38216
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Sec. 3738.05. (A) Notwithstanding section 3701.243 and any other section of the Revised Code pertaining to confidentiality, 38218
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and except as provided in division (B) of this section, an 38220
individual, government entity, agency that provides services 38221
specifically to individuals or families, law enforcement agency, 38222
health care provider, or other public or private entity that 38223
provided services to a woman whose death is being reviewed by the 38224
PAMR board shall submit to the board a copy of any record it 38225
possesses that the board requests. In addition, such an individual 38226
or entity may make available to the board additional information, 38227
documents, or reports that could be useful to the board's 38228
investigation. 38229

(B) No person, government entity, law enforcement agency, or 38230
prosecuting attorney shall provide any information regarding a 38231
pregnancy-associated death while an investigation of the death or 38232
prosecution of a person for causing the death is pending unless 38233
the prosecuting attorney agrees to allow the review. 38234

(C) A family member of the deceased may decline to 38235
participate in an interview as part of the review process. In that 38236
case, the review shall continue without the family member's 38237
participation. 38238

Sec. 3738.06. (A) Any record, document, report, or other 38239
information presented to the PAMR board, as well as all statements 38240
made by board members during board meetings, all work products of 38241
the board, and data submitted to the department of health by the 38242
board, other than the triennial reports described in section 38243
3738.08 of the Revised Code, are confidential and not a public 38244
record under section 149.43 of the Revised Code. Such materials 38245
shall be used by the board and department only in the exercise of 38246
the proper functions of the board and department. 38247

(B) No person shall permit or encourage the unauthorized 38248
dissemination of confidential information described in division 38249

<u>(A) of this section.</u>	38250
<u>(C) Whoever violates division (B) of this section is guilty of a misdemeanor of the second degree.</u>	38251 38252
<u>Sec. 3738.07. (A) An individual or public or private entity providing records, documents, reports, or other information to the PAMR board is immune from any civil liability for injury, death, or loss to person or property that otherwise might be incurred or imposed as a result of providing the records, documents, reports, or information to the board.</u>	38253 38254 38255 38256 38257 38258
<u>(B) Each board member is immune from any civil liability for injury, death, or loss to person or property that might otherwise be incurred or imposed as a result of the member's participation on the board.</u>	38259 38260 38261 38262
<u>Sec. 3738.08. (A) The PAMR board shall prepare a triennial report that does all of the following:</u>	38263 38264
<u>(1) Summarizes the board's findings from the reviews completed in the immediately preceding two calendar years, including any trends or patterns identified by the board;</u>	38265 38266 38267
<u>(2) Makes recommendations on how pregnancy-associated deaths may be prevented, including changes that should be made to policies and laws;</u>	38268 38269 38270
<u>(3) Includes any other information related to pregnancy-associated mortality the board considers useful.</u>	38271 38272
<u>(B) A report shall not contain individually identifiable information regarding any woman whose death was reviewed by the board.</u>	38273 38274 38275
<u>(C) The board shall submit a copy of each report to the director of health, the general assembly, and the governor. The copy to the general assembly shall be submitted in accordance with</u>	38276 38277 38278

section 101.68 of the Revised Code. The initial report shall be 38279
submitted not later than March 1, 2020, with subsequent reports 38280
submitted not later than March 1 every two years thereafter. 38281

The director shall make a copy of each report available on 38282
the department of health's web site. 38283

(D) Reports prepared under this section are public records 38284
under section 149.43 of the Revised Code. 38285

Sec. 3738.09. The director of health shall adopt rules that 38286
are necessary for the implementation of sections 3738.01 to 38287
3738.08 of the Revised Code, including rules that do all of the 38288
following: 38289

(A) Establish a procedure for the PAMR board to follow in 38290
conducting pregnancy-associated death reviews; 38291

(B) Specify the data and other relevant information the board 38292
must use when conducting pregnancy-associated death reviews; 38293

(C) Establish guidelines for the board to follow to prevent 38294
an unauthorized dissemination of confidential information in 38295
violation of division (B) of section 3738.06 of the Revised Code. 38296

The rules shall be adopted in accordance with Chapter 119. of 38297
the Revised Code. 38298

Sec. 3742.03. The director of health shall adopt rules in 38299
accordance with Chapter 119. of the Revised Code for the 38300
administration and enforcement of sections 3742.01 to 3742.19 and 38301
3742.99 of the Revised Code. The rules shall specify all of the 38302
following: 38303

(A) Procedures to be followed by a lead abatement contractor, 38304
lead abatement project designer, lead abatement worker, lead 38305
inspector, or lead risk assessor licensed under section 3742.05 of 38306
the Revised Code for undertaking lead abatement activities and 38307

procedures to be followed by a clearance technician, lead 38308
inspector, or lead risk assessor in performing a clearance 38309
examination; 38310

(B)(1) Requirements for training and licensure, in addition 38311
to those established under section 3742.08 of the Revised Code, to 38312
include levels of training and periodic refresher training for 38313
each class of worker, and to be used for licensure under section 38314
3742.05 of the Revised Code. Except in the case of clearance 38315
technicians, these requirements shall include at least twenty-four 38316
classroom hours of training based on the Occupational Safety and 38317
Health Act training program for lead set forth in 29 C.F.R. 38318
1926.62. For clearance technicians, the training requirements to 38319
obtain an initial license shall not exceed six hours and the 38320
requirements for refresher training shall not exceed two hours 38321
every four years. In establishing the training and licensure 38322
requirements, the director shall consider the core of information 38323
that is needed by all licensed persons, and establish the training 38324
requirements so that persons who would seek licenses in more than 38325
one area would not have to take duplicative course work. 38326

(2) Persons certified by the American board of industrial 38327
hygiene as a certified industrial hygienist or as an industrial 38328
hygienist-in-training, and persons registered as a sanitarian or 38329
sanitarian-in-training under Chapter 4736. of the Revised Code, 38330
shall be exempt from any training requirements for initial 38331
licensure established under this chapter, but shall be required to 38332
take any examinations for licensure required under section 3742.05 38333
of the Revised Code. 38334

(C) Fees for licenses issued under section 3742.05 of the 38335
Revised Code and for their renewal; 38336

(D) Procedures to be followed by lead inspectors, lead 38337
abatement contractors, environmental lead analytical laboratories, 38338
lead risk assessors, lead abatement project designers, and lead 38339

abatement workers to prevent public exposure to lead hazards and 38340
ensure worker protection during lead abatement projects; 38341

(E)(1) Record-keeping and reporting requirements for clinical 38342
laboratories, environmental lead analytical laboratories, lead 38343
inspectors, lead abatement contractors, lead risk assessors, lead 38344
abatement project designers, and lead abatement workers for lead 38345
abatement projects and record-keeping and reporting requirements 38346
for clinical laboratories, environmental lead analytical 38347
laboratories, and clearance technicians for clearance 38348
examinations; 38349

(2) Record-keeping and reporting requirements regarding lead 38350
poisoning for physicians, ~~in addition to the requirements of~~ 38351
~~section 3701.25 of the Revised Code;~~ 38352

(3) Information that is required to be reported under rules 38353
based on divisions (E)(1) and (2) of this section and that is a 38354
medical record is not a public record under section 149.43 of the 38355
Revised Code and shall not be released, except in aggregate 38356
statistical form. 38357

(F) Environmental sampling techniques for use in collecting 38358
samples of air, water, dust, paint, and other materials; 38359

(G) Requirements for a respiratory protection plan prepared 38360
in accordance with section 3742.07 of the Revised Code; 38361

(H) Requirements under which a manufacturer of encapsulants 38362
must demonstrate evidence of the safety and durability of its 38363
encapsulants by providing results of testing from an independent 38364
laboratory indicating that the encapsulants meet the standards 38365
developed by the "E06.23.30 task group on encapsulants," which is 38366
the task group of the lead hazards associated with buildings 38367
subcommittee of the performance of buildings committee of the 38368
American society for testing and materials. 38369

Sec. 3742.04. (A) The director of health shall do all of the following: 38370
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(1) Administer and enforce the requirements of sections 38372
3742.01 to 3742.19 and 3742.99 of the Revised Code and the rules 38373
adopted pursuant to those sections; 38374

(2) Examine records and reports submitted by lead inspectors, 38375
lead abatement contractors, lead risk assessors, lead abatement 38376
project designers, lead abatement workers, and clearance 38377
technicians in accordance with section 3742.05 of the Revised Code 38378
to determine whether the requirements of this chapter are being 38379
met; 38380

(3) Examine records and reports submitted by physicians, 38381
pursuant to rules adopted under section 3742.03 of the Revised 38382
Code and by clinical laboratories, and environmental lead 38383
analytical laboratories under section ~~3701.25~~ or 3742.09 of the 38384
Revised Code; 38385

(4) Issue approval to manufacturers of encapsulants that have 38386
done all of the following: 38387

(a) Submitted an application for approval to the director on 38388
a form prescribed by the director; 38389

(b) Paid the application fee established by the director; 38390

(c) Submitted results from an independent laboratory 38391
indicating that the manufacturer's encapsulants satisfy the 38392
requirements established in rules adopted under division (H) of 38393
section 3742.03 of the Revised Code; 38394

(d) Complied with rules adopted by the director regarding 38395
durability and safety to workers and residents. 38396

(5) Establish liaisons and cooperate with the directors or 38397
agencies in states having lead abatement, licensing, 38398
accreditation, certification, and approval programs to promote 38399

consistency between the requirements of this chapter and those of 38400
other states in order to facilitate reciprocity of the programs 38401
among states; 38402

(6) Establish a program to monitor and audit the quality of 38403
work of lead inspectors, lead risk assessors, lead abatement 38404
project designers, lead abatement contractors, lead abatement 38405
workers, and clearance technicians. The director may refer 38406
improper work discovered through the program to the attorney 38407
general for appropriate action. 38408

(B) In addition to any other authority granted by this 38409
chapter, the director of health may do any of the following: 38410

(1) Employ persons who have received training from a program 38411
the director has determined provides the necessary background. The 38412
appropriate training may be obtained in a state that has an 38413
ongoing lead abatement program under which it conducts educational 38414
programs. 38415

(2) Cooperate with the United States environmental protection 38416
agency in any joint oversight procedures the agency may propose 38417
for laboratories that offer lead analysis services and are 38418
accredited under the agency's laboratory accreditation program; 38419

(3) Advise, consult, cooperate with, or enter into contracts 38420
or cooperative agreements with any person, government entity, 38421
interstate agency, or the federal government as the director 38422
considers necessary to fulfill the requirements of this chapter 38423
and the rules adopted under it. 38424

Sec. 3742.18. (A)(1) At the request of the director of 38425
health, the attorney general may commence a civil action for civil 38426
penalties and injunctive and other equitable relief against any 38427
person who violates section 3742.02, 3742.06, or 3742.07 of the 38428
Revised Code. The action shall be commenced in the court of common 38429

pleas of the county in which the violation occurred or is about to occur. 38430
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(2) The court shall grant injunctive and other equitable relief on a showing that the person has violated or is about to violate section 3742.02, 3742.06, or 3742.07 of the Revised Code. On a finding of a violation, the court shall assess a civil penalty of not more than one thousand dollars. Each day a violation continues is a separate violation. All civil penalties collected by the court under this section shall be deposited into the state treasury to the credit of the lead abatement personnel licensing fund created under section 3742.19 of the Revised Code. 38432
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(B) At the request of the director or a board of health, a prosecuting attorney, city director of law, village solicitor, or similar chief legal officer may commence a civil action for injunctive and other equitable relief against any person who violates or is about to violate an order issued by the director or board of health under section 3742.40 of the Revised Code. The court shall grant injunctive or other equitable relief on a showing that the person has violated or is about to violate the order. 38441
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Sec. 3742.32. (A) The director of health shall appoint an advisory council to assist in the ongoing development and implementation of the child lead poisoning prevention program created under section 3742.31 of the Revised Code. The advisory council shall consist of the following members: 38450
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(1) A representative of the department of medicaid; 38455

(2) A representative of the bureau of child care in the department of job and family services; 38456
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(3) A representative of the department of environmental protection; 38458
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(4) A representative of the department of education;	38460
(5) A representative of the development services agency;	38461
(6) A representative of the Ohio apartment owner's association;	38462 38463
(7) A representative of the Ohio help end lead poisoning coalition <u>healthy homes network</u> ;	38464 38465
(8) A representative of the Ohio environmental health association;	38466 38467
(9) An Ohio representative of the national paint and <u>American</u> coatings association;	38468 38469
<u>(10) A representative from Ohio realtors;</u>	38470
<u>(11) A representative of the Ohio housing finance agency;</u>	38471
<u>(12) A physician knowledgeable in the field of lead poisoning</u> <u>prevention;</u>	38472 38473
<u>(13) A representative of the public.</u>	38474
(B) The advisory council shall do both of the following:	38475
(1) Provide the director with advice regarding the policies the child lead poisoning prevention program should emphasize, preferred methods of financing the program, and any other matter relevant to the program's operation;	38476 38477 38478 38479
(2) Submit a report of the state's activities to the governor, president of the senate, and speaker of the house of representatives on or before the first day of March each year.	38480 38481 38482
(C) The advisory council is not subject to sections 101.82 to 101.87 of the Revised Code.	38483 38484
Sec. 3742.40. If the owner and manager of a residential unit, child care facility, or school fails or refuses for any reason to comply with a lead hazard control order issued under section	38485 38486 38487

3742.37 of the Revised Code, the director of health or board of health that issued the order shall issue an order prohibiting the owner and manager from permitting the unit, facility, or school to be used ~~as a residential unit, child care facility, or school~~ for any purpose until the unit, facility, or school passes a clearance examination. On receipt of the order, the owner or manager shall take appropriate measures to notify each occupant, in the case of a residential unit, and the parent, guardian, or custodian of each child attending the facility or school, in the case of a child care facility or school, to vacate the unit, facility, or school until the unit, facility, or school passes a clearance examination. The director or board shall post a sign at the unit, facility, or school that warns the public that the unit, facility, or school has a lead hazard. The sign shall include a declaration that the unit, facility, or school is unsafe for human occupation, especially for children under six years of age and pregnant women. The director or board shall ensure that the sign remains posted at the unit, facility, or school and that the unit, facility, or school is not used ~~as a residential unit, child care facility, or school~~ until the unit, facility, or school passes a clearance examination.

Sec. 3742.50. (A) As used in this section:

(1) "Lead abatement costs" means costs incurred by a taxpayer for either of the following:

(a) A lead abatement specialist to conduct a lead risk assessment, a lead abatement project, or a clearance examination, provided the specialist is authorized under this chapter to conduct the respective task;

(b) Relocation costs incurred in the relocation of occupants of an eligible dwelling to achieve occupant protection, as

described in 24 C.F.R. 35.1345(a). 38518

"Lead abatement costs" do not include such costs for which 38519
the taxpayer is reimbursed or such costs the taxpayer deducts or 38520
excludes in computing the taxpayer's federal adjusted gross income 38521
for federal income tax purposes or Ohio adjusted gross income as 38522
determined under section 5747.01 of the Revised Code. 38523

(2) "Eligible dwelling" means a residential unit constructed 38524
in this state before 1978. 38525

(3) "Lead abatement specialist" means an individual who holds 38526
a valid license issued under section 3742.05 of the Revised Code. 38527

(4) "Taxable year" and "taxpayer" have the same meanings as 38528
in section 5747.01 of the Revised Code. 38529

(B) A taxpayer who incurs lead abatement costs on an eligible 38530
dwelling during a taxable year may apply to the director of health 38531
for a lead abatement tax credit certificate. The applicant shall 38532
list on the application the amount of lead abatement costs the 38533
applicant incurred for the eligible dwelling during the taxable 38534
year. The director, in consultation with the tax commissioner, 38535
shall prescribe the form of a lead abatement tax credit 38536
certificate, the manner by which an applicant shall apply for the 38537
certificate, and requirements for the submission of any record or 38538
other information an applicant must furnish with the application 38539
to verify the lead abatement costs. 38540

(C)(1) Upon receipt of an application under division (B) of 38541
this section, the director of health shall verify all of the 38542
following: 38543

(a) The residential unit that is the subject of the 38544
application is an eligible dwelling. 38545

(b) The taxpayer incurred lead abatement costs during the 38546
taxable year related to the eligible dwelling. 38547

(c) The eligible dwelling has passed a clearance examination 38548
in accordance with standards prescribed in rules adopted by the 38549
director under section 3742.03 or 3742.45 of the Revised Code. 38550

(2) After verifying the conditions described in division 38551
(C)(1) of this section, the director shall issue a lead abatement 38552
tax credit certificate to the applicant equal to the lesser of (a) 38553
the lead abatement costs incurred by the taxpayer on the eligible 38554
dwelling during the taxable year, (b) the amount of lead abatement 38555
costs listed on the application, or (c) ten thousand dollars, 38556
subject to the limitation in division (C)(3) of this section. 38557

(3) The director may not issue more than five million dollars 38558
in lead abatement tax credit certificates in any fiscal year. 38559

(D) The director of health, in consultation with the tax 38560
commissioner, may adopt rules in accordance with Chapter 119. of 38561
the Revised Code as necessary for the administration of this 38562
section. 38563

Sec. 3745.11. (A) Applicants for and holders of permits, 38564
licenses, variances, plan approvals, and certifications issued by 38565
the director of environmental protection pursuant to Chapters 38566
3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee 38567
to the environmental protection agency for each such issuance and 38568
each application for an issuance as provided by this section. No 38569
fee shall be charged for any issuance for which no application has 38570
been submitted to the director. 38571

(B) Except as otherwise provided in division (C)(2) of this 38572
section, beginning July 1, 1994, each person who owns or operates 38573
an air contaminant source and who is required to apply for and 38574
obtain a Title V permit under section 3704.036 of the Revised Code 38575
shall pay the fees set forth in this division. For the purposes of 38576
this division, total emissions of air contaminants may be 38577
calculated using engineering calculations, emissions factors, 38578

material balance calculations, or performance testing procedures, 38579
as authorized by the director. 38580

The following fees shall be assessed on the total actual 38581
emissions from a source in tons per year of the regulated 38582
pollutants particulate matter, sulfur dioxide, nitrogen oxides, 38583
organic compounds, and lead: 38584

(1) Fifteen dollars per ton on the total actual emissions of 38585
each such regulated pollutant during the period July through 38586
December 1993, to be collected no sooner than July 1, 1994; 38587

(2) Twenty dollars per ton on the total actual emissions of 38588
each such regulated pollutant during calendar year 1994, to be 38589
collected no sooner than April 15, 1995; 38590

(3) Twenty-five dollars per ton on the total actual emissions 38591
of each such regulated pollutant in calendar year 1995, and each 38592
subsequent calendar year, to be collected no sooner than the 38593
fifteenth day of April of the year next succeeding the calendar 38594
year in which the emissions occurred. 38595

The fees levied under this division do not apply to that 38596
portion of the emissions of a regulated pollutant at a facility 38597
that exceed four thousand tons during a calendar year. 38598

(C)(1) The fees assessed under division (B) of this section 38599
are for the purpose of providing funding for the Title V permit 38600
program. 38601

(2) The fees assessed under division (B) of this section do 38602
not apply to emissions from any electric generating unit 38603
designated as a Phase I unit under Title IV of the federal Clean 38604
Air Act prior to calendar year 2000. Those fees shall be assessed 38605
on the emissions from such a generating unit commencing in 38606
calendar year 2001 based upon the total actual emissions from the 38607
generating unit during calendar year 2000 and shall continue to be 38608
assessed each subsequent calendar year based on the total actual 38609

emissions from the generating unit during the preceding calendar 38610
year. 38611

(3) The director shall issue invoices to owners or operators 38612
of air contaminant sources who are required to pay a fee assessed 38613
under division (B) or (D) of this section. Any such invoice shall 38614
be issued no sooner than the applicable date when the fee first 38615
may be collected in a year under the applicable division, shall 38616
identify the nature and amount of the fee assessed, and shall 38617
indicate that the fee is required to be paid within thirty days 38618
after the issuance of the invoice. 38619

(D)(1) Except as provided in division (D)(3) of this section, 38620
from January 1, 1994, through December 31, 2003, each person who 38621
owns or operates an air contaminant source; who is required to 38622
apply for a permit to operate pursuant to rules adopted under 38623
division (G), or a variance pursuant to division (H), of section 38624
3704.03 of the Revised Code; and who is not required to apply for 38625
and obtain a Title V permit under section 3704.036 of the Revised 38626
Code shall pay a single fee based upon the sum of the actual 38627
annual emissions from the facility of the regulated pollutants 38628
particulate matter, sulfur dioxide, nitrogen oxides, organic 38629
compounds, and lead in accordance with the following schedule: 38630

Total tons per year 38631		
of regulated pollutants 38632	Annual fee	
emitted 38633	per facility	
More than 0, but less than 50 38634	\$ 75	
50 or more, but less than 100 38635	300	
100 or more 38636	700	

(2) Except as provided in division (D)(3) of this section, 38637
beginning January 1, 2004, each person who owns or operates an air 38638
contaminant source; who is required to apply for a permit to 38639
operate pursuant to rules adopted under division (G), or a 38640
variance pursuant to division (H), of section 3704.03 of the 38641

Revised Code; and who is not required to apply for and obtain a Title V permit under section 3704.03 of the Revised Code shall pay a single fee based upon the sum of the actual annual emissions from the facility of the regulated pollutants particulate matter, sulfur dioxide, nitrogen oxides, organic compounds, and lead in accordance with the following schedule:

Total tons per year of regulated pollutants emitted	Annual fee per facility	
More than 0, but less than 10	\$ 100	38651
10 or more, but less than 50	200	38652
50 or more, but less than 100	300	38653
100 or more	700	38654

(3)(a) As used in division (D) of this section, "synthetic minor facility" means a facility for which one or more permits to install or permits to operate have been issued for the air contaminant sources at the facility that include terms and conditions that lower the facility's potential to emit air contaminants below the major source thresholds established in rules adopted under section 3704.036 of the Revised Code.

(b) Beginning January 1, 2000, through June 30, ~~2020~~ 2022, each person who owns or operates a synthetic minor facility shall pay an annual fee based on the sum of the actual annual emissions from the facility of particulate matter, sulfur dioxide, nitrogen dioxide, organic compounds, and lead in accordance with the following schedule:

Combined total tons per year of all regulated pollutants emitted	Annual fee per facility	
Less than 10	\$ 170	38671
10 or more, but less than 20	340	38672
20 or more, but less than 30	670	38673

30 or more, but less than 40	1,010	38674
40 or more, but less than 50	1,340	38675
50 or more, but less than 60	1,680	38676
60 or more, but less than 70	2,010	38677
70 or more, but less than 80	2,350	38678
80 or more, but less than 90	2,680	38679
90 or more, but less than 100	3,020	38680
100 or more	3,350	38681

(4) The fees assessed under division (D)(1) of this section 38682
shall be collected annually no sooner than the fifteenth day of 38683
April, commencing in 1995. The fees assessed under division (D)(2) 38684
of this section shall be collected annually no sooner than the 38685
fifteenth day of April, commencing in 2005. The fees assessed 38686
under division (D)(3) of this section shall be collected no sooner 38687
than the fifteenth day of April, commencing in 2000. The fees 38688
assessed under division (D) of this section in a calendar year 38689
shall be based upon the sum of the actual emissions of those 38690
regulated pollutants during the preceding calendar year. For the 38691
purpose of division (D) of this section, emissions of air 38692
contaminants may be calculated using engineering calculations, 38693
emission factors, material balance calculations, or performance 38694
testing procedures, as authorized by the director. The director, 38695
by rule, may require persons who are required to pay the fees 38696
assessed under division (D) of this section to pay those fees 38697
biennially rather than annually. 38698

(E)(1) Consistent with the need to cover the reasonable costs 38699
of the Title V permit program, the director annually shall 38700
increase the fees prescribed in division (B) of this section by 38701
the percentage, if any, by which the consumer price index for the 38702
most recent calendar year ending before the beginning of a year 38703
exceeds the consumer price index for calendar year 1989. Upon 38704
calculating an increase in fees authorized by division (E)(1) of 38705
this section, the director shall compile revised fee schedules for 38706

the purposes of division (B) of this section and shall make the revised schedules available to persons required to pay the fees assessed under that division and to the public.

(2) For the purposes of division (E)(1) of this section:

(a) The consumer price index for any year is the average of the consumer price index for all urban consumers published by the United States department of labor as of the close of the twelve-month period ending on the thirty-first day of August of that year.

(b) If the 1989 consumer price index is revised, the director shall use the revision of the consumer price index that is most consistent with that for calendar year 1989.

(F) Each person who is issued a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code on or after July 1, 2003, shall pay the fees specified in the following schedules:

(1) Fuel-burning equipment (boilers, furnaces, or process heaters used in the process of burning fuel for the primary purpose of producing heat or power by indirect heat transfer)		
Input capacity (maximum)		
(million British thermal units per hour)	Permit to install	
Greater than 0, but less than 10	\$ 200	
10 or more, but less than 100	400	
100 or more, but less than 300	1000	
300 or more, but less than 500	2250	
500 or more, but less than 1000	3750	
1000 or more, but less than 5000	6000	
5000 or more	9000	

Units burning exclusively natural gas, number two fuel oil, or both shall be assessed a fee that is one-half the applicable amount shown in division (F)(1) of this section.

(2) Combustion turbines and stationary internal combustion engines designed to generate electricity		38738
Generating capacity (mega watts)	Permit to install	38739
0 or more, but less than 10	\$ 25	38740
10 or more, but less than 25	150	38741
25 or more, but less than 50	300	38742
50 or more, but less than 100	500	38743
100 or more, but less than 250	1000	38744
250 or more	2000	38745
(3) Incinerators		38746
Input capacity (pounds per hour)	Permit to install	38747
0 to 100	\$ 100	38748
101 to 500	500	38749
501 to 2000	1000	38750
2001 to 20,000	1500	38751
more than 20,000	3750	38752
(4)(a) Process		38753
Process weight rate (pounds per hour)	Permit to install	38754
0 to 1000	\$ 200	38755
1001 to 5000	500	38756
5001 to 10,000	750	38757
10,001 to 50,000	1000	38758
more than 50,000	1250	38759
In any process where process weight rate cannot be ascertained, the minimum fee shall be assessed. A boiler, furnace, combustion turbine, stationary internal combustion engine, or process heater designed to provide direct heat or power to a process not designed to generate electricity shall be assessed a fee established in division (F)(4)(a) of this section. A combustion turbine or stationary internal combustion engine designed to generate electricity shall be assessed a fee established in division (F)(2) of this section.		38760
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(b) Notwithstanding division (F)(4)(a) of this section, any person issued a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code shall pay the fees set forth in division (F)(4)(c) of this section for a process used in any of the following industries, as identified by the applicable two-digit, three-digit, or four-digit standard industrial classification code according to the Standard Industrial Classification Manual published by the United States office of management and budget in the executive office of the president, 1987, as revised:

- Major group 10, metal mining; 38780
- Major group 12, coal mining; 38781
- Major group 14, mining and quarrying of nonmetallic minerals; 38782
- Industry group 204, grain mill products; 38783
- 2873 Nitrogen fertilizers; 38784
- 2874 Phosphatic fertilizers; 38785
- 3281 Cut stone and stone products; 38786
- 3295 Minerals and earth, ground or otherwise treated; 38787
- 4221 Grain elevators (storage only); 38788
- 5159 Farm related raw materials; 38789
- 5261 Retail nurseries and lawn and garden supply stores. 38790

(c) The fees set forth in the following schedule apply to the issuance of a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code for a process identified in division (F)(4)(b) of this section:

Process weight rate (pounds per hour)	Permit to install	
0 to 10,000	\$ 200	38796
10,001 to 50,000	400	38797

50,001 to 100,000	500	38798
100,001 to 200,000	600	38799
200,001 to 400,000	750	38800
400,001 or more	900	38801
(5) Storage tanks		38802
Gallons (maximum useful capacity)	Permit to install	38803
0 to 20,000	\$ 100	38804
20,001 to 40,000	150	38805
40,001 to 100,000	250	38806
100,001 to 500,000	400	38807
500,001 or greater	750	38808
(6) Gasoline/fuel dispensing facilities		38809
For each gasoline/fuel		38810
dispensing facility (includes all	Permit to install	38811
units at the facility)	\$ 100	38812
(7) Dry cleaning facilities		38813
For each dry cleaning		38814
facility (includes all units	Permit to install	38815
at the facility)	\$ 100	38816
(8) Registration status		38817
For each source covered	Permit to install	38818
by registration status	\$ 75	38819
(G) An owner or operator who is responsible for an asbestos		38820
demolition or renovation project pursuant to rules adopted under		38821
section 3704.03 of the Revised Code shall pay, upon submitting a		38822
notification pursuant to rules adopted under that section, the		38823
fees set forth in the following schedule:		38824
Action	Fee	38825
Each notification	\$75	38826
Asbestos removal	\$3/unit	38827
Asbestos cleanup	\$4/cubic yard	38828

For purposes of this division, "unit" means any combination of 38829
linear feet or square feet equal to fifty. 38830

(H) A person who is issued an extension of time for a permit 38831
to install an air contaminant source pursuant to rules adopted 38832
under division (F) of section 3704.03 of the Revised Code shall 38833
pay a fee equal to one-half the fee originally assessed for the 38834
permit to install under this section, except that the fee for such 38835
an extension shall not exceed two hundred dollars. 38836

(I) A person who is issued a modification to a permit to 38837
install an air contaminant source pursuant to rules adopted under 38838
section 3704.03 of the Revised Code shall pay a fee equal to 38839
one-half of the fee that would be assessed under this section to 38840
obtain a permit to install the source. The fee assessed by this 38841
division only applies to modifications that are initiated by the 38842
owner or operator of the source and shall not exceed two thousand 38843
dollars. 38844

(J) Notwithstanding division (F) of this section, a person 38845
who applies for or obtains a permit to install pursuant to rules 38846
adopted under division (F) of section 3704.03 of the Revised Code 38847
after the date actual construction of the source began shall pay a 38848
fee for the permit to install that is equal to twice the fee that 38849
otherwise would be assessed under the applicable division unless 38850
the applicant received authorization to begin construction under 38851
division (W) of section 3704.03 of the Revised Code. This division 38852
only applies to sources for which actual construction of the 38853
source begins on or after July 1, 1993. The imposition or payment 38854
of the fee established in this division does not preclude the 38855
director from taking any administrative or judicial enforcement 38856
action under this chapter, Chapter 3704., 3714., 3734., or 6111. 38857
of the Revised Code, or a rule adopted under any of them, in 38858
connection with a violation of rules adopted under division (F) of 38859
section 3704.03 of the Revised Code. 38860

As used in this division, "actual construction of the source" 38861
means the initiation of physical on-site construction activities 38862
in connection with improvements to the source that are permanent 38863
in nature, including, without limitation, the installation of 38864
building supports and foundations and the laying of underground 38865
pipework. 38866

(K)(1) Money received under division (B) of this section 38867
shall be deposited in the state treasury to the credit of the 38868
Title V clean air fund created in section 3704.035 of the Revised 38869
Code. Annually, not more than fifty cents per ton of each fee 38870
assessed under division (B) of this section on actual emissions 38871
from a source and received by the environmental protection agency 38872
pursuant to that division may be transferred by the director using 38873
an interstate transfer voucher to the state treasury to the credit 38874
of the small business assistance fund created in section 3706.19 38875
of the Revised Code. In addition, annually, the amount of money 38876
necessary for the operation of the office of ombudsperson as 38877
determined under division (B) of that section shall be transferred 38878
to the state treasury to the credit of the small business 38879
ombudsperson fund created by that section. 38880

(2) Money received by the agency pursuant to divisions (D), 38881
(F), (G), (H), (I), and (J) of this section shall be deposited in 38882
the state treasury to the credit of the non-Title V clean air fund 38883
created in section 3704.035 of the Revised Code. 38884

(L)(1) A person applying for a plan approval for a wastewater 38885
treatment works pursuant to section 6111.44, 6111.45, or 6111.46 38886
of the Revised Code shall pay a nonrefundable fee of one hundred 38887
dollars plus sixty-five one-hundredths of one per cent of the 38888
estimated project cost through June 30, ~~2020~~ 2022, and a 38889
nonrefundable application fee of one hundred dollars plus 38890
two-tenths of one per cent of the estimated project cost on and 38891
after July 1, ~~2020~~ 2022, except that the total fee shall not 38892

exceed fifteen thousand dollars through June 30, ~~2020~~ 2022, and 38893
five thousand dollars on and after July 1, ~~2020~~ 2022. The fee 38894
shall be paid at the time the application is submitted. 38895

(2) A person who has entered into an agreement with the 38896
director under section 6111.14 of the Revised Code shall pay an 38897
administrative service fee for each plan submitted under that 38898
section for approval that shall not exceed the minimum amount 38899
necessary to pay administrative costs directly attributable to 38900
processing plan approvals. The director annually shall calculate 38901
the fee and shall notify all persons who have entered into 38902
agreements under that section, or who have applied for agreements, 38903
of the amount of the fee. 38904

(3)(a)(i) Not later than January 30, ~~2018~~ 2020, and January 38905
30, ~~2019~~ 2021, a person holding an NPDES discharge permit issued 38906
pursuant to Chapter 6111. of the Revised Code with an average 38907
daily discharge flow of five thousand gallons or more shall pay a 38908
nonrefundable annual discharge fee. Any person who fails to pay 38909
the fee at that time shall pay an additional amount that equals 38910
ten per cent of the required annual discharge fee. 38911

(ii) The billing year for the annual discharge fee 38912
established in division (L)(3)(a)(i) of this section shall consist 38913
of a twelve-month period beginning on the first day of January of 38914
the year preceding the date when the annual discharge fee is due. 38915
In the case of an existing source that permanently ceases to 38916
discharge during a billing year, the director shall reduce the 38917
annual discharge fee, including the surcharge applicable to 38918
certain industrial facilities pursuant to division (L)(3)(c) of 38919
this section, by one-twelfth for each full month during the 38920
billing year that the source was not discharging, but only if the 38921
person holding the NPDES discharge permit for the source notifies 38922
the director in writing, not later than the first day of October 38923
of the billing year, of the circumstances causing the cessation of 38924

discharge. 38925

(iii) The annual discharge fee established in division 38926
(L)(3)(a)(i) of this section, except for the surcharge applicable 38927
to certain industrial facilities pursuant to division (L)(3)(c) of 38928
this section, shall be based upon the average daily discharge flow 38929
in gallons per day calculated using first day of May through 38930
thirty-first day of October flow data for the period two years 38931
prior to the date on which the fee is due. In the case of NPDES 38932
discharge permits for new sources, the fee shall be calculated 38933
using the average daily design flow of the facility until actual 38934
average daily discharge flow values are available for the time 38935
period specified in division (L)(3)(a)(iii) of this section. The 38936
annual discharge fee may be prorated for a new source as described 38937
in division (L)(3)(a)(ii) of this section. 38938

(b)(i) An NPDES permit holder that is a public discharger 38939
shall pay the fee specified in the following schedule: 38940

Average daily	Fee due by	38941
discharge flow	January 30,	38942
	2018 <u>2020</u> , and	38943
	January 30, 2019	38944

	<u>2021</u>	
5,000 to 49,999	\$ 200	38945
50,000 to 100,000	500	38946
100,001 to 250,000	1,050	38947
250,001 to 1,000,000	2,600	38948
1,000,001 to 5,000,000	5,200	38949
5,000,001 to 10,000,000	10,350	38950
10,000,001 to 20,000,000	15,550	38951
20,000,001 to 50,000,000	25,900	38952
50,000,001 to 100,000,000	41,400	38953
100,000,001 or more	62,100	38954

(ii) Public dischargers owning or operating two or more 38955

publicly owned treatment works serving the same political 38956
subdivision, as "treatment works" is defined in section 6111.01 of 38957
the Revised Code, and that serve exclusively political 38958
subdivisions having a population of fewer than one hundred 38959
thousand persons shall pay an annual discharge fee under division 38960
(L)(3)(b)(i) of this section that is based on the combined average 38961
daily discharge flow of the treatment works. 38962

(c)(i) An NPDES permit holder that is an industrial 38963
discharger, other than a coal mining operator identified by P in 38964
the third character of the permittee's NPDES permit number, shall 38965
pay the fee specified in the following schedule: 38966

Average daily	Fee due by	
discharge flow	January 30,	
	2018 <u>2020</u> , and	
	January 30, 2019	
	<u>2021</u>	
5,000 to 49,999	\$ 250	38971
50,000 to 250,000	1,200	38972
250,001 to 1,000,000	2,950	38973
1,000,001 to 5,000,000	5,850	38974
5,000,001 to 10,000,000	8,800	38975
10,000,001 to 20,000,000	11,700	38976
20,000,001 to 100,000,000	14,050	38977
100,000,001 to 250,000,000	16,400	38978
250,000,001 or more	18,700	38979

(ii) In addition to the fee specified in the above schedule, 38980
an NPDES permit holder that is an industrial discharger classified 38981
as a major discharger during all or part of the annual discharge 38982
fee billing year specified in division (L)(3)(a)(ii) of this 38983
section shall pay a nonrefundable annual surcharge of seven 38984
thousand five hundred dollars not later than January 30, ~~2018~~ 38985
2020, and not later than January 30, ~~2019~~ 2021. Any person who 38986

fails to pay the surcharge at that time shall pay an additional 38987
amount that equals ten per cent of the amount of the surcharge. 38988

(d) Notwithstanding divisions (L)(3)(b) and (c) of this 38989
section, a public discharger, that is not a separate municipal 38990
storm sewer system, identified by I in the third character of the 38991
permittee's NPDES permit number and an industrial discharger 38992
identified by I, J, L, V, W, X, Y, or Z in the third character of 38993
the permittee's NPDES permit number shall pay a nonrefundable 38994
annual discharge fee of one hundred eighty dollars not later than 38995
January 30, ~~2018~~ 2020, and not later than January 30, ~~2019~~ 2021. 38996
Any person who fails to pay the fee at that time shall pay an 38997
additional amount that equals ten per cent of the required fee. 38998

(4) Each person obtaining an NPDES permit for municipal storm 38999
water discharge shall pay a nonrefundable storm water annual 39000
discharge fee of ten dollars per one-tenth of a square mile of 39001
area permitted. The fee shall not exceed ten thousand dollars and 39002
shall be payable on or before January 30, 2004, and the thirtieth 39003
day of January of each year thereafter. Any person who fails to 39004
pay the fee on the date specified in division (L)(4) of this 39005
section shall pay an additional amount per year equal to ten per 39006
cent of the annual fee that is unpaid. 39007

(5) The director shall transmit all moneys collected under 39008
division (L) of this section to the treasurer of state for deposit 39009
into the state treasury to the credit of the surface water 39010
protection fund created in section 6111.038 of the Revised Code. 39011

(6) As used in this section: 39012

(a) "NPDES" means the federally approved national pollutant 39013
discharge elimination system individual and general program for 39014
issuing, modifying, revoking, reissuing, terminating, monitoring, 39015
and enforcing permits and imposing and enforcing pretreatment 39016
requirements under Chapter 6111. of the Revised Code and rules 39017

adopted under it. 39018

(b) "Public discharger" means any holder of an NPDES permit 39019
identified by P in the second character of the NPDES permit number 39020
assigned by the director. 39021

(c) "Industrial discharger" means any holder of an NPDES 39022
permit identified by I in the second character of the NPDES permit 39023
number assigned by the director. 39024

(d) "Major discharger" means any holder of an NPDES permit 39025
classified as major by the regional administrator of the United 39026
States environmental protection agency in conjunction with the 39027
director. 39028

(M) Through June 30, ~~2020~~ 2022, a person applying for a 39029
license or license renewal to operate a public water system under 39030
section 6109.21 of the Revised Code shall pay the appropriate fee 39031
established under this division at the time of application to the 39032
director. Any person who fails to pay the fee at that time shall 39033
pay an additional amount that equals ten per cent of the required 39034
fee. The director shall transmit all moneys collected under this 39035
division to the treasurer of state for deposit into the drinking 39036
water protection fund created in section 6109.30 of the Revised 39037
Code. 39038

Except as provided in divisions (M)(4) and (5) of this 39039
section, fees required under this division shall be calculated and 39040
paid in accordance with the following schedule: 39041

(1) For the initial license required under section 6109.21 of 39042
the Revised Code for any public water system that is a community 39043
water system as defined in section 6109.01 of the Revised Code, 39044
and for each license renewal required for such a system prior to 39045
January 31, ~~2020~~ 2022, the fee is: 39046

Number of service connections	Fee amount	
Not more than 49	\$ 112	39048

50 to 99	176	39049
Number of service connections	Average cost per connection	39050
100 to 2,499	\$ 1.92	39051
2,500 to 4,999	1.48	39052
5,000 to 7,499	1.42	39053
7,500 to 9,999	1.34	39054
10,000 to 14,999	1.16	39055
15,000 to 24,999	1.10	39056
25,000 to 49,999	1.04	39057
50,000 to 99,999	.92	39058
100,000 to 149,999	.86	39059
150,000 to 199,999	.80	39060
200,000 or more	.76	39061

A public water system may determine how it will pay the total amount of the fee calculated under division (M)(1) of this section, including the assessment of additional user fees that may be assessed on a volumetric basis.

As used in division (M)(1) of this section, "service connection" means the number of active or inactive pipes, goosenecks, pigtails, and any other fittings connecting a water main to any building outlet.

(2) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a nontransient population, and for each license renewal required for such a system prior to January 31, ~~2020~~ 2022, the fee is:

Population served	Fee amount	
Fewer than 150	\$ 112	39076
150 to 299	176	39077
300 to 749	384	39078
750 to 1,499	628	39079
1,500 to 2,999	1,268	39080

3,000 to 7,499	2,816	39081
7,500 to 14,999	5,510	39082
15,000 to 22,499	9,048	39083
22,500 to 29,999	12,430	39084
30,000 or more	16,820	39085

As used in division (M)(2) of this section, "population served" means the total number of individuals having access to the water supply during a twenty-four-hour period for at least sixty days during any calendar year. In the absence of a specific population count, that number shall be calculated at the rate of three individuals per service connection.

(3) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a transient population, and for each license renewal required for such a system prior to January 31, ~~2020~~ 2022, the fee is:

Number of wells or sources, other than surface water, supplying system	Fee amount	
1	\$112	39098
2	112	39099
3	176	39100
4	278	39101
5	568	39102
System designated as using a surface water source	792	39103 39104

As used in division (M)(3) of this section, "number of wells or sources, other than surface water, supplying system" means those wells or sources that are physically connected to the plumbing system serving the public water system.

(4) A public water system designated as using a surface water source shall pay a fee of seven hundred ninety-two dollars or the amount calculated under division (M)(1) or (2) of this section,

whichever is greater. 39112

(5) An applicant for an initial license who is proposing to 39113
operate a new public water supply system shall submit a fee that 39114
equals a prorated amount of the appropriate fee for the remainder 39115
of the licensing year. 39116

(N)(1) A person applying for a plan approval for a public 39117
water supply system under section 6109.07 of the Revised Code 39118
shall pay a fee of one hundred fifty dollars plus thirty-five 39119
hundredths of one per cent of the estimated project cost, except 39120
that the total fee shall not exceed twenty thousand dollars 39121
through June 30, ~~2020~~ 2022, and fifteen thousand dollars on and 39122
after July 1, ~~2020~~ 2022. The fee shall be paid at the time the 39123
application is submitted. 39124

(2) A person who has entered into an agreement with the 39125
director under division (A)(2) of section 6109.07 of the Revised 39126
Code shall pay an administrative service fee for each plan 39127
submitted under that section for approval that shall not exceed 39128
the minimum amount necessary to pay administrative costs directly 39129
attributable to processing plan approvals. The director annually 39130
shall calculate the fee and shall notify all persons that have 39131
entered into agreements under that division, or who have applied 39132
for agreements, of the amount of the fee. 39133

(3) Through June 30, ~~2020~~ 2022, the following fee, on a per 39134
survey basis, shall be charged any person for services rendered by 39135
the state in the evaluation of laboratories and laboratory 39136
personnel for compliance with accepted analytical techniques and 39137
procedures established pursuant to Chapter 6109. of the Revised 39138
Code for determining the qualitative characteristics of water: 39139

microbiological		39140
MMO-MUG	\$2,000	39141
MF	2,100	39142

MMO-MUG and MF	2,550	39143
organic chemical	5,400	39144
trace metals	5,400	39145
standard chemistry	2,800	39146
limited chemistry	1,550	39147

On and after July 1, ~~2020~~ 2022, the following fee, on a per survey basis, shall be charged any such person:

microbiological	\$ 1,650	39150
organic chemicals	3,500	39151
trace metals	3,500	39152
standard chemistry	1,800	39153
limited chemistry	1,000	39154

The fee for those services shall be paid at the time the request for the survey is made. Through June 30, ~~2020~~ 2022, an individual laboratory shall not be assessed a fee under this division more than once in any three-year period unless the person requests the addition of analytical methods or analysts, in which case the person shall pay eighteen hundred dollars for each additional survey requested.

As used in division (N)(3) of this section:

- (a) "MF" means microfiltration.
- (b) "MMO" means minimal medium ONPG.
- (c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide.
- (d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside.

The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

(O) Any person applying to the director to take an examination for certification as an operator of a water supply

system or wastewater system under Chapter 6109. or 6111. of the Revised Code that is administered by the director, at the time the application is submitted, shall pay a fee in accordance with the following schedule through November 30, ~~2020~~ 2022:

Class A operator	\$ 80	39177
Class I operator	105	39178
Class II operator	120	39179
Class III operator	130	39180
Class IV operator	145	39181

On and after December 1, ~~2020~~ 2022, the applicant shall pay a fee in accordance with the following schedule:

Class A operator	\$ 50	39184
Class I operator	70	39185
Class II operator	80	39186
Class III operator	90	39187
Class IV operator	100	39188

Any person applying to the director for certification as an operator of a water supply system or wastewater system who has passed an examination administered by an examination provider approved by the director shall pay a certification fee of forty-five dollars.

A person shall pay a biennial certification renewal fee for each applicable class of certification in accordance with the following schedule:

Class A operator	\$25	39197
Class I operator	35	39198
Class II operator	45	39199
Class III operator	55	39200
Class IV operator	65	39201

If a certification renewal fee is received by the director more than thirty days, but not more than one year, after the expiration date of the certification, the person shall pay a

certification renewal fee in accordance with the following 39205
schedule: 39206

Class A operator	\$45	39207
Class I operator	55	39208
Class II operator	65	39209
Class III operator	75	39210
Class IV operator	85	39211

A person who requests a replacement certificate shall pay a 39212
fee of twenty-five dollars at the time the request is made. 39213

Any person applying to be a water supply system or wastewater 39214
treatment system examination provider shall pay an application fee 39215
of five hundred dollars. Any person approved by the director as a 39216
water supply system or wastewater treatment system examination 39217
provider shall pay an annual fee that is equal to ten per cent of 39218
the fees that the provider assesses and collects for administering 39219
water supply system or wastewater treatment system certification 39220
examinations in this state for the calendar year. The fee shall be 39221
paid not later than forty-five days after the end of a calendar 39222
year. 39223

The director shall transmit all moneys collected under this 39224
division to the treasurer of state for deposit into the drinking 39225
water protection fund created in section 6109.30 of the Revised 39226
Code. 39227

(P) Any person submitting an application for an industrial 39228
water pollution control certificate under section 6111.31 of the 39229
Revised Code, as that section existed before its repeal by H.B. 95 39230
of the 125th general assembly, shall pay a nonrefundable fee of 39231
five hundred dollars at the time the application is submitted. The 39232
director shall transmit all moneys collected under this division 39233
to the treasurer of state for deposit into the surface water 39234
protection fund created in section 6111.038 of the Revised Code. A 39235
person paying a certificate fee under this division shall not pay 39236

an application fee under division (S)(1) of this section. On and 39237
after June 26, 2003, persons shall file such applications and pay 39238
the fee as required under sections 5709.20 to 5709.27 of the 39239
Revised Code, and proceeds from the fee shall be credited as 39240
provided in section 5709.212 of the Revised Code. 39241

(Q) Except as otherwise provided in division (R) of this 39242
section, a person issued a permit by the director for a new solid 39243
waste disposal facility other than an incineration or composting 39244
facility, a new infectious waste treatment facility other than an 39245
incineration facility, or a modification of such an existing 39246
facility that includes an increase in the total disposal or 39247
treatment capacity of the facility pursuant to Chapter 3734. of 39248
the Revised Code shall pay a fee of ten dollars per thousand cubic 39249
yards of disposal or treatment capacity, or one thousand dollars, 39250
whichever is greater, except that the total fee for any such 39251
permit shall not exceed eighty thousand dollars. A person issued a 39252
modification of a permit for a solid waste disposal facility or an 39253
infectious waste treatment facility that does not involve an 39254
increase in the total disposal or treatment capacity of the 39255
facility shall pay a fee of one thousand dollars. A person issued 39256
a permit to install a new, or modify an existing, solid waste 39257
transfer facility under that chapter shall pay a fee of two 39258
thousand five hundred dollars. A person issued a permit to install 39259
a new or to modify an existing solid waste incineration or 39260
composting facility, or an existing infectious waste treatment 39261
facility using incineration as its principal method of treatment, 39262
under that chapter shall pay a fee of one thousand dollars. The 39263
increases in the permit fees under this division resulting from 39264
the amendments made by Amended Substitute House Bill 592 of the 39265
117th general assembly do not apply to any person who submitted an 39266
application for a permit to install a new, or modify an existing, 39267
solid waste disposal facility under that chapter prior to 39268
September 1, 1987; any such person shall pay the permit fee 39269

established in this division as it existed prior to June 24, 1988. 39270
In addition to the applicable permit fee under this division, a 39271
person issued a permit to install or modify a solid waste facility 39272
or an infectious waste treatment facility under that chapter who 39273
fails to pay the permit fee to the director in compliance with 39274
division (V) of this section shall pay an additional ten per cent 39275
of the amount of the fee for each week that the permit fee is 39276
late. 39277

Permit and late payment fees paid to the director under this 39278
division shall be credited to the general revenue fund. 39279

(R)(1) A person issued a registration certificate for a scrap 39280
tire collection facility under section 3734.75 of the Revised Code 39281
shall pay a fee of two hundred dollars, except that if the 39282
facility is owned or operated by a motor vehicle salvage dealer 39283
licensed under Chapter 4738. of the Revised Code, the person shall 39284
pay a fee of twenty-five dollars. 39285

(2) A person issued a registration certificate for a new 39286
scrap tire storage facility under section 3734.76 of the Revised 39287
Code shall pay a fee of three hundred dollars, except that if the 39288
facility is owned or operated by a motor vehicle salvage dealer 39289
licensed under Chapter 4738. of the Revised Code, the person shall 39290
pay a fee of twenty-five dollars. 39291

(3) A person issued a permit for a scrap tire storage 39292
facility under section 3734.76 of the Revised Code shall pay a fee 39293
of one thousand dollars, except that if the facility is owned or 39294
operated by a motor vehicle salvage dealer licensed under Chapter 39295
4738. of the Revised Code, the person shall pay a fee of fifty 39296
dollars. 39297

(4) A person issued a permit for a scrap tire monocell or 39298
monofill facility under section 3734.77 of the Revised Code shall 39299
pay a fee of ten dollars per thousand cubic yards of disposal 39300

capacity or one thousand dollars, whichever is greater, except 39301
that the total fee for any such permit shall not exceed eighty 39302
thousand dollars. 39303

(5) A person issued a registration certificate for a scrap 39304
tire recovery facility under section 3734.78 of the Revised Code 39305
shall pay a fee of one hundred dollars. 39306

(6) A person issued a permit for a scrap tire recovery 39307
facility under section 3734.78 of the Revised Code shall pay a fee 39308
of one thousand dollars. 39309

(7) In addition to the applicable registration certificate or 39310
permit fee under divisions (R)(1) to (6) of this section, a person 39311
issued a registration certificate or permit for any such scrap 39312
tire facility who fails to pay the registration certificate or 39313
permit fee to the director in compliance with division (V) of this 39314
section shall pay an additional ten per cent of the amount of the 39315
fee for each week that the fee is late. 39316

(8) The registration certificate, permit, and late payment 39317
fees paid to the director under divisions (R)(1) to (7) of this 39318
section shall be credited to the scrap tire management fund 39319
created in section 3734.82 of the Revised Code. 39320

(S)(1)(a) Except as provided by divisions (L), (M), (N), (O), 39321
(P), and (S)(2) of this section, division (A)(2) of section 39322
3734.05 of the Revised Code, section 3734.79 of the Revised Code, 39323
and rules adopted under division (T)(1) of this section, any 39324
person applying for a registration certificate under section 39325
3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, 39326
variance, or plan approval under Chapter 3734. of the Revised Code 39327
shall pay a nonrefundable fee of fifteen dollars at the time the 39328
application is submitted. 39329

(b) Except as otherwise provided, any person applying for a 39330
permit, variance, or plan approval under Chapter 6109. or 6111. of 39331

the Revised Code shall pay a nonrefundable application fee of one 39332
hundred dollars at the time the application is submitted through 39333
June 30, ~~2020~~ 2022, and a nonrefundable application fee of fifteen 39334
dollars at the time the application is submitted on and after July 39335
1, ~~2020~~ 2022. 39336

(c)(i) Except as otherwise provided in divisions 39337
(S)(1)(c)(iii) and (iv) of this section, through June 30, ~~2020~~ 39338
2022, any person applying for an NPDES permit under Chapter 6111. 39339
of the Revised Code shall pay a nonrefundable application fee of 39340
two hundred dollars at the time of application for the permit. On 39341
and after July 1, ~~2020~~ 2022, such a person shall pay a 39342
nonrefundable application fee of fifteen dollars at the time of 39343
application. 39344

(ii) In addition to the nonrefundable application fee, any 39345
person applying for an NPDES permit under Chapter 6111. of the 39346
Revised Code shall pay a design flow discharge fee based on each 39347
point source to which the issuance is applicable in accordance 39348
with the following schedule: 39349

Design flow discharge (gallons per day)	Fee	
0 to 1000 <u>1,000</u>	\$ 0	39351
1,001 to 5000 <u>5,000</u>	100	39352
5,001 to 50,000	200	39353
50,001 to 100,000	300	39354
100,001 to 300,000	525	39355
over 300,000	750	39356

(iii) Notwithstanding divisions (S)(1)(c)(i) and (ii) of this 39357
section, the application and design flow discharge fee for an 39358
NPDES permit for a public discharger identified by the letter I in 39359
the third character of the NPDES permit number shall not exceed 39360
nine hundred fifty dollars. 39361

(iv) Notwithstanding divisions (S)(1)(c)(i) and (ii) of this 39362
section, the application and design flow discharge fee for an 39363

NPDES permit for a coal mining operation regulated under Chapter 39364
1513. of the Revised Code shall not exceed four hundred fifty 39365
dollars per mine. 39366

(v) A person issued a modification of an NPDES permit shall 39367
pay a nonrefundable modification fee equal to the application fee 39368
and one-half the design flow discharge fee based on each point 39369
source, if applicable, that would be charged for an NPDES permit, 39370
except that the modification fee shall not exceed six hundred 39371
dollars. 39372

(d) In addition to the application fee established under 39373
division (S)(1)(c)(i) of this section, any person applying for an 39374
NPDES general storm water construction permit shall pay a 39375
nonrefundable fee of twenty dollars per acre for each acre that is 39376
permitted above five acres at the time the application is 39377
submitted. However, the per acreage fee shall not exceed three 39378
hundred dollars. In addition to the application fee established 39379
under division (S)(1)(c)(i) of this section, any person applying 39380
for an NPDES general storm water industrial permit shall pay a 39381
nonrefundable fee of one hundred fifty dollars at the time the 39382
application is submitted. 39383

(e) The director shall transmit all moneys collected under 39384
division (S)(1) of this section pursuant to Chapter 6109. of the 39385
Revised Code to the treasurer of state for deposit into the 39386
drinking water protection fund created in section 6109.30 of the 39387
Revised Code. 39388

(f) The director shall transmit all moneys collected under 39389
division (S)(1) of this section pursuant to Chapter 6111. of the 39390
Revised Code and under division (S)(3) of this section to the 39391
treasurer of state for deposit into the surface water protection 39392
fund created in section 6111.038 of the Revised Code. 39393

(g) If a registration certificate is issued under section 39394

3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of 39395
the application fee paid shall be deducted from the amount of the 39396
registration certificate fee due under division (R)(1), (2), or 39397
(5) of this section, as applicable. 39398

(h) If a person submits an electronic application for a 39399
registration certificate, permit, variance, or plan approval for 39400
which an application fee is established under division (S)(1) of 39401
this section, the person shall pay all applicable fees as 39402
expeditiously as possible after the submission of the electronic 39403
application. An application for a registration certificate, 39404
permit, variance, or plan approval for which an application fee is 39405
established under division (S)(1) of this section shall not be 39406
reviewed or processed until the applicable application fee, and 39407
any other fees established under this division, are paid. 39408

(2) Division (S)(1) of this section does not apply to an 39409
application for a registration certificate for a scrap tire 39410
collection or storage facility submitted under section 3734.75 or 39411
3734.76 of the Revised Code, as applicable, if the owner or 39412
operator of the facility or proposed facility is a motor vehicle 39413
salvage dealer licensed under Chapter 4738. of the Revised Code. 39414

(3) A person applying for coverage under an NPDES general 39415
discharge permit for household sewage treatment systems shall pay 39416
the following fees: 39417

(a) A nonrefundable fee of two hundred dollars at the time of 39418
application for initial permit coverage; 39419

(b) A nonrefundable fee of one hundred dollars at the time of 39420
application for a renewal of permit coverage. 39421

(T) The director may adopt, amend, and rescind rules in 39422
accordance with Chapter 119. of the Revised Code that do all of 39423
the following: 39424

(1) Prescribe fees to be paid by applicants for and holders 39425

of any license, permit, variance, plan approval, or certification 39426
required or authorized by Chapter 3704., 3734., 6109., or 6111. of 39427
the Revised Code that are not specifically established in this 39428
section. The fees shall be designed to defray the cost of 39429
processing, issuing, revoking, modifying, denying, and enforcing 39430
the licenses, permits, variances, plan approvals, and 39431
certifications. 39432

The director shall transmit all moneys collected under rules 39433
adopted under division (T)(1) of this section pursuant to Chapter 39434
6109. of the Revised Code to the treasurer of state for deposit 39435
into the drinking water protection fund created in section 6109.30 39436
of the Revised Code. 39437

The director shall transmit all moneys collected under rules 39438
adopted under division (T)(1) of this section pursuant to Chapter 39439
6111. of the Revised Code to the treasurer of state for deposit 39440
into the surface water protection fund created in section 6111.038 39441
of the Revised Code. 39442

(2) Exempt the state and political subdivisions thereof, 39443
including education facilities or medical facilities owned by the 39444
state or a political subdivision, or any person exempted from 39445
taxation by section 5709.07 or 5709.12 of the Revised Code, from 39446
any fee required by this section; 39447

(3) Provide for the waiver of any fee, or any part thereof, 39448
otherwise required by this section whenever the director 39449
determines that the imposition of the fee would constitute an 39450
unreasonable cost of doing business for any applicant, class of 39451
applicants, or other person subject to the fee; 39452

(4) Prescribe measures that the director considers necessary 39453
to carry out this section. 39454

(U) When the director reasonably demonstrates that the direct 39455
cost to the state associated with the issuance of a permit, 39456

license, variance, plan approval, or certification exceeds the fee 39457
for the issuance or review specified by this section, the director 39458
may condition the issuance or review on the payment by the person 39459
receiving the issuance or review of, in addition to the fee 39460
specified by this section, the amount, or any portion thereof, in 39461
excess of the fee specified under this section. The director shall 39462
not so condition issuances for which a fee is prescribed in 39463
division (S)(1)(c)(iii) of this section. 39464

(V) Except as provided in divisions (L), (M), (P), and (S) of 39465
this section or unless otherwise prescribed by a rule of the 39466
director adopted pursuant to Chapter 119. of the Revised Code, all 39467
fees required by this section are payable within thirty days after 39468
the issuance of an invoice for the fee by the director or the 39469
effective date of the issuance of the license, permit, variance, 39470
plan approval, or certification. If payment is late, the person 39471
responsible for payment of the fee shall pay an additional ten per 39472
cent of the amount due for each month that it is late. 39473

(W) As used in this section, "fuel-burning equipment," 39474
"fuel-burning equipment input capacity," "incinerator," 39475
"incinerator input capacity," "process," "process weight rate," 39476
"storage tank," "gasoline dispensing facility," "dry cleaning 39477
facility," "design flow discharge," and "new source treatment 39478
works" have the meanings ascribed to those terms by applicable 39479
rules or standards adopted by the director under Chapter 3704. or 39480
6111. of the Revised Code. 39481

(X) As used in divisions (B), (D), (E), (F), (H), (I), and 39482
(J) of this section, and in any other provision of this section 39483
pertaining to fees paid pursuant to Chapter 3704. of the Revised 39484
Code: 39485

(1) "Facility," "federal Clean Air Act," "person," and "Title 39486
V permit" have the same meanings as in section 3704.01 of the 39487
Revised Code. 39488

(2) "Title V permit program" means the following activities	39489
as necessary to meet the requirements of Title V of the federal	39490
Clean Air Act and 40 C.F.R. part 70, including at least:	39491
(a) Preparing and adopting, if applicable, generally	39492
applicable rules or guidance regarding the permit program or its	39493
implementation or enforcement;	39494
(b) Reviewing and acting on any application for a Title V	39495
permit, permit revision, or permit renewal, including the	39496
development of an applicable requirement as part of the processing	39497
of a permit, permit revision, or permit renewal;	39498
(c) Administering the permit program, including the	39499
supporting and tracking of permit applications, compliance	39500
certification, and related data entry;	39501
(d) Determining which sources are subject to the program and	39502
implementing and enforcing the terms of any Title V permit, not	39503
including any court actions or other formal enforcement actions;	39504
(e) Emission and ambient monitoring;	39505
(f) Modeling, analyses, or demonstrations;	39506
(g) Preparing inventories and tracking emissions;	39507
(h) Providing direct and indirect support to small business	39508
stationary sources to determine and meet their obligations under	39509
the federal Clean Air Act pursuant to the small business	39510
stationary source technical and environmental compliance	39511
assistance program required by section 507 of that act and	39512
established in sections 3704.18, 3704.19, and 3706.19 of the	39513
Revised Code.	39514
(3) "Organic compound" means any chemical compound of carbon,	39515
excluding carbon monoxide, carbon dioxide, carbonic acid, metallic	39516
carbides or carbonates, and ammonium carbonate.	39517
(Y)(1) Except as provided in divisions (Y)(2), (3), and (4)	39518

of this section, each sewage sludge facility shall pay a 39519
nonrefundable annual sludge fee equal to three dollars and fifty 39520
cents per dry ton of sewage sludge, including the dry tons of 39521
sewage sludge in materials derived from sewage sludge, that the 39522
sewage sludge facility treats or disposes of in this state. The 39523
annual volume of sewage sludge treated or disposed of by a sewage 39524
sludge facility shall be calculated using the first day of January 39525
through the thirty-first day of December of the calendar year 39526
preceding the date on which payment of the fee is due. 39527

(2)(a) Except as provided in division (Y)(2)(d) of this 39528
section, each sewage sludge facility shall pay a minimum annual 39529
sewage sludge fee of one hundred dollars. 39530

(b) The annual sludge fee required to be paid by a sewage 39531
sludge facility that treats or disposes of exceptional quality 39532
sludge in this state shall be thirty-five per cent less per dry 39533
ton of exceptional quality sludge than the fee assessed under 39534
division (Y)(1) of this section, subject to the following 39535
exceptions: 39536

(i) Except as provided in division (Y)(2)(d) of this section, 39537
a sewage sludge facility that treats or disposes of exceptional 39538
quality sludge shall pay a minimum annual sewage sludge fee of one 39539
hundred dollars. 39540

(ii) A sewage sludge facility that treats or disposes of 39541
exceptional quality sludge shall not be required to pay the annual 39542
sludge fee for treatment or disposal in this state of exceptional 39543
quality sludge generated outside of this state and contained in 39544
bags or other containers not greater than one hundred pounds in 39545
capacity. 39546

A thirty-five per cent reduction for exceptional quality 39547
sludge applies to the maximum annual fees established under 39548
division (Y)(3) of this section. 39549

(c) A sewage sludge facility that transfers sewage sludge to another sewage sludge facility in this state for further treatment prior to disposal in this state shall not be required to pay the annual sludge fee for the tons of sewage sludge that have been transferred. In such a case, the sewage sludge facility that disposes of the sewage sludge shall pay the annual sludge fee. However, the facility transferring the sewage sludge shall pay the one-hundred-dollar minimum fee required under division (Y)(2)(a) of this section.

In the case of a sewage sludge facility that treats sewage sludge in this state and transfers it out of this state to another entity for disposal, the sewage sludge facility in this state shall be required to pay the annual sludge fee for the tons of sewage sludge that have been transferred.

(d) A sewage sludge facility that generates sewage sludge resulting from an average daily discharge flow of less than five thousand gallons per day is not subject to the fees assessed under division (Y) of this section.

(3) No sewage sludge facility required to pay the annual sludge fee shall be required to pay more than the maximum annual fee for each disposal method that the sewage sludge facility uses. The maximum annual fee does not include the additional amount that may be charged under division (Y)(5) of this section for late payment of the annual sludge fee. The maximum annual fee for the following methods of disposal of sewage sludge is as follows:

(a) Incineration: five thousand dollars;

(b) Preexisting land reclamation project or disposal in a landfill: five thousand dollars;

(c) Land application, land reclamation, surface disposal, or any other disposal method not specified in division (Y)(3)(a) or (b) of this section: twenty thousand dollars.

(4)(a) In the case of an entity that generates sewage sludge 39581
or a sewage sludge facility that treats sewage sludge and 39582
transfers the sewage sludge to an incineration facility for 39583
disposal, the incineration facility, and not the entity generating 39584
the sewage sludge or the sewage sludge facility treating the 39585
sewage sludge, shall pay the annual sludge fee for the tons of 39586
sewage sludge that are transferred. However, the entity or 39587
facility generating or treating the sewage sludge shall pay the 39588
one-hundred-dollar minimum fee required under division (Y)(2)(a) 39589
of this section. 39590

(b) In the case of an entity that generates sewage sludge and 39591
transfers the sewage sludge to a landfill for disposal or to a 39592
sewage sludge facility for land reclamation or surface disposal, 39593
the entity generating the sewage sludge, and not the landfill or 39594
sewage sludge facility, shall pay the annual sludge fee for the 39595
tons of sewage sludge that are transferred. 39596

(5) Not later than the first day of April of the calendar 39597
year following March 17, 2000, and each first day of April 39598
thereafter, the director shall issue invoices to persons who are 39599
required to pay the annual sludge fee. The invoice shall identify 39600
the nature and amount of the annual sludge fee assessed and state 39601
the first day of May as the deadline for receipt by the director 39602
of objections regarding the amount of the fee and the first day of 39603
July as the deadline for payment of the fee. 39604

Not later than the first day of May following receipt of an 39605
invoice, a person required to pay the annual sludge fee may submit 39606
objections to the director concerning the accuracy of information 39607
regarding the number of dry tons of sewage sludge used to 39608
calculate the amount of the annual sludge fee or regarding whether 39609
the sewage sludge qualifies for the exceptional quality sludge 39610
discount established in division (Y)(2)(b) of this section. The 39611
director may consider the objections and adjust the amount of the 39612

fee to ensure that it is accurate. 39613

If the director does not adjust the amount of the annual 39614
sludge fee in response to a person's objections, the person may 39615
appeal the director's determination in accordance with Chapter 39616
119. of the Revised Code. 39617

Not later than the first day of June, the director shall 39618
notify the objecting person regarding whether the director has 39619
found the objections to be valid and the reasons for the finding. 39620
If the director finds the objections to be valid and adjusts the 39621
amount of the annual sludge fee accordingly, the director shall 39622
issue with the notification a new invoice to the person 39623
identifying the amount of the annual sludge fee assessed and 39624
stating the first day of July as the deadline for payment. 39625

Not later than the first day of July, any person who is 39626
required to do so shall pay the annual sludge fee. Any person who 39627
is required to pay the fee, but who fails to do so on or before 39628
that date shall pay an additional amount that equals ten per cent 39629
of the required annual sludge fee. 39630

(6) The director shall transmit all moneys collected under 39631
division (Y) of this section to the treasurer of state for deposit 39632
into the surface water protection fund created in section 6111.038 39633
of the Revised Code. The moneys shall be used to defray the costs 39634
of administering and enforcing provisions in Chapter 6111. of the 39635
Revised Code and rules adopted under it that govern the use, 39636
storage, treatment, or disposal of sewage sludge. 39637

(7) Beginning in fiscal year 2001, and every two years 39638
thereafter, the director shall review the total amount of moneys 39639
generated by the annual sludge fees to determine if that amount 39640
exceeded six hundred thousand dollars in either of the two 39641
preceding fiscal years. If the total amount of moneys in the fund 39642
exceeded six hundred thousand dollars in either fiscal year, the 39643

director, after review of the fee structure and consultation with 39644
affected persons, shall issue an order reducing the amount of the 39645
fees levied under division (Y) of this section so that the 39646
estimated amount of moneys resulting from the fees will not exceed 39647
six hundred thousand dollars in any fiscal year. 39648

If, upon review of the fees under division (Y)(7) of this 39649
section and after the fees have been reduced, the director 39650
determines that the total amount of moneys collected and 39651
accumulated is less than six hundred thousand dollars, the 39652
director, after review of the fee structure and consultation with 39653
affected persons, may issue an order increasing the amount of the 39654
fees levied under division (Y) of this section so that the 39655
estimated amount of moneys resulting from the fees will be 39656
approximately six hundred thousand dollars. Fees shall never be 39657
increased to an amount exceeding the amount specified in division 39658
(Y)(7) of this section. 39659

Notwithstanding section 119.06 of the Revised Code, the 39660
director may issue an order under division (Y)(7) of this section 39661
without the necessity to hold an adjudicatory hearing in 39662
connection with the order. The issuance of an order under this 39663
division is not an act or action for purposes of section 3745.04 39664
of the Revised Code. 39665

(8) As used in division (Y) of this section: 39666

(a) "Sewage sludge facility" means an entity that performs 39667
treatment on or is responsible for the disposal of sewage sludge. 39668

(b) "Sewage sludge" means a solid, semi-solid, or liquid 39669
residue generated during the treatment of domestic sewage in a 39670
treatment works as defined in section 6111.01 of the Revised Code. 39671
"Sewage sludge" includes, but is not limited to, scum or solids 39672
removed in primary, secondary, or advanced wastewater treatment 39673
processes. "Sewage sludge" does not include ash generated during 39674

the firing of sewage sludge in a sewage sludge incinerator, grit	39675
and screenings generated during preliminary treatment of domestic	39676
sewage in a treatment works, animal manure, residue generated	39677
during treatment of animal manure, or domestic septage.	39678
(c) "Exceptional quality sludge" means sewage sludge that	39679
meets all of the following qualifications:	39680
(i) Satisfies the class A pathogen standards in 40 C.F.R.	39681
503.32(a);	39682
(ii) Satisfies one of the vector attraction reduction	39683
requirements in 40 C.F.R. 503.33(b)(1) to (b)(8);	39684
(iii) Does not exceed the ceiling concentration limitations	39685
for metals listed in table one of 40 C.F.R. 503.13;	39686
(iv) Does not exceed the concentration limitations for metals	39687
listed in table three of 40 C.F.R. 503.13.	39688
(d) "Treatment" means the preparation of sewage sludge for	39689
final use or disposal and includes, but is not limited to,	39690
thickening, stabilization, and dewatering of sewage sludge.	39691
(e) "Disposal" means the final use of sewage sludge,	39692
including, but not limited to, land application, land reclamation,	39693
surface disposal, or disposal in a landfill or an incinerator.	39694
(f) "Land application" means the spraying or spreading of	39695
sewage sludge onto the land surface, the injection of sewage	39696
sludge below the land surface, or the incorporation of sewage	39697
sludge into the soil for the purposes of conditioning the soil or	39698
fertilizing crops or vegetation grown in the soil.	39699
(g) "Land reclamation" means the returning of disturbed land	39700
to productive use.	39701
(h) "Surface disposal" means the placement of sludge on an	39702
area of land for disposal, including, but not limited to,	39703
monofills, surface impoundments, lagoons, waste piles, or	39704

dedicated disposal sites. 39705

(i) "Incinerator" means an entity that disposes of sewage 39706
sludge through the combustion of organic matter and inorganic 39707
matter in sewage sludge by high temperatures in an enclosed 39708
device. 39709

(j) "Incineration facility" includes all incinerators owned 39710
or operated by the same entity and located on a contiguous tract 39711
of land. Areas of land are considered to be contiguous even if 39712
they are separated by a public road or highway. 39713

(k) "Annual sludge fee" means the fee assessed under division 39714
(Y)(1) of this section. 39715

(l) "Landfill" means a sanitary landfill facility, as defined 39716
in rules adopted under section 3734.02 of the Revised Code, that 39717
is licensed under section 3734.05 of the Revised Code. 39718

(m) "Preexisting land reclamation project" means a 39719
property-specific land reclamation project that has been in 39720
continuous operation for not less than five years pursuant to 39721
approval of the activity by the director and includes the 39722
implementation of a community outreach program concerning the 39723
activity. 39724

Sec. 3769.07. (A) Except as otherwise provided in this 39725
section, no permit shall be issued under sections 3769.01 to 39726
3769.14 of the Revised Code, authorizing the conduct of a live 39727
racing program for thoroughbred horses and quarter horses at any 39728
place, track, or enclosure except between the hours of twelve noon 39729
and seven p.m., for running horse-racing meetings, except that on 39730
special events days running horse-racing meetings may begin at 39731
nine a.m. by application to the state racing commission and except 39732
that the seven p.m. time may be extended to eight p.m. on a Sunday 39733
or holiday by application to the commission, and no permit shall 39734

be issued under those sections authorizing the conduct of a live 39735
racing program for harness horses at any place, track, or 39736
enclosure except between the hours of twelve noon and twelve 39737
midnight for light harness horse-racing meetings. The seven p.m. 39738
and eight p.m. closing times described in this section shall upon 39739
application to the commission be extended to nine p.m. for any 39740
running horse-racing meeting conducted between the fifteenth day 39741
of May and the fifteenth day of September at a track that is 39742
located more than twenty-five miles from a track located in this 39743
state where a light harness horse-racing meeting, other than a 39744
light harness horse-racing meeting at a county fair or independent 39745
fair, is being conducted and that is located less than twenty-five 39746
miles from a track located outside this state. A permit issued for 39747
horse racing at a county fair shall authorize live horse racing to 39748
begin at nine a.m. 39749

(B) No permit shall be granted for the holding or conducting 39750
of a horse-racing meeting after the tenth day of December in any 39751
calendar year, except for racing at winterized tracks. "Winterized 39752
track" means a track with enclosed club house or grandstand, 39753
all-weather racing track, heated facilities for jockeys or 39754
drivers, backstretch facilities that are properly prepared for 39755
winter racing, and adequate snow removal equipment available. 39756

(C) No permit shall be issued for more than an aggregate of 39757
fifty-six racing days in any one calendar year, except that an 39758
additional five days of racing may be approved by the commission 39759
upon application by a permit holder and except that an additional 39760
thirty days of racing may be granted for racing at any time after 39761
the fifteenth day of October and prior to the fifteenth day of 39762
March to a permit holder who has a winterized facility, but no 39763
more than thirty such additional days may be issued at any one 39764
track or enclosure. No more than an aggregate of fifty-six racing 39765
days shall be issued in any one calendar year for any one race 39766

track, place, or enclosure, except for the additional five days of 39767
racing for each permit holder which may be approved by the 39768
commission pursuant to this section, except as provided in 39769
sections 3769.071 and 3769.13 of the Revised Code, except for 39770
racing days granted as a result of a winterized facility, and 39771
except that the commission may issue a second permit for a maximum 39772
of fifty-six racing days for any one track, place, or enclosure, 39773
if the commission determines that the issuance of such second 39774
permit is not against the public interest. No such second permit 39775
shall be issued: 39776

~~(A)~~(1) For the operation of racing in any county with a 39777
population of less than seven hundred thousand or for the 39778
operation of racing in any county which has more than one race 39779
track at which a racing meet has been authorized, except as 39780
provided in this division and in sections 3769.071 and 3769.13 of 39781
the Revised Code, in the same year by the commission. A second 39782
permit issued pursuant to this division may be issued at either or 39783
both race tracks in a county that has only two race tracks if a 39784
racing meet has been authorized at both race tracks in the same 39785
year by the commission and one race track has been authorized to 39786
conduct thoroughbred racing meets and the other race track has 39787
been authorized to conduct harness racing meets. When such second 39788
permit is issued pursuant to this division for racing at the one 39789
race track, racing shall not be conducted at that race track on 39790
the same day that racing is conducted at the other race track in 39791
the county except by mutual agreement of the two race tracks. 39792

~~(B)~~(2) To any corporation having one or more shareholders 39793
owning an interest in any other permit issued by the commission 39794
for the operation of racing, in the same year, at any other race 39795
track, place, or enclosure in this state; 39796

~~(C)~~(3) To any person, association, or trust which owns, or 39797
which has any members owning, an interest in any other permit 39798

issued by the commission for the operation of racing, in the same 39799
year, at any other race track, place, or enclosure in this state. 39800

(D) No permit shall be issued so as to permit live racing 39801
programs on the same hour at more than one track in one county or 39802
on tracks in operation in 1975 within fifty miles of each other, 39803
nor shall any other form of pari-mutuel wagering other than horse 39804
racing be permitted within seventy-five miles of a track where 39805
horse racing is being conducted, except that this provision shall 39806
not apply to a horse-racing meeting held at the state fair or at a 39807
fair conducted by a county agricultural society or at a fair 39808
conducted by an independent agricultural society. Distribution of 39809
days shall not apply to fairs or horse shows not required to 39810
secure a permit under such section. ~~Notwithstanding~~ 39811

(E) Notwithstanding any other contrary provision of this 39812
chapter, aThe Revised Code: 39813

(1) No person, association, trust, or corporation may own or 39814
operate or entity shall be issued permits to conduct horse-racing 39815
meetings at more than two separate facilities in this state that 39816
are conducting horse racing meetings at any one time. 39817

(2) No person or entity shall be issued permits to conduct 39818
thoroughbred horse-racing meetings at more than one facility in 39819
this state at any one time. 39820

(3) No person or entity shall be a management company for 39821
persons or entities that have been issued permits to conduct 39822
horse-racing meetings at more than two facilities in this state at 39823
any one time. 39824

(4) A person or entity is not prohibited from owning more 39825
than two facilities in this state at which horse-racing meetings 39826
are conducted, so long as the person or entity is not in violation 39827
of division (E)(1), (2), or (3) of this section. 39828

(F) A permit, granted under sections 3769.01 to 3769.14 of 39829

the Revised Code, shall be conspicuously displayed during the 39830
horse-racing meeting in the principal office at such race track 39831
and at all reasonable times shall be exhibited to any authorized 39832
person requesting to see the same. 39833

Sec. 3770.06. (A) There is hereby created the state lottery 39834
gross revenue fund, which shall be in the custody of the treasurer 39835
of state but shall not be part of the state treasury. All gross 39836
revenues received from sales of lottery tickets, fines, fees, and 39837
related proceeds in connection with the statewide lottery and all 39838
gross proceeds from statewide joint lottery games shall be 39839
deposited into the fund. The treasurer of state shall invest any 39840
portion of the fund not needed for immediate use in the same 39841
manner as, and subject to all provisions of law with respect to 39842
the investment of, state funds. The treasurer of state shall 39843
disburse money from the fund on order of the director of the state 39844
lottery commission or the director's designee. 39845

Except for gross proceeds from statewide joint lottery games, 39846
all revenues of the state lottery gross revenue fund that are not 39847
paid to holders of winning lottery tickets, that are not required 39848
to meet short-term prize liabilities, that are not credited to 39849
lottery sales agents in the form of bonuses, commissions, or 39850
reimbursements, that are not paid to financial institutions to 39851
reimburse those institutions for sales agent nonsufficient funds, 39852
and that are collected from sales agents for remittance to 39853
insurers under contract to provide sales agent bonding services 39854
shall be transferred to the state lottery fund, which is hereby 39855
created in the state treasury. In addition, all revenues of the 39856
state lottery gross revenue fund that represent the gross proceeds 39857
from the statewide joint lottery games and that are not paid to 39858
holders of winning lottery tickets, that are not required to meet 39859
short-term prize liabilities, that are not credited to lottery 39860
sales agents in the form of bonuses, commissions, or 39861

reimbursements, and that are not necessary to cover operating 39862
expenses associated with those games or to otherwise comply with 39863
the agreements signed by the governor that the director enters 39864
into under division (J) of section 3770.02 of the Revised Code or 39865
the rules the commission adopts under division (B)(5) of section 39866
3770.03 of the Revised Code shall be transferred to the state 39867
lottery fund. All investment earnings of the fund shall be 39868
credited to the fund. Moneys shall be disbursed from the fund 39869
pursuant to vouchers approved by the director. Total disbursements 39870
for monetary prize awards to holders of winning lottery tickets in 39871
connection with the statewide lottery and purchases of goods and 39872
services awarded as prizes to holders of winning lottery tickets 39873
shall be of an amount equal to at least fifty per cent of the 39874
total revenue accruing from the sale of lottery tickets. 39875

(B) Pursuant to Section 6 of Article XV, Ohio Constitution, 39876
there is hereby established in the state treasury the lottery 39877
profits education fund. Whenever, in the judgment of the director 39878
of the state lottery commission, the amount to the credit of the 39879
state lottery fund that does not represent proceeds from statewide 39880
joint lottery games is in excess of that needed to meet the 39881
maturing obligations of the commission and as working capital for 39882
its further operations, the director of the state lottery 39883
commission shall recommend the amount of the excess to be 39884
transferred to the lottery profits education fund, and the 39885
director of budget and management may transfer the excess to the 39886
lottery profits education fund in connection with the statewide 39887
lottery. In addition, whenever, in the judgment of the director of 39888
the state lottery commission, the amount to the credit of the 39889
state lottery fund that represents proceeds from statewide joint 39890
lottery games equals the entire net proceeds of those games as 39891
described in division (B)(5) of section 3770.03 of the Revised 39892
Code and the rules adopted under that division, the director of 39893
the state lottery commission shall recommend the amount of the 39894

proceeds to be transferred to the lottery profits education fund, 39895
and the director of budget and management may transfer those 39896
proceeds to the lottery profits education fund. Investment 39897
earnings of the lottery profits education fund shall be credited 39898
to the fund. 39899

The lottery profits education fund shall be used solely for 39900
the support of elementary, secondary, vocational, and special 39901
education programs as determined in appropriations made by the 39902
general assembly, or as provided in applicable bond proceedings 39903
for the payment of debt service on obligations issued to pay costs 39904
of capital facilities, including those for a system of common 39905
schools throughout the state pursuant to section 2n of Article 39906
VIII, Ohio Constitution. When determining the availability of 39907
money in the lottery profits education fund, the director of 39908
budget and management may consider all balances and estimated 39909
revenues of the fund. 39910

(C) There is hereby established in the state treasury the 39911
deferred prizes trust fund. With the approval of the director of 39912
budget and management, an amount sufficient to fund annuity prizes 39913
shall be transferred from the state lottery fund and credited to 39914
the trust fund. The treasurer of state shall credit all earnings 39915
arising from investments purchased under this division to the 39916
trust fund. Within sixty days after the end of each fiscal year, 39917
the treasurer of state shall certify to the director of budget and 39918
management whether the actuarial amount of the trust fund is 39919
sufficient over the fund's life for continued funding of all 39920
remaining deferred prize liabilities as of the last day of the 39921
fiscal year just ended. Also, within that sixty days, the director 39922
of budget and management shall certify the amount of investment 39923
earnings necessary to have been credited to the trust fund during 39924
the fiscal year just ending to provide for such continued funding 39925
of deferred prizes. Any earnings credited in excess of the latter 39926

certified amount shall be transferred to the lottery profits 39927
education fund. 39928

To provide all or a part of the amounts necessary to fund 39929
deferred prizes awarded by the commission in connection with the 39930
statewide lottery, the treasurer of state, in consultation with 39931
the commission, may invest moneys contained in the deferred prizes 39932
trust fund which represents proceeds from the statewide lottery in 39933
obligations of the type permitted for the investment of state 39934
funds but whose maturities are thirty years or less. 39935
Notwithstanding the requirements of any other section of the 39936
Revised Code, to provide all or part of the amounts necessary to 39937
fund deferred prizes awarded by the commission in connection with 39938
statewide joint lottery games, the treasurer of state, in 39939
consultation with the commission, may invest moneys in the trust 39940
fund which represent proceeds derived from the statewide joint 39941
lottery games in accordance with the rules the commission adopts 39942
under division (B)(5) of section 3770.03 of the Revised Code. 39943
Investments of the trust fund are not subject to the provisions of 39944
division (A)(10) of section 135.143 of the Revised Code limiting 39945
to twenty-five per cent the amount of the state's total average 39946
portfolio that may be invested in debt interests other than 39947
commercial paper and limiting to five per cent the amount that may 39948
be invested in debt interests, including commercial paper, of a 39949
single issuer. 39950

All purchases made under this division shall be effected on a 39951
delivery versus payment method and shall be in the custody of the 39952
treasurer of state. 39953

The treasurer of state may retain an investment advisor, if 39954
necessary. The commission shall pay any costs incurred by the 39955
treasurer of state in retaining an investment advisor. 39956

(D) The auditor of state shall conduct annual audits of all 39957
funds and any other audits as the auditor of state or the general 39958

assembly considers necessary. The auditor of state may examine all records, files, and other documents of the commission, and records of lottery sales agents that pertain to their activities as agents, for purposes of conducting authorized audits.

(E) The state lottery commission shall establish an internal audit plan before the beginning of each fiscal year, subject to the approval of the office of internal audit in the office of budget and management. At the end of each fiscal year, the commission shall prepare and submit an annual report to the office of internal audit for the office's review and approval, specifying the internal audit work completed by the end of that fiscal year and reporting on compliance with the annual internal audit plan.

(1) Except as provided in division (E)(2) of this section, any internal audit report and all work papers of the internal audit produced by commission staff are confidential and are not public records under section 149.43 of the Revised Code until the final report is submitted to the director and the chairperson of the commission.

(2) Any internal audit report or work paper that meets the definition of a security record or infrastructure record under section 149.433 of the Revised Code is not a public record under section 149.43 of the Revised Code.

(F) Whenever, in the judgment of the director of budget and management, an amount of net state lottery proceeds is necessary to be applied to the payment of debt service on obligations, all as defined in sections 151.01 and 151.03 of the Revised Code, the director shall transfer that amount directly from the state lottery fund or from the lottery profits education fund to the bond service fund defined in those sections. The provisions of this division are subject to any prior pledges or obligation of those amounts to the payment of bond service charges as defined in division (C) of section 3318.21 of the Revised Code, as referred

to in division (B) of this section. 39991

Sec. 3772.19. ~~A person~~ No casino operator shall ~~not~~ hold a 39992
majority ownership interest in, ~~or be a management company for,~~ 39993
more than two casino operator licenses or casino facilities at any 39994
one time. ~~A person shall not hold a majority ownership interest~~ 39995
~~in, or be a management company, for more than two tracks at which~~ 39996
~~horse racing where the pari-mutuel system of wagering is conducted~~ 39997
~~at any one time, of which not more than one shall be a track for~~ 39998
~~thoroughbred horses.~~ No person shall be a management company for 39999
casino operators licensed to operate more than two casino 40000
facilities in this state at any one time. 40001

Sec. 3781.03. (A) The state fire marshal, the fire chief of a 40002
municipal corporation that has a fire department, or the fire 40003
chief of a township that has a fire department shall enforce the 40004
provisions of this chapter and Chapter 3791. of the Revised Code 40005
that relate to fire prevention. 40006

(B) ~~The~~ (1) Except as provided in division (B)(2) of this 40007
section, the superintendent of industrial compliance, or the 40008
building inspector or commissioner of buildings in a municipal 40009
corporation, county, or township in which the building department 40010
is certified by the board of building standards under section 40011
3781.10 of the Revised Code shall enforce in the jurisdiction of 40012
each entity all the provisions in this chapter and Chapter 3791. 40013
of the Revised Code and any rules adopted pursuant to those 40014
chapters that relate to the construction, arrangement, and 40015
erection of all buildings or parts of buildings, as defined in 40016
section 3781.06 of the Revised Code, including the sanitary 40017
condition of those buildings in relation to heating and 40018
ventilation. 40019

(2) The superintendent, or the building inspector or 40020

commissioner of buildings in a municipal corporation, county, or 40021
township in which the building department is certified by the 40022
superintendent under section 3781.43 of the Revised Code shall 40023
enforce in the jurisdiction of each entity section 3781.41 of the 40024
Revised Code. 40025

(C) The division of industrial compliance in the department 40026
of commerce, boards of health of health districts, certified 40027
departments of building inspection of municipal corporations, and 40028
county building departments that have authority to perform 40029
inspections pursuant to a contract under division (C)(1) of 40030
section 3703.01 of the Revised Code, subject to Chapter 3703. of 40031
the Revised Code, shall enforce this chapter and Chapter 3791. of 40032
the Revised Code and the rules adopted pursuant to those chapters 40033
that relate to plumbing. Building drains are considered plumbing 40034
for the purposes of enforcement of those chapters. 40035

(D)(1) In accordance with Chapter 3703. of the Revised Code, 40036
the department of the city engineer, in cities having such 40037
departments, the boards of health of health districts, or the 40038
sewer purveyor, as appropriate, shall have complete authority to 40039
supervise and regulate the entire sewerage and drainage system in 40040
the jurisdiction in which it is exercising the authority described 40041
in this division, including the building sewer and all laterals 40042
draining into the street sewers. 40043

(2) In accordance with Chapter 3703. of the Revised Code, the 40044
department of the city engineer, the boards of health of health 40045
districts, or the sewer purveyor, as appropriate, shall control 40046
and supervise the installation and construction of all drains and 40047
sewers that become a part of the sewerage system and shall issue 40048
all the necessary permits and licenses for the construction and 40049
installation of all building sewers and of all other lateral 40050
drains that empty into the main sewers. The department of the city 40051
engineer, the boards of health of health districts, and the sewer 40052

purveyor, as appropriate, shall keep a permanent record of the 40053
installation and location of every drain and sewer of the drainage 40054
and sewerage system of the jurisdiction in which it has exercised 40055
the authority described in this division. 40056

(E) This section does not exempt any officer or department 40057
from the obligation to enforce this chapter and Chapter 3791. of 40058
the Revised Code. 40059

Sec. 3781.06. (A)(1) Any building that may be used as a place 40060
of resort, assembly, education, entertainment, lodging, dwelling, 40061
trade, manufacture, repair, storage, traffic, or occupancy by the 40062
public, any residential building, and all other buildings or parts 40063
and appurtenances of those buildings erected within this state, 40064
shall be so constructed, erected, equipped, and maintained that 40065
they shall be safe and sanitary for their intended use and 40066
occupancy. 40067

(2) Nothing in sections 3781.06 to 3781.18, 3781.40 to 40068
3781.43, and 3791.04 of the Revised Code shall be construed to 40069
limit the power of the division of industrial compliance of the 40070
department of commerce to adopt rules of uniform application 40071
governing manufactured home parks pursuant to section 4781.26 of 40072
the Revised Code. 40073

(B) Sections 3781.06 to 3781.18, 3781.40 to 3781.43, and 40074
3791.04 of the Revised Code do not apply to either of the 40075
following: 40076

(1) Buildings or structures that are incident to the use for 40077
agricultural purposes of the land on which the buildings or 40078
structures are located, provided those buildings or structures are 40079
not used in the business of retail trade. For purposes of this 40080
division, a building or structure is not considered used in the 40081
business of retail trade if fifty per cent or more of the gross 40082
income received from sales of products in the building or 40083

structure by the owner or operator is from sales of products 40084
produced or raised in a normal crop year on farms owned or 40085
operated by the seller. 40086

(2) Existing single-family, two-family, and three-family 40087
detached dwelling houses for which applications have been 40088
submitted to the director of job and family services pursuant to 40089
section 5104.03 of the Revised Code for the purposes of operating 40090
type A family day-care homes as defined in section 5104.01 of the 40091
Revised Code. 40092

(C) As used in sections 3781.06 to 3781.18 and 3791.04 of the 40093
Revised Code: 40094

(1) "Agricultural purposes" include agriculture, farming, 40095
dairying, pasturage, apiculture, algaculture meaning the farming 40096
of algae, horticulture, floriculture, viticulture, ornamental 40097
horticulture, olericulture, pomiculture, and animal and poultry 40098
husbandry. 40099

(2) "Building" means any structure consisting of foundations, 40100
walls, columns, girders, beams, floors, and roof, or a combination 40101
of any number of these parts, with or without other parts or 40102
appurtenances. 40103

(3) "Industrialized unit" means a building unit or assembly 40104
of closed construction fabricated in an off-site facility, that is 40105
substantially self-sufficient as a unit or as part of a greater 40106
structure, and that requires transportation to the site of 40107
intended use. "Industrialized unit" includes units installed on 40108
the site as independent units, as part of a group of units, or 40109
incorporated with standard construction methods to form a 40110
completed structural entity. "Industrialized unit" does not 40111
include a manufactured home as defined by division (C)(4) of this 40112
section or a mobile home as defined by division (O) of section 40113
4501.01 of the Revised Code. 40114

(4) "Manufactured home" means a building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards.

(5) "Permanent foundation" means permanent masonry, concrete, or a footing or foundation approved by the division of industrial compliance of the department of commerce pursuant to Chapter 4781. of the Revised Code, to which a manufactured or mobile home may be affixed.

(6) "Permanently sited manufactured home" means a manufactured home that meets all of the following criteria:

(a) The structure is affixed to a permanent foundation and is connected to appropriate facilities;

(b) The structure, excluding any addition, has a width of at least twenty-two feet at one point, a length of at least twenty-two feet at one point, and a total living area, excluding garages, porches, or attachments, of at least nine hundred square feet;

(c) The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a six-inch minimum eave overhang, including appropriate guttering;

(d) The structure was manufactured after January 1, 1995;

(e) The structure is not located in a manufactured home park as defined by section 4781.01 of the Revised Code.

(7) "Safe," with respect to a building, means it is free from

danger or hazard to the life, safety, health, or welfare of 40145
persons occupying or frequenting it, or of the public and from 40146
danger of settlement, movement, disintegration, or collapse, 40147
whether such danger arises from the methods or materials of its 40148
construction or from equipment installed therein, for the purpose 40149
of lighting, heating, the transmission or utilization of electric 40150
current, or from its location or otherwise. 40151

(8) "Sanitary," with respect to a building, means it is free 40152
from danger or hazard to the health of persons occupying or 40153
frequenting it or to that of the public, if such danger arises 40154
from the method or materials of its construction or from any 40155
equipment installed therein, for the purpose of lighting, heating, 40156
ventilating, or plumbing. 40157

(9) "Residential building" means a one-family, two-family, or 40158
three-family dwelling house, and any accessory structure 40159
incidental to that dwelling house. "Residential building" includes 40160
a one-family, two-family, or three-family dwelling house that is 40161
used as a model to promote the sale of a similar dwelling house. 40162
"Residential building" does not include an industrialized unit as 40163
defined by division (C)(3) of this section, a manufactured home as 40164
defined by division (C)(4) of this section, or a mobile home as 40165
defined by division (O) of section 4501.01 of the Revised Code. 40166

(10) "Nonresidential building" means any building that is not 40167
a residential building or a manufactured or mobile home. 40168

(11) "Accessory structure" means a structure that is attached 40169
to a residential building and serves the principal use of the 40170
residential building. "Accessory structure" includes, but is not 40171
limited to, a garage, porch, or screened-in patio. 40172

Sec. 3781.061. Whenever a county zoning inspector under 40173
section 303.16 of the Revised Code, or a township zoning inspector 40174
under section 519.16 of the Revised Code, issues a zoning 40175

certificate that declares a specific building or structure is to 40176
be used in agriculture, such building is not subject to sections 40177
3781.06 to 3781.20, 3781.40 to 3781.43, or 3791.04 of the Revised 40178
Code. 40179

Sec. 3781.10. (A)(1) The board of building standards shall 40180
formulate and adopt rules governing the erection, construction, 40181
repair, alteration, and maintenance of all buildings or classes of 40182
buildings specified in section 3781.06 of the Revised Code, 40183
including land area incidental to those buildings, the 40184
construction of industrialized units, the installation of 40185
equipment, and the standards or requirements for materials used in 40186
connection with those buildings. The board shall incorporate those 40187
rules into separate residential and nonresidential building codes. 40188
The standards shall relate to the conservation of energy and the 40189
safety and sanitation of those buildings. 40190

(2) The rules governing nonresidential buildings are the 40191
lawful minimum requirements specified for those buildings and 40192
industrialized units, except that no rule other than as provided 40193
in division (C) of section 3781.108 of the Revised Code that 40194
specifies a higher requirement than is imposed by any section of 40195
the Revised Code is enforceable. The rules governing residential 40196
buildings are uniform requirements for residential buildings in 40197
any area with a building department certified to enforce the state 40198
residential building code. In no case shall any local code or 40199
regulation differ from the state residential building code unless 40200
that code or regulation addresses subject matter not addressed by 40201
the state residential building code or is adopted pursuant to 40202
section 3781.01 of the Revised Code. 40203

(3) The rules adopted pursuant to this section are complete, 40204
lawful alternatives to any requirements specified for buildings or 40205
industrialized units in any section of the Revised Code. Except as 40206

otherwise provided in division (I) of this section, the board 40207
shall, on its own motion or on application made under sections 40208
3781.12 and 3781.13 of the Revised Code, formulate, propose, 40209
adopt, modify, amend, or repeal the rules to the extent necessary 40210
or desirable to effectuate the purposes of sections 3781.06 to 40211
3781.18 of the Revised Code. 40212

(B) The board shall report to the general assembly proposals 40213
for amendments to existing statutes relating to the purposes 40214
declared in section 3781.06 of the Revised Code that public health 40215
and safety and the development of the arts require and shall 40216
recommend any additional legislation to assist in carrying out 40217
fully, in statutory form, the purposes declared in that section. 40218
The board shall prepare and submit to the general assembly a 40219
summary report of the number, nature, and disposition of the 40220
petitions filed under sections 3781.13 and 3781.14 of the Revised 40221
Code. 40222

(C) On its own motion or on application made under sections 40223
3781.12 and 3781.13 of the Revised Code, and after thorough 40224
testing and evaluation, the board shall determine by rule that any 40225
particular fixture, device, material, process of manufacture, 40226
manufactured unit or component, method of manufacture, system, or 40227
method of construction complies with performance standards adopted 40228
pursuant to section 3781.11 of the Revised Code. The board shall 40229
make its determination with regard to adaptability for safe and 40230
sanitary erection, use, or construction, to that described in any 40231
section of the Revised Code, wherever the use of a fixture, 40232
device, material, method of manufacture, system, or method of 40233
construction described in that section of the Revised Code is 40234
permitted by law. The board shall amend or annul any rule or issue 40235
an authorization for the use of a new material or manufactured 40236
unit on any like application. No department, officer, board, or 40237
commission of the state other than the board of building standards 40238

or the board of building appeals shall permit the use of any 40239
fixture, device, material, method of manufacture, newly designed 40240
product, system, or method of construction at variance with what 40241
is described in any rule the board of building standards adopts or 40242
issues or that is authorized by any section of the Revised Code. 40243
Nothing in this section shall be construed as requiring approval, 40244
by rule, of plans for an industrialized unit that conforms with 40245
the rules the board of building standards adopts pursuant to 40246
section 3781.11 of the Revised Code. 40247

(D) The board shall recommend rules, codes, and standards to 40248
help carry out the purposes of section 3781.06 of the Revised Code 40249
and to help secure uniformity of state administrative rulings and 40250
local legislation and administrative action to the bureau of 40251
workers' compensation, the director of commerce, any other 40252
department, officer, board, or commission of the state, and to 40253
legislative authorities and building departments of counties, 40254
townships, and municipal corporations, and shall recommend that 40255
they audit those recommended rules, codes, and standards by any 40256
appropriate action that they are allowed pursuant to law or the 40257
constitution. 40258

(E)(1) The Except as provided in division (E)(14) of this 40259
section, the board shall certify municipal, township, and county 40260
building departments ~~and~~, the personnel of those building 40261
departments, ~~and~~ persons described in division (E)(7) of this 40262
section, and employees of individuals, firms, the state, or 40263
corporations ~~as~~ described in division (E)(7) of this section to 40264
exercise enforcement authority, to accept and approve plans and 40265
specifications, and to make inspections, pursuant to sections 40266
3781.03, 3791.04, and 4104.43 of the Revised Code. 40267

(2) The board shall certify departments, personnel, and 40268
persons to enforce the state residential building code, to enforce 40269
the nonresidential building code, or to enforce both the 40270

residential and the nonresidential building codes. Any department, 40271
personnel, or person may enforce only the type of building code 40272
for which certified. 40273

(3) The board shall not require a building department, its 40274
personnel, or any persons that it employs to be certified for 40275
residential building code enforcement if that building department 40276
does not enforce the state residential building code. The board 40277
shall specify, in rules adopted pursuant to Chapter 119. of the 40278
Revised Code, the requirements for certification for residential 40279
and nonresidential building code enforcement, which shall be 40280
consistent with this division. The requirements for residential 40281
and nonresidential certification may differ. Except as otherwise 40282
provided in this division, the requirements shall include, but are 40283
not limited to, the satisfactory completion of an initial 40284
examination and, to remain certified, the completion of a 40285
specified number of hours of continuing building code education 40286
within each three-year period following the date of certification 40287
which shall be not less than thirty hours. The rules shall provide 40288
that continuing education credits and certification issued by the 40289
council of American building officials, national model code 40290
organizations, and agencies or entities the board recognizes are 40291
acceptable for purposes of this division. The rules shall specify 40292
requirements that are consistent with the provisions of section 40293
5903.12 of the Revised Code relating to active duty military 40294
service and are compatible, to the extent possible, with 40295
requirements the council of American building officials and 40296
national model code organizations establish. 40297

(4) The board shall establish and collect a certification and 40298
renewal fee for building department personnel, and persons and 40299
employees of persons, firms, or corporations as described in this 40300
section, who are certified pursuant to this division. 40301

(5) Any individual certified pursuant to this division shall 40302

complete the number of hours of continuing building code education 40303
that the board requires or, for failure to do so, forfeit 40304
certification. 40305

(6) This division does not require or authorize the board to 40306
certify personnel of municipal, township, and county building 40307
departments, and persons and employees of persons, firms, or 40308
corporations as described in this section, whose responsibilities 40309
do not include the exercise of enforcement authority, the approval 40310
of plans and specifications, or making inspections under the state 40311
residential and nonresidential building codes. 40312

(7) Enforcement authority for approval of plans and 40313
specifications and enforcement authority for inspections may be 40314
exercised, and plans and specifications may be approved and 40315
inspections may be made on behalf of a municipal corporation, 40316
township, or county, by any of the following who the board of 40317
building standards certifies: 40318

(a) Officers or employees of the municipal corporation, 40319
township, or county; 40320

(b) Persons, or employees of persons, firms, or corporations, 40321
pursuant to a contract to furnish architectural, engineering, or 40322
other services to the municipal corporation, township, or county; 40323

(c) Officers or employees of, and persons under contract 40324
with, a municipal corporation, township, county, health district, 40325
or other political subdivision, pursuant to a contract to furnish 40326
architectural, engineering, or other services; 40327

(d) Officers or employees of the division of industrial 40328
compliance in the department of commerce pursuant to a contract 40329
authorized by division (B) of section 121.083 of the Revised Code. 40330

(8) Municipal, township, and county building departments have 40331
jurisdiction within the meaning of sections 3781.03, 3791.04, and 40332
4104.43 of the Revised Code, only with respect to the types of 40333

buildings and subject matters for which they are certified under 40334
this section. 40335

(9) A certified municipal, township, or county building 40336
department may exercise enforcement authority, accept and approve 40337
plans and specifications, and make inspections pursuant to 40338
sections 3781.03, 3791.04, and 4104.43 of the Revised Code for a 40339
park district created pursuant to Chapter 1545. of the Revised 40340
Code upon the approval, by resolution, of the board of park 40341
commissioners of the park district requesting the department to 40342
exercise that authority and conduct those activities, as 40343
applicable. 40344

(10) Certification shall be granted upon application by the 40345
municipal corporation, the board of township trustees, or the 40346
board of county commissioners and approval of that application by 40347
the board of building standards. The application shall set forth: 40348

(a) Whether the certification is requested for residential or 40349
nonresidential buildings, or both; 40350

(b) The number and qualifications of the staff composing the 40351
building department; 40352

(c) The names, addresses, and qualifications of persons, 40353
firms, or corporations contracting to furnish work or services 40354
pursuant to division (E)(7)(b) of this section; 40355

(d) The names of any other municipal corporation, township, 40356
county, health district, or political subdivision under contract 40357
to furnish work or services pursuant to division (E)(7) of this 40358
section; 40359

(e) The proposed budget for the operation of the building 40360
department. 40361

(11) The board of building standards shall adopt rules 40362
governing all of the following: 40363

(a) The certification of building department personnel and 40364
persons and employees of persons, firms, or corporations 40365
exercising authority pursuant to division (E)(7) of this section. 40366
The rules shall disqualify any employee of the department or 40367
person who contracts for services with the department from 40368
performing services for the department when that employee or 40369
person would have to pass upon, inspect, or otherwise exercise 40370
authority over any labor, material, or equipment the employee or 40371
person furnishes for the construction, alteration, or maintenance 40372
of a building or the preparation of working drawings or 40373
specifications for work within the jurisdictional area of the 40374
department. The department shall provide other similarly qualified 40375
personnel to enforce the residential and nonresidential building 40376
codes as they pertain to that work. 40377

(b) The minimum services to be provided by a certified 40378
building department. 40379

(12) The board of building standards may revoke or suspend 40380
certification to enforce the residential and nonresidential 40381
building codes, on petition to the board by any person affected by 40382
that enforcement or approval of plans, or by the board on its own 40383
motion. Hearings shall be held and appeals permitted on any 40384
proceedings for certification or revocation or suspension of 40385
certification in the same manner as provided in section 3781.101 40386
of the Revised Code for other proceedings of the board of building 40387
standards. 40388

(13) Upon certification, and until that authority is revoked, 40389
any county or township building department shall enforce the 40390
residential and nonresidential building codes for which it is 40391
certified without regard to limitation upon the authority of 40392
boards of county commissioners under Chapter 307. of the Revised 40393
Code or boards of township trustees under Chapter 505. of the 40394
Revised Code. 40395

(14) The board does not have jurisdiction over certifications governed by sections 3781.40 to 3781.44 of the Revised Code. 40396
40397

(F) In addition to hearings sections 3781.06 to 3781.18 and 40398
3791.04 of the Revised Code require, the board of building 40399
standards shall make investigations and tests, and require from 40400
other state departments, officers, boards, and commissions 40401
information the board considers necessary or desirable to assist 40402
it in the discharge of any duty or the exercise of any power 40403
mentioned in this section or in sections 3781.06 to 3781.18, 40404
3791.04, and 4104.43 of the Revised Code. 40405

(G) The board shall adopt rules and establish reasonable fees 40406
for the review of all applications submitted where the applicant 40407
applies for authority to use a new material, assembly, or product 40408
of a manufacturing process. The fee shall bear some reasonable 40409
relationship to the cost of the review or testing of the 40410
materials, assembly, or products and for the notification of 40411
approval or disapproval as provided in section 3781.12 of the 40412
Revised Code. 40413

(H) The residential construction advisory committee shall 40414
provide the board with a proposal for a state residential building 40415
code that the committee recommends pursuant to division (D)(1) of 40416
section 4740.14 of the Revised Code. Upon receiving a 40417
recommendation from the committee that is acceptable to the board, 40418
the board shall adopt rules establishing that code as the state 40419
residential building code. 40420

(I)(1) The committee may provide the board with proposed 40421
rules to update or amend the state residential building code that 40422
the committee recommends pursuant to division (E) of section 40423
4740.14 of the Revised Code. 40424

(2) If the board receives a proposed rule to update or amend 40425
the state residential building code as provided in division (I)(1) 40426

of this section, the board either may accept or reject the 40427
proposed rule for incorporation into the residential building 40428
code. If the board does not act to either accept or reject the 40429
proposed rule within ninety days after receiving the proposed rule 40430
from the committee as described in division (I)(1) of this 40431
section, the proposed rule shall become part of the residential 40432
building code. 40433

(J) The board shall cooperate with the director of job and 40434
family services when the director promulgates rules pursuant to 40435
section 5104.05 of the Revised Code regarding safety and 40436
sanitation in type A family day-care homes. 40437

(K) The board shall adopt rules to implement the requirements 40438
of section 3781.108 of the Revised Code. 40439

Sec. 3781.40. As used in sections 3781.40 to 3781.44 of the 40440
Revised Code: 40441

(A) "Adequate welding standards" means specifications, 40442
guidelines, tests, and other methods used to ensure that all 40443
structural steel welds meet, at minimum, the codes and standards 40444
for such welds established in the American welding society 40445
structural steel welding code D1.1 and the nonresidential building 40446
code adopted under section 3781.10 of the Revised Code. 40447

(B) "Certified welding inspector" means a person who has been 40448
certified by the American welding society to inspect structural 40449
steel welding projects and conduct welder qualification tests. 40450

(C) "Structural steel welding" means structural welds, weld 40451
repair, the structural system, and the welding of all primary 40452
steel members of a structure in accordance with the American 40453
welding society structural steel welding code D1.1. "Structural 40454
steel welding" does not include welding that is required by the 40455
American society of mechanical engineers to have its own 40456

certification. 40457

Sec. 3781.41. A contractor, subcontractor, or project manager 40458
who is responsible for the structural steel welding on a 40459
construction project shall ensure that all of the following occur: 40460

(A) All welders performing structural steel welding for the 40461
project have been tested by and hold a valid certification from a 40462
facility that has been accredited by the American welding society 40463
to test and certify welders and welding inspectors. 40464

(B) All structural steel welding performed for the project 40465
meets adequate welding standards. 40466

(C) All structural steel welding inspections listed in the 40467
project's job specifications are completed by a certified welding 40468
inspector. 40469

Sec. 3781.42. The superintendent of industrial compliance 40470
shall adopt rules pursuant to Chapter 119. of the Revised Code to 40471
do all of the following: 40472

(A) Govern the inspection of structural steel welding; 40473

(B) Require the division of industrial compliance, any 40474
building department or personnel of any department, or any private 40475
third party, certified pursuant to section 3781.43 of the Revised 40476
Code to conduct all inspections of structural steel welding to 40477
determine compliance with section 3781.41 of the Revised Code; 40478

(C) Establish fees for conducting inspections to determine 40479
compliance with section 3781.41 of the Revised Code; 40480

(D) Govern the investigation of complaints concerning any 40481
contractor, subcontractor, or project manager who fails to comply 40482
with section 3781.41 of the Revised Code; 40483

(E) Establish the requirements and procedures for the 40484
certification of building departments, building department 40485

personnel, and private third parties pursuant to section 3781.43 40486
of the Revised Code; 40487

(F) Establish fees to be charged to building departments, 40488
building department personnel, and private third parties applying 40489
for certification and renewal of certification pursuant to section 40490
3781.43 of the Revised Code; 40491

(G) Develop a policy regarding the maintenance of records for 40492
any inspection authorized or conducted pursuant to sections 40493
3781.40 to 3781.43 of the Revised Code. 40494

Sec. 3781.43. (A) Pursuant to the rules the superintendent of 40495
industrial compliance adopts under section 3781.42 of the Revised 40496
Code, the superintendent may certify municipal, township, and 40497
county building departments and the personnel of those 40498
departments, or any private third party, to conduct all 40499
inspections of structural steel welding to determine compliance 40500
with section 3781.41 of the Revised Code. 40501

(B) On the superintendent's own motion or on the petition of 40502
a person affected by an inspection of structural steel welding to 40503
determine compliance with section 3781.41 of the Revised Code, the 40504
superintendent may investigate a municipal, township, or county 40505
building department or the personnel of those departments, or any 40506
private third party certified pursuant to this section. Following 40507
an investigation and finding of facts that support the 40508
superintendent's action, the superintendent may revoke or suspend 40509
a certification. 40510

(C)(1) If a municipal corporation, township, or county does 40511
not have a building department that is certified pursuant to this 40512
section, it may designate by resolution or ordinance another 40513
building department or a private third party that has been 40514
certified pursuant to this section to conduct all inspections of 40515
structural steel welding to determine compliance with section 40516

3781.41 of the Revised Code. The designation is effective on 40517
acceptance by the designee. 40518

(2) An owner of a project involving structural steel welding 40519
or a contractor, subcontractor, or project manager of the project 40520
may request an inspection and obtain an approval from any building 40521
department or private third party certified pursuant to this 40522
section and designated pursuant to division (C)(1) of this section 40523
by the municipal corporation, township, or county in which the 40524
project is located. 40525

Sec. 3781.44. No person shall recklessly fail to comply with 40526
sections 3781.41 to 3781.43 of the Revised Code or any rule 40527
adopted thereunder. 40528

Sec. 3798.01. As used in this chapter: 40529

(A) "Administrative safeguards," "physical safeguards," and 40530
"technical safeguards" have the same meanings as in 45 C.F.R. 40531
164.304. 40532

~~(B) "Approved health information exchange" means a health~~ 40533
~~information exchange that has been approved or reapproved by the~~ 40534
~~medicaid director pursuant to the approval or reapproval process,~~ 40535
~~as applicable, the director establishes in rules adopted under~~ 40536
~~division (A) of section 3798.15 of the Revised Code or that has~~ 40537
~~been certified by the office of the national coordinator for~~ 40538
~~health information technology in the United States department of~~ 40539
~~health and human services.~~ 40540

~~(C)~~ "Covered entity," "disclosure," "health care provider," 40541
"health information," "individually identifiable health 40542
information," "protected health information," and "use" have the 40543
same meanings as in 45 C.F.R. 160.103. 40544

~~(D)~~(C) "Designated record set" has the same meaning as in 45 40545
C.F.R. 164.501. 40546

~~(E)~~(D) "Direct exchange" means the activity of electronic transmission of health information through a direct connection between the electronic record systems of health care providers without the use of a health information exchange.

~~(F)~~(E) "Health care component" and "hybrid entity" have the same meanings as in 45 C.F.R. 164.103.

~~(G)~~(F) "Health information exchange" means any person or governmental entity that provides in this state a technical infrastructure to connect computer systems or other electronic devices used by covered entities to facilitate the secure transmission of health information. "Health information exchange" excludes health care providers engaged in direct exchange, including direct exchange through the use of a health information service provider.

~~(H)~~(G) "HIPAA privacy rule" means the standards for privacy of individually identifiable health information in 45 C.F.R. part 160 and in 45 C.F.R. part 164, subparts A and E.

~~(I)~~(H) "Interoperability" means the capacity of two or more information systems to exchange information in an accurate, effective, secure, and consistent manner.

~~(J)~~(I) "Minor" means an unemancipated person under eighteen years of age or a mentally or physically disabled person under twenty-one years of age who meets criteria specified in rules adopted by the medicaid director under section 3798.13 of the Revised Code.

~~(K)~~(J) "More stringent" has the same meaning as in 45 C.F.R. 160.202.

~~(L)~~ "~~Office of health transformation~~" means the office of health transformation created by executive order 2011-02K or a successor governmental entity responsible for health system oversight in this state.

~~(M)~~(K) "Personal representative" means a person who has 40578
authority under applicable law to make decisions related to health 40579
care on behalf of an adult or emancipated minor, or the parent, 40580
legal guardian, or other person acting in loco parentis who is 40581
authorized under law to make health care decisions on behalf of an 40582
unemancipated minor. "Personal representative" does not include 40583
the parent or legal guardian of, or another person acting in loco 40584
parentis to, a minor who consents to the minor's own receipt of 40585
health care or a minor who makes medical decisions on the minor's 40586
own behalf pursuant to law, court approval, or because the minor's 40587
parent, legal guardian, or other person acting in loco parentis 40588
has assented to an agreement of confidentiality between the 40589
provider and the minor. 40590

~~(N)~~(L) "Political subdivision" means a municipal corporation, 40591
township, county, school district, or other body corporate and 40592
politic responsible for governmental activities in a geographic 40593
area smaller than that of the state. 40594

~~(O)~~(M) "State agency" means any one or more of the following: 40595

- (1) The department of administrative services; 40596
- (2) The department of aging; 40597
- (3) The department of mental health and addiction services; 40598
- (4) The department of developmental disabilities; 40599
- (5) The department of education; 40600
- (6) The department of health; 40601
- (7) The department of insurance; 40602
- (8) The department of job and family services; 40603
- (9) The department of medicaid; 40604
- (10) The department of rehabilitation and correction; 40605
- (11) The department of youth services; 40606

- (12) The bureau of workers' compensation; 40607
- (13) The opportunities for Ohioans with disabilities agency; 40608
- (14) The office of the attorney general; 40609
- (15) A health care licensing board created under Title XLVII 40610
of the Revised Code that possesses individually identifiable 40611
health information. 40612

Sec. 3798.07. (A) ~~In addition to a covered entity generally~~ 40613
~~being subject to the conditions specified in divisions (A) to (D)~~ 40614
~~of section 3798.06 of the Revised Code when the covered entity~~ 40615
~~discloses protected health information to a health information~~ 40616
~~exchange without a valid authorization, the~~ A covered entity shall 40617
also be subject to the following conditions when it discloses 40618
protected health information to a health information exchange: 40619

(1) The covered entity shall restrict disclosure consistent 40620
with all applicable federal laws governing the disclosure. 40621

(2) If the protected health information concerns a minor, the 40622
covered entity shall restrict disclosure in a manner that complies 40623
with laws of this state pertaining to the circumstances under 40624
which a minor may consent to the minor's own receipt of health 40625
care or make medical decisions on the minor's own behalf, 40626
including sections 2907.29, 3709.241, 3719.012, 5120.172, 5122.04, 40627
and 5126.043 of the Revised Code unless the minor authorizes the 40628
disclosure. 40629

(3) The covered entity shall restrict disclosure in a manner 40630
that is consistent with a written request from the individual or 40631
the individual's personal representative to restrict disclosure of 40632
all of the individual's protected health information. 40633

~~(4) The covered entity shall restrict disclosure in a manner~~ 40634
~~that is consistent with a written request from the individual or~~ 40635
~~the individual's personal representative concerning specific~~ 40636

~~categories of protected health information to the extent that 40637
rules adopted pursuant to section 3798.16 of the Revised Code 40638
require the covered entity to comply with such a request. 40639~~

(B) The conditions in division (A) of this section on a 40640
covered entity's disclosure of protected health information to a 40641
health information exchange do not render unenforceable or 40642
restrict in any manner any of the following: 40643

(1) A provision of the Revised Code that on ~~the effective 40644
date of this section~~ September 10, 2012, requires a person or 40645
governmental entity to disclose protected health information to a 40646
state agency, political subdivision, or other governmental entity; 40647

(2) The confidential status of proceedings and records within 40648
the scope of a peer review committee of a health care entity as 40649
described in section 2305.252 of the Revised Code; 40650

(3) The confidential status of quality assurance program 40651
activities and quality assurance records as described in section 40652
5122.32 of the Revised Code; 40653

(4) The testimonial privilege established by division (B) of 40654
section 2317.02 of the Revised Code; 40655

(5) Any of the following items that govern the 40656
confidentiality, privacy, security, or privileged status of 40657
protected health information in the possession or custody of an 40658
agency as defined in section 111.15 of the Revised Code; govern 40659
the process for obtaining from a patient consent to the provision 40660
of health care or consent for participation in medical or other 40661
scientific research; govern the process for determining whether an 40662
adult has a physical or mental impairment or an adult's capacity 40663
to make health care decisions for purposes of Chapter 5126. of the 40664
Revised Code; or govern the process for determining whether a 40665
minor has been emancipated: 40666

(a) A section of the Revised Code that is not in this 40667

chapter;	40668
(b) A rule as defined in section 119.01 of the Revised Code;	40669
(c) An internal management rule as defined in section 111.15 of the Revised Code;	40670 40671
(d) Guidance issued by an agency as defined in section 111.15 of the Revised Code;	40672 40673
(e) Orders or regulations of a board of health of a city health district made under section 3709.20 of the Revised Code;	40674 40675
(f) Orders or regulations of a board of health of a general health district made under section 3709.21 of the Revised Code;	40676 40677
(g) An ordinance or resolution adopted by a political subdivision;	40678 40679
(h) A professional code of ethics;	40680
(i) When a minor is authorized to consent to the minor's own receipt of health care or make medical decisions on the minor's own behalf, including the circumstances described in sections 2907.29, 3709.241, 3719.012, 5120.172, 5122.04, and 5126.043 of the Revised Code.	40681 40682 40683 40684 40685
Sec. 3798.10. (A) Not later than six months after September 10, 2012, the The medicaid director, in consultation with the office of health transformation, shall prescribe by rules adopted in accordance with Chapter 119. of the Revised Code a standard authorization form for the use and disclosure of protected health information by covered entities in this state. The form shall meet all requirements specified in 45 C.F.R. 164.508 and, where applicable, 42 C.F.R. part 2.	40686 40687 40688 40689 40690 40691 40692 40693
(B) If a form the medicaid director prescribes under division (A) of this section is properly executed by an individual or the individual's personal representative, it shall be accepted by any	40694 40695 40696

person or governmental entity in this state as valid authorization 40697
for the use or disclosure of the individual's protected health 40698
information to the persons or governmental entities specified in 40699
the form. 40700

(C) This section does not preclude a person or governmental 40701
entity from accepting as valid authorization for the use or 40702
disclosure of protected health information a form other than the 40703
form prescribed under division (A) of this section if the other 40704
form meets all requirements specified in 45 C.F.R. 164.508 and, if 40705
applicable, 42 C.F.R. part 2. 40706

Sec. 3799.01. Article I. Definitions 40707

For purposes of this compact: 40708

1. "Compacting state" means either of the following: 40709

a. Any state that has enacted the compact and which has not 40710
withdrawn or been suspended pursuant to Article XIV of the 40711
compact; 40712

b. The federal government in accordance with the commission's 40713
bylaws. 40714

2. "Compact" means the Solemn Covenant of the States to Award 40715
Prizes for Curing Diseases enacted in this section. 40716

3. "Non-compacting state" means any state or the federal 40717
government, if it is not at the time a compacting state. 40718

4. "Public health expenses" means the amount of all costs 40719
paid by taxpayers in a specified geographic area relating to a 40720
particular disease. 40721

5. "State" means any state, district, or territory of the 40722
United States of America. 40723

Article II. Establishment of the Commission; Membership 40724

1. Upon the enactment of the compact by six states, the 40725

compacting states shall establish the Solemn Covenant of States 40726
Commission. 40727

2. The commission is a body corporate and politic and an 40728
instrumentality of each of the compacting states and is solely 40729
responsible for its liabilities, except as otherwise specifically 40730
provided in the compact. 40731

3. Each compacting state shall be represented by one member 40732
as selected by the compacting state. Each compacting state shall 40733
determine its member's qualifications and period of service and 40734
shall be responsible for any action to remove or suspend its 40735
member or to fill the member's position if it becomes vacant. 40736
Nothing in the compact shall be construed to affect a compacting 40737
state's authority regarding the qualification, selection, or 40738
service of its own member. 40739

Article III. Powers of the Commission 40740

1. To adopt bylaws and rules pursuant to Articles V and VI of 40741
the compact, which shall have the force and effect of law and 40742
shall be binding in the compacting states to the extent and in the 40743
manner provided in the compact; 40744

2. To receive and review in an expeditious manner treatments 40745
and therapeutic protocols for the cure of disease submitted to the 40746
commission and to award prizes for submissions that meet the 40747
commission's standards for a successful cure treatment or 40748
therapeutic protocol; 40749

3. To make widely available a cure treatment or therapeutic 40750
protocol upon a prize winner claiming a prize and transferring any 40751
intellectual property necessary for the manufacture and 40752
distribution of the cure in accordance with section 3.g.i. of 40753
Article VI, including by arranging or contracting for the 40754
manufacturing, production, or provision of any drug, serum, or 40755
other substance, device, or process, provided that the commission 40756

does not market the cure or conduct any other activity regarding 40757
the cure not specifically authorized in the compact; 40758

4. To establish a selling price for the cure, which shall be 40759
not more than the expenses for the cure's manufacturing, 40760
distribution, licensing, and any other necessary governmental 40761
requirements for compacting states, or those expenses plus any 40762
royalty fees, for noncompacting states; the price shall not 40763
include the expenses of any other activities; 40764

5. In non-compacting states and foreign countries, to 40765
establish and collect royalty fees imposed on manufacturers, 40766
producers, and providers of any drug, serum, or other substance, 40767
device, or process used for a cure treatment or therapeutic 40768
protocol, for which a prize is awarded; royalty fees may be added 40769
to the sales price of the cure pursuant to section 4 of this 40770
Article; provided that the royalty fees shall cumulatively be not 40771
more than the estimated five-year savings in public health 40772
expenses for that state or country, as calculated by actuaries 40773
employed or contracted by the commission; 40774

6. To do the following regarding the collected royalty fees: 40775

a. Pay or reimburse expenses related to the payment of a 40776
prize, which shall include employing or contracting actuaries to 40777
calculate annual taxpayer savings amounts in compacting states in 40778
accordance with section 3.g.iii. of Article VI, and payment of 40779
interest and other expenses related to a loan obtained in 40780
accordance with section 3.g.vi. of Article VI; 40781

b. Annually disburse any amounts remaining after making 40782
payments or reimbursements under section 6.a. of this article as 40783
refunds to compacting states based on the per cent of the state's 40784
prize obligation in relation to the total obligation amount of all 40785
compacting states; 40786

7. To bring and prosecute legal proceedings or actions in its 40787

<u>name as the commission;</u>	40788
<u>8. To issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence;</u>	40789
	40790
<u>9. To establish and maintain offices;</u>	40791
<u>10. To borrow, accept, or contract for personnel services, including personnel services from employees of a compacting state;</u>	40792
	40793
<u>11. To hire employees, professionals, or specialists, and elect or appoint officers, and to fix their compensation, define their duties and give them appropriate authority to carry out the purposes of the compact, and determine their qualifications; and to establish the commission's personnel policies and programs relating to, among other things, conflicts of interest, rates of compensation, and qualifications of personnel;</u>	40794
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<u>12. To accept any and all appropriate donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of the same; provided that at all times the commission shall strive to avoid any appearance of impropriety;</u>	40801
	40802
	40803
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	40805
<u>13. To lease, purchase, or accept appropriate gifts or donations of, or otherwise to own, hold, improve, or use, any property, real, personal, or mixed; provided, that at all times the commission shall strive to avoid any appearance of impropriety;</u>	40806
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<u>14. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed;</u>	40811
	40812
	40813
<u>15. To monitor compacting states for compliance with the commission's bylaws and rules;</u>	40814
	40815
<u>16. To enforce compliance by compacting states with the commission's bylaws and rules;</u>	40816
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<u>17. To provide for dispute resolution among compacting states</u>	40818
<u>or between the commission and those who submit treatments and</u>	40819
<u>therapeutic protocols for the cure of disease for consideration;</u>	40820
<u>18. To establish a budget and make expenditures;</u>	40821
<u>19. To borrow money;</u>	40822
<u>20. To appoint committees, including management, legislative,</u>	40823
<u>and advisory committees comprised of members, state legislators or</u>	40824
<u>their representatives, medical professionals, and such other</u>	40825
<u>interested persons as may be designated by the commission;</u>	40826
<u>21. To establish annual membership dues for compacting</u>	40827
<u>states, which shall be used for daily expenses of the commission</u>	40828
<u>and not for interest or prize payments;</u>	40829
<u>22. To adopt and use a corporate seal;</u>	40830
<u>23. To perform such other functions as may be necessary or</u>	40831
<u>appropriate to achieve the purposes of this compact.</u>	40832
<u>Article IV. Meetings and Voting</u>	40833
<u>1. The commission shall meet and take such actions as are</u>	40834
<u>consistent with the compact, bylaws, and rules.</u>	40835
<u>2. A majority of the members of the commission shall</u>	40836
<u>constitute a quorum necessary in order to conduct business or take</u>	40837
<u>actions at meetings of the commission.</u>	40838
<u>3. Each member of the commission shall have the right and</u>	40839
<u>power to cast one vote regarding matters determined or actions to</u>	40840
<u>be taken by the commission. Each member shall have the right and</u>	40841
<u>power to participate in the business and affairs of the</u>	40842
<u>commission.</u>	40843
<u>4. A member shall vote in person or by such other means as</u>	40844
<u>provided in the commission's bylaws. The commission's bylaws may</u>	40845
<u>provide for members' participation in meetings by telephone or</u>	40846
<u>other means of communication.</u>	40847

5. The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the commission's bylaws. 40848
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6. No decision of the commission with respect to the approval of an award for a treatment or therapeutic process for the cure of a disease shall be effective unless two-thirds of all the members of the commission vote in favor thereof. 40851
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7. Guidelines and voting requirements for all other decisions of the commission shall be established in the commission's bylaws. 40855
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Article V. Bylaws 40857

The commission shall, by a majority vote of all the members of the commission, prescribe bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes, and exercise the powers, of the compact, including, but not limited to: 40858
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1. Establishing the fiscal year of the commission; 40863

2. Providing reasonable procedures for appointing and electing members, as well as holding meetings, of the management committee; 40864
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3. Providing reasonable standards and procedures: 40867

a. For the establishment and meetings of other committees; 40868

b. Governing any general or specific delegation of any authority or function of the commission; and 40869
40870

c. Voting guidelines and procedures for commission decisions. 40871

4. Providing reasonable procedures for calling and conducting meetings of the commission that shall consist of requiring a quorum to be present, ensuring reasonable advance notice of each such meeting and providing for the right of citizens to attend each such meeting with enumerated exceptions designed to protect the public's interest and the privacy of individuals. 40872
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<u>5. Providing a list of matters about which the commission may</u>	40878
<u>go into executive session and requiring a majority of all members</u>	40879
<u>of the commission vote to enter into such session. As soon as</u>	40880
<u>practicable, the commission shall make public:</u>	40881
<u>a. A copy of the vote to go into executive session, revealing</u>	40882
<u>the vote of each member with no proxy votes allowed; and</u>	40883
<u>b. The matter requiring executive session, without</u>	40884
<u>identifying the actual issues or individuals involved.</u>	40885
<u>6. Establishing the titles, duties, authority, and reasonable</u>	40886
<u>procedures for the election of the officers of the commission;</u>	40887
<u>7. Providing reasonable standards and procedures for the</u>	40888
<u>establishment of the personnel policies and programs of the</u>	40889
<u>commission. Notwithstanding any civil service or other similar</u>	40890
<u>laws of any compacting state, the commission's bylaws shall</u>	40891
<u>exclusively govern the personnel policies and programs of the</u>	40892
<u>commission;</u>	40893
<u>8. Allowing a mechanism for:</u>	40894
<u>a. The federal government to join as a compacting state; and</u>	40895
<u>b. Foreign countries or subdivisions of those countries to</u>	40896
<u>join as liaison members by adopting the compact; provided that</u>	40897
<u>adopting countries or subdivisions shall not have voting power or</u>	40898
<u>the power to bind the commission in any way.</u>	40899
<u>9. Adopting a code of ethics to address permissible and</u>	40900
<u>prohibited activities of members and employees;</u>	40901
<u>10. Providing for the maintenance of the commission's books</u>	40902
<u>and records;</u>	40903
<u>11. Governing the acceptance of and accounting for donations,</u>	40904
<u>annual member dues, and other sources of funding and establishing</u>	40905
<u>the proportion of these funds to be allocated to prize amounts for</u>	40906
<u>treatments and therapeutic protocols that cure disease;</u>	40907

12. Governing any fund raising efforts in which the 40908
commission wishes to engage; and 40909

13. Providing a mechanism for winding up the operations of 40910
the commission and the equitable disposition of any surplus funds 40911
that may exist after the termination of the compact after the 40912
payment and reserving of all its debts and obligations. 40913

Article VI. Rules 40914

1. The commission shall adopt rules to do the following: 40915

a. Effectively and efficiently achieve the purposes of this 40916
compact; 40917

b. Govern the methods, processes, and any other aspect of the 40918
research, creation, and testing of a treatment or therapeutic 40919
protocol for each disease for which a prize may be awarded. 40920

2. The commission shall also adopt rules establishing the 40921
criteria for defining and classifying the diseases for which 40922
prizes shall be awarded. The commission may define and classify 40923
subsets of diseases, for example, tubular carcinoma of the breast. 40924
For purposes of sections 3.a. and c. of this article, a subset of 40925
a disease shall be considered one disease. The commission may 40926
consult the most recent edition of the international 40927
classification of disease as published by the world health 40928
organization or other definitions agreed to by a two-thirds vote 40929
of the commission. 40930

3. The commission shall also adopt rules regarding prizes for 40931
curing diseases that establish the following: 40932

a. At least ten major diseases for which to create prizes, 40933
which shall be determined based on the following factors: 40934

i. The severity of the disease to a human individual's 40935
overall health and well-being; 40936

ii. The survival rate or severity of impact of the disease; 40937

<u>iii. The public health expenses and treatment expenses for</u>	40938
<u>the disease.</u>	40939
<u>b. The criteria a treatment or therapeutic protocol must meet</u>	40940
<u>in order to be considered a cure for any of the diseases for which</u>	40941
<u>a prize may be awarded, which shall include the following</u>	40942
<u>requirements:</u>	40943
<u>i. It must be approved by the federal Food and Drug</u>	40944
<u>Administration or have otherwise obtained legal status for the</u>	40945
<u>compact to immediately contract to manufacture and distribute in</u>	40946
<u>the United States;</u>	40947
<u>ii. Except as provided in section 4. of this article, it must</u>	40948
<u>yield a significant increase in survival with respect to the</u>	40949
<u>diseases if early death is the usual outcome;</u>	40950
<u>iii. It requires less than one year of the treatment or</u>	40951
<u>protocol to completely cure the disease.</u>	40952
<u>c. The procedure for determining the diseases for which to</u>	40953
<u>award prizes, which includes the option to award prizes for more</u>	40954
<u>than ten diseases that meet the above criteria, if agreed to by</u>	40955
<u>two-thirds vote of the commission, and a requirement to update the</u>	40956
<u>list every three years.</u>	40957
<u>d. The submission and evaluation procedures and guidelines,</u>	40958
<u>including filing and review procedures, a requirement that the</u>	40959
<u>person or entity submitting the cure bears the burden of proof in</u>	40960
<u>demonstrating that the treatment or therapeutic protocol meets the</u>	40961
<u>above criteria, and limitations preventing public access to</u>	40962
<u>treatment or protocol submissions.</u>	40963
<u>e. The estimated five-year public health savings that would</u>	40964
<u>result from a cure, which shall be equal to the five-year public</u>	40965
<u>health expenses for each disease in each compacting state, and a</u>	40966
<u>procedure to update these expenses every three years in</u>	40967
<u>conjunction with the requirements in section 3.c. of this article.</u>	40968

The estimated five-year public health savings amount shall be 40969
calculated, estimated, and publicized every three years by 40970
actuaries employed or contracted by the commission. 40971

f. The prize amount with respect to cures for each disease, 40972
which shall be equal to the most recent estimated total five-year 40973
savings in public health expenses for the disease as calculated in 40974
section 3.e. of this article in all of the compacting states; 40975
amounts donated by charities, individuals, and any other entities 40976
intended for the prize under Article I of the compact; and any 40977
other factors that the commission deems appropriate. 40978

g. The prize distribution procedures and guidelines, which 40979
shall include the following requirements: 40980

i. Upon acceptance of a cure, the prize winner shall transfer 40981
to the commission the patent and all related intellectual property 40982
for the manufacture and distribution of the treatment or 40983
therapeutic protocol in exchange for the prize, except in the case 40984
that the prize money is considered by the commission to be too 40985
low, and that a prize will be awarded only to the first person or 40986
entity that submits a successful cure for a disease for which a 40987
prize may be awarded. 40988

ii. Donation amounts intended for the prize shall be kept in 40989
a separate, interest-bearing account maintained by the commission. 40990
This account shall be the only account in which prize money is 40991
kept. 40992

iii. Each compacting state shall have the responsibility to 40993
pay annually the compacting state's actual one-year savings in 40994
public health expenses for the particular disease for which a cure 40995
has been accepted. The compacting state shall make such an annual 40996
payment until it has fulfilled its prize responsibility as 40997
established in section 3.f. of this article. Each compacting 40998
state's payment responsibility begins one year after the date the 40999

cure becomes widely available. The commission shall employ or 41000
contract with actuaries to calculate each state's actual one-year 41001
savings in public health expenses at the end of each year to 41002
determine each state's responsibility for the succeeding year. 41003

iv. Compacting states may meet prize responsibilities by any 41004
method including the issuance of bonds or other obligations, with 41005
the principal and interest of those bonds or obligations to be 41006
repaid only from revenue derived from estimated public health 41007
expense savings from a cure to a disease. If the compacting state 41008
does not make such revenue available to repay some or all of the 41009
revenue bonds or obligations issued, the owners or holders of 41010
those bonds or obligations have no right to have excises or taxes 41011
levied to pay the principal or interest on them. The revenue bonds 41012
and obligations are not a debt of the issuing compacting state. 41013

v. A compacting state may issue bonds or other debt that are 41014
general obligations, under which the full faith and credit, 41015
revenue, and taxing power of the state is pledged to pay the 41016
principal and interest under those obligations, only if authorized 41017
by the compacting state's constitution or, if constitutional 41018
authorization is not required, by other law of the compacting 41019
state. 41020

vi. Upon acceptance of a cure, the commission shall obtain a 41021
loan from a financial institution in an amount equal to the most 41022
recently calculated total estimated five-year public health 41023
expenses for the disease in all compacting states, in accordance 41024
with section 3.f. of this article. The commission reserves the 41025
right to continuously evaluate the cure in the interim and rescind 41026
a prize offer if the commission finds that the cure no longer 41027
meets the commission's criteria. 41028

4. The commission may award a prize for a treatment or 41029
therapeutic protocol that yields a survival rate that is less than 41030
what is established in the cure criteria through at least five 41031

years after the treatment or protocol has ended. In that case, the 41032
prize amount awarded for that treatment or therapeutic protocol 41033
shall be reduced from the prize amount originally determined by 41034
the commission for a cure for that disease. The reduction shall be 41035
in proportion to the survival rate yielded by that treatment or 41036
protocol as compared to the survival rate established in the cure 41037
criteria. 41038

5. The commission also shall adopt rules that do the 41039
following: 41040

a. Establish the following regarding commission records: 41041

i. Conditions and procedures for public inspection and 41042
copying of its information and official records, except such 41043
information and records involving the privacy of individuals or 41044
would otherwise violate privacy laws under federal law and the 41045
laws of the compacting states; 41046

ii. Procedures for sharing with federal and state agencies, 41047
including law enforcement agencies, records and information 41048
otherwise exempt from disclosure; 41049

iii. Guidelines for entering into agreements with federal and 41050
state agencies to receive or exchange information or records 41051
subject to nondisclosure and confidentiality provisions. 41052

b. Provide a process for commission review of submitted 41053
treatments and therapeutic protocols for curing diseases that 41054
includes the following: 41055

i. An opportunity for an appeal, not later than thirty days 41056
after a rejection of a treatment or protocol for prize 41057
consideration, to a review panel established under the 41058
commission's dispute resolution process; 41059

ii. Commission monitoring and review of treatment and 41060
protocol effectiveness consistent with the cure criteria 41061

established by the commission for the particular disease; 41062

iii. Commission reconsideration, modification, or withdrawal 41063
of approval of a treatment or protocol for prize consideration for 41064
failure to continue to meet the cure criteria established by the 41065
commission for the particular disease. 41066

c. Establish a dispute resolution process to resolve disputes 41067
or other issues under the compact that may arise between two or 41068
more compacting states or between the commission and individuals 41069
or entities who submit treatments and therapeutic protocols to 41070
cure diseases, which process shall provide for: 41071

i. Administrative review by a review panel appointed by the 41072
commission; 41073

ii. Judicial review of decisions issued after an 41074
administrative review; and 41075

iii. Qualifications to be appointed to a panel, due process 41076
requirements, including notice and hearing procedures, and any 41077
other procedure, requirement, or standard necessary to provide 41078
adequate dispute resolution. 41079

d. Establish and impose annual member dues on compacting 41080
states, which shall be calculated based on the percentage of each 41081
compacting state's population in relation to the population of all 41082
the compacting states. 41083

6. Recognizing that the goal of the compact is to pool the 41084
potential savings of as many states and countries as possible to 41085
generate sufficient financial incentive to develop a cure for many 41086
of the world's most devastating diseases, the compact will respect 41087
the laws of each of these United States by adopting rules that 41088
establish ethical standards for research that shall be followed in 41089
order for a prize to be claimed. The compact, in the rules, shall 41090
establish a common set of ethical standards that embodies the laws 41091
and restrictions in each of the states so that to be eligible for 41092

claiming a prize the entity submitting a cure must not have 41093
violated any of the ethical standards in any one of the fifty 41094
states, whether the states have joined the compact or not. The 41095
compact will publish these common ethical standards along with the 41096
specific criteria for a cure for each of the diseases the compact 41097
has targeted. 41098

So long as a researcher follows the common ethical standards 41099
in effect at the time the research is done, an entity presenting a 41100
cure will be deemed to have followed the standards. On or before 41101
January 1 of each year, the compact shall review all state laws to 41102
determine if additional ethical standards have been enacted by any 41103
of the fifty states and the federal government. Any changes to the 41104
common ethical standards rules based on new state laws shall be 41105
adopted and published by the compact, but shall not take effect in 41106
cure criteria for a period of three years to allow for sufficient 41107
notice to researchers. 41108

7. All rules may be amended as the commission sees necessary. 41109

8. All rules shall be adopted pursuant to a rule-making 41110
process that conforms to the model state administrative procedure 41111
act of 1981 by the uniform law commissioners, as amended, as may 41112
be appropriate to the operations of the commission. 41113

9. In the event the commission exercises its rule-making 41114
authority in a manner that is beyond the scope of the purpose of 41115
this compact, or the powers granted hereunder, then such rule 41116
shall be invalid and have no force and effect. 41117

Article VII. Committees 41118

1. Management Committee 41119

a. The commission may establish a management committee 41120
comprised of not more than fourteen members when twenty-six states 41121
enact the compact. 41122

<u>b. The committee shall consist of those members representing</u>	41123
<u>compacting states whose total public health expenses of all of the</u>	41124
<u>established diseases are the highest.</u>	41125
<u>c. The committee shall have such authority and duties as may</u>	41126
<u>be set forth in the commission's bylaws and rules, including:</u>	41127
<u>i. Managing authority over the day-to-day affairs of the</u>	41128
<u>commission in a manner consistent with the commission's bylaws and</u>	41129
<u>rules and the purposes of the compact;</u>	41130
<u>ii. Overseeing the offices of the commission; and</u>	41131
<u>iii. Planning, implementing, and coordinating communications</u>	41132
<u>and activities with state, federal, and local government</u>	41133
<u>organizations in order to advance the goals of the compact.</u>	41134
<u>d. The commission annually shall elect officers for the</u>	41135
<u>committee, with each having such authority and duties as may be</u>	41136
<u>specified in the commission's bylaws and rules.</u>	41137
<u>e. The management committee, subject to commission approval,</u>	41138
<u>may appoint or retain an executive director for such period, upon</u>	41139
<u>such terms and conditions, and for such compensation as the</u>	41140
<u>committee determines. The executive director shall serve as</u>	41141
<u>secretary to the commission, but shall not be a member of the</u>	41142
<u>commission. The executive director shall hire and supervise such</u>	41143
<u>other staff as may be authorized by the committee.</u>	41144
<u>2. Advisory Committees</u>	41145
<u>The commission may appoint advisory committees to monitor all</u>	41146
<u>operations related to the purposes of the compact and make</u>	41147
<u>recommendations to the commission; provided that the manner of</u>	41148
<u>selection and term of any committee member shall be as set forth</u>	41149
<u>in the commission's bylaws and rules. The commission shall consult</u>	41150
<u>with an advisory committee, to the extent required by the</u>	41151
<u>commission's bylaws or rules, before doing any of the following:</u>	41152

<u>a. Approving cure criteria;</u>	41153
<u>b. Amending, enacting, or repealing any bylaw or rule;</u>	41154
<u>c. Adopting the commission's annual budget;</u>	41155
<u>d. Addressing any other significant matter or taking any other significant action.</u>	41156 41157
<u>Article VIII. Finance</u>	41158
<u>1. The commission annually shall establish a budget to pay or provide for the payment of its reasonable expenses. To fund the cost of initial operations, the commission may accept contributions and other forms of funding from the compacting states and other sources. Contributions and other forms of funding from other sources shall be of such a nature that the independence of the commission concerning the performance of its duties shall not be compromised.</u>	41159 41160 41161 41162 41163 41164 41165 41166
<u>2. The commission shall be exempt from all taxation in and by the compacting states.</u>	41167 41168
<u>3. The commission shall keep complete and accurate accounts of all of its internal receipts, including grants and donations, and disbursements of all funds under its control. The internal financial accounts of the commission shall be subject to the accounting procedures established under the commission's bylaws or rules. The financial accounts and reports including the system of internal controls and procedures of the commission shall be audited annually by an independent certified public accountant. Upon the determination of the commission, but not less frequently than every three years, the review of the independent auditor shall include a management and performance audit of the commission. The commission shall make an annual report to the governors and legislatures of the compacting states, which shall include a report of the independent audit. The commission's internal accounts shall not be confidential and such materials may</u>	41169 41170 41171 41172 41173 41174 41175 41176 41177 41178 41179 41180 41181 41182 41183

be shared with any compacting state upon request provided, 41184
however, that any work papers related to any internal or 41185
independent audit and any information subject to the compacting 41186
states' privacy laws, shall remain confidential. 41187

4. No compacting state shall have any claim or ownership of 41188
any property held by or vested in the commission or to any 41189
commission funds held pursuant to the provisions of the compact. 41190

Article IX. Records 41191

Except as to privileged records, data, and information, the 41192
laws of any compacting state pertaining to confidentiality or 41193
nondisclosure shall not relieve any member of the duty to disclose 41194
any relevant records, data, or information to the commission; 41195
provided, that disclosure to the commission shall not be deemed to 41196
waive or otherwise affect any confidentiality requirement; and 41197
further provided, that, except as otherwise expressly provided in 41198
the compact, the commission shall not be subject to the compacting 41199
state's laws pertaining to confidentiality and nondisclosure with 41200
respect to records, data, and information in its possession. 41201
Confidential information of the commission shall remain 41202
confidential after such information is provided to any member. All 41203
other submissions received by the commission are confidential. 41204

Article X. Compliance 41205

The commission shall notify a compacting state in writing of 41206
any noncompliance with commission bylaws and rules. If a 41207
compacting state fails to remedy its noncompliance within the time 41208
specified in the notice, the compacting state shall be deemed to 41209
be in default as set forth in Article XIV. 41210

Article XI. Venue 41211

Venue for any judicial proceedings by or against the 41212
commission shall be brought in the appropriate court of competent 41213
jurisdiction for the geographical area in which the principal 41214

office of the commission is located. 41215

Article XII. Qualified Immunity, Defense, and Indemnification 41216

1. The members, officers, executive director, employees, and 41217
representatives of the commission shall be immune from suit and 41218
liability, either personally or in their official capacity, for 41219
any claim for damage to or loss of property or personal injury or 41220
other civil liability caused by or arising out of any actual or 41221
alleged act, error, or omission that occurred, or that such person 41222
had a reasonable basis for believing occurred within the scope of 41223
the person's commission employment, duties, or responsibilities; 41224
provided, that nothing in section 1. of this article shall be 41225
construed to protect any such person from suit or liability for 41226
any damage, loss, injury, or liability caused by the intentional 41227
or willful and wanton misconduct of that person. 41228

2. The commission shall defend any member, officer, executive 41229
director, employee, or representative of the commission in any 41230
civil action seeking to impose liability arising out of any actual 41231
or alleged act, error, or omission that occurred within the scope 41232
of the person's commission employment, duties, or 41233
responsibilities, or that such person had a reasonable basis for 41234
believing occurred within the scope of commission employment, 41235
duties, or responsibilities; provided, that nothing in the compact 41236
or commission bylaws or rules shall be construed to prohibit that 41237
person from retaining his or her own counsel; and provided 41238
further, that the actual or alleged act, error, or omission did 41239
not result from that person's intentional or willful and wanton 41240
misconduct. 41241

3. The commission shall indemnify and hold harmless any 41242
member, officer, executive director, employee, or representative 41243
of the commission for the amount of any settlement or judgment 41244
obtained against the person arising out of any actual or alleged 41245
act, error, or omission that occurred within the scope of the 41246

person's commission employment, duties, or responsibilities, or 41247
that such person had a reasonable basis for believing occurred 41248
within the scope of commission employment, duties, or 41249
responsibilities; provided, that the actual or alleged act, error, 41250
or omission, did not result from the intentional or willful and 41251
wanton misconduct of that person. 41252

Article XIII. Compacting States, Effective Date, and 41253
Amendment 41254

1. Any state is eligible to become a compacting state. 41255

2. The compact shall become effective and binding upon 41256
legislative enactment of the compact into law by two compacting 41257
states; provided, the commission shall only be established after 41258
six states become compacting states. Thereafter, the compact shall 41259
become effective and binding as to any other compacting state upon 41260
enactment of the compact into law by that state. 41261

3. Amendments to the compact may be proposed by the 41262
commission for enactment by the compacting states. No amendment 41263
shall become effective and binding until all compacting states 41264
enact the amendment into law. 41265

Article XIV. Withdrawal, Default, and Expulsion 41266

1. Withdrawal 41267

a. Once effective, the compact shall continue in force and 41268
remain binding upon each and every compacting state; provided, 41269
that a compacting state may withdraw from the compact by doing 41270
both of the following: 41271

i. Repealing the law enacting the compact in that state; 41272

ii. Notifying the commission in writing of the intent to 41273
withdraw on a date that is both of the following: 41274

I. At least three years after the date the notice is sent; 41275

II. After the repeal takes effect. 41276

b. The effective date of withdrawal is the date described in section 1.a.ii. of this article. 41277
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c. The member representing the withdrawing state shall immediately notify the management committee in writing upon the introduction of legislation in that state repealing the compact. If a management committee has not been established, the member shall immediately notify the commission. 41279
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d. The commission or management committee, as applicable, shall notify the other compacting states of the introduction of such legislation within ten days after its receipt of notice thereof. 41284
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e. The withdrawing state is responsible for all obligations, duties and liabilities incurred through the effective date of withdrawal, including any obligations, the performance of which extend beyond the effective date of withdrawal. The commission's actions shall continue to be effective and be given full force and effect in the withdrawing state. 41288
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f. Reinstatement following a state's withdrawal shall become effective upon the effective date of the subsequent enactment of the compact by that state. 41294
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2. Default 41297

a. If the commission determines that any compacting state has at any time defaulted in the performance of any of its obligations or responsibilities under the compact or the commission's bylaws or rules, then, after notice and hearing as set forth in the bylaws, all rights, privileges, and benefits conferred by this compact on the defaulting state shall be suspended from the effective date of default as fixed by the commission. The grounds for default include failure of a compacting state to perform its obligations or responsibilities, and any other grounds designated in commission rules. The commission shall immediately notify the 41298
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defaulting state in writing of the suspension pending cure of the 41308
default. The commission shall stipulate the conditions and the 41309
time period within which the defaulting state shall cure its 41310
default. If the defaulting state fails to cure the default within 41311
the time period specified by the commission, the defaulting state 41312
shall be expelled from the compact and all rights, privileges, and 41313
benefits conferred by the compact shall be terminated from the 41314
effective date of the expulsion. Any state that is expelled from 41315
the compact shall be liable for any cure prize or prizes for three 41316
years after its removal. The commission shall also take 41317
appropriate legal action to ensure that any compacting state that 41318
withdraws from the compact remains liable for paying its 41319
responsibility towards a prize for a cure that was accepted while 41320
the compacting state was a member of the commission. 41321

b. The expelled state must reenact the compact in order to 41322
become a compacting state. 41323

3. Dissolution of Compact 41324

a. The compact dissolves effective upon the date of either of 41325
the following: 41326

i. The withdrawal or expulsion of a compacting state, which 41327
withdrawal or expulsion reduces membership in the compact to one 41328
compacting state; 41329

ii. The commission votes to dissolve the compact. 41330

b. Upon the dissolution of the compact, the compact becomes 41331
null and void and shall be of no further force or effect, and the 41332
business and affairs of the commission shall be wound up and any 41333
surplus funds shall be distributed in accordance with the 41334
commission's bylaws, provided, that the commission shall pay all 41335
outstanding prizes awarded before the dissolution of the compact, 41336
as well as any other outstanding debts and obligations incurred 41337
during the existence of the compact. Any unawarded funds donated 41338

to be a part of a prize shall be returned to the donor, along with 41339
any interest earned on the amount. 41340

Article XV. Severability and Construction 41341

1. The provisions of the compact shall be severable; and if 41342
any phrase, clause, sentence, or provision is deemed 41343
unenforceable, the remaining provisions of the compact shall be 41344
enforceable. 41345

2. The provisions of the compact shall be liberally construed 41346
to effectuate its purposes. 41347

Article XVI. Binding Effect of Compact and Other Laws 41348

1. Other Laws: Nothing herein prevents the enforcement of any 41349
other law of a compacting state, except as provided in section 41350
2.b. of this article. 41351

2. Binding Effect of the Compact 41352

a. All lawful actions of the commission, including all 41353
commission rules, are binding upon the compacting states. 41354

b. All agreements between the commission and the compacting 41355
states are binding in accordance with their terms. 41356

c. Except to the extent authorized by the compacting state's 41357
constitution or, if constitutional authorization is not required, 41358
by other law of the compacting state, such state, by entering into 41359
the compact does not: 41360

i. Commit the full faith and credit or taxing power of the 41361
compacting state for the payment of prizes or other obligations 41362
under the compact; 41363

ii. Make prize payment responsibilities or other obligations 41364
under the compact a debt of the compacting state. 41365

d. Upon the request of a party to a conflict over the meaning 41366
or interpretation of commission actions, and upon a majority vote 41367

of the compacting states, the commission may issue advisory 41368
opinions regarding the meaning or interpretation in dispute. 41369

e. In the event any provision of the compact exceeds the 41370
constitutional limits imposed on any compacting state, the 41371
obligations, duties, powers or jurisdiction sought to be conferred 41372
by that provision upon the commission shall be ineffective as to 41373
that compacting state, and those obligations, duties, powers, or 41374
jurisdiction shall remain in the compacting state and shall be 41375
exercised by the agency thereof to which those obligations, 41376
duties, powers, or jurisdiction are delegated by law in effect at 41377
the time the compact becomes effective. 41378

Sec. 3901.381. (A) Except as provided in sections 3901.382, 41379
3901.383, 3901.384, and 3901.386 of the Revised Code, a 41380
third-party payer shall process a claim for payment for health 41381
care services rendered by a provider to a beneficiary in 41382
accordance with this section. 41383

(B)(1) Unless division (B)(2) or (3) of this section applies, 41384
when a third-party payer receives from a provider or beneficiary a 41385
claim on the standard claim form prescribed in rules adopted by 41386
the superintendent of insurance under section 3902.22 of the 41387
Revised Code, the third-party payer shall pay or deny the claim 41388
not later than thirty days after receipt of the claim. When a 41389
third-party payer denies a claim, the third-party payer shall 41390
notify the provider and the beneficiary. The notice shall state, 41391
with specificity, why the third-party payer denied the claim. 41392

(2)(a) Unless division (B)(3) of this section applies, when a 41393
provider or beneficiary has used the standard claim form, but the 41394
third-party payer determines that reasonable supporting 41395
documentation is needed to establish the third-party payer's 41396
responsibility to make payment, the third-party payer shall pay or 41397
deny the claim not later than forty-five days after receipt of the 41398

claim. Supporting documentation includes the verification of 41399
employer and beneficiary coverage under a benefits contract, 41400
confirmation of premium payment, medical information regarding the 41401
beneficiary and the services provided, information on the 41402
responsibility of another third-party payer to make payment or 41403
confirmation of the amount of payment by another third-party 41404
payer, and information that is needed to correct material 41405
deficiencies in the claim related to a diagnosis or treatment or 41406
the provider's identification. 41407

Not later than thirty days after receipt of the claim, the 41408
third-party payer shall notify all relevant external sources that 41409
the supporting documentation is needed. All such notices shall 41410
state, with specificity, the supporting documentation needed. If 41411
the notice was not provided in writing, the provider, beneficiary, 41412
or third-party payer may request the third-party payer to provide 41413
the notice in writing, and the third-party payer shall then 41414
provide the notice in writing. If any of the supporting 41415
documentation is under the control of the beneficiary, the 41416
beneficiary shall provide the supporting documentation to the 41417
third-party payer. 41418

The number of days that elapse between the third-party 41419
payer's last request for supporting documentation within the 41420
thirty-day period and the third-party payer's receipt of all of 41421
the supporting documentation that was requested shall not be 41422
counted for purposes of determining the third-party payer's 41423
compliance with the time period of not more than forty-five days 41424
for payment or denial of a claim. Except as provided in division 41425
(B)(2)(b) of this section, if the third-party payer requests 41426
additional supporting documentation after receiving the initially 41427
requested documentation, the number of days that elapse between 41428
making the request and receiving the additional supporting 41429
documentation shall be counted for purposes of determining the 41430

third-party payer's compliance with the time period of not more than forty-five days. 41431
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(b) If a third-party payer determines, after receiving initially requested documentation, that it needs additional supporting documentation pertaining to a beneficiary's preexisting condition, which condition was unknown to the third-party payer and about which it was reasonable for the third-party payer to have no knowledge at the time of its initial request for documentation, and the third-party payer subsequently requests this additional supporting documentation, the number of days that elapse between making the request and receiving the additional supporting documentation shall not be counted for purposes of determining the third-party payer's compliance with the time period of not more than forty-five days. 41433
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(c) When a third-party payer denies a claim, the third-party payer shall notify the provider and the beneficiary. The notice shall state, with specificity, why the third-party payer denied the claim. 41445
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(d) If a third-party payer determines that supporting documentation related to medical information is routinely necessary to process a claim for payment of a particular health care service, the third-party payer shall establish a description of the supporting documentation that is routinely necessary and make the description available to providers in a readily accessible format. 41449
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Third-party payers and providers shall, in connection with a claim, use the most current CPT code in effect, as published by the American medical association, the most current ICD-10 code in effect, as published by the United States department of health and human services, the most current CDT code in effect, as published by the American dental association, or the most current HCPCS code in effect, as published by the United States ~~health care financing~~ 41456
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administration centers for medicare and medicaid services. 41463

(3) When a provider or beneficiary submits a claim by using 41464
the standard claim form prescribed in the superintendent's rules, 41465
but the information provided in the claim is materially deficient, 41466
the third-party payer shall notify the provider or beneficiary not 41467
later than fifteen days after receipt of the claim. The notice 41468
shall state, with specificity, the information needed to correct 41469
all material deficiencies. Once the material deficiencies are 41470
corrected, the third-party payer shall proceed in accordance with 41471
division (B)(1) or (2) of this section. 41472

It is not a violation of the notification time period of not 41473
more than fifteen days if a third-party payer fails to notify a 41474
provider or beneficiary of material deficiencies in the claim 41475
related to a diagnosis or treatment or the provider's 41476
identification. A third-party payer may request the information 41477
necessary to correct these deficiencies after the end of the 41478
notification time period. Requests for such information shall be 41479
made as requests for supporting documentation under division 41480
(B)(2) of this section, and payment or denial of the claim is 41481
subject to the time periods specified in that division. 41482

(C) For purposes of this section, if a dispute exists between 41483
a provider and a third-party payer as to the day a claim form was 41484
received by the third-party payer, both of the following apply: 41485

(1) If the provider or a person acting on behalf of the 41486
provider submits a claim directly to a third-party payer by mail 41487
and retains a record of the day the claim was mailed, there exists 41488
a rebuttable presumption that the claim was received by the 41489
third-party payer on the fifth business day after the day the 41490
claim was mailed, unless it can be proven otherwise. 41491

(2) If the provider or a person acting on behalf of the 41492
provider submits a claim directly to a third-party payer 41493

electronically, there exists a rebuttable presumption that the claim was received by the third-party payer twenty-four hours after the claim was submitted, unless it can be proven otherwise.

(D) Nothing in this section requires a third-party payer to provide more than one notice to an employer whose premium for coverage of employees under a benefits contract has not been received by the third-party payer.

(E) Compliance with the provisions of division (B)(3) of this section shall be determined separately from compliance with the provisions of divisions (B)(1) and (2) of this section.

(F) A third-party payer shall transmit electronically any payment with respect to claims that the third-party payer receives electronically and pays to a contracted provider under this section and under sections 3901.383, 3901.384, and 3901.386 of the Revised Code. A provider shall not refuse to accept a payment made under this section or sections 3901.383, 3901.384, and 3901.386 of the Revised Code on the basis that the payment was transmitted electronically.

Sec. 3901.3814. Sections 3901.38 and 3901.381 to 3901.3813 of the Revised Code do not apply to the following:

(A) Policies offering coverage that is regulated under Chapters 3935. and 3937. of the Revised Code;

(B) An employer's self-insurance plan and any of its administrators, as defined in section 3959.01 of the Revised Code, to the extent that federal law supersedes, preempts, prohibits, or otherwise precludes the application of any provisions of those sections to the plan and its administrators;

(C) A third-party payer for coverage provided under the medicare advantage program operated under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as

amended; 41524

(D) A third-party payer for coverage provided under the 41525
medicaid program, ~~except that if a federal waiver applied for~~ 41526
~~under section 5167.25 of the Revised Code is granted or the~~ 41527
~~medicaid director determines that this provision can be~~ 41528
~~implemented without a waiver, sections 3901.38 and 3901.381 to~~ 41529
~~3901.3813 of the Revised Code apply to claims submitted~~ 41530
~~electronically or non-electronically that are made with respect to~~ 41531
~~coverage of medicaid recipients by health insuring corporations~~ 41532
~~licensed under Chapter 1751. of the Revised Code, instead of the~~ 41533
~~prompt payment requirements of 42 C.F.R. 447.46;~~ 41534

(E) A third-party payer for coverage provided under the 41535
tricare program offered by the United States department of 41536
defense. 41537

Sec. 3901.95. A direct primary care agreement that meets all 41538
of the following shall not be considered insurance and nothing in 41539
Title XXXIX of the Revised Code shall apply to such an agreement: 41540

(A) It is in writing. 41541

(B) It is between a patient, or that patient's legal 41542
representative, and a health care provider and is related to 41543
services to be provided in exchange for the payment of a fee to be 41544
paid on a periodic basis. 41545

(C) It allows either party to terminate the agreement as 41546
specified in the agreement. 41547

(D) It requires termination to be accomplished through 41548
written notification. 41549

(E) It permits termination to take effect immediately upon 41550
the other party's receipt of the notification or not more than 41551
sixty days after the other party's receipt of the notification. 41552

(F) It does not impose a termination penalty or require 41553

payment of a termination fee. 41554

(G) It describes the health care services to be provided 41555
under the agreement and the basis on which a periodic fee is to be 41556
paid in exchange for those services. 41557

(H) It specifies the periodic fee required and any additional 41558
fees that may be charged. 41559

(I) It authorizes the periodic fee and any additional fees to 41560
be paid by a third party. 41561

(J) It prohibits the health services provider from charging 41562
or receiving any fee other than the fees prescribed in the 41563
agreement for those services prescribed in the agreement. 41564

(K) It conspicuously and prominently states that the 41565
agreement is not health insurance and does not meet any individual 41566
health insurance mandate that may be required under federal law. 41567

Sec. 3902.31. (A) As used in this section: 41568

(1) "Pay in full" means paying for a health service in its 41569
entirety without cost-sharing on the part of a third-party payer. 41570
"Pay in full" includes payment made under a deductible 41571
requirement. 41572

(2) "Third-party payer" and "provider" have the same meanings 41573
as in section 3901.38 of the Revised Code. 41574

(B)(1) Subject to division (C) of this section, a provision 41575
in a contract entered into between a third-party payer and a 41576
provider is void and against public policy if it does either of 41577
the following: 41578

(a) Establishes a minimum amount that the provider is 41579
required to charge an individual for a health service when that 41580
individual pays in full for the service; 41581

(b) Prohibits a provider from advertising the provider's 41582

rates for a service. 41583

(2) Division (B)(1)(b) of this section shall not be construed as prohibiting a provision in a contract between a provider and a third-party payer that prohibits a provider from disclosing or advertising contractually agreed upon reimbursement rates for providers. 41584
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(C)(1) This section shall apply to all new contracts between a third-party payer and a provider entered into on or after the effective date of this section. 41589
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(2) For existing contracts, this section shall apply on the earlier of either of the following: 41592
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(a) Three years after the effective date of this section; 41594

(b) The expiration date of the contract or renewal of the contract. 41595
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Sec. 3902.50. (A) As used in sections 3902.50 and 3902.51 of the Revised Code: 41597
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(1) "Covered person," "health benefit plan," "health care services," and "health plan issuer" have the same meanings as in section 3922.01 of the Revised Code. 41599
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(2) "Emergency facility" has the same meaning as in section 3701.74 of the Revised Code. 41602
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(3) "Emergency services" means all of the following as described in 42 U.S.C. 1395dd: 41604
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(a) Medical screening examinations undertaken to determine whether an emergency medical condition exists; 41606
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(b) Treatment necessary to stabilize an emergency medical condition; 41608
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(c) Appropriate transfers undertaken prior to an emergency medical condition being stabilized. 41610
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(4) "Health care practitioner" has the same meaning as in section 3901.74 of the Revised Code. 41612
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(B) A health plan issuer shall reimburse an out-of-network health care practitioner for emergency services when the services are provided to a covered person at a hospital that is in the covered person's health benefit plan provider network. 41614
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(C) The rate required under division (B) of this section shall be the greater of the following: 41618
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(1) The average contracted rate for the same service delivered by an in-network health care practitioner in the same or similar specialty in the same geographic area; 41620
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(2) The amount the health plan issuer would pay under the covered person's health benefit plan for out-of-network emergency services. 41623
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(D) A health plan issuer shall not require cost-sharing for any service described in division (B) of this section from the covered person at a rate higher than if the services were provided by an in-network health care practitioner. 41626
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(E) For health care services, other than emergency services, that are covered under a health benefit plan but are provided by an out-of-network health care practitioner at an in-network hospital, all of the following apply: 41630
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(1) The health care practitioner shall not bill the covered person for the difference between the health plan issuer's out-of-network reimbursement and the practitioner's charge for the services unless all of the following conditions are met: 41634
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(a) The health care practitioner informs the covered person that the practitioner is not in the person's health benefit plan network. 41638
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(b) The health care practitioner provides to the covered 41641

person a good faith estimate of the cost of the services, 41642
including the practitioner's charge, the estimated reimbursement 41643
by the health plan issuer, and the covered person's 41644
responsibility. The estimate shall contain a disclaimer that the 41645
covered person is not required to obtain the health care service 41646
at that location or from that practitioner. 41647

(c) The covered person affirmatively consents to receive the 41648
services. 41649

(2) The health plan issuer may reimburse the health care 41650
practitioner at either of the following: 41651

(a) The average contracted rate for the same service 41652
delivered by an in-network health care practitioner in the same or 41653
similar specialty in the same geographic area; 41654

(b) The amount the health plan issuer would pay under the 41655
covered person's health benefit plan for out-of-network health 41656
care services. 41657

Sec. 3902.51. (A) The superintendent of insurance shall adopt 41658
by rule alternative dispute resolution procedures and guidelines 41659
for complaints brought by health care practitioners against health 41660
plan issuers relating to reimbursement under section 3902.50 of 41661
the Revised Code. The superintendent shall require that mediation 41662
be attempted prior to arbitration. 41663

(B) A health care practitioner may request alternative 41664
dispute resolution if it believes that the health plan issuer's 41665
offer of reimbursement is less than the amount the issuer would 41666
reimburse an in-network practitioner in the same or similar 41667
specialty in the same geographic area. 41668

Sec. 3905.426. (A) As used in this section: 41669

(1) "Contract holder" means the person who purchased a motor 41670

vehicle ancillary product protection contract, any authorized 41671
transferee or assignee of the purchaser, or any other person 41672
assuming the purchaser's rights under the motor vehicle ancillary 41673
product protection contract. 41674

(2) "Motor vehicle" has the same meaning as in section 41675
4501.01 of the Revised Code and also includes utility vehicles as 41676
defined in that section. 41677

(3)(a) "Motor vehicle ancillary product protection contract" 41678
means a contract or agreement that is effective for a specified 41679
duration and paid for by means other than the purchase of a motor 41680
vehicle, or its parts or equipment, to perform any one or more of 41681
the following services: 41682

(i) Repair or replacement of glass on a motor vehicle 41683
necessitated by wear and tear or damage caused by a road hazard; 41684

(ii) Removal of a dent, ding, or crease without affecting the 41685
existing paint finish using paintless dent removal techniques but 41686
which expressly excludes replacement of vehicle body panels, 41687
sanding, bonding, or painting; 41688

(iii) Repair to the interior components of a motor vehicle 41689
necessitated by wear and tear but which expressly excludes 41690
replacement of any part or component of a motor vehicle's 41691
interior; 41692

~~(iv) Repair or replacement of tires or wheels damaged because 41693
of a road hazard; 41694~~

~~(v) Replacement of a lost, stolen, or inoperable key or key 41695
fob. 41696~~

(b) A motor vehicle ancillary product protection contract 41697
may, but is not required to, provide for incidental payment of 41698
indemnity under limited circumstances, including, without 41699
limitation, towing, rental, and emergency road services. 41700

(c) "Motor vehicle ancillary product protection contract"	41701
does not include any of the following:	41702
(i) A motor vehicle service contract;	41703
(ii) A vehicle protection product warranty as defined in section 3905.421 of the Revised Code;	41704 41705
(iii) A home service contract as defined in section 3905.422 of the Revised Code;	41706 41707
(iv) A consumer goods service contract as defined in section 3905.423 of the Revised Code;	41708 41709
(v) A contract for prepaid routine, scheduled maintenance only;	41710 41711
<u>(vi) A motor vehicle tire or wheel road hazard contract.</u>	41712
(4) "Motor vehicle service contract" means a contract or agreement to perform or pay for the repair, replacement, or maintenance of a motor vehicle due to defect in materials or workmanship, normal wear and tear, mechanical or electrical breakdown, or failure of parts or equipment of a motor vehicle, with or without additional provisions for incidental payment of indemnity under limited circumstances, including, without limitation, towing, rental, and emergency road services, that is effective for a specified duration and paid for by means other than the purchase of a motor vehicle.	41713 41714 41715 41716 41717 41718 41719 41720 41721 41722
(5) <u>"Motor vehicle tire or wheel road hazard contract" means a contract or agreement to perform or pay for repairs or replacement of tires or wheels damaged because of a road hazard with or without additional provisions for incidental payment of indemnity under limited circumstances, including, without limitation, towing, rental, and emergency road services, that is effective for a specified duration and paid for by means other than the purchase of the motor vehicle.</u>	41723 41724 41725 41726 41727 41728 41729 41730

(6) "Provider" means a person who is contractually obligated to a contract holder under the terms of a motor vehicle ancillary product protection contract.

~~(6)~~(7) "Road hazard" means a condition that may cause damage or wear and tear to a tire or wheel on a public or private roadway, roadside, driveway, or parking lot or garage, including potholes, nails, glass, road debris, and curbs. "Road hazard" does not include fire, theft, vandalism or malicious mischief, or other perils normally covered by automobile physical damage insurance.

~~(7)~~(8) "Reimbursement insurance policy" means a policy of insurance issued by an insurer authorized or eligible to do business in this state to a provider to pay, on behalf of the provider in the event of the provider's nonperformance, all covered contractual obligations incurred by the provider under the terms and conditions of the motor vehicle ancillary product protection contract.

~~(8)~~(9) "Supplier" has the same meaning as in section 1345.01 of the Revised Code.

(B) All motor vehicle ancillary product protection contracts issued in this state shall be covered by a reimbursement insurance policy.

(C) A motor vehicle ancillary product protection contract issued by a provider that is required to be covered by a reimbursement insurance policy under division (B) of this section shall conspicuously state all of the following:

(1) "This contract is not insurance and is not subject to the insurance laws of this state."

(2) That the obligations of the provider are guaranteed under a reimbursement insurance policy;

(3) That if a provider fails to perform or make payment due

under the terms of the contract within sixty days after the 41761
contract holder requests performance or payment pursuant to the 41762
terms of the contract, the contract holder may request performance 41763
or payment directly from the provider's reimbursement insurance 41764
policy insurer, including any obligation in the contract by which 41765
the provider must refund the contract holder upon cancellation of 41766
a contract; 41767

(4) The name, address, and telephone number of the provider's 41768
reimbursement insurance policy insurer. 41769

(D) A motor vehicle ancillary product protection contract 41770
that includes repair or replacement of glass on a motor vehicle as 41771
provided in division (A)(3)(a)(i) of this section, shall 41772
conspicuously state: "This contract may provide a duplication of 41773
coverage already provided by your automobile physical damage 41774
insurance policy." 41775

(E) A reimbursement insurance policy that is required to be 41776
issued under this section shall contain: 41777

(1) A statement that if a provider fails to perform or make 41778
payment due under the terms of the motor vehicle ancillary product 41779
protection contract within sixty days after the contract holder 41780
requests performance or payment pursuant to the terms of the 41781
contract, the contract holder may request performance or payment 41782
directly from the provider's reimbursement insurance policy 41783
insurer, including any obligation in the contract by which the 41784
provider must refund the contract holder upon cancellation of a 41785
contract. 41786

(2) A statement that in the event of cancellation of the 41787
provider's reimbursement insurance policy, insurance coverage will 41788
continue for all contract holders whose motor vehicle ancillary 41789
product protection contracts were issued by the provider and 41790
reported to the insurer for coverage during the term of the 41791

reimbursement insurance policy. 41792

(F) The sale or issuance of a motor vehicle ancillary product 41793
protection contract or a motor vehicle tire or wheel road hazard 41794
contract is a consumer transaction for purposes of sections 41795
1345.01 to 1345.13 of the Revised Code. The provider is the 41796
supplier and the contract holder is the consumer for purposes of 41797
those sections. 41798

(G) Unless issued by an insurer authorized or eligible to do 41799
business in this state, a motor vehicle ancillary product 41800
protection contract does not constitute a contract substantially 41801
amounting to insurance, or the contract's issuance the business of 41802
insurance, under section 3905.42 of the Revised Code. 41803

(H) Unless issued by an insurer authorized or eligible to do 41804
business in this state, a contract identified in division 41805
(A)(3)(c)(i) ~~or~~, (v), or (vi) of this section does not constitute 41806
a contract substantially amounting to insurance, or the contract's 41807
issuance the business of insurance, under section 3905.42 of the 41808
Revised Code. 41809

(I) The rights of a contract holder against a provider's 41810
reimbursement insurance policy insurer as provided in this section 41811
apply only in regard to a reimbursement insurance policy issued 41812
under this section. This section does not create any contractual 41813
rights in favor of a person that does not qualify as an insured 41814
under any other type of insurance policy described in Title XXXIX 41815
of the Revised Code. This section does not prohibit the insurer of 41816
a provider's reimbursement insurance policy from assuming 41817
liability for contracts issued prior to the effective date of the 41818
policy or July 1, 2009. 41819

~~(J) A contract or agreement described in division 41820
(A)(3)(a)(iv) of this section in which the provider is a tire 41821
manufacturer shall be exempt from the requirements of division (B) 41822~~

~~of this section if the contract or agreement conspicuously states~~ 41823
~~all of the following:~~ 41824

~~(1) That the contract or agreement is not an insurance~~ 41825
~~contract;~~ 41826

~~(2) That any covered obligations or claims under the contract~~ 41827
~~or agreement are the responsibility of the provider;~~ 41828

~~(3) The name, address, and telephone number of any~~ 41829
~~administrator responsible for the administration of the contract~~ 41830
~~or agreement, the provider obligated to perform under the contract~~ 41831
~~or agreement, and the contract seller;~~ 41832

~~(4) The procedure for making a claim under the contract or~~ 41833
~~agreement, including a toll free telephone number for claims~~ 41834
~~service and a procedure for obtaining emergency repairs or~~ 41835
~~replacements performed outside normal business hours.~~ 41836

Sec. 3923.87. Each sickness and accident insurer or public 41837
employee benefit plan shall comply with the requirements of 41838
section 3959.20 of the Revised Code as they pertain to health plan 41839
issuers. 41840

As used in this section, "health plan issuer" has the same 41841
meaning as in section 3922.01 of the Revised Code. 41842

Sec. 3953.231. (A)(1) Each title insurance agent or title 41843
insurance company shall establish and maintain an interest-bearing 41844
trust account for the deposit of all non-directed escrow funds 41845
that meet the requirements of sections 1349.20 to 1349.22 of the 41846
Revised Code. 41847

(2) The account shall be established and maintained in any 41848
federally insured bank, savings and loan association, credit 41849
union, or savings bank that is authorized to transact business in 41850
this state. 41851

(3) The account shall be in the name of the title insurance agent or company, and shall be identified as an "interest on trust account" or "IOTA." The name of the account may contain additional identifying information to distinguish it from other accounts.

(4) The title insurance agent or company establishing the account shall submit, in writing, to the superintendent of insurance the name, account number, and location of the bank, savings and loan association, credit union, or savings bank in which the trust account is maintained.

(B) Each title insurance agent or company shall deposit all non-directed escrow funds that are nominal in amount or are to be held for a short period of time into the account established under division (A) of this section no later than the next business day after receipt.

(C) Each account established under division (A) of this section shall comply with all of the following:

(1) All funds in the account shall be subject to withdrawal or transfer upon request and without delay, or as soon as permitted by law;

(2) The rate of interest payable on the account shall not be less than the rate paid by the bank, savings and loan, credit union, or savings bank to its regular depositors. The rate may be higher if there is no impairment of the right to the immediate withdrawal or transfer of the principal;

(3) All interest earned on the account, net of service charges and other related charges, shall be transmitted to the treasurer of state for deposit in the legal aid fund established under section 120.52 of the Revised Code. No part of the interest earned shall be paid to the title insurance agent or company.

(D) The title insurance agent or company establishing an account under division (A) of this section shall direct the bank,

savings and loan association, credit union, or savings bank to do 41883
both of the following: 41884

(1) Remit interest or dividends on the average monthly 41885
balance in the account, or as otherwise computed in accordance 41886
with the standard accounting practice of the bank, savings and 41887
loan association, credit union, or savings bank, less reasonable 41888
service charges and other related charges, to the treasurer of 41889
state at least quarterly for deposit in the legal aid fund 41890
established under section 120.52 of the Revised Code; 41891

(2) At the time of each remittance, transmit to the treasurer 41892
of state, and if requested, to the Ohio ~~legal assistance~~ access to 41893
justice foundation, and the title insurance agent or company, a 41894
statement showing the name of the title insurance agent or company 41895
for whom the remittance is sent, the rate of interest applied, the 41896
accounting period, the net amount remitted to the treasurer of 41897
state for each account, the total remitted, the average account 41898
balance for each month of the period for which the report is made, 41899
and the amount deducted for service charges and other related 41900
charges. 41901

(E) The statements and reports submitted by the bank, savings 41902
and loan association, credit union, or savings bank under this 41903
section, are not public records subject to section 149.43 of the 41904
Revised Code and shall be used only to administer the legal aid 41905
fund. 41906

(F) No funds belonging to a title insurance agent or company 41907
shall be deposited into an account established under division (A) 41908
of this section except funds necessary to pay service charges and 41909
other related charges of the bank, savings and loan association, 41910
credit union, or savings bank that are in excess of earnings on 41911
the account. 41912

(G) No liability arising out of any negligent act or omission 41913

of any title insurance agent or company with respect to any 41914
account established under division (A) of this section shall be 41915
imputed to the bank, savings and loan association, credit union, 41916
or savings bank. 41917

(H) No liability or responsibility arising out of any 41918
negligent act or omission of any title insurance agent with 41919
respect to any account established under division (A) of this 41920
section shall be imputed to a title insurance company. 41921

(I) The superintendent may adopt, in accordance with Chapter 41922
119. of the Revised Code, rules that pertain to the use of 41923
accounts established under division (A) of this section and to the 41924
enforcement of this section. 41925

Sec. 3959.01. (A) "Administration fees" means any amount 41926
charged a covered person for services rendered. "Administration 41927
fees" includes commissions earned or paid by any person relative 41928
to services performed by an administrator. 41929

(B) "Administrator" means any person who adjusts or settles 41930
claims on, residents of this state in connection with life, 41931
dental, health, prescription drugs, or disability insurance or 41932
self-insurance programs. "Administrator" includes a pharmacy 41933
benefit manager. "Administrator" does not include any of the 41934
following: 41935

(1) An insurance agent or solicitor licensed in this state 41936
whose activities are limited exclusively to the sale of insurance 41937
and who does not provide any administrative services; 41938

(2) Any person who administers or operates the workers' 41939
compensation program of a self-insuring employer under Chapter 41940
4123. of the Revised Code; 41941

(3) Any person who administers pension plans for the benefit 41942
of the person's own members or employees or administers pension 41943

plans for the benefit of the members or employees of any other person; 41944
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(4) Any person that administers an insured plan or a self-insured plan that provides life, dental, health, or disability benefits exclusively for the person's own members or employees; 41946
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(5) Any health insuring corporation holding a certificate of authority under Chapter 1751. of the Revised Code or an insurance company that is authorized to write life or sickness and accident insurance in this state. 41950
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(C) "Aggregate excess insurance" means that type of coverage whereby the insurer agrees to reimburse the insured employer or trust for all benefits or claims paid during an agreement period on behalf of all covered persons under the plan or trust which exceed a stated deductible amount and subject to a stated maximum. 41954
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(D) "Contracted pharmacy" or "pharmacy" means a pharmacy located in this state participating in either the network of a pharmacy benefit manager or in a health care or pharmacy benefit plan through a direct contract or through a contract with a pharmacy services administration organization, group purchasing organization, or another contracting agent. 41959
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(E) "Contributions" means any amount collected from a covered person to fund the self-insured portion of any plan in accordance with the plan's provisions, summary plan descriptions, and contracts of insurance. 41965
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(F) "Drug product reimbursement" means the amount paid by a pharmacy benefit manager to a contracted pharmacy for the cost of the drug dispensed to a patient and does not include a dispensing or professional fee. 41969
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(G) "Fiduciary" has the meaning set forth in section 1002(21)(A) of the "Employee Retirement Income Security Act of 41973
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1974," 88 Stat. 829, 29 U.S.C. 1001, as amended. 41975

(H) "Fiscal year" means the twelve-month accounting period 41976
commencing on the date the plan is established and ending twelve 41977
months following that date, and each corresponding twelve-month 41978
accounting period thereafter as provided for in the summary plan 41979
description. 41980

(I) "Insurer" means an entity authorized to do the business 41981
of insurance in this state or, for the purposes of this section, a 41982
health insuring corporation authorized to issue health care plans 41983
in this state. 41984

(J) "Managed care organization" means an entity that provides 41985
medical management and cost containment services and includes a 41986
medicaid managed care organization, as defined in section 5167.01 41987
of the Revised Code. 41988

(K) "Maximum allowable cost" means a maximum drug product 41989
reimbursement for an individual drug or for a group of 41990
therapeutically and pharmaceutically equivalent multiple source 41991
drugs that are listed in the United States food and drug 41992
administration's approved drug products with therapeutic 41993
equivalence evaluations, commonly referred to as the orange book. 41994

(L) "Maximum allowable cost list" means a list of the drugs 41995
for which a pharmacy benefit manager imposes a maximum allowable 41996
cost. 41997

(M) "Multiple employer welfare arrangement" has the same 41998
meaning as in section 1739.01 of the Revised Code. 41999

(N) "Pharmacy benefit manager" means an entity that contracts 42000
with pharmacies on behalf of an employer, a multiple employer 42001
welfare arrangement, public employee benefit plan, state agency, 42002
insurer, managed care organization, or other third-party payer to 42003
provide pharmacy health benefit services or administration. 42004

"Pharmacy benefit manager" includes the state pharmacy benefit 42005

manager under section 125.93 of the Revised Code. 42006

(O) "Plan" means any arrangement in written form for the 42007
payment of life, dental, health, or disability benefits to covered 42008
persons defined by the summary plan description and includes a 42009
drug benefit plan administered by a pharmacy benefit manager. 42010

(P) "Plan sponsor" means the person who establishes the plan. 42011

(Q) "Self-insurance program" means a program whereby an 42012
employer provides a plan of benefits for its employees without 42013
involving an intermediate insurance carrier to assume risk or pay 42014
claims. "Self-insurance program" includes but is not limited to 42015
employer programs that pay claims up to a prearranged limit beyond 42016
which they purchase insurance coverage to protect against 42017
unpredictable or catastrophic losses. 42018

(R) "Specific excess insurance" means that type of coverage 42019
whereby the insurer agrees to reimburse the insured employer or 42020
trust for all benefits or claims paid during an agreement period 42021
on behalf of a covered person in excess of a stated deductible 42022
amount and subject to a stated maximum. 42023

(S) "Summary plan description" means the written document 42024
adopted by the plan sponsor which outlines the plan of benefits, 42025
conditions, limitations, exclusions, and other pertinent details 42026
relative to the benefits provided to covered persons thereunder. 42027

(T) "Third-party payer" has the same meaning as in section 42028
3901.38 of the Revised Code. 42029

Sec. 3959.12. (A) Any license issued under sections 3959.01 42030
to 3959.16 of the Revised Code may be suspended for a period not 42031
to exceed two years, revoked, or not renewed by the superintendent 42032
of insurance after notice to the licensee and hearing in 42033
accordance with Chapter 119. of the Revised Code. The 42034
superintendent may suspend, revoke, or refuse to renew a license 42035

if upon investigation and proof the superintendent finds that the licensee has done any of the following:

- (1) Knowingly violated any provision of sections 3959.01 to 3959.16 or 3959.20 of the Revised Code or any rule promulgated by the superintendent;
- (2) Knowingly made a material misstatement in the application for the license;
- (3) Obtained or attempted to obtain a license through misrepresentation or fraud;
- (4) Misappropriated or converted to the licensee's own use or improperly withheld insurance company premiums or contributions held in a fiduciary capacity, excluding, however, any interest earnings received by the administrator as disclosed in writing by the administrator to the plan sponsor;
- (5) In the transaction of business under the license, used fraudulent, coercive, or dishonest practices;
- (6) Failed to appear without reasonable cause or excuse in response to a subpoena, examination, warrant, or other order lawfully issued by the superintendent;
- (7) Is affiliated with or under the same general management or interlocking directorate or ownership of another administrator that transacts business in this state and is not licensed under sections 3959.01 to 3959.16 of the Revised Code;
- (8) Had a license suspended, revoked, or not renewed in any other state, district, territory, or province on grounds identical to those stated in sections 3959.01 to 3959.16 of the Revised Code;
- (9) Been convicted of a financially related felony;
- (10) Failed to report a felony conviction as required under section 3959.13 of the Revised Code.

(B) Upon receipt of notice of the order of suspension in accordance with section 119.07 of the Revised Code, the licensee shall promptly deliver the license to the superintendent, unless the order of suspension is appealed under section 119.12 of the Revised Code.

(C) Any person whose license is revoked or whose application is denied pursuant to sections 3959.01 to 3959.16 of the Revised Code is ineligible to apply for an administrators license for two years.

(D) The superintendent may impose a monetary fine against a licensee if, upon investigation and after notice and opportunity for hearing in accordance with Chapter 119. of the Revised Code, the superintendent finds that the licensee has done either of the following:

(1) Committed fraud or engaged in any illegal or dishonest activity in connection with the administration of pharmacy benefit management services;

(2) Violated any provision of section 3959.111 of the Revised Code or any rule adopted by the superintendent pursuant to or to implement that section.

Sec. 3959.20. (A) As used in this section:

(1) "Cost-sharing" means the cost to an individual insured under a health benefit plan according to any coverage limit, copayment, coinsurance, deductible, or other out-of-pocket expense requirements imposed by the plan.

(2) "Health benefit plan" and "health plan issuer" have the same meanings as in section 3922.01 of the Revised Code.

(3) "Pharmacy audit" has the same meaning as in section 3901.81 of the Revised Code.

(4) "Pharmacy benefit manager" and "administrator" have the

same meanings as in section 3959.01 of the Revised Code. 42096

(B) No health plan issuer, pharmacy benefit manager, or any other administrator shall require cost-sharing in an amount, or direct a pharmacy to collect cost-sharing in an amount, greater than the lesser of either of the following from an individual purchasing a prescription drug: 42097
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(1) The amount an individual would pay for the drug if the drug were to be purchased without coverage under a health benefit plan; 42102
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(2) The net reimbursement paid to the pharmacy for the prescription drug by the health plan issuer, pharmacy benefit manager, or administrator. 42105
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(C)(1) No health plan issuer, pharmacy benefit manager, or administrator shall retroactively adjust a pharmacy claim for reimbursement for a prescription drug unless the adjustment is the result of either of the following: 42108
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(a) A pharmacy audit conducted in accordance with sections 3901.811 to 3901.814 of the Revised Code; 42112
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(b) A technical billing error. 42114

(2) No health plan issuer, pharmacy benefit manager, or administrator shall charge a fee related to a claim unless the amount of the fee can be determined at the time of claim adjudication. 42115
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(D) The department of insurance shall create a web form that consumers can use to submit complaints relating to violations of this section. 42119
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Sec. 3962.01. As used in this chapter: 42122

(A) "Business day" means each day of the week except Saturday, Sunday, or a legal holiday as defined in section 1.14 of 42123
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<u>the Revised Code.</u>	42125
<u>(B) "Current procedural terminology code" or "CPT code" means</u>	42126
<u>the code assigned to a medical, surgical, or diagnostic product,</u>	42127
<u>service, or procedure that is published in the CPT code set</u>	42128
<u>published by the American medical association.</u>	42129
<u>(C) "Emergency service" has the same meaning as in section</u>	42130
<u>1753.28 of the Revised Code.</u>	42131
<u>(D) "Health plan issuer" has the same meaning as in section</u>	42132
<u>3922.01 of the Revised Code.</u>	42133
<u>(E) "Health care provider" means an individual or facility</u>	42134
<u>licensed, certified, or accredited under or pursuant to Chapter</u>	42135
<u>3721., 3727., 4715., 4725., 4731., 4732., 4734., 4747., 4753.,</u>	42136
<u>4755., 4757., or 4779. of the Revised Code.</u>	42137
<u>Sec. 3962.011.</u> (A) <u>For purposes of this chapter, a reference</u>	42138
<u>to the time that an appointment for a health care product,</u>	42139
<u>service, or procedure is made, means, except as provided in</u>	42140
<u>division (B) of this section, any of the following:</u>	42141
<u>(1) The point in time that an appointment for a health care</u>	42142
<u>product, service, or procedure is made;</u>	42143
<u>(2) The point in time that a health care provider receives a</u>	42144
<u>prescription or order from another provider to provide a health</u>	42145
<u>care product, service, or procedure to the patient;</u>	42146
<u>(3) The point in time that a patient, pursuant to a</u>	42147
<u>prescription or order from the patient's health care provider,</u>	42148
<u>presents at the office or facilities of another provider to</u>	42149
<u>receive, on a walk-in basis, the product, service, or procedure.</u>	42150
<u>(B)(1) If the point in time in which an event described in</u>	42151
<u>division (A) of this section occurs is before nine a.m. on a</u>	42152
<u>particular business day, the point in time may, instead, be</u>	42153
<u>considered to be nine a.m. that same business day.</u>	42154

(2) If the point in time in which an event described in 42155
division (A) of this section occurs is after five p.m. on a 42156
particular business day, or occurs on a day that is not a business 42157
day, the point in time shall, instead, be considered to be nine 42158
a.m. on the next business day. 42159

Sec. 3962.02. This chapter applies notwithstanding section 42160
5162.80 of the Revised Code. 42161

Sec. 3962.03. (A) Beginning on the effective date of this 42162
section, this section applies to a health care provider that is a 42163
hospital or hospital system or is owned by a hospital or hospital 42164
system. On and after March 1, 2020, this section applies to all 42165
other health care providers. 42166

(B) Before a health care provider provides a health care 42167
product, service, or procedure to a patient, the patient or the 42168
patient's representative shall receive a reasonable, good faith 42169
cost estimate for the product, service, or procedure. This 42170
requirement does not apply when a patient seeks emergency 42171
services, a health care provider believes that a delay in care 42172
associated with fulfilling this requirement could harm the 42173
patient, or a circumstance described in section 3962.08 of the 42174
Revised Code occurs. 42175

A health care provider may elect to provide the cost estimate 42176
as described in section 3962.04 of the Revised Code or, if the 42177
patient is insured, elect for the patient's health plan issuer to 42178
provide the cost estimate after the provider has transmitted 42179
information to the issuer in accordance with section 3962.05 of 42180
the Revised Code. The provider shall notify the patient or the 42181
patient's representative who will provide the cost estimate. The 42182
provision of a cost estimate by the provider does not preclude the 42183
issuer from also providing a cost estimate to the patient or the 42184

patient's representative. 42185

Each health care provider or health plan issuer that provides 42186
a cost estimate shall ensure that the estimate is provided in a 42187
manner that complies with all applicable state and federal laws 42188
pertaining to the privacy of patient-identifying information. 42189

Sec. 3962.04. (A)(1) Except as provided in division (B) of 42190
this section, a cost estimate provided by a health care provider 42191
shall contain all of the following: 42192

(a) The total amount the provider will charge the patient if 42193
the patient is paying out-of-pocket or the patient's health plan 42194
issuer for each health care product, service, or procedure the 42195
patient is to receive, inclusive of facility, professional, and 42196
other fees, along with a short description and the applicable CPT 42197
code for the product, service, or procedure or, if no CPT code 42198
exists, another identifier the health plan issuer requires; 42199

(b) If the patient is insured under a health benefit plan, 42200
both of the following: 42201

(i) A notation of whether the provider is in-network or 42202
out-of-network for the patient; 42203

(ii) The amount the health care provider expects to receive 42204
from the health plan issuer for the product, service, or 42205
procedure. The amount specified in the estimate shall be the 42206
amount the health plan issuer has agreed to reimburse the provider 42207
for the product, service, or procedure under a contract with the 42208
provider or the applicable government pay scale, if any. 42209

(c) The difference, if any, that the patient or other party 42210
responsible for the patient's care would be required to pay to the 42211
provider for the product, service, or procedure; 42212

(d) If the patient is not insured under a health benefit 42213
plan, the total amount the provider will charge the patient if the 42214

patient is paying out-of-pocket for each product, service, or 42215
procedure the patient is to receive, inclusive of facility, 42216
professional, and other fees, along with a short description and 42217
the applicable CPT code for the product, service, or procedure or, 42218
if no CPT code exists, another identifier that a health plan 42219
issuer would normally require. 42220

(2) If the patient is a healthy Ohio program participant in 42221
the plus component, the cost estimate shall be computed as buckeye 42222
account points credited to the participant's buckeye account under 42223
division (C) of section 5166.404 of the Revised Code. 42224

(B)(1) If a patient is to receive a health care product, 42225
service, or procedure in a hospital, the hospital is responsible 42226
for providing one comprehensive cost estimate to the patient or 42227
the patient's representative within the applicable time frame 42228
specified in division (D) of this section. The comprehensive cost 42229
estimate shall contain both of the following: 42230

(a) All information specified in division (A) of this section 42231
associated with products, services, or procedures to be provided 42232
by the hospital or its employees; 42233

(b) All information specified in division (A) of this section 42234
associated with products, services, or procedures to be provided 42235
by health care providers who are independent contractors of the 42236
hospital. 42237

(2) A health care provider who is an independent contractor 42238
of a hospital shall submit to the hospital all CPT codes or other 42239
identifiers the hospital needs to fulfill its responsibility under 42240
division (B)(1)(b) of this section. 42241

(C) A cost estimate required by this section shall be based 42242
on information provided at the time the appointment is made, as 42243
specified in section 3962.011 of the Revised Code, for the health 42244
care product, service, or procedure. In addition, the estimate 42245

need not take into account any information that subsequently 42246
arises, such as unknown, unanticipated, or subsequently needed 42247
health care products, services, or procedures provided for any 42248
reason after the initial appointment. Only one estimate is 42249
required per visit. 42250

If specific information, such as the health care provider who 42251
will be providing the health care product, service, or procedure, 42252
is not readily available at the time the appointment is made, the 42253
provider may base the cost estimate information specified in 42254
division (A)(1) of section 3962.04 of the Revised Code on either 42255
an average estimated charge for the product, service, or procedure 42256
that is submitted to the patient's health plan issuer or the 42257
average out-of-pocket price for the product, service, or procedure 42258
paid by patients who are uninsured. 42259

(D)(1) Except as provided in division (D)(2) or (3) of this 42260
section, the cost estimate required by this section shall be 42261
provided not later than twenty-four hours after the time the 42262
appointment for the health care product, service, or procedure is 42263
made, as specified in section 3962.011 of the Revised Code, or, if 42264
the product, service, or procedure is to be provided less than 42265
twenty-four hours after the appointment for the product, service, 42266
or procedure is made, as specified in section 3962.011 of the 42267
Revised Code, at the time the patient presents to receive the 42268
product, service, or procedure. 42269

(2) If the health care product, service, or procedure is to 42270
be provided by one or more independent contractors of the 42271
provider, the cost estimate shall be provided not later than 42272
thirty-six hours after the time the appointment for the product, 42273
service, or procedure is made, as specified in section 3962.011 of 42274
the Revised Code, or, if the product, service, or procedure is to 42275
be provided less than thirty-six hours after the appointment for 42276
the product, service, or procedure is made, as specified in 42277

section 3962.011 of the Revised Code, at the time the patient 42278
presents to receive the product, service, or procedure. 42279

(3) A provider may elect to send the cost estimate to the 42280
patient or the patient's representative by regular mail if the 42281
health care product, service, or procedure will be provided more 42282
than three days from the time the estimate is generated. If this 42283
election is made, the provider shall mail the cost estimate not 42284
later than the following, as applicable: 42285

(a) If the provider would otherwise be required to comply 42286
with division (D)(1) of this section, twenty-four hours after the 42287
time the appointment for the health care product, service, or 42288
procedure is made, as specified in section 3962.011 of the Revised 42289
Code; 42290

(b) If the provider would otherwise be required to comply 42291
with division (D)(2) of this section, thirty-six hours after the 42292
time the appointment for the health care product, service, or 42293
procedure is made, as specified in section 3962.011 of the Revised 42294
Code. 42295

(E)(1) If the patient is insured, a health care provider 42296
shall, not later than twenty-four hours after an appointment is 42297
made, as specified in section 3962.011 of the Revised Code, 42298
transmit to the patient's health plan issuer the patient's name; 42299
the patient's identification number, if one has been assigned; the 42300
CPT code or other identifier the issuer requires for each health 42301
care product, service, or procedure the patient is to receive; the 42302
provider's identification number; the provider's charge for each 42303
product, service, or procedure the patient has scheduled that will 42304
be delivered by a provider who is not in-network for the patient's 42305
health benefit plan; notification that the provider is providing 42306
the cost estimate to the patient or the patient's representative; 42307
and any other information the issuer requires from the provider. 42308

(2) If the provider is to provide a product, service, or procedure pursuant to a prescription or order from another provider, the provider who received the prescription or order shall transmit the information specified in division (E)(1) of this section to the patient's health plan issuer not later than twenty-four hours after receiving the prescription or order or, if received when the provider's office or facility is closed, twenty-four hours after the office or facility reopens. 42309
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(3) Not later than five minutes after receiving information pursuant to division (E)(1) or (2) of this section, the health plan issuer shall give to the health care provider all information the provider needs to generate a cost estimate. 42317
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If a health plan issuer does not provide the information necessary to generate the estimate, the health care provider shall notify the patient. The provider may note in the portion of the estimate pertaining to the information required by divisions (A)(2) and (3) of this section that health plan issuer information was not provided as required by law. In this case, the provider may specify only the information required by division (A)(1) of this section and, at the provider's discretion, the information required by division (A)(2) of this section. If the information necessary to complete the estimate is subsequently received and an updated estimate can be provided within the time limit established by division (D) of this section, the health care provider shall provide the updated estimate. 42321
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(F) The cost estimate required by this section shall contain a disclaimer that the information is only an estimate based on facts available at the time it was prepared and that the amounts estimated could change as a result of unknown, unanticipated, or subsequently needed health care products, services, or procedures; changes to the patient's health benefit plan; or other changes. The provider has discretion in how the disclaimer is expressed. 42334
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(G) If the amount estimated under division (A)(3) or (4) of this section changes by more than ten per cent before the patient initially presents for the health care product, service, or procedure, the health care provider shall supply to the patient an updated estimate within the time limit established by division (B) or (D) of this section, as applicable. 42341
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(H) The cost estimate required by this section may be provided verbally or in electronic or written form and shall be easy to understand. If the estimate is provided in electronic or written form, all of the following apply: 42347
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(1) It shall be provided in large font. 42351

(2) Unless the estimate contains more than nine CPT codes or other identifiers, it shall be limited to one page. 42352
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(3) The subject line of the communication containing the estimate shall state "Your Ohio Healthcare Price Transparency Estimate." 42354
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(I) A patient may decline to receive a cost estimate under this section. 42357
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(J) Nothing in this section prohibits a health care provider or health plan issuer from collecting payment from a patient for an administered health care product, service, or procedure regardless of whether the patient does or does not receive a cost estimate under this section before the product, service, or procedure is received. 42359
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Sec. 3962.05. (A)(1) If a health care provider elects for a patient's health plan issuer to provide a cost estimate in lieu of the provider, the provider shall notify the issuer of this election through the issuer's portal described in section 1751.72, 3923.041, or 5160.34 of the Revised Code or, beginning January 1, 2020, the connector portal established under section 3962.09 of 42365
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the Revised Code. In addition, the provider shall, except as 42371
provided in division (B) of this section, also transmit to the 42372
health plan issuer through the appropriate portal all of the 42373
following: 42374

(a) The patient's name; 42375

(b) The patient's identification number, if one has been 42376
assigned; 42377

(c) The CPT code or other identifier the health plan issuer 42378
requires for each health care product, service, or procedure the 42379
patient is to receive; 42380

(d) The provider's identification number; 42381

(e) The charge for each product, service, or procedure the 42382
patient has scheduled that will be delivered by a provider who is 42383
out-of-network for the patient's health benefit plan; 42384

(f) Any other information the health plan issuer requires 42385
from the provider. 42386

The portal also shall be able to transmit a copy of this 42387
information directly to the patient to whom the information 42388
pertains. 42389

Except as provided in division (A)(2) of this section, the 42390
transmission shall occur not later than twenty-four hours after 42391
the time the appointment for the health care product, service, or 42392
procedure is made, as specified in section 3962.011 of the Revised 42393
Code. 42394

(2) If the health care product, service, or procedure is to 42395
be provided by one or more independent contractors of the 42396
provider, the transmission shall occur not later than thirty-six 42397
hours after the time the appointment for the product, service, or 42398
procedure is made, as specified in section 3962.011 of the Revised 42399
Code. 42400

A health plan issuer shall modify its portal as necessary to 42401
accommodate the information transmission. 42402

(B) If a health care provider attests to the department of 42403
insurance that it is unable to transmit information through a 42404
health plan issuer's portal or through the connector portal, the 42405
provider may transmit the information by facsimile or telephone 42406
call to the department of insurance. The department shall enter 42407
the information on the provider's behalf in the relevant portal. 42408
Under these circumstances, the provider may compile patient 42409
information and transmit it to the department in a batch once 42410
every business day. 42411

Sec. 3962.06. (A) Under the circumstances described in 42412
division (A)(1) of section 3962.05 of the Revised Code, a health 42413
plan issuer shall provide a cost estimate to the patient or the 42414
patient's representative containing the information specified in 42415
divisions (A)(1) to (3) of section 3962.04 of the Revised Code, as 42416
well as the average rate the health plan issuer reimburses 42417
in-network providers for the same health care product, service, or 42418
procedure. 42419

(B) A health plan issuer shall ask the patient or the 42420
patient's representative whether the patient would prefer to 42421
receive cost estimates by electronic mail or other electronic 42422
means or by regular mail. The issuer shall send cost estimates by 42423
the means elected. 42424

If the means elected is by electronic mail or or other 42425
electronic means, the estimate shall be sent automatically, but 42426
not later than five minutes after the health plan issuer has 42427
received the necessary information from the health care provider. 42428
If the means elected is by regular mail, the estimate shall be 42429
mailed not later than forty-eight hours after the issuer has 42430
received the necessary information from the health care provider 42431

if the health care product, service, or procedure will be provided 42432
more than three days from the time the estimate is generated. For 42433
purposes of calculating the forty-eight hours, hours on a 42434
Saturday, Sunday, or legal holiday shall be excluded. 42435

If no election is made, the estimate shall be sent as 42436
follows: 42437

(1) If the health care product, service, or procedure will be 42438
provided more than three days from the time the estimate is 42439
generated, by regular mail; 42440

(2) If the health care product, service, or procedure will be 42441
provided less than three days from the time the estimate is 42442
generated and the electronic mail address of the patient or 42443
patient's representative is on file with the issuer, by electronic 42444
mail. 42445

A health plan issuer shall be held harmless if the electronic 42446
mail address of the patient or the patient's representative on 42447
file with the issuer is incorrect, invalid, or no longer used. 42448

(C)(1) The cost estimate required by this section shall be 42449
based on information provided at the time an appointment is made, 42450
as specified in section 3962.011 of the Revised Code. In addition, 42451
the estimate need not take into account any information that 42452
subsequently arises, such as unknown, unanticipated, or 42453
subsequently needed health care products, services, or procedures 42454
provided for any reason after the initial appointment. Only one 42455
estimate is required per visit. 42456

(2) If specific information, such as the provider who will be 42457
providing the health care product, service, or procedure, is not 42458
readily available at the time the appointment is made, the health 42459
care provider may transmit that a provider is unknown and the 42460
health plan issuer may base the estimate on an average estimated 42461
charge submitted to the health plan issuer for the product, 42462

service, or procedure at that facility or location. 42463

(3) If a health care provider does not transmit to the health 42464
plan issuer the information necessary to generate the cost 42465
estimate, the issuer shall send to the patient or the patient's 42466
representative, by the same means used to send estimates, a notice 42467
that the provider failed to transmit the necessary information as 42468
required by law and, consequently, a cost estimate could not be 42469
generated. This action shall be taken in the event a provider 42470
gives the issuer any indication that receipt of a health care 42471
product, service, or procedure is scheduled, such as through 42472
precertification. 42473

(D) The estimate required by this section shall contain both 42474
of the following: 42475

(1) A disclaimer that the information is only an estimate 42476
based on facts available at the time it was prepared and that the 42477
amounts estimated could change as a result of other factors; 42478
unknown, unanticipated, or subsequently needed health care 42479
products, services, or procedures; or changes to the patient's 42480
health benefit plan. The health plan issuer has discretion in how 42481
the disclaimer is expressed. 42482

(2) If applicable, a notation that a specific health care 42483
provider is out-of-network for the enrollee. 42484

(E) The cost estimate required by this section shall be 42485
provided in large font, be easy to understand, and, unless the 42486
estimate contains more than nine CPT codes or other identifiers, 42487
be limited to one page. The subject line of the communication 42488
containing the estimate shall state "Your Ohio Healthcare Price 42489
Transparency Estimate." 42490

(F) If the amount in a cost estimate required by this section 42491
changes by more than ten per cent before the patient presents for 42492
the health care product, service, or procedure, the health plan 42493

issuer shall supply to the patient an updated estimate by the 42494
means the patient or the patient's representative has elected 42495
under division (B) of this section and within the time frames 42496
specified in that division. 42497

(G) A patient may decline to receive a cost estimate under 42498
this section. 42499

(H) A patient is responsible for payment for an administered 42500
health care product, service, or procedure even if the patient 42501
does not receive a cost estimate under this section before the 42502
product, service, or procedure is received. 42503

Sec. 3962.07. (A) Regardless of whether a cost estimate is 42504
provided to a patient by a health care provider under section 42505
3962.04 of the Revised Code or by a health plan issuer under 42506
section 3962.06 of the Revised Code, a provider shall give the 42507
patient or the patient's representative the CPT code or other 42508
identifier the patient's health plan issuer requires for each 42509
health care product, service, or procedure the patient is to 42510
receive along with the charge information specified in division 42511
(A)(1) of section 3962.04 of the Revised Code associated with each 42512
code or other identifier. The provider has the following options 42513
for fulfilling this requirement: 42514

(1) The provider may send this information to the patient or 42515
the patient's representative through electronic means. 42516

(2) The provider may send this information to the patient or 42517
patient's representative by regular mail if the health care 42518
product, service, or procedure will be provided more than three 42519
days from the time the appointment for the product, service, or 42520
procedure is made, as specified in section 3962.011 of the Revised 42521
Code. 42522

(3) The provider may provide to the patient or the patient's 42523

representative a web site address where that individual may enter 42524
each code or identifier and retrieve the charge information. If 42525
this option is elected and the provider transmits the codes or 42526
identifiers to the patient's health plan issuer through a portal 42527
as described in section 3962.05 of the Revised Code, the provider 42528
may have the portal generate an automatic electronic mail message 42529
to the individual with instructions on how to retrieve charge 42530
information through the web site. 42531

(4) If the product, service, or procedure is to be provided 42532
less than three days from the time the appointment for the 42533
product, service, or procedure was made, the provider may give the 42534
information to the patient or the patient's representative at the 42535
time the patient presents for the product, service, or procedure 42536
to be received. 42537

Regardless of the manner in which the provider has elected to 42538
fulfill this requirement, the provider shall fulfill the 42539
requirement in accordance with all applicable state and federal 42540
laws pertaining to the privacy of patient-identifying information. 42541

The CPT codes or other identifiers and charge information 42542
shall, except as provided in division (B) of this section, be 42543
given to the patient or the patient's representative not later 42544
than twenty-four hours after the time the appointment for the 42545
health care product, service, or procedure is made, as specified 42546
in section 3962.011 of the Revised Code, or, if the product, 42547
service, or procedure is to be provided less than twenty-four 42548
hours after the appointment for the product, service, or procedure 42549
is made, as specified in section 3962.011 of the Revised Code, at 42550
the time the patient presents to receive the product, service, or 42551
procedure. 42552

(B) If the health care product, service, or procedure is to 42553
be provided by one or more independent contractors of the 42554
provider, the CPT codes or other identifiers and charge 42555

information shall be given to the patient or the patient's 42556
representative not later than thirty-six hours after the time the 42557
appointment for the product, service, or procedure is made, as 42558
specified in section 3962.011 of the Revised Code, or, if the 42559
product, service, or procedure is to be provided less than 42560
thirty-six hours after the appointment for the product, service, 42561
or procedure is made, as specified in section 3962.011 of the 42562
Revised Code, at the time the patient presents to receive the 42563
product, service, or procedure. 42564

Sec. 3962.08. (A) As used in this section, "office visit" 42565
means the family of CPT codes for "Evaluation and Management, 42566
Office Visits Established" (codes 99211, 99212, 99213, 99214, and 42567
99215) used for office or other outpatient visits for an 42568
established patient and the family of CPT codes for services 42569
similar to the foregoing, including vision services. 42570

(B) The requirement of section 3962.03 of the Revised Code 42571
does not apply in any of the following circumstances: 42572

(1) When the only service a health care provider will provide 42573
is an office visit; 42574

(2) When the patient was scheduled for only an office visit 42575
but during the visit it is determined that the patient needs a 42576
product, service, or procedure to be provided during that single 42577
visit; 42578

(3) When the patient seeks care without an appointment and 42579
without a prescription or order from another provider. 42580

(C) In the event a patient schedules or presents for health 42581
care products, services, or procedures in addition to an office 42582
visit but the health care provider is unable to estimate the level 42583
of office visit to be provided, or in the circumstances described 42584
in division (B)(3) of this section, the provider may enter a 42585

general designation for an unknown level of office visit. The 42586
estimate provided through the health care provider or health plan 42587
issuer under section 3962.03 of the Revised Code shall list the 42588
general designation and price range for all levels of office 42589
visits. 42590

Sec. 3962.081. In the event that a health care provider 42591
believes that a delay in care associated with fulfilling the cost 42592
estimate requirement of section 3962.03 of the Revised Code could 42593
harm the patient, the provider shall inform the patient or the 42594
patient's representative of this fact and provide the health care 42595
product, service, or procedure to the patient. After the product, 42596
service, or procedure is provided, the provider shall submit to 42597
the department of insurance a report, in the form and manner 42598
prescribed by the department, detailing why the provider believed 42599
that a delay in care could harm the patient. Annually, the 42600
department shall analyze the reports and prepare a summary of its 42601
findings. Each summary shall be submitted to the governor and, in 42602
accordance with section 101.68 of the Revised Code, the general 42603
assembly. 42604

Sec. 3962.09. Not later than January 1, 2020, the department 42605
of insurance shall create or procure a connector portal that 42606
health care providers may use to transmit the information 42607
specified in section 3962.05 of the Revised Code to health plan 42608
issuers. The department shall ensure that the computer systems and 42609
software used in operating the connector portal are compatible 42610
with the computer systems and software manufactured by various 42611
vendors and used by health care providers and health plan issuers. 42612
In doing so, the department shall engage in active efforts to 42613
share with those vendors any information necessary to operate the 42614
connector portal in a manner that accomplishes both of the 42615
following, while also ensuring that the portal maintains the 42616

privacy of patient-identifying information in accordance with all 42617
applicable state and federal laws: 42618

(A) Grants health care providers a means by which they may 42619
instantly transmit information and populate data fields that 42620
health plan issuers need to generate cost estimates under section 42621
3962.06 of the Revised Code; 42622

(B) Grants health plan issuers a means by which they may 42623
retrieve information directly from the connector portal in a 42624
seamless manner. 42625

Sec. 3962.10. A health care provider or health plan issuer 42626
that provides a cost estimate under this chapter is not liable in 42627
damages in a civil action for injury, death, or loss to person or 42628
property that allegedly arises from an act or omission associated 42629
with providing the estimate if the health care provider or health 42630
plan issuer made a good faith effort to collect the information 42631
necessary to generate the estimate and a good faith effort to 42632
provide the estimate to the patient or the patient's 42633
representative. 42634

Sec. 3962.11. (A) If, after completing an examination, the 42635
superintendent of insurance, department of health, department of 42636
medicaid, or appropriate regulatory board, as applicable, finds 42637
that a health plan issuer or health care provider has committed a 42638
series of violations that, taken together, constitute a consistent 42639
pattern or practice of violating the requirements of this chapter 42640
to provide cost estimates to patients or their representatives, 42641
the superintendent, department, or board may impose on the issuer 42642
or provider any of the administrative remedies specified in 42643
division (B) of this section. 42644

Before imposing an administrative remedy, the superintendent, 42645
department, or board shall give written notice to the health plan 42646

issuer or health care provider informing that party of the reasons 42647
for the finding, the administrative remedy that is proposed, and 42648
the opportunity to submit a written request for an administrative 42649
hearing regarding the finding and proposed remedy. If a hearing is 42650
requested, the superintendent, department, or board shall conduct 42651
the hearing in accordance with Chapter 119. of the Revised Code 42652
not later than fifteen days after receipt of the request. 42653

(B) In imposing administrative remedies under this section, 42654
the superintendent, department, or appropriate regulatory board 42655
may do either or both of the following: 42656

(1) Levy a monetary penalty in an amount determined in 42657
accordance with division (C) of this section; 42658

(2) Order the health plan issuer or health care provider to 42659
cease and desist from engaging in the violations. 42660

(C)(1) A finding by the superintendent, department, or 42661
appropriate regulatory board that a health plan issuer or health 42662
care provider has committed a series of violations that, taken 42663
together, constitutes a consistent pattern or practice of 42664
violating the requirements of this chapter to provide cost 42665
estimates to patients or their representatives, shall constitute a 42666
single offense for purposes of levying a fine as described in 42667
division (B)(1) of this section. 42668

(2) For a first offense, the superintendent or department may 42669
levy a fine of not more than one hundred thousand dollars; the 42670
appropriate regulatory board may levy a fine of not more than ten 42671
thousand dollars. 42672

For a second offense, the superintendent or department may 42673
levy a fine of not more than one hundred fifty thousand dollars; 42674
the appropriate regulatory board may levy a fine of not more than 42675
fifteen thousand dollars. 42676

For a third or subsequent offense, the superintendent or 42677

department may levy a fine of not more than three hundred thousand 42678
dollars; the appropriate regulatory board may levy a fine of not 42679
more than thirty thousand dollars. 42680

(3) In determining the amount of a fine to be levied within 42681
the limits specified in division (C)(2) of this section, the 42682
superintendent, department, or appropriate regulatory board shall 42683
consider the following factors: 42684

(a) The extent and frequency of the violations; 42685

(b) Whether the violations were due to circumstances beyond 42686
the control of the health plan issuer or health care provider; 42687

(c) Any remedial actions taken by the health plan issuer or 42688
health care provider; 42689

(d) The actual or potential harm to others resulting from the 42690
violations; 42691

(e) If the health plan issuer or health care provider 42692
knowingly and willingly committed the violations; 42693

(f) The financial condition of the health plan issuer or 42694
health care provider; 42695

(g) Any other factors the superintendent, department, or 42696
appropriate board considers appropriate. 42697

(D) The amounts collected from levying fines under this 42698
section shall be paid into the state treasury to the credit of the 42699
general revenue fund. 42700

Sec. 3962.12. A contract clause that does any of the 42701
following is invalid and unenforceable: 42702

(A) Prohibits a health care provider or health plan issuer 42703
from providing a patient with information that facilitates the 42704
patient's ability to choose a health care provider based on 42705
quality or cost, including providing a patient with cost and 42706

<u>quality information for alternative providers when the patient</u>	42707
<u>demonstrates an intention to see a particular provider;</u>	42708
<u>(B) Prohibits a health plan issuer from excluding any</u>	42709
<u>particular health care provider from a list or other resource that</u>	42710
<u>ranks providers based on quality or cost and is intended to help</u>	42711
<u>patients make decisions regarding their care;</u>	42712
<u>(C) Restricts patient access to quality or cost information</u>	42713
<u>provided by a health care provider or health plan issuer.</u>	42714
<u>Sec. 3962.13.</u> (A) <u>All of the following may adopt any rules</u>	42715
<u>necessary to carry out this chapter:</u>	42716
<u>(1) The superintendent of insurance;</u>	42717
<u>(2) The director of health;</u>	42718
<u>(3) The medicaid director;</u>	42719
<u>(4) Any other relevant department, agency, board, or other</u>	42720
<u>entity that regulates, licenses, or certifies a health care</u>	42721
<u>provider or health plan issuer.</u>	42722
<u>(B) Any rules adopted under this section shall be adopted in</u>	42723
<u>accordance with Chapter 119. of the Revised Code.</u>	42724
<u>Sec. 3962.14.</u> <u>Any member of the general assembly may</u>	42725
<u>intervene in litigation that challenges sections 3962.01 to</u>	42726
<u>3962.13 or section 5164.65 of the Revised Code.</u>	42727
<u>Sec. 3962.15.</u> <u>It is the general assembly's intent in enacting</u>	42728
<u>sections 3962.01 to 3962.14 of the Revised Code to provide</u>	42729
<u>patients with the information they need to make informed choices</u>	42730
<u>regarding their health care, to maximize health care cost savings</u>	42731
<u>for all residents of this state, and to reduce the burden of</u>	42732
<u>health care expenditures on government entities, including</u>	42733
<u>medicaid.</u>	42734

Sec. 4109.05. (A) The director of commerce, after 42735
consultation with the director of health, shall adopt rules, in 42736
accordance with Chapter 119. of the Revised Code, prohibiting the 42737
employment of minors in occupations which are hazardous or 42738
detrimental to the health and well-being of minors. 42739

In adopting the rules, the director of commerce shall 42740
consider the orders issued pursuant to the "Fair Labor Standards 42741
Act of 1938," 52 Stat. 1060, 29 U.S.C. 201, as amended. 42742

The director of commerce shall not adopt any rule that 42743
prohibits a minor who is sixteen or seventeen years of age and who 42744
is employed by an employer under the manufacturing mentorship 42745
program created in section 4109.22 of the Revised Code from being 42746
employed in a manufacturing occupation if the orders issued 42747
pursuant to the "Fair Labor Standards Act of 1938," 29 U.S.C. 201, 42748
et seq., permit the employment of the minor in the manufacturing 42749
occupation. As used in this division, "manufacturing occupation" 42750
has the same meaning as in section 4109.22 of the Revised Code. 42751

(B) No minor may be employed in any occupation found 42752
hazardous or detrimental to the health and well-being of minors 42753
under the rules adopted pursuant to division (A) of this section. 42754

Sec. 4109.22. (A) As used in this section: 42755

(1) "Manufacturing occupation" means employment that consists 42756
of the mechanical, physical, or chemical transformation of 42757
materials, substances, or components into new products for sale, 42758
including the assembling of component parts into a finished 42759
product. 42760

(2) Notwithstanding the definition of "employer" in section 42761
4109.01 of the Revised Code, "employer" means every person who 42762
employs any individual in a manufacturing occupation. 42763

(B) There is hereby created the manufacturing mentorship 42764

program to expose minors who are sixteen or seventeen years of age 42765
to manufacturing occupations in this state through temporary 42766
employment with an employer. An employer employing a minor under 42767
the mentorship program shall do all of the following: 42768

(1) Determine the duration of the minor's employment; 42769

(2) Assign the minor a mentor to provide direct and close 42770
supervision while the minor is engaged in any workplace activity; 42771

(3) Provide the minor with the training described in division 42772
(C) of this section; 42773

(4) Encourage the minor to participate in a career-technical 42774
education program approved by the department of education, if the 42775
minor is not participating in a career-technical education program 42776
when the minor begins employment; 42777

(5) Comply with all applicable state and federal laws and 42778
regulations relating to the employment of minors. 42779

(C)(1) An employer employing a minor who is sixteen or 42780
seventeen years of age in a manufacturing occupation under the 42781
mentorship program shall provide the minor with training that 42782
includes all of the following: 42783

(a) A ten-hour course in general industry safety and health 42784
hazard recognition and prevention approved by the occupational 42785
safety and health administration of the United States department 42786
of labor; 42787

(b) Instructions on how to operate the specific tools the 42788
minor will use during the minor's employment; 42789

(c) The general safety and health hazards to which the minor 42790
may be exposed at the minor's workplace; 42791

(d) The value of safety and management commitment; 42792

(e) Information on the employer's drug testing policy. 42793

(2) For purposes of division (C)(1)(a) of this section, a 42794
minor may participate in a thirty-hour course in general industry 42795
safety and health hazard recognition and prevention approved by 42796
the occupational safety and health administration if the minor has 42797
already successfully completed a ten-hour course. 42798

(3) The employer shall pay any costs associated with 42799
providing the training required by division (C)(1) or permitted 42800
under division (C)(2) of this section. 42801

(4) An employer is not required to provide the training 42802
described in division (C)(1) or (2) of this section if the minor 42803
presents proof of completing the training during the six-month 42804
period immediately before beginning employment with the employer. 42805

(D) The director of commerce, in consultation with employers, 42806
shall adopt rules in accordance with Chapter 119. of the Revised 42807
Code specifying a list of the tools that a minor who is sixteen or 42808
seventeen years of age who is employed under the mentorship 42809
program may operate during the minor's employment in a 42810
manufacturing occupation. The director shall use the manual issued 42811
by the wage and hour division of the United States department of 42812
labor titled "field operations handbook" or its successor for 42813
guidance in developing the list. Nothing in this division requires 42814
the director to include a tool on the list if the orders issued 42815
pursuant to the "Fair Labor Standards Act of 1938," 29 U.S.C. 201, 42816
et seq., and section 4109.05 of the Revised Code or rules adopted 42817
under that section specifically permit minors of that age to 42818
operate the tool. 42819

(E) A minor who is sixteen or seventeen years of age who is 42820
employed by an employer under the mentorship program may work in 42821
any manufacturing occupation not denied by law to minors of that 42822
age under section 4109.05 of the Revised Code or rules adopted 42823
under that section. 42824

<u>(F) No employer shall do either of the following:</u>	42825
<u>(1) Permit a minor who is sixteen or seventeen years of age</u>	42826
<u>to operate a tool minors of that age are permitted to operate</u>	42827
<u>pursuant to the rules adopted under division (D) of this section</u>	42828
<u>unless the minor is employed by the employer under the mentorship</u>	42829
<u>program;</u>	42830
<u>(2) Permit a minor who is sixteen or seventeen years of age</u>	42831
<u>who is employed by the employer under the mentorship program to</u>	42832
<u>operate a tool prohibited for use by minors of that age pursuant</u>	42833
<u>to the "Fair Labor Standards Act of 1938," 29 U.S.C. 201, et seq.,</u>	42834
<u>and section 4109.05 of the Revised Code or rules adopted under</u>	42835
<u>that section.</u>	42836
Sec. 4109.99. (A) Whoever violates section 4109.04, division	42837
(C) of section 4109.07, division (A), (B), or (D) of section	42838
4109.08, section 4109.11, or division (B) of section 4109.12 of	42839
the Revised Code is guilty of a minor misdemeanor.	42840
(B) Whoever violates section 4109.05 of the Revised Code is	42841
guilty of a misdemeanor of the third degree.	42842
(C) Whoever violates section 4109.03, division (A), (B), or	42843
(D) of section 4109.07, or section 4109.10 of the Revised Code is	42844
guilty of a minor misdemeanor on a first offense and a misdemeanor	42845
of the third degree on each subsequent offense.	42846
(D) Whoever violates division (A) of section 4109.12 of the	42847
Revised Code is guilty of a minor misdemeanor for each day the	42848
violation continues.	42849
(E) Whoever violates division (A) of section 4109.21 of the	42850
Revised Code is guilty of a misdemeanor of the fourth degree on a	42851
first offense and a first degree misdemeanor on each subsequent	42852
offense. If, however, the violation on a first offense contains	42853
aggravating circumstances, including, but not limited to, threats	42854

to a minor, reckless operation of a motor vehicle, or abandonment 42855
of or endangerment to a minor but not including circumstances that 42856
are the basis of a felony violation of section 2919.22 of the 42857
Revised Code, then the person is guilty of a misdemeanor of the 42858
first degree. If the offender previously has been convicted under 42859
this section and if the subsequent offense contains aggravating 42860
circumstances other than circumstances that are the basis of a 42861
felony violation of section 2919.22 of the Revised Code, then the 42862
person is guilty of a felony of the fourth degree. 42863

(F) Whoever violates division (F) of section 4109.22 of the 42864
Revised Code shall be assessed a civil penalty of up to one 42865
thousand seven hundred thirty dollars for each violation. 42866

Sec. 4141.35. (A) If the director of job and family services 42867
finds that any fraudulent misrepresentation has been made by an 42868
applicant for or a recipient of benefits with the object of 42869
obtaining benefits to which the applicant or recipient was not 42870
entitled, and in addition to any other penalty or forfeiture under 42871
this chapter, then the director: 42872

(1) Shall within four years after the end of the benefit year 42873
in which the fraudulent misrepresentation was made reject or 42874
cancel such person's entire weekly claim for benefits that was 42875
fraudulently claimed, or the person's entire benefit rights if the 42876
misrepresentation was in connection with the filing of the 42877
claimant's application for determination of benefit rights; 42878

(2) Shall by order declare that, for each application for 42879
benefit rights and for each weekly claim canceled, such person 42880
shall be ineligible for two otherwise valid weekly claims for 42881
benefits, claimed within six years subsequent to the discovery of 42882
such misrepresentation; 42883

(3) By order shall require that the total amount of benefits 42884
rejected or canceled under division (A)(1) of this section be 42885

repaid to the director before such person may become eligible for 42886
further benefits, and shall withhold such unpaid sums from future 42887
benefit payments accruing and otherwise payable to such claimant. 42888
Effective with orders issued on or after January 1, 1993, if such 42889
benefits are not repaid within thirty days after the director's 42890
order becomes final, interest on the amount remaining unpaid shall 42891
be charged to the person at a rate and calculated in the same 42892
manner as provided under section 4141.23 of the Revised Code. When 42893
a person ordered to repay benefits has repaid all overpaid 42894
benefits according to a plan approved by the director, the 42895
director may cancel the amount of interest that accrued during the 42896
period of the repayment plan. The director may take action in any 42897
court of competent jurisdiction to collect benefits and interest 42898
as provided in sections 4141.23 and 4141.27 of the Revised Code, 42899
in regard to the collection of unpaid contributions, using the 42900
final repayment order as the basis for such action. Except as 42901
otherwise provided in this division, no administrative or legal 42902
proceedings for the collection of such benefits or interest due, 42903
or for the collection of a penalty under division (A)(4) of this 42904
section, shall be initiated after the expiration of six years from 42905
the date on which the director's order requiring repayment became 42906
final and the amount of any benefits, penalty, or interest not 42907
recovered at that time, and any liens thereon, shall be canceled 42908
as uncollectible. The time limit for instituting proceedings shall 42909
be extended by the period of any stay to the collection or by any 42910
other time period to which the parties mutually agree. 42911

(4) Shall, for findings made on or after October 21, 2013, by 42912
order assess a mandatory penalty on such a person in an amount 42913
equal to twenty-five per cent of the total amount of benefits 42914
rejected or canceled under division (A)(1) of this section. The 42915
first sixty per cent of each penalty collected under division 42916
(A)(4) of this section shall be deposited into the unemployment 42917
compensation fund created under section 4141.09 of the Revised 42918

Code and shall be credited to the mutualized account, as provided 42919
in division (B)(2)(g) of section 4141.25 of the Revised Code. The 42920
remainder of each penalty collected shall be deposited into the 42921
unemployment compensation special administrative fund created 42922
under section 4141.11 of the Revised Code. 42923

(5) May take action to collect benefits fraudulently obtained 42924
under the unemployment compensation law of any other state or the 42925
United States or Canada. Such action may be initiated in the 42926
courts of this state in the same manner as provided for unpaid 42927
contributions in section 4141.41 of the Revised Code. 42928

(6) May take action to collect benefits that have been 42929
fraudulently obtained from the director, interest pursuant to 42930
division (A)(3) of this section, and court costs, through 42931
attachment proceedings under Chapter 2715. of the Revised Code and 42932
garnishment proceedings under Chapter 2716. of the Revised Code. 42933

(B) If the director finds that an applicant for benefits has 42934
been credited with a waiting period or paid benefits to which the 42935
applicant was not entitled for reasons other than fraudulent 42936
misrepresentation, the director shall: 42937

(1)(a) Within six months after the determination under which 42938
the claimant was credited with that waiting period or paid 42939
benefits becomes final pursuant to section 4141.28 of the Revised 42940
Code, or within three years after the end of the benefit year in 42941
which such benefits were claimed, whichever is later, by order 42942
cancel such waiting period and require that such benefits be 42943
repaid to the director or be withheld from any benefits to which 42944
such applicant is or may become entitled before any additional 42945
benefits are paid, provided that the repayment or withholding 42946
shall not be required where the overpayment is the result of the 42947
director's correcting a prior decision due to a typographical or 42948
clerical error in the director's prior decision, or an error in an 42949
employer's report under division (G) of section 4141.28 of the 42950

Revised Code. 42951

(b) The limitation specified in division (B)(1)(a) of this 42952
section shall not apply to cases involving the retroactive payment 42953
of remuneration covering periods for which benefits were 42954
previously paid to the claimant. However, in such cases, the 42955
director's order requiring repayment shall not be issued unless 42956
the director is notified of such retroactive payment within six 42957
months from the date the retroactive payment was made to the 42958
claimant. 42959

(2) The director may, by reciprocal agreement with the United 42960
States secretary of labor or another state, recover overpayment 42961
amounts from unemployment benefits otherwise payable to an 42962
individual under Chapter 4141. of the Revised Code. Any 42963
overpayments made to the individual that have not previously been 42964
recovered under an unemployment benefit program of the United 42965
States may be recovered in accordance with section 303(g) of the 42966
"Social Security Act" and sections 3304(a)(4) and 3306(f) of the 42967
"Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 42968
3301 to 3311. 42969

(3) If the amounts required to be repaid under division (B) 42970
of this section are not recovered within three years from the date 42971
the director's order requiring payment became final, initiate no 42972
further action to collect such benefits and the amount of any 42973
benefits not recovered at that time shall be canceled as 42974
uncollectible, provided that the time limit for collection shall 42975
be extended by the period of any stay to the collection or by any 42976
other time period to which the parties mutually agree. 42977

(C) The appeal provisions of sections 4141.281 and 4141.282 42978
of the Revised Code shall apply to all orders and determinations 42979
issued under this section, except that an individual's right of 42980
appeal under division (B)(2) of this section shall be limited to 42981
this state's authority to recover overpayment of benefits. 42982

(D) The director shall deposit any repayment collected under this section that the director determines to be payment of interest or court costs into the unemployment compensation special administrative fund established pursuant to section 4141.11 of the Revised Code. 42983
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(E) If an individual makes a full repayment or a repayment that is less than the full amount required by this section, the director shall apply the repayment to the mutualized account under division (B) of section 4141.25 of the Revised Code, except that the director shall credit the repayment to the accounts of the individual's base period employers that previously have not been credited for the amount of improperly paid benefits charged against their accounts based on the proportion of benefits charged against the accounts as determined pursuant to division (D) of section 4141.24 of the Revised Code. 42988
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~~The director shall deposit any repayment collected under this section that the director determines to be payment of interest or court costs into the unemployment compensation special administrative fund established pursuant to section 4141.11 of the Revised Code.~~ 42998
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This division does not apply to any of the following: 43003

(1) Federal tax refund offsets under 31 C.F.R. 285.8; 43004

(2) Unclaimed fund recoveries under section 131.024 of the Revised Code; 43005
43006

(3) Lottery award offsets under section 3770.073 of the Revised Code; 43007
43008

(4) State tax refund offsets under section 5747.12 of the Revised Code; 43009
43010

(5) Unemployment compensation debts collected by the attorney general under Chapter 131. of the Revised Code. 43011
43012

Sec. 4141.50. (A) As used in this section and in sections	43013
4141.51 to 4141.56 of the Revised Code:	43014
(1) "Affected unit" means a department, shift, or other	43015
organizational unit of two or more employees that is designated by	43016
a participating employer in a shared work plan.	43017
(2) "Approved shared work plan" means an employer's shared	43018
work plan, submitted pursuant to section 4141.51 of the Revised	43019
Code, that satisfies all of the requirements for approval under	43020
that section and that the director of job and family services has	43021
approved in writing.	43022
(3) "Intermittent basis" means employment that is not	43023
continuous but may consist of periodic intervals of weekly work	43024
and intervals of no weekly work.	43025
(4) "Normal weekly hours of work" means the normal hours of	43026
work <u>in employment</u> each week for an employee in an affected unit	43027
when that unit is operating on a full-time basis, not to exceed	43028
forty hours and not including any overtime worked.	43029
(5) "Participating employee" means an employee whose normal	43030
weekly hours of work are reduced by the reduction percentage under	43031
an approved shared work plan.	43032
(6) "Participating employer" means an employer who has an	43033
approved shared work plan in effect.	43034
(7) "Reduction percentage" means the percentage by which each	43035
participating employee's normal weekly hours of work are reduced	43036
under an approved shared work plan.	43037
(8) "Seasonal basis" has the same meaning as "seasonal	43038
employment" as defined in division (A) of section 4141.33 of the	43039
Revised Code.	43040
(9) "Shared work compensation" means the pro rata share of	43041
unemployment compensation benefits payable to a participating	43042

employee under an approved shared work plan. "Shared work 43043
compensation" does not include unemployment compensation benefits 43044
otherwise payable to an eligible claimant who is totally or 43045
partially unemployed. 43046

(10) "Temporary basis" means employment where an employee is 43047
expected to remain in a position for only a limited period of time 43048
or is hired by a temporary agency to fill a gap in the employer's 43049
workforce. 43050

(B) There is hereby created the "SharedWork Ohio" program, 43051
under which an employer who participates in the program reduces 43052
the number of hours worked by the employees of the employer in 43053
lieu of layoffs. 43054

The director may adopt rules as the director determines 43055
necessary to implement any guidance issued by the United States 43056
secretary of labor with respect to the SharedWork Ohio program. 43057

Sec. 4301.43. (A) As used in sections 4301.43 to 4301.50 of 43058
the Revised Code: 43059

(1) "Gallon" or "wine gallon" means one hundred twenty-eight 43060
fluid ounces. 43061

(2) "Sale" or "sell" includes exchange, barter, gift, 43062
distribution, and, except with respect to A-4 permit holders, 43063
offer for sale. 43064

(B) For the purposes of providing revenues for the support of 43065
the state and encouraging the grape industries in the state, a tax 43066
is hereby levied on the sale or distribution of wine in Ohio, 43067
except for known sacramental purposes, at the rate of thirty cents 43068
per wine gallon for wine containing not less than four per cent of 43069
alcohol by volume and not more than fourteen per cent of alcohol 43070
by volume, ninety-eight cents per wine gallon for wine containing 43071
more than fourteen per cent but not more than twenty-one per cent 43072

of alcohol by volume, one dollar and eight cents per wine gallon 43073
for vermouth, and one dollar and forty-eight cents per wine gallon 43074
for sparkling and carbonated wine and champagne, the tax to be 43075
paid by the holders of A-2, A-2f, and B-5 permits or by any other 43076
person selling or distributing wine upon which no tax has been 43077
paid. From the tax paid under this section on wine, vermouth, and 43078
sparkling and carbonated wine and champagne, the treasurer of 43079
state shall credit to the Ohio grape industries fund created under 43080
section 924.54 of the Revised Code a sum equal to one cent per 43081
gallon for each gallon upon which the tax is paid. 43082

(C) For the purpose of providing revenues for the support of 43083
the state, there is hereby levied a tax on prepared and bottled 43084
highballs, cocktails, cordials, and other mixed beverages at the 43085
rate of one dollar and twenty cents per wine gallon to be paid by 43086
holders of A-4 permits or by any other person selling or 43087
distributing those products upon which no tax has been paid. Only 43088
one sale of the same article shall be used in computing the amount 43089
of tax due. The tax on mixed beverages to be paid by holders of 43090
A-4 permits under this section shall not attach until the 43091
ownership of the mixed beverage is transferred for valuable 43092
consideration to a wholesaler or retailer, and no payment of the 43093
tax shall be required prior to that time. 43094

(D) During the period of July 1, ~~2017~~ 2019, through June 30, 43095
~~2019~~ 2021, from the tax paid under this section on wine, vermouth, 43096
and sparkling and carbonated wine and champagne, the treasurer of 43097
state shall credit to the Ohio grape industries fund created under 43098
section 924.54 of the Revised Code a sum equal to two cents per 43099
gallon upon which the tax is paid. The amount credited under this 43100
division is in addition to the amount credited to the Ohio grape 43101
industries fund under division (B) of this section. 43102

(E) For the purpose of providing revenues for the support of 43103
the state, there is hereby levied a tax on cider at the rate of 43104

twenty-four cents per wine gallon to be paid by the holders of 43105
A-2, A-2f, and B-5 permits or by any other person selling or 43106
distributing cider upon which no tax has been paid. Only one sale 43107
of the same article shall be used in computing the amount of the 43108
tax due. 43109

Sec. 4313.02. (A) The state may transfer to JobsOhio, and 43110
JobsOhio may accept the transfer of, all or a portion of the 43111
enterprise acquisition project for a transfer price payable by 43112
JobsOhio to the state. Any such transfer shall be treated as an 43113
absolute conveyance and true sale of the interest in the 43114
enterprise acquisition project purported to be conveyed for all 43115
purposes, and not as a pledge or other security interest. The 43116
characterization of any such transfer as a true sale and absolute 43117
conveyance shall not be negated or adversely affected by the 43118
acquisition or retention by the state of a residual or 43119
reversionary interest in the enterprise acquisition project, the 43120
participation of any state officer or employee as a member or 43121
officer of, or contracting for staff support to, JobsOhio or any 43122
subsidiary of JobsOhio, any regulatory responsibility of an 43123
officer or employee of the state, including the authority to 43124
collect amounts to be received in connection therewith, the 43125
retention of the state of any legal title to or interest in any 43126
portion of the enterprise acquisition project for the purpose of 43127
regulatory activities, or any characterization of JobsOhio or 43128
obligations of JobsOhio under accounting, taxation, or securities 43129
regulations, or any other reason whatsoever. An absolute 43130
conveyance and true sale or lease shall exist under this section 43131
regardless of whether JobsOhio has any recourse against the state 43132
or the treatment or characterization of the transfer as a 43133
financing for any purpose. Upon and following the transfer, the 43134
state shall not have any right, title, or interest in the 43135
enterprise acquisition project so transferred other than any 43136

residual interest that may be described in the transfer agreement 43137
pursuant to the following paragraph and division (D) of this 43138
section. Any determination of the fair market value of the 43139
enterprise acquisition project reflected in the transfer agreement 43140
shall be conclusive and binding on the state and JobsOhio. 43141

Any transfer of the enterprise acquisition project that is a 43142
lease or grant of a franchise shall be for a term not to exceed 43143
twenty-five years. Any transfer of the enterprise acquisition 43144
project that is an assignment and sale, conveyance, or other 43145
transfer shall contain a provision that the state shall have the 43146
option to have conveyed or transferred back to it, at no cost, the 43147
enterprise acquisition project, as it then exists, no later than 43148
twenty-five years after the original transfer authorized in the 43149
transfer agreement on such other terms as shall be provided in the 43150
transfer agreement. 43151

The exercise of the powers granted by this section will be 43152
for the benefit of the people of the state. All or any portion of 43153
the enterprise acquisition project transferred pursuant to the 43154
transfer agreement that would be exempt from real property taxes 43155
or assessments or real property taxes or assessments in the 43156
absence of such transfer shall, as it may from time to time exist 43157
thereafter, remain exempt from real property taxes or assessments 43158
levied by the state and its subdivisions to the same extent as if 43159
not transferred. The gross receipts and income of JobsOhio derived 43160
from the enterprise acquisition project shall be exempt from 43161
taxation levied by the state and its subdivisions, including, but 43162
not limited to, the taxes levied pursuant to Chapters 718., 5739., 43163
5741., 5747., and 5751. of the Revised Code. Any transfer from the 43164
state to JobsOhio of the enterprise acquisition project, or item 43165
included or to be included in the project, shall be exempt from 43166
the taxes levied pursuant to Chapters 5739. and 5741. of the 43167
Revised Code. 43168

(B) The proceeds of any transfer under division (A) of this section may be expended as provided in the transfer agreement for any one or more of the following purposes:

(1) Funding, payment, or defeasance of outstanding bonds issued pursuant to Chapters 151. and 166. of the Revised Code and secured by pledged liquor profits as defined in section 151.40 of the Revised Code;

(2) Deposit into the general revenue fund;

(3) Deposit into the clean Ohio revitalization fund created pursuant to section 122.658 of the Revised Code, the innovation Ohio loan fund created pursuant to section 166.16 of the Revised Code, the research and development loan fund created pursuant to section 166.20 of the Revised Code, and the logistics and distribution infrastructure fund created pursuant to section 166.26 of the Revised Code, ~~the advanced energy research and development fund created pursuant to section 3706.27 of the Revised Code, and the advanced energy research and development taxable fund created pursuant to section 3706.27 of the Revised Code;~~

(4) Conveyance to JobsOhio for the purposes for which it was created.

(C)(1) The state may covenant, pledge, and agree in the transfer agreement, with and for the benefit of JobsOhio, that it shall maintain statutory authority for the enterprise acquisition project and the revenues of the enterprise acquisition project and not otherwise materially impair any obligations supported by a pledge of revenues of the enterprise acquisition project. The transfer agreement may provide or authorize the manner for determining material impairment of the security for any such outstanding obligations, including by assessing and evaluating the revenues of the enterprise acquisition project.

(2) The director of budget and management, in consultation with the director of commerce, may, without need for any other approval, negotiate terms of any documents, including the transfer agreement, necessary to effect the transfer and the acceptance of the transfer of the enterprise acquisition project. The director of budget and management and the director of commerce shall execute the transfer agreement on behalf of the state. The director of budget and management may also, without need for any other approval, retain or contract for the services of commercial appraisers, underwriters, investment bankers, and financial advisers, as are necessary in the judgment of the director of budget and management to effect the transfer agreement. Any transfer agreement may contain terms and conditions established by the state to carry out and effectuate the purposes of this section, including, without limitation, covenants binding the state in favor of JobsOhio. Any such transfer agreement shall be sufficient to effectuate the transfer without regard to any other laws governing other property sales or financial transactions by the state. The director of budget and management may create any funds or accounts, within or without the state treasury, as are needed for the transactions and activities authorized by this section.

(3) The transfer agreement may authorize JobsOhio, in the ordinary course of doing business, to convey, lease, release, or otherwise dispose of any regular inventory or tangible personal property. Ownership of the interest in the enterprise acquisition project that is transferred to JobsOhio under this section and the transfer agreement shall be maintained in JobsOhio or a nonprofit entity the sole member of which is JobsOhio until the enterprise acquisition project is transferred back to the state pursuant to the second paragraph of division (A) and division (D) of this section.

(D) The transfer agreement may authorize JobsOhio to fix, 43232
alter, and collect rentals and other charges for the use and 43233
occupancy of all or any portion of the enterprise acquisition 43234
project and to lease any portion of the enterprise acquisition 43235
project to the state, and shall include a contract with, or the 43236
granting of an option to, the state to have the enterprise 43237
acquisition project, as it then exists, transferred back to it 43238
without charge in accordance with the terms of the transfer 43239
agreement after retirement or redemption, or provision therefor, 43240
of all obligations supported by a pledge of spirituous liquor 43241
profits. 43242

(E) JobsOhio, the director of budget and management, and the 43243
director of commerce shall, subject to approval by the controlling 43244
board, enter into a contract, which may be part of the transfer 43245
agreement, for the continuing operation by the division of liquor 43246
control of spirituous liquor distribution and merchandising 43247
subject to standards for performance provided in that contract 43248
that may relate to or support division (C)(1) of this section. The 43249
contract shall establish other terms and conditions for the 43250
assignment of duties to, and the provision of advice, services, 43251
and other assistance by, the division of liquor control, including 43252
providing for the necessary staffing and payment by JobsOhio of 43253
appropriate compensation to the division for the performance of 43254
such duties and the provision of such advice, services, and other 43255
assistance. The division of liquor control shall manage and 43256
actively supervise the activities required or authorized under 43257
sections 4301.10 and 4301.17 of the Revised Code as those sections 43258
exist on September 29, 2011, including, but not limited to, 43259
controlling the traffic in intoxicating liquor in this state and 43260
fixing the wholesale and retail prices at which the various 43261
classes, varieties, and brands of spirituous liquor are sold. 43262

(F) The transfer agreement shall require JobsOhio to pay for 43263

the operations of the division of liquor control with regard to 43264
the spirituous liquor merchandising operations of the division. 43265
The payments from JobsOhio shall be deposited into the state 43266
treasury to the credit of the liquor operating services fund, 43267
which is hereby created in the state treasury. The fund shall be 43268
used to pay for the operations of the division specified in this 43269
division. 43270

(G) The transaction and transfer provided for under this 43271
section shall comply with all applicable provisions of the Ohio 43272
Constitution. 43273

Sec. 4501.10. (A) Except as provided in division (B) of this 43274
section, money received by the department of public safety from 43275
the sale of motor vehicles and related equipment pursuant to 43276
section 125.13 of the Revised Code shall be transferred to the 43277
public safety - highway purposes fund created in section 4501.06 43278
of the Revised Code. The money shall be used only to purchase 43279
replacement motor vehicles and related equipment. 43280

(B) Money received by the department of public safety 43281
investigative unit established under section 5502.13 of the 43282
Revised Code from the sale of motor vehicles and other equipment 43283
pursuant to section 125.13 of the Revised Code shall be deposited 43284
into the ~~public safety Ohio~~ investigative unit ~~salvage and~~ 43285
~~exchange~~ fund, ~~which is hereby created in the state treasury~~ 43286
section 5502.132 of the Revised Code. The money ~~in the fund~~ shall 43287
be used only to purchase replacement motor vehicles and other 43288
equipment for that unit. 43289

Sec. 4501.24. There is hereby created in the state treasury 43290
the scenic rivers protection fund. The fund shall consist of the 43291
donations to the fund received by the department of natural 43292
resources and the contributions not to exceed forty dollars that 43293

are paid to the registrar of motor vehicles by applicants who 43294
voluntarily choose to obtain scenic rivers license plates pursuant 43295
to section 4503.56 of the Revised Code. 43296

The contributions deposited in the fund shall be used by the 43297
department ~~of natural resources~~ to help finance wild, scenic, and 43298
recreational river areas conservation, education, corridor 43299
protection, restoration, and habitat enhancement and clean-up 43300
projects along rivers in those areas. The chief of the division of 43301
parks and watercraft in the department may expend money in the 43302
fund for the acquisition of wild, scenic, and recreational river 43303
areas, for the maintenance, protection, and administration of such 43304
areas, and for construction of facilities within those areas. All 43305
investment earnings of the fund shall be credited to the fund. 43306

As used in this section, "wild river areas," "scenic river 43307
areas," and "recreational river areas" have the same meanings as 43308
in section 1546.01 of the Revised Code. 43309

Sec. 4503.29. (A) The director of veterans services in 43310
conjunction with the registrar of motor vehicles shall develop and 43311
maintain a program to establish and issue nonstandard license 43312
plates recognizing military service and military honors pertaining 43313
to valor and service. 43314

(B) The director and the registrar shall jointly adopt rules 43315
in accordance with Chapter 119. of the Revised Code for purposes 43316
of establishing the program under this section. The director and 43317
registrar shall adopt the rules as soon as possible after ~~the~~ 43318
~~effective date of this section~~ June 29, 2018, but not later than 43319
nine months after ~~that effective date~~ June 29, 2018. The rules 43320
shall do all of the following: 43321

(1) Establish nonstandard license plates recognizing military 43322
service; 43323

(2) Establish nonstandard license plates recognizing military honors pertaining to valor and service;	43324 43325
(3) Establish eligibility criteria that apply to each nonstandard license plate issued under this section;	43326 43327
(4) Establish requirements governing any necessary documentary evidence required to be presented by an applicant for a nonstandard license plate issued under this section;	43328 43329 43330
(5) Establish guidelines for the designs, markings, and inscriptions on a nonstandard license plate established under this section;	43331 43332 43333
(6) Establish procedures for altering the designs, markings, or inscriptions on a nonstandard license plate established under this section;	43334 43335 43336
(7) Prohibit nonstandard license plates established under this section from recognizing achievement awards or unit awards;	43337 43338
(8) Establish any other procedures or requirements that are necessary for the implementation and administration of this section.	43339 43340 43341
(C) The rules adopted under division (B) of this section shall provide for the establishment of the military nonstandard license plates created under sections 4503.431, 4503.432, 4503.433, 4503.434, 4503.436, 4503.48, 4503.481, 4503.53, 4503.532, 4503.533, 4503.536, 4503.537, 4503.538, 4503.54, 4503.541, 4503.543, 4503.544, 4503.547, 4503.548, 4503.581, 4503.59, and 4503.731 of the Revised Code as those sections existed prior to the effective date of this section <u>June 29, 2018</u> .	43342 43343 43344 43345 43346 43347 43348 43349
(D)(1) Any person who meets the applicable qualifications for the issuance of a nonstandard license plate established by rule adopted under division (B) of this section may apply to the registrar of motor vehicles for the registration of any passenger	43350 43351 43352 43353

car, noncommercial motor vehicle, recreational vehicle, or other 43354
vehicle the person owns or leases of a class approved by the 43355
registrar. The application may be combined with a request for a 43356
special reserved license plate under section 4503.40 or 4503.42 of 43357
the Revised Code. 43358

(2) ~~Upon~~ (a) Except as provided in division (D)(2)(b) of this 43359
section, upon receipt of an application for registration of a 43360
motor vehicle under this section and the required taxes and fees, 43361
compliance with all applicable laws relating to the registration 43362
of a motor vehicle, and, if necessary, upon presentation of the 43363
required documentary evidence, the registrar shall issue to the 43364
applicant the appropriate motor vehicle registration and a set of 43365
license plates and a validation sticker, or a validation sticker 43366
alone when required by section 4503.191 of the Revised Code. 43367

(b) Any disabled veteran who qualifies to apply to the 43368
registrar for the registration of a motor vehicle under section 43369
4503.41 of the Revised Code without the payment of any 43370
registration taxes or fees, may apply instead for registration of 43371
the motor vehicle under this section. The disabled veteran 43372
applying for registration under this section is not required to 43373
pay any registration taxes or fees as required by sections 43374
4503.038, 4503.04, 4503.10, 4503.102, and 4503.103 of the Revised 43375
Code, any local motor vehicle tax levied under Chapter 4504. of 43376
the Revised Code, or any fee charged under section 4503.19 of the 43377
Revised Code for up to two motor vehicles, including any motor 43378
vehicle registered under section 4503.41 of the Revised Code. Upon 43379
receipt of an application for registration of the motor vehicle 43380
and presentation of any documentation the registrar may require by 43381
rule, the registrar shall issue to the applicant the appropriate 43382
motor vehicle registration and a set of license plates authorized 43383
under this section and a validation sticker, or a validation 43384
sticker alone when required by section 4503.191 of the Revised 43385

Code. 43386

(3) The license plates shall display county identification 43387
stickers that identify the county of registration as required 43388
under section 4503.19 of the Revised Code. 43389

(E) Sections 4503.77 and 4503.78 of the Revised Code do not 43390
apply to license plates issued under this section. 43391

Sec. 4503.515. (A) The owner or lessee of any passenger car, 43392
noncommercial motor vehicle, recreational vehicle, or other 43393
vehicle of a class approved by the registrar of motor vehicles may 43394
apply to the registrar for the registration of the vehicle and 43395
issuance of "Ohio geology" license plates. The application may be 43396
combined with a request for a special reserved license plate under 43397
section 4503.40 or 4503.42 of the Revised Code. Upon receipt of 43398
the completed application and compliance by the applicant with 43399
divisions (B) and (C) of this section, the registrar shall issue 43400
to the applicant the appropriate vehicle registration and a set of 43401
"Ohio geology" license plates and a validation sticker, or a 43402
validation sticker alone when required by section 4503.191 of the 43403
Revised Code. 43404

In addition to the letters and numbers ordinarily inscribed 43405
on the license plates, "Ohio geology" license plates shall bear an 43406
appropriate logo and words selected by the director of natural 43407
resources and approved by the registrar. "Ohio geology" license 43408
plates shall display county identification stickers that identify 43409
the county of registration as required under section 4503.19 of 43410
the Revised Code. 43411

(B) "Ohio geology" license plates and a validation sticker, 43412
or validation sticker alone, shall be issued upon receipt of an 43413
application for registration of a motor vehicle under this 43414
section; payment of the regular license tax as prescribed under 43415
section 4503.04 of the Revised Code, any applicable motor vehicle 43416

license tax levied under Chapter 4504. of the Revised Code, any 43417
applicable additional fee prescribed by section 4503.40 or 4503.42 43418
of the Revised Code, an additional fee of ten dollars, and a 43419
contribution as provided in division (C) of this section; and 43420
compliance with all other applicable laws relating to the 43421
registration of motor vehicles. 43422

(C) For each application for registration and registration 43423
renewal notice the registrar receives under this section, the 43424
registrar shall collect a contribution of fifteen dollars. The 43425
registrar shall transmit this contribution to the treasurer of 43426
state for deposit into the state treasury to the credit of the 43427
~~"Ohio geology" license plate~~ geological mapping fund created by 43428
section ~~1505.13~~ 1505.09 of the Revised Code. 43429

The registrar shall transmit the additional fee of ten 43430
dollars, the purpose of which is to compensate the bureau of motor 43431
vehicles for the additional services required in the issuing of 43432
"Ohio geology" license plates, to the treasurer of state for 43433
deposit into the state treasury to the credit of the public safety 43434
- highway purposes fund created by section 4501.06 of the Revised 43435
Code. 43436

Sec. 4505.11. This section shall also apply to all-purpose 43437
vehicles and off-highway motorcycles as defined in section 4519.01 43438
of the Revised Code. 43439

(A) Each owner of a motor vehicle and each person mentioned 43440
as owner in the last certificate of title, when the motor vehicle 43441
is dismantled, destroyed, or changed in such manner that it loses 43442
its character as a motor vehicle, or changed in such manner that 43443
it is not the motor vehicle described in the certificate of title, 43444
shall surrender the certificate of title to that motor vehicle to 43445
a clerk of a court of common pleas, and the clerk, with the 43446
consent of any holders of any liens noted on the certificate of 43447

title, then shall enter a cancellation upon the clerk's records 43448
and shall notify the registrar of motor vehicles of the 43449
cancellation. 43450

Upon the cancellation of a certificate of title in the manner 43451
prescribed by this section, any clerk and the registrar of motor 43452
vehicles may cancel and destroy all certificates and all 43453
memorandum certificates in that chain of title. 43454

(B)(1) If an Ohio certificate of title or salvage certificate 43455
of title to a motor vehicle is assigned to a salvage dealer, the 43456
dealer is not required to obtain an Ohio certificate of title or a 43457
salvage certificate of title to the motor vehicle in the dealer's 43458
own name if the dealer dismantles or destroys the motor vehicle, 43459
indicates the number of the dealer's motor vehicle salvage 43460
dealer's license on it, marks "FOR DESTRUCTION" across the face of 43461
the certificate of title or salvage certificate of title, and 43462
surrenders the certificate of title or salvage certificate of 43463
title to a clerk of a court of common pleas as provided in 43464
division (A) of this section. If the salvage dealer retains the 43465
motor vehicle for resale, the dealer shall make application for a 43466
salvage certificate of title to the motor vehicle in the dealer's 43467
own name as provided in division (C)(1) of this section. 43468

(2) At the time any salvage motor vehicle is sold at auction 43469
or through a pool, the salvage motor vehicle auction or salvage 43470
motor vehicle pool shall give a copy of the salvage certificate of 43471
title or a copy of the certificate of title marked "FOR 43472
DESTRUCTION" to the purchaser. 43473

(C)(1) When an insurance company declares it economically 43474
impractical to repair such a motor vehicle and has paid an agreed 43475
price for the purchase of the motor vehicle to any insured or 43476
claimant owner, the insurance company shall proceed as follows: 43477

(a) If an insurance company receives the certificate of title 43478

and the motor vehicle, within thirty business days, the insurance 43479
company shall deliver the certificate of title to a clerk of a 43480
court of common pleas and shall make application for a salvage 43481
certificate of title. This certificate of title, any supporting 43482
power of attorney, or application for a salvage certificate of 43483
title shall be exempt from the requirements of notarization and 43484
verification as described in this chapter and in section 1337.25 43485
of the Revised Code. 43486

(b) If an insurance company obtains possession of the motor 43487
vehicle and a physical certificate of title was issued for the 43488
vehicle but the insurance company is unable to obtain the properly 43489
endorsed certificate of title for the motor vehicle within thirty 43490
business days following the vehicle's owner or lienholder's 43491
acceptance of the insurance company's payment for the vehicle, the 43492
insurance company may apply to the clerk of a court of common 43493
pleas for a salvage certificate of title without delivering the 43494
certificate of title for the motor vehicle. The application shall 43495
be accompanied by evidence that the insurance company has paid a 43496
total loss claim on the vehicle, a copy of the written request for 43497
the certificate of title from the insurance company or its 43498
designee, and proof that the request was delivered by a nationally 43499
recognized courier service to the last known address of the owner 43500
of the vehicle and any known lienholder, to obtain the certificate 43501
of title. 43502

(c) If an insurance company obtains possession of the motor 43503
vehicle and a physical certificate of title was not issued for the 43504
vehicle, the insurance company may apply to the clerk of a court 43505
of common pleas for a salvage certificate of title without 43506
delivering a certificate of title for the motor vehicle. The 43507
application shall be accompanied by the electronic certificate of 43508
title control number and a properly executed power of attorney, or 43509
other appropriate document, from the owner of the motor vehicle 43510

authorizing the insurance company to apply for a salvage 43511
certificate of title. The application for a salvage certificate of 43512
title, any supporting power of attorney, and any other appropriate 43513
document shall be exempt from the requirements of notarization and 43514
verification as described in this chapter and in section 1337.25 43515
of the Revised Code. 43516

(d) Upon receipt of a properly completed application for a 43517
salvage certificate of title as described in division (C)(1)(a), 43518
(b), or (c) or (C)(2) of this section, the clerk shall issue the 43519
salvage certificate of title on a form, prescribed by the 43520
registrar, that shall be easily distinguishable from the original 43521
certificate of title and shall bear the same information as the 43522
original certificate of title except that it may bear a different 43523
number than that of the original certificate of title. The salvage 43524
certificate of title shall include the following notice in bold 43525
lettering: 43526

"SALVAGE MOTOR VEHICLE - PURSUANT TO R.C. 4738.01." 43527

Except as provided in division (C)(3) of this section, the 43528
salvage certificate of title shall be assigned by the insurance 43529
company to a salvage dealer or any other person for use as 43530
evidence of ownership upon the sale or other disposition of the 43531
motor vehicle, and the salvage certificate of title shall be 43532
transferable to any other person. The clerk shall charge a fee of 43533
four dollars for the cost of processing each salvage certificate 43534
of title. 43535

(2) If an insurance company requests that a salvage motor 43536
vehicle auction take possession of a motor vehicle that is the 43537
subject of an insurance claim, and subsequently the insurance 43538
company denies coverage with respect to the motor vehicle or does 43539
not otherwise take ownership of the motor vehicle, the salvage 43540
motor vehicle auction may proceed as follows. After the salvage 43541
motor vehicle auction has possession of the motor vehicle for 43542

forty-five days, it may apply to the clerk of a court of common 43543
pleas for a salvage certificate of title without delivering the 43544
certificate of title for the motor vehicle. The application shall 43545
be accompanied by a copy of the written request that the vehicle 43546
be removed from the facility on the salvage motor vehicle 43547
auction's letterhead, and proof that the request was delivered by 43548
a nationally recognized courier service to the last known address 43549
of the owner of the vehicle and any known lienholder, requesting 43550
that the vehicle be removed from the facility of the salvage motor 43551
vehicle auction. Upon receipt of a properly completed application, 43552
the clerk shall follow the process as described in division 43553
(C)(1)(d) of this section. The salvage certificate of title so 43554
issued shall be free and clear of all liens. 43555

(3) If an insurance company considers a motor vehicle as 43556
described in division (C)(1)(a), (b), or (c) of this section to be 43557
impossible to restore for highway operation, the insurance company 43558
may assign the certificate of title to the motor vehicle to a 43559
salvage dealer or scrap metal processing facility and send the 43560
assigned certificate of title to the clerk of the court of common 43561
pleas of any county. The insurance company shall mark the face of 43562
the certificate of title "FOR DESTRUCTION" and shall deliver a 43563
photocopy of the certificate of title to the salvage dealer or 43564
scrap metal processing facility for its records. 43565

(4) If an insurance company declares it economically 43566
impractical to repair a motor vehicle, agrees to pay to the 43567
insured or claimant owner an amount in settlement of a claim 43568
against a policy of motor vehicle insurance covering the motor 43569
vehicle, and agrees to permit the insured or claimant owner to 43570
retain possession of the motor vehicle, the insurance company 43571
shall not pay the insured or claimant owner any amount in 43572
settlement of the insurance claim until the owner obtains a 43573
salvage certificate of title to the vehicle and furnishes a copy 43574

of the salvage certificate of title to the insurance company. 43575

(D) When a self-insured organization, rental or leasing 43576
company, or secured creditor becomes the owner of a motor vehicle 43577
that is burned, damaged, or dismantled and is determined to be 43578
economically impractical to repair, the self-insured organization, 43579
rental or leasing company, or secured creditor shall do one of the 43580
following: 43581

(1) Mark the face of the certificate of title to the motor 43582
vehicle "FOR DESTRUCTION" and surrender the certificate of title 43583
to a clerk of a court of common pleas for cancellation as 43584
described in division (A) of this section. The self-insured 43585
organization, rental or leasing company, or secured creditor then 43586
shall deliver the motor vehicle, together with a photocopy of the 43587
certificate of title, to a salvage dealer or scrap metal 43588
processing facility and shall cause the motor vehicle to be 43589
dismantled, flattened, crushed, or destroyed. 43590

(2) Obtain a salvage certificate of title to the motor 43591
vehicle in the name of the self-insured organization, rental or 43592
leasing company, or secured creditor, as provided in division 43593
(C)(1) of this section, and then sell or otherwise dispose of the 43594
motor vehicle. If the motor vehicle is sold, the self-insured 43595
organization, rental or leasing company, or secured creditor shall 43596
obtain a salvage certificate of title to the motor vehicle in the 43597
name of the purchaser from a clerk of a court of common pleas. 43598

(E) If a motor vehicle titled with a salvage certificate of 43599
title is restored for operation upon the highways, application 43600
shall be made to a clerk of a court of common pleas for a 43601
certificate of title. Upon inspection by the state highway patrol, 43602
which shall include establishing proof of ownership and an 43603
inspection of the motor number and vehicle identification number 43604
of the motor vehicle and of documentation or receipts for the 43605
materials used in restoration by the owner of the motor vehicle 43606

being inspected, which documentation or receipts shall be 43607
presented at the time of inspection, the clerk, upon surrender of 43608
the salvage certificate of title, shall issue a certificate of 43609
title for a fee prescribed by the registrar. The certificate of 43610
title shall be in the same form as the original certificate of 43611
title and shall bear the words "REBUILT SALVAGE" in black boldface 43612
letters on its face. Every subsequent certificate of title, 43613
memorandum certificate of title, or duplicate certificate of title 43614
issued for the motor vehicle also shall bear the words "REBUILT 43615
SALVAGE" in black boldface letters on its face. The exact location 43616
on the face of the certificate of title of the words "REBUILT 43617
SALVAGE" shall be determined by the registrar, who shall develop 43618
an automated procedure within the automated title processing 43619
system to comply with this division. The clerk shall use 43620
reasonable care in performing the duties imposed on the clerk by 43621
this division in issuing a certificate of title pursuant to this 43622
division, but the clerk is not liable for any of the clerk's 43623
errors or omissions or those of the clerk's deputies, or the 43624
automated title processing system in the performance of those 43625
duties. A fee of fifty dollars shall be assessed by the state 43626
highway patrol for each inspection made pursuant to this division 43627
and shall be deposited into the public safety - highway purposes 43628
fund established by section 4501.06 of the Revised Code. 43629

(F) No person shall operate upon the highways in this state a 43630
motor vehicle, title to which is evidenced by a salvage 43631
certificate of title, except to deliver the motor vehicle pursuant 43632
to an appointment for an inspection under this section. 43633

(G) No motor vehicle the certificate of title to which has 43634
been marked "FOR DESTRUCTION" and surrendered to a clerk of a 43635
court of common pleas shall be used for anything except parts and 43636
scrap metal. 43637

(H)(1) Except as otherwise provided in this division, an 43638

owner of a manufactured or mobile home that will be taxed as real 43639
property pursuant to division (B) of section 4503.06 of the 43640
Revised Code shall surrender the certificate of title to the 43641
auditor of the county containing the taxing district in which the 43642
home is located. An owner whose home qualifies for real property 43643
taxation under divisions (B)(1)(a) and (b) of section 4503.06 of 43644
the Revised Code shall surrender the certificate within fifteen 43645
days after the home meets the conditions specified in those 43646
divisions. The auditor shall deliver the certificate of title to 43647
the clerk of the court of common pleas who issued it. 43648

(2) If the certificate of title for a manufactured or mobile 43649
home that is to be taxed as real property is held by a lienholder, 43650
the lienholder shall surrender the certificate of title to the 43651
auditor of the county containing the taxing district in which the 43652
home is located, and the auditor shall deliver the certificate of 43653
title to the clerk of the court of common pleas who issued it. The 43654
lienholder shall surrender the certificate within thirty days 43655
after both of the following have occurred: 43656

(a) The homeowner has provided written notice to the 43657
lienholder requesting that the certificate of title be surrendered 43658
to the auditor of the county containing the taxing district in 43659
which the home is located. 43660

(b) The homeowner has either paid the lienholder the 43661
remaining balance owed to the lienholder, or, with the 43662
lienholder's consent, executed and delivered to the lienholder a 43663
mortgage on the home and land on which the home is sited in the 43664
amount of the remaining balance owed to the lienholder. 43665

(3) Upon the delivery of a certificate of title by the county 43666
auditor to the clerk, the clerk shall inactivate it and maintain 43667
it in the automated title processing system for a period of thirty 43668
years. 43669

(4) Upon application by the owner of a manufactured or mobile home that is taxed as real property pursuant to division (B) of section 4503.06 of the Revised Code and that no longer satisfies divisions (B)(1)(a) and (b) or divisions (B)(2)(a) and (b) of that section, the clerk shall reactivate the record of the certificate of title that was inactivated under division (H)(3) of this section and shall issue a new certificate of title, but only if the application contains or has attached to it all of the following:

(a) An endorsement of the county treasurer that all real property taxes charged against the home under Title LVII of the Revised Code and division (B) of section 4503.06 of the Revised Code for all preceding tax years have been paid;

(b) An endorsement of the county auditor that the home will be removed from the real property tax list;

(c) Proof that there are no outstanding mortgages or other liens on the home or, if there are such mortgages or other liens, that the mortgagee or lienholder has consented to the reactivation of the certificate of title.

(I)(1) Whoever violates division (F) of this section shall be fined not more than two thousand dollars, imprisoned not more than one year, or both.

(2) Whoever violates division (G) of this section shall be fined not more than one thousand dollars, imprisoned not more than six months, or both.

Sec. 4506.03. (A) Except as provided in divisions (B) and (C) of this section, the following shall apply:

(1) No person shall drive a commercial motor vehicle on a highway in this state unless the person holds, and has in the person's possession, any of the following:

(a) A valid commercial driver's license with proper 43700
endorsements for the motor vehicle being driven, issued by the 43701
registrar of motor vehicles or by another jurisdiction recognized 43702
by this state; 43703

(b) A valid examiner's commercial driving permit issued under 43704
section 4506.13 of the Revised Code; 43705

(c) A valid restricted commercial driver's license and waiver 43706
for farm-related service industries issued under section 4506.24 43707
of the Revised Code; 43708

(d) A valid commercial driver's license temporary instruction 43709
permit issued by the registrar, provided that the person is 43710
accompanied by an authorized state driver's license examiner or 43711
tester or a person who has been issued and has in the person's 43712
immediate possession a current, valid commercial driver's license 43713
and who meets the requirements of division (B) of section 4506.06 43714
of the Revised Code. 43715

(2) No person's commercial driver's license temporary 43716
instruction permit shall be upgraded, and no commercial driver's 43717
license shall be upgraded, renewed, or issued to a person until 43718
the person surrenders to the registrar of motor vehicles all valid 43719
licenses and permits issued to the person by this state or by 43720
another jurisdiction recognized by this state. If the license or 43721
permit was issued by any other state or another jurisdiction 43722
recognized by this state, the registrar shall report the surrender 43723
of a license or permit to the issuing authority, together with 43724
information that a license or permit is now issued in this state. 43725
The registrar shall destroy any such license or permit that is not 43726
returned to the issuing authority. 43727

(3) No person who has been a resident of this state for 43728
thirty days or longer shall drive a commercial motor vehicle under 43729
the authority of a commercial driver's license issued by another 43730

jurisdiction. 43731

(B) Nothing in division (A) of this section applies to any 43732
qualified person when engaged in the operation of any of the 43733
following: 43734

(1) A farm truck; 43735

(2) Fire equipment for a fire department, volunteer or 43736
nonvolunteer fire company, fire district, ~~or~~ joint fire district, 43737
or the state fire marshal; 43738

(3) A public safety vehicle used to provide transportation or 43739
emergency medical service for ill or injured persons; 43740

(4) A recreational vehicle; 43741

(5) A commercial motor vehicle within the boundaries of an 43742
eligible unit of local government, if the person is employed by 43743
the eligible unit of local government and is operating the 43744
commercial motor vehicle for the purpose of removing snow or ice 43745
from a roadway by plowing, sanding, or salting, but only if either 43746
the employee who holds a commercial driver's license issued under 43747
this chapter and ordinarily operates a commercial motor vehicle 43748
for these purposes is unable to operate the vehicle, or the 43749
employing eligible unit of local government determines that a snow 43750
or ice emergency exists that requires additional assistance; 43751

(6) A vehicle operated for military purposes by any member or 43752
uniformed employee of the armed forces of the United States or 43753
their reserve components, including the Ohio national guard. This 43754
exception does not apply to United States reserve technicians. 43755

(7) A commercial motor vehicle that is operated for 43756
nonbusiness purposes. "Operated for nonbusiness purposes" means 43757
that the commercial motor vehicle is not used in commerce as 43758
"commerce" is defined in 49 C.F.R. 383.5, as amended, and is not 43759
regulated by the public utilities commission pursuant to Chapter 43760

4905., 4921., or 4923. of the Revised Code. 43761

(8) A motor vehicle that is designed primarily for the 43762
transportation of goods and not persons, while that motor vehicle 43763
is being used for the occasional transportation of personal 43764
property by individuals not for compensation and not in the 43765
furtherance of a commercial enterprise; 43766

(9) A police SWAT team vehicle; 43767

(10) A police vehicle used to transport prisoners. 43768

(C) Nothing contained in division (B)(5) of this section 43769
shall be construed as preempting or superseding any law, rule, or 43770
regulation of this state concerning the safe operation of 43771
commercial motor vehicles. 43772

(D) Whoever violates this section is guilty of a misdemeanor 43773
of the first degree. 43774

Sec. 4507.12. (A)(1) Except as provided in division (C) of 43775
section 4507.10 of the Revised Code, each person applying for the 43776
renewal of a driver's license shall submit to a screening of the 43777
person's vision before the license may be renewed. ~~The~~ Except as 43778
provided in division (A)(2) of this section, the vision screening 43779
shall be conducted at the office of the deputy registrar receiving 43780
the application for license renewal. 43781

(2) A person applying for the renewal of a driver's license 43782
who is capable of meeting the standards required for licensing, 43783
but who is not capable of passing the vision screening conducted 43784
at the office of the deputy registrar, may have the vision 43785
screening conducted at a licensed optometrist's or 43786
ophthalmologist's office. The person shall have the vision 43787
screening performed within ninety days prior to the time the 43788
person applies for the driver's license renewal. The person shall 43789
bring any forms required by the registrar to the vision screening 43790

conducted at the optometrist's or ophthalmologist's office to be 43791
completed by the optometrist or ophthalmologist. The person shall 43792
submit such forms to the registrar or deputy registrar at the time 43793
the person applies for the driver's license renewal to verify that 43794
the vision screening results meet the vision standards required 43795
for licensing. 43796

(B) When the results of a vision screening given under 43797
division (A) of this section indicate that the vision of the 43798
person examined meets the standards required for licensing, the 43799
deputy registrar may renew the person's driver's license at that 43800
time. 43801

(C) When the results of a vision screening given under 43802
division (A) of this section indicate that the vision of the 43803
person screened may not meet the standards required for licensing, 43804
the deputy registrar shall not renew the person's driver's license 43805
at that time but shall refer the person to a driver's license 43806
examiner appointed by the director of public safety under section 43807
5502.05 of the Revised Code for a further examination of the 43808
person's vision. ~~When~~ 43809

(D) When a person referred to a driver's license examiner by 43810
a deputy registrar does not meet the vision standards required for 43811
licensing, the driver's license examiner shall retain the person's 43812
operator's ~~or chauffeur's~~ license and shall immediately notify the 43813
registrar of motor vehicles of that fact. The driver's license 43814
examiner shall refer the person to a licensed optometrist or 43815
ophthalmologist of the person's choice. The person may have the 43816
optometrist or ophthalmologist conduct a vision screening and 43817
shall request the optometrist or ophthalmologist to certify the 43818
vision screening results on any forms required by the registrar. 43819
The person shall submit such forms to the registrar, deputy 43820
registrar, or driver's license examiner to verify that the vision 43821
screening results meet the vision standards required for 43822

licensing. 43823

~~(E)~~ No driver's license shall be issued to ~~any such a~~ person, 43824
until the person's vision is corrected to meet the standards 43825
required for licensing ~~and the person passes the vision screening~~ 43826
~~required~~ by this section. Any person who operates a motor vehicle 43827
on a highway, or on any public or private property used by the 43828
public for purposes of vehicular travel or parking, during the 43829
time the person's driver's license is held by a driver's license 43830
examiner under this division, shall be deemed to be operating a 43831
motor vehicle in violation of division (A) of section 4510.12 of 43832
the Revised Code. 43833

~~(D)~~(F) The registrar shall adopt rules and shall provide any 43834
forms necessary to properly conduct vision screenings at the 43835
office of a deputy registrar, a driver examination station, or at 43836
the office of a licensed optometrist or ophthalmologist. 43837

~~(E)~~ ~~No~~ (G) A person conducting vision screenings under this 43838
section ~~shall be~~ is not personally liable for damages for injury 43839
or loss to persons or property and for death caused by the 43840
operation of a motor vehicle by any person whose driver's license 43841
was renewed by the deputy registrar under division (B) of this 43842
section. 43843

Sec. 4582.06. (A) A port authority created in accordance with 43844
section 4582.02 of the Revised Code may: 43845

(1) Acquire, construct, furnish, equip, maintain, repair, 43846
sell, exchange, lease to or from, lease with an option to 43847
purchase, convey other interests in, or operate real or personal 43848
property, or any combination thereof, related to, useful for, or 43849
in furtherance of any authorized purpose, and make charges for the 43850
use of any port authority facility, which shall be not less than 43851
the charges established for the same services furnished by a 43852
public utility or common carrier in the jurisdiction of the 43853

particular port authority; 43854

(2) Straigten, deepen, and improve any canal, channel, 43855
river, stream, or other water course or way that may be necessary 43856
or proper in the development of the facilities of the port 43857
authority; 43858

(3) Issue bonds or notes for the acquisition, construction, 43859
furnishing, or equipping of any real or personal property, or any 43860
combination thereof, related to, useful for, or in furtherance of 43861
any authorized purpose, in compliance with Chapter 133. of the 43862
Revised Code, except that the bonds or notes only may be issued 43863
pursuant to a vote of the electors residing within the territory 43864
of the port authority. The net indebtedness incurred by a port 43865
authority shall never exceed two per cent of the total value of 43866
all property within the territory comprising the authority as 43867
listed and assessed for taxation. 43868

(4) By resolution of its board of directors, issue revenue 43869
bonds beyond the limit of bonded indebtedness provided by law, for 43870
the acquisition, construction, furnishing, or equipping of any 43871
real or personal property, or any combination thereof, related to, 43872
useful for, or in furtherance of any authorized purpose, including 43873
all costs in connection with or incidental thereto. 43874

The revenue bonds of the port authority shall be secured only 43875
by a pledge of and a lien on the revenues of the port authority 43876
derived from those loan payments, rentals, fees, charges, or other 43877
revenues that are designated in the resolution, including, but not 43878
limited to, any property to be acquired, constructed, furnished, 43879
or equipped with the proceeds of the bond issue, after provision 43880
only for the reasonable cost of operating, maintaining, and 43881
repairing the property of the port authority so designated. The 43882
bonds may further be secured by the covenant of the port authority 43883
to maintain rates or charges that will produce revenues sufficient 43884
to meet the costs of operating, maintaining, and repairing such 43885

property and to meet the interest and principal requirements of 43886
the bonds and to establish and maintain reserves for the foregoing 43887
purposes. The board of directors, by resolution, may provide for 43888
the issuance of additional revenue bonds from time to time, to be 43889
secured equally and ratably, without preference, priority, or 43890
distinction, with outstanding revenue bonds, but subject to the 43891
terms and limitations of any trust agreement described in this 43892
section, and of any resolution authorizing bonds then outstanding. 43893
The board of directors, by resolution, may designate additional 43894
property of the port authority, the revenues of which shall be 43895
pledged and be subject to a lien for the payment of the debt 43896
charges on revenue bonds theretofore authorized by resolution of 43897
the board of directors, to the same extent as the revenues above 43898
described. 43899

In the discretion of the board of directors, the revenue 43900
bonds of the port authority may be secured by a trust agreement 43901
between the board of directors on behalf of the port authority and 43902
a corporate trustee, that may be any trust company or bank having 43903
powers of a trust company, within or without the state. 43904

The trust agreement may provide for the pledge or assignment 43905
of the revenues to be received, but shall not pledge the general 43906
credit and taxing power of the port authority. A trust agreement 43907
securing revenue bonds issued to acquire, construct, furnish, or 43908
equip real property, plants, factories, offices, and other 43909
structures and facilities for authorized purposes consistent with 43910
Section 13 or 16 of Article VIII, Ohio Constitution, may mortgage 43911
the real or personal property, or a combination thereof, to be 43912
acquired, constructed, furnished, or equipped from the proceeds of 43913
such revenue bonds, as further security for the bonds. The trust 43914
agreement or the resolution providing for the issuance of revenue 43915
bonds may set forth the rights and remedies of the bondholders and 43916
trustee, and may contain other provisions for protecting and 43917

enforcing their rights and remedies that are determined in the 43918
discretion of the board of directors to be reasonable and proper. 43919
The agreement or resolution may provide for the custody, 43920
investment, and disbursement of all moneys derived from the sale 43921
of such bonds, or from the revenues of the port authority, other 43922
than those moneys received from taxes levied pursuant to section 43923
4582.14 of the Revised Code, and may provide for the deposit of 43924
such funds without regard to section 4582.15 of the Revised Code. 43925

All bonds issued under authority of this chapter, regardless 43926
of form or terms and regardless of any other law to the contrary, 43927
shall have all qualities and incidents of negotiable instruments, 43928
subject to provisions for registration, and may be issued in 43929
coupon, fully registered, or other form, or any combination 43930
thereof, as the board of directors determines. Provision may be 43931
made for the registration of any coupon bonds as to principal 43932
alone or as to both principal and interest, and for the conversion 43933
into coupon bonds of any fully registered bonds or bonds 43934
registered as to both principal and interest. 43935

The revenue bonds shall bear interest at such rate or rates, 43936
shall bear such date or dates, and shall mature within forty-five 43937
years following the date of issuance and in such amount, at such 43938
time or times, and in such number of installments, as may be 43939
provided in or pursuant to the resolution authorizing their 43940
issuance. The final maturity of any original issue of revenue 43941
bonds shall not be later than forty-five years from their date of 43942
issue. Such resolution also shall provide for the execution of the 43943
bonds, which may be by facsimile signatures unless prohibited by 43944
the resolution, and the manner of sale of the bonds. The 43945
resolution shall provide for, or provide for the determination of, 43946
any other terms and conditions relative to the issuance, sale, and 43947
retirement of the bonds that the board of directors in its 43948
discretion determines to be reasonable and proper. 43949

Whenever a port authority considers it expedient, it may 43950
issue renewal notes and refund any bonds, whether the bonds to be 43951
refunded have or have not matured. The final maturity of any 43952
notes, including any renewal notes, shall not be later than five 43953
years from the date of issue of the original issue of notes. The 43954
final maturity of any refunding bonds shall not be later than the 43955
later of forty-five years from the date of issue of the original 43956
issue of bonds. The refunding bonds shall be sold and the proceeds 43957
applied to the purchase, redemption, or payment of the bonds to be 43958
refunded and the costs of issuance of the refunding bonds. The 43959
bonds and notes issued under this chapter, their transfer, and the 43960
income therefrom, shall at all times be free from taxation within 43961
the state. 43962

(5) Do any of the following, in regard to any interests in 43963
any real or personal property, or any combination thereof, 43964
including, without limitation, machinery, equipment, plants, 43965
factories, offices, and other structures and facilities related 43966
to, useful for, or in furtherance of any authorized purpose, for 43967
such consideration and in such manner, consistent with Article 43968
VIII, Ohio Constitution, as the board in its sole discretion may 43969
determine: 43970

(a) Loan moneys to any person or governmental entity for the 43971
acquisition, construction, furnishing, and equipping of the 43972
property; 43973

(b) Acquire, construct, maintain, repair, furnish, and equip 43974
the property; 43975

(c) Sell to, exchange with, lease, convey other interests in, 43976
or lease with an option to purchase the same or any lesser 43977
interest in the property to the same or any other person or 43978
governmental entity; 43979

(d) Guarantee the obligations of any person or governmental 43980

entity. 43981

A port authority may accept and hold as consideration for the 43982
conveyance of property or any interest therein such property or 43983
interests therein as the board in its discretion may determine, 43984
notwithstanding any restrictions that apply to the investment of 43985
funds by a port authority. 43986

(6) Construct, maintain, repair, furnish, equip, sell, 43987
exchange, lease, or lease with an option to purchase, any property 43988
that it is authorized to acquire. A port authority that is subject 43989
to this section also may operate any property in connection with 43990
transportation, recreational, governmental operations, or cultural 43991
activities. 43992

(a) Any purchase, exchange, sale, lease, lease with an option 43993
to purchase, conveyance of other interests in, or other contract 43994
with a person or governmental entity that pertains to the 43995
acquisition, construction, maintenance, repair, furnishing, 43996
equipping, or operation of any real or personal property, or any 43997
combination thereof, related to, useful for, or in furtherance of 43998
an activity contemplated by Section 13 or 16 of Article VIII, Ohio 43999
Constitution, shall be made in such manner and subject to such 44000
terms and conditions as may be determined by the board of 44001
directors in its discretion. 44002

(b) Division (A)(6)(a) of this section applies to all 44003
contracts that are subject to the division, notwithstanding any 44004
other provision of law that might otherwise apply, including, 44005
without limitation, any requirement of notice, any requirement of 44006
competitive bidding or selection, or any requirement for the 44007
provision of security. 44008

(c) Divisions (A)(6)(a) and (b) of this section do not apply 44009
to either of the following: 44010

(i) Any contract secured by or to be paid from moneys raised 44011

by taxation or the proceeds of obligations secured by a pledge of 44012
moneys raised by taxation; 44013

(ii) Any contract secured exclusively by or to be paid 44014
exclusively from the general revenues of the port authority. For 44015
the purposes of this section, any revenues derived by the port 44016
authority under a lease or other agreement that, by its terms, 44017
contemplates the use of amounts payable under the agreement either 44018
to pay the costs of the improvement that is the subject of the 44019
contract or to secure obligations of the port authority issued to 44020
finance costs of such improvement, are excluded from general 44021
revenues. 44022

(7) Apply to the proper authorities of the United States 44023
pursuant to appropriate law for the right to establish, operate, 44024
and maintain foreign trade zones and to establish, operate, and 44025
maintain foreign trade zones; and to acquire land or property 44026
therefor, in a manner consistent with section 4582.17 of the 44027
Revised Code; 44028

(8) Exercise the right of eminent domain to appropriate any 44029
land, rights, rights-of-way, franchises, easements, or other 44030
property, necessary or proper for any authorized purpose, pursuant 44031
to the procedure provided in sections 163.01 to 163.22 of the 44032
Revised Code, if funds equal to the appraised value of the 44033
property to be acquired as a result of such proceedings are 44034
available for that purpose, except that nothing contained in 44035
sections 4582.01 to 4582.20 of the Revised Code shall authorize a 44036
port authority to take or disturb property or facilities belonging 44037
to any agency or political subdivision of this state, public 44038
utility, or common carrier, which property or facilities are 44039
necessary and convenient in the operation of the agency or 44040
political subdivision, public utility, or common carrier, unless 44041
provision is made for the restoration, relocation, or duplication 44042
of the property or facilities, or upon the election of the agency 44043

or political subdivision, public utility, or common carrier, for 44044
the payment of compensation, if any, at the sole cost of the port 44045
authority, provided that: 44046

(a) If any restoration or duplication proposed to be made 44047
pursuant to this section involves a relocation of such property or 44048
facilities, the new facilities and location shall be of at least 44049
comparable utilitarian value and effectiveness, and the relocation 44050
shall not impair the ability of the public utility or common 44051
carrier to compete in its original area of operation. 44052

(b) If any restoration or duplication made pursuant to this 44053
section involves a relocation of such property or facilities, the 44054
port authority shall acquire no interest or right in or to the 44055
appropriated property or facilities, except as provided in 44056
division (A)(11) of this section, until the relocated property or 44057
facilities are available for use and until marketable title 44058
thereto has been transferred to the public utility or common 44059
carrier. 44060

(c) Provisions for restoration or duplication shall be 44061
described in detail in the resolution for appropriation passed by 44062
the port authority. 44063

(9) Enjoy and possess the same rights, privileges, and powers 44064
granted municipal corporations under sections 721.04 to 721.11 of 44065
the Revised Code; 44066

(10) Maintain such funds as it considers necessary; 44067

(11) Direct its agents or employees, when properly identified 44068
in writing, and after at least five days' written notice, to enter 44069
upon lands within the confines of its jurisdiction in order to 44070
make surveys and examinations preliminary to location and 44071
construction of works for the purposes of the port authority, 44072
without liability of the port authority or its agents or employees 44073
except for actual damage done; 44074

(12) Sell, lease, or convey other interests in real and 44075
personal property and grant easements or rights-of-way over 44076
property of the port authority. The board of directors shall 44077
specify the consideration and any terms thereof for the sale, 44078
lease, or conveyance of other interests in real and personal 44079
property. Any determinations made by the board of directors under 44080
this division shall be conclusive. The sale, lease, or conveyance 44081
may be made without advertising and the receipt of bids. 44082

(13) Promote, advertise, and publicize the port authority 44083
facilities and its authorized purposes, provide information to 44084
persons with an interest in transportation and other port 44085
authority activities, and appear before rate-making authorities to 44086
represent and promote the interests of the port authority and its 44087
authorized purposes; 44088

(14) Adopt rules, not in conflict with general law, governing 44089
the use of and the safeguarding of its property, grounds, 44090
buildings, equipment, and facilities, safeguarding persons and 44091
their property located on or in port authority property, and 44092
governing the conduct of its employees and the public, in order to 44093
promote the public safety and convenience in and about its 44094
terminals and grounds, and to maintain order. Any such regulation 44095
shall be posted at no less than five public places in the port 44096
authority, as determined by the board of directors, for a period 44097
of not fewer than fifteen days, and shall be available for public 44098
inspection at the principal office of the port authority during 44099
regular business hours. No person shall violate any lawful 44100
regulation adopted and posted as provided in this division. 44101

(15) Establish and administer one or more payment card 44102
programs for purposes of paying expenses related to port authority 44103
business. Any obligation incurred as a result of the use of such a 44104
payment card shall be paid from port authority funds. 44105

(16) Act as a portal operator for purposes of an OhioInvests 44106

<u>offering under sections 1707.05 to 1707.058 of the Revised Code;</u>	44107
(17) Do all acts necessary or appropriate to carry out its	44108
authorized purposes. The port authority shall have the powers and	44109
rights granted to other subdivisions under section 9.20 of the	44110
Revised Code.	44111
(B) Any instrument by which real property is acquired	44112
pursuant to this section shall identify the agency of the state	44113
that has the use and benefit of the real property as specified in	44114
section 5301.012 of the Revised Code.	44115
(C) Whoever violates division (A)(14) of this section is	44116
guilty of a minor misdemeanor.	44117
Sec. 4582.31. (A) A port authority created in accordance with	44118
section 4582.22 of the Revised Code may:	44119
(1) Adopt bylaws for the regulation of its affairs and the	44120
conduct of its business;	44121
(2) Adopt an official seal;	44122
(3) Maintain a principal office within its jurisdiction, and	44123
maintain such branch offices as it may require;	44124
(4) Acquire, construct, furnish, equip, maintain, repair,	44125
sell, exchange, lease to or from, or lease with an option to	44126
purchase, convey other interests in real or personal property, or	44127
any combination thereof, related to, useful for, or in furtherance	44128
of any authorized purpose and operate any property in connection	44129
with transportation, recreational, governmental operations, or	44130
cultural activities;	44131
(5) Straighten, deepen, and improve any channel, river,	44132
stream, or other water course or way which may be necessary or	44133
proper in the development of the facilities of a port authority;	44134
(6) Make available the use or services of any port authority	44135

facility to one or more persons, one or more governmental 44136
agencies, or any combination thereof; 44137

(7) Issue bonds or notes for the acquisition, construction, 44138
furnishing, or equipping of any port authority facility or other 44139
permanent improvement that a port authority is authorized to 44140
acquire, construct, furnish, or equip, in compliance with Chapter 44141
133. of the Revised Code, except that such bonds or notes may only 44142
be issued pursuant to a vote of the electors residing within the 44143
area of jurisdiction of the port authority. The net indebtedness 44144
incurred by a port authority shall never exceed two per cent of 44145
the total value of all property within the territory comprising 44146
the port authority as listed and assessed for taxation. 44147

(8) Issue port authority revenue bonds beyond the limit of 44148
bonded indebtedness provided by law, payable solely from revenues 44149
as provided in section 4582.48 of the Revised Code, for the 44150
purpose of providing funds to pay the costs of any port authority 44151
facility or facilities or parts thereof; 44152

(9) Apply to the proper authorities of the United States 44153
pursuant to appropriate law for the right to establish, operate, 44154
and maintain foreign trade zones and establish, operate, and 44155
maintain foreign trade zones and to acquire, exchange, sell, lease 44156
to or from, lease with an option to purchase, or operate 44157
facilities, land, or property therefor in accordance with the 44158
"Foreign Trade Zones Act," 48 Stat. 998 (1934), 19 U.S.C. 81a to 44159
81u; 44160

(10) Enjoy and possess the same rights, privileges, and 44161
powers granted municipal corporations under sections 721.04 to 44162
721.11 of the Revised Code; 44163

(11) Maintain such funds as it considers necessary; 44164

(12) Direct its agents or employees, when properly identified 44165
in writing, and after at least five days' written notice, to enter 44166

upon lands within the confines of its jurisdiction in order to 44167
make surveys and examinations preliminary to location and 44168
construction of works for the purposes of the port authority, 44169
without liability of the port authority or its agents or employees 44170
except for actual damage done; 44171

(13) Promote, advertise, and publicize the port authority and 44172
its facilities; provide information to shippers and other 44173
commercial interests; and appear before rate-making authorities to 44174
represent and promote the interests of the port authority; 44175

(14) Adopt rules, not in conflict with general law, it finds 44176
necessary or incidental to the performance of its duties and the 44177
execution of its powers under sections 4582.21 to 4582.54 of the 44178
Revised Code. Any such rule shall be posted at no less than five 44179
public places in the port authority, as determined by the board of 44180
directors, for a period of not fewer than fifteen days, and shall 44181
be available for public inspection at the principal office of the 44182
port authority during regular business hours. No person shall 44183
violate any lawful rule adopted and posted as provided in this 44184
division. 44185

(15) Do any of the following, in regard to any interests in 44186
any real or personal property, or any combination thereof, 44187
including, without limitation, machinery, equipment, plants, 44188
factories, offices, and other structures and facilities related 44189
to, useful for, or in furtherance of any authorized purpose, for 44190
such consideration and in such manner, consistent with Article 44191
VIII of the Ohio Constitution, as the board in its sole discretion 44192
may determine: 44193

(a) Loan moneys to any person or governmental entity for the 44194
acquisition, construction, furnishing, and equipping of the 44195
property; 44196

(b) Acquire, construct, maintain, repair, furnish, and equip 44197

the property;	44198
(c) Sell to, exchange with, lease, convey other interests in,	44199
or lease with an option to purchase the same or any lesser	44200
interest in the property to the same or any other person or	44201
governmental entity;	44202
(d) Guarantee the obligations of any person or governmental	44203
entity.	44204
A port authority may accept and hold as consideration for the	44205
conveyance of property or any interest therein such property or	44206
interests therein as the board in its discretion may determine,	44207
notwithstanding any restrictions that apply to the investment of	44208
funds by a port authority.	44209
(16) Sell, lease, or convey other interests in real and	44210
personal property, and grant easements or rights-of-way over	44211
property of the port authority. The board of directors shall	44212
specify the consideration and any terms for the sale, lease, or	44213
conveyance of other interests in real and personal property. Any	44214
determination made by the board under this division shall be	44215
conclusive. The sale, lease, or conveyance may be made without	44216
advertising and the receipt of bids.	44217
(17) Exercise the right of eminent domain to appropriate any	44218
land, rights, rights-of-way, franchises, easements, or other	44219
property, necessary or proper for any authorized purpose, pursuant	44220
to the procedure provided in sections 163.01 to 163.22 of the	44221
Revised Code, if funds equal to the appraised value of the	44222
property to be acquired as a result of such proceedings are	44223
available for that purpose. However, nothing contained in sections	44224
4582.201 to 4582.59 of the Revised Code shall authorize a port	44225
authority to take or disturb property or facilities belonging to	44226
any agency or political subdivision of this state, public utility,	44227
cable operator, or common carrier, which property or facilities	44228

are necessary and convenient in the operation of the agency or 44229
political subdivision, public utility, cable operator, or common 44230
carrier, unless provision is made for the restoration, relocation, 44231
or duplication of such property or facilities, or upon the 44232
election of the agency or political subdivision, public utility, 44233
cable operator, or common carrier, for the payment of 44234
compensation, if any, at the sole cost of the port authority, 44235
provided that: 44236

(a) If any restoration or duplication proposed to be made 44237
under this section involves a relocation of the property or 44238
facilities, the new facilities and location shall be of at least 44239
comparable utilitarian value and effectiveness and shall not 44240
impair the ability of the public utility, cable operator, or 44241
common carrier to compete in its original area of operation; 44242

(b) If any restoration or duplication made under this section 44243
involves a relocation of the property or facilities, the port 44244
authority shall acquire no interest or right in or to the 44245
appropriated property or facilities, except as provided in 44246
division (A)(15) of this section, until the relocated property or 44247
facilities are available for use and until marketable title 44248
thereto has been transferred to the public utility, cable 44249
operator, or common carrier. 44250

As used in division (A)(17) of this section, "cable operator" 44251
has the same meaning as in the "Cable Communications Policy Act of 44252
1984," Pub. L. No. 98-549, 98 Stat. 2780, 47 U.S.C. 522, as 44253
amended by the "Telecommunications Act of 1996," Pub. L. No. 44254
104-104, 110 Stat. 56. 44255

(18)(a) Make and enter into all contracts and agreements and 44256
execute all instruments necessary or incidental to the performance 44257
of its duties and the execution of its powers under sections 44258
4582.21 to 4582.59 of the Revised Code. 44259

(b) Except as provided in division (A)(18)(c) of this section 44260
or except when the port authority elects to construct a building, 44261
structure, or other improvement pursuant to a contract made with a 44262
construction manager at risk under sections 9.33 to 9.335 of the 44263
Revised Code or with a design-build firm under section 153.65 to 44264
153.73 of the Revised Code, when the cost of a contract for the 44265
construction of any building, structure, or other improvement 44266
undertaken by a port authority involves an expenditure exceeding 44267
one hundred fifty thousand dollars and the port authority is the 44268
contracting entity, the port authority shall make a written 44269
contract after notice calling for bids for the award of the 44270
contract has been given by publication twice, with at least seven 44271
days between publications, in a newspaper of general circulation 44272
in the area of the port authority or as provided in section 7.16 44273
of the Revised Code. Each such contract shall be let to the lowest 44274
responsive and responsible bidder in accordance with section 9.312 44275
of the Revised Code. Every contract shall be accompanied by or 44276
shall refer to plans and specifications for the work to be done, 44277
prepared for and approved by the port authority, signed by an 44278
authorized officer of the port authority and by the contractor, 44279
and shall be executed in triplicate. 44280

Each bid shall be awarded in accordance with sections 153.54, 44281
153.57, and 153.571 of the Revised Code. The port authority may 44282
reject any and all bids. 44283

(c) The board of directors by rule may provide criteria for 44284
the negotiation and award without competitive bidding of any 44285
contract as to which the port authority is the contracting entity 44286
for the construction of any building or structure or other 44287
improvement under any of the following circumstances: 44288

(i) There exists a real and present emergency that threatens 44289
damage or injury to persons or property of the port authority or 44290
other persons, provided that a statement specifying the nature of 44291

the emergency that is the basis for the negotiation and award of a contract without competitive bidding shall be signed by the officer of the port authority that executes that contract at the time of the contract's execution and shall be attached to the contract.

(ii) A commonly recognized industry or other standard or specification does not exist and cannot objectively be articulated for the improvement.

(iii) The contract is for any energy conservation measure as defined in section 307.041 of the Revised Code.

(iv) With respect to material to be incorporated into the improvement, only a single source or supplier exists for the material.

(v) A single bid is received by the port authority after complying with the provisions of division (A)(18)(b) of this section.

(d)(i) If a contract is to be negotiated and awarded without competitive bidding for the reason set forth in division (A)(18)(c)(ii) of this section, the port authority shall publish a notice calling for technical proposals twice, with at least seven days between publications, in a newspaper of general circulation in the area of the port authority or as provided in section 7.16 of the Revised Code. After receipt of the technical proposals, the port authority may negotiate with and award a contract for the improvement to the proposer making the proposal considered to be the most advantageous to the port authority.

(ii) If a contract is to be negotiated and awarded without competitive bidding for the reason set forth in division (A)(18)(c)(iv) of this section, any construction activities related to the incorporation of the material into the improvement also may be provided without competitive bidding by the source or

supplier of that material. 44323

(e)(i) Any purchase, exchange, sale, lease, lease with an 44324
option to purchase, conveyance of other interests in, or other 44325
contract with a person or governmental entity that pertains to the 44326
acquisition, construction, maintenance, repair, furnishing, 44327
equipping, or operation of any real or personal property, or any 44328
combination thereof, related to, useful for, or in furtherance of 44329
an activity contemplated by Section 13 or 16 of Article VIII, Ohio 44330
Constitution, shall be made in such manner and subject to such 44331
terms and conditions as may be determined by the board of 44332
directors in its discretion. 44333

(ii) Division (A)(18)(e)(i) of this section applies to all 44334
contracts that are subject to the division, notwithstanding any 44335
other provision of law that might otherwise apply, including, 44336
without limitation, any requirement of notice, any requirement of 44337
competitive bidding or selection, or any requirement for the 44338
provision of security. 44339

(iii) Divisions (A)(18)(e)(i) and (ii) of this section do not 44340
apply to either of the following: any contract secured by or to be 44341
paid from moneys raised by taxation or the proceeds of obligations 44342
secured by a pledge of moneys raised by taxation; or any contract 44343
secured exclusively by or to be paid exclusively from the general 44344
revenues of the port authority. For the purposes of this section, 44345
any revenues derived by the port authority under a lease or other 44346
agreement that, by its terms, contemplates the use of amounts 44347
payable under the agreement either to pay the costs of the 44348
improvement that is the subject of the contract or to secure 44349
obligations of the port authority issued to finance costs of such 44350
improvement, are excluded from general revenues. 44351

(19) Employ managers, superintendents, and other employees 44352
and retain or contract with consulting engineers, financial 44353
consultants, accounting experts, architects, attorneys, and any 44354

other consultants and independent contractors as are necessary in 44355
its judgment to carry out this chapter, and fix the compensation 44356
thereof. All expenses thereof shall be payable from any available 44357
funds of the port authority or from funds appropriated for that 44358
purpose by a political subdivision creating or participating in 44359
the creation of the port authority. 44360

(20) Receive and accept from any state or federal agency 44361
grants and loans for or in aid of the construction of any port 44362
authority facility or for research and development with respect to 44363
port authority facilities, and receive and accept aid or 44364
contributions from any source of money, property, labor, or other 44365
things of value, to be held, used, and applied only for the 44366
purposes for which the grants and contributions are made; 44367

(21) Engage in research and development with respect to port 44368
authority facilities; 44369

(22) Purchase fire and extended coverage and liability 44370
insurance for any port authority facility and for the principal 44371
office and branch offices of the port authority, insurance 44372
protecting the port authority and its officers and employees 44373
against liability for damage to property or injury to or death of 44374
persons arising from its operations, and any other insurance the 44375
port authority may agree to provide under any resolution 44376
authorizing its port authority revenue bonds or in any trust 44377
agreement securing the same; 44378

(23) Charge, alter, and collect rentals and other charges for 44379
the use or services of any port authority facility as provided in 44380
section 4582.43 of the Revised Code; 44381

(24) Provide coverage for its employees under Chapters 145., 44382
4123., and 4141. of the Revised Code; 44383

(25) Establish and administer one or more payment card 44384
programs for purposes of paying expenses related to port authority 44385

business. Any obligation incurred as a result of the use of such a 44386
payment card shall be paid from port authority funds. 44387

(26) Act as a portal operator for purposes of an OhioInvests 44388
offering under sections 1707.05 to 1707.058 of the Revised Code; 44389

(27) Do all acts necessary or proper to carry out the powers 44390
expressly granted in sections 4582.21 to 4582.59 of the Revised 44391
Code. 44392

(B) Any instrument by which real property is acquired 44393
pursuant to this section shall identify the agency of the state 44394
that has the use and benefit of the real property as specified in 44395
section 5301.012 of the Revised Code. 44396

(C) Whoever violates division (A)(14) of this section is 44397
guilty of a minor misdemeanor. 44398

Sec. 4701.16. (A) After notice and hearing as provided in 44399
Chapter 119. of the Revised Code, the accountancy board may 44400
discipline as described in division (B) of this section a person 44401
holding an Ohio permit, an Ohio registration, a firm registration, 44402
a CPA certificate, or a PA registration or any other person whose 44403
activities are regulated by the board for any one or any 44404
combination of the following causes: 44405

(1) Fraud or deceit in obtaining a firm registration or in 44406
obtaining a CPA certificate, a PA registration, an Ohio permit, or 44407
an Ohio registration; 44408

(2) Dishonesty, fraud, or gross negligence in the practice of 44409
public accounting; 44410

(3) Violation of any of the provisions of section 4701.14 of 44411
the Revised Code; 44412

(4) Violation of a rule of professional conduct promulgated 44413
by the board under the authority granted by this chapter; 44414

(5) Conviction of a felony under the laws of any state or of the United States;	44415 44416
(6) Conviction of any crime, an element of which is dishonesty or fraud, under the laws of any state or of the United States;	44417 44418 44419
(7) Cancellation, revocation, suspension, or refusal to renew authority to practice as a certified public accountant, a public accountant, or a public accounting firm by any other state, for any cause other than failure to pay registration fees in that other state;	44420 44421 44422 44423 44424
(8) Suspension or revocation of the right to practice before any state or federal agency;	44425 44426
(9) Failure of a holder of a CPA certificate or PA registration to obtain an Ohio permit or an Ohio registration, or the failure of a public accounting firm to obtain a firm registration;	44427 44428 44429 44430
(10) Conduct discreditable to the public accounting profession or to the holder of an Ohio permit, Ohio registration, or foreign certificate;	44431 44432 44433
(11) Failure of a public accounting firm to comply with section 4701.04 of the Revised Code.	44434 44435
(B) For any of the reasons specified in division (A) of this section, the board may do any of the following:	44436 44437
(1) Revoke, suspend, or refuse to renew any CPA certificate or PA registration or any Ohio permit, Ohio registration, or firm registration;	44438 44439 44440
(2) Disqualify a person who is not a holder of an Ohio permit or a foreign certificate from owning an equity interest in a public accounting firm or qualified firm;	44441 44442 44443
(3) Publicly censure a registered firm or a holder of a CPA	44444

certificate, a PA registration, an Ohio permit, or an Ohio 44445
registration; 44446

(4) Levy against a registered firm or a holder of a CPA 44447
certificate, a PA registration, an Ohio permit, or an Ohio 44448
registration a penalty or fine not to exceed five thousand dollars 44449
for each offense. Any fine shall be reasonable and in relation to 44450
the severity of the offense. 44451

(5) In the case of violations of division (A)(2) or (4) of 44452
this section, require completion of remedial continuing education 44453
programs prescribed by the board in addition to those required by 44454
section 4701.11 of the Revised Code; 44455

(6) In the case of violations of division (A)(2) or (4) of 44456
this section, require the holder of a CPA certificate, PA 44457
registration, or firm registration to submit to a peer review by a 44458
professional committee designated by the board, which committee 44459
shall report to the board concerning that holder's compliance with 44460
generally accepted accounting principles, generally accepted 44461
auditing standards, or other generally accepted technical 44462
standards; 44463

(7) Revoke or suspend the privileges to offer or render 44464
attest services in this state or to use a CPA title or designation 44465
in this state of an individual who holds a foreign certificate. 44466

(C) If the board levies a fine against or suspends the 44467
certificate of a person or registration of a person or firm for a 44468
violation of division (A)(2) or (4) of this section, it may waive 44469
all or any portion of the fine or suspension if the holder of the 44470
CPA certificate, PA registration, or firm registration complies 44471
fully with division (B)(5) or (6) of this section. 44472

(D) A person engaged in the practice of public accounting 44473
shall not be subject to discipline by the accountancy board solely 44474
because the person provided professional accounting services to 44475

the holder of a license under Chapter 3796. of the Revised Code. 44476

Sec. 4705.10. (A) All of the following apply to an 44477
interest-bearing trust account established under authority of 44478
section 4705.09 of the Revised Code: 44479

(1) All funds in the account shall be subject to withdrawal 44480
upon request and without delay, or as soon as is permitted by 44481
federal law; 44482

(2) The rate of interest payable on the account shall not be 44483
less than the rate paid by the depository institution to regular, 44484
nonattorney depositors. Higher rates offered by the institution to 44485
customers whose deposits exceed certain time or quantity 44486
qualifications, such as those offered in the form of certificates 44487
of deposit, may be obtained by a person or law firm establishing 44488
the account if there is no impairment of the right to withdraw or 44489
transfer principal immediately. 44490

(3) The depository institution shall be directed, by the 44491
person or law firm establishing the account, to do all of the 44492
following: 44493

(a) Remit interest or dividends, whichever is applicable, on 44494
the average monthly balance in the account or as otherwise 44495
computed in accordance with the institution's standard accounting 44496
practice, less reasonable service charges, to the treasurer of 44497
state at least quarterly for deposit in the legal aid fund 44498
established under section 120.52 of the Revised Code; 44499

(b) Transmit to the treasurer of state, upon its request, to 44500
the Ohio ~~Legal Assistance Foundation~~ access to justice foundation, 44501
and the depositing attorney, law firm, or legal professional 44502
association upon the attorney's, firm's, or association's request, 44503
at the time of each remittance required by division (A)(3)(a) of 44504
this section, a statement showing the name of the attorney for 44505

whom or the law firm or legal professional association for which 44506
the remittance is sent, the rate of interest applied, the 44507
accounting period, the net amount remitted to the treasurer of 44508
state for each account, the total remitted, the average account 44509
balance for each month of the period for which the report is made, 44510
and the amount deducted for service charges; 44511

(4) The depository institution shall notify the office of 44512
disciplinary counsel or other entity designated by the supreme 44513
court on each occasion when a properly payable instrument is 44514
presented for payment from the account, and the account contains 44515
insufficient funds. The depository institution shall provide this 44516
notice without regard to whether the instrument is honored by the 44517
depository institution. The depository institution shall provide 44518
the notice described in division (A)(4) of this section by 44519
electronic or other means within five banking days of the date 44520
that the instrument was honored or returned as dishonored. The 44521
notice shall contain all of the following: 44522

(a) The name and address of the depository institution; 44523

(b) The name and address of the lawyer, law firm, or legal 44524
professional association that maintains the account; 44525

(c) The account number and either the amount of the overdraft 44526
and the date issued or the amount of the dishonored instrument and 44527
the date returned. 44528

(B)(1) The statements and reports of individual depositor 44529
information made under divisions (A)(3) and (4) of this section 44530
are confidential and shall be used only for purposes of 44531
administering the legal aid fund and for enforcement of the rules 44532
of professional conduct adopted by the supreme court. 44533

(2) A depository institution may charge the lawyer, law firm, 44534
or legal professional association that maintains the account with 44535
fees associated with producing and mailing a notice required by 44536

division (A)(4) of this section but shall not deduct such fees 44537
from the interest earned on the account. 44538

Sec. 4712.02. (A) A credit services organization shall file a 44539
registration application with, and receive a certificate of 44540
registration from, the division of financial institutions before 44541
conducting business in this state. The registration application 44542
shall be accompanied by a one-hundred-dollar fee and shall contain 44543
all of the following information: 44544

(1) The name and address of the credit services organization; 44545

(2) The name and address of any person that directly or 44546
indirectly owns or controls ten per cent or more of the 44547
outstanding shares of stock in the organization; 44548

(3) Either of the following: 44549

(a) A full and complete disclosure of any litigation 44550
commenced against the organization or unresolved complaint that 44551
relates to the operation of the organization and that is filed 44552
with the attorney general, the secretary of state, or any other 44553
governmental authority of the United States, this state, or any 44554
other state of the United States; 44555

(b) A notarized statement stating that no litigation has been 44556
commenced and no unresolved complaint relating to the operation of 44557
the organization has been filed with the attorney general, the 44558
secretary of state, or any other governmental authority of the 44559
United States, this state, or any other state of the United 44560
States. 44561

(4) Any other information required at any time by the 44562
division. 44563

(B)(1) Except as otherwise provided in division (B)(2) of 44564
this section, each credit services organization shall notify the 44565
division in writing within thirty days after the date of a change 44566

in the information required by division (A) of this section. 44567

(2) Each organization shall notify the division in writing no 44568
later than thirty days prior to any change in the information 44569
required by division (A)(1) or (2) of this section and shall 44570
receive approval from the division before making any such change. 44571

(C)(1) A credit services organization shall attach both of 44572
the following to the registration application submitted pursuant 44573
to division (A) of this section: 44574

(a) A copy of the contract that the organization intends to 44575
execute with its customers; 44576

(b) Evidence of the bond required under section 4712.06 of 44577
the Revised Code. 44578

(2) Any modification made to the contract described in 44579
division (C)(1)(a) of this section shall be filed with the 44580
division prior to its use by the organization. 44581

(D) Each credit services organization registering under this 44582
section shall maintain a copy of the registration application in 44583
its files. The organization shall allow a buyer to inspect the 44584
registration application upon request. 44585

(E) Each nonresident credit services organization registering 44586
under this section shall designate and maintain a resident of this 44587
state as the organization's statutory agent for purposes of 44588
receipt of service of process. 44589

(F) If, in order to issue a certificate of registration to a 44590
credit services organization, investigation by the division 44591
outside this state is necessary, the division may require the 44592
organization to advance sufficient funds to pay the actual 44593
expenses of the investigation. 44594

(G) Each credit services organization registering under this 44595
section shall use no more than one fictitious or trade name. 44596

(H)(1) A certificate of registration issued by the division 44597
pursuant to this section shall expire annually on the thirtieth 44598
day of April, or annually on a different date established by the 44599
superintendent pursuant to section 1181.23 of the Revised Code. 44600

(2) A credit services organization may renew its certificate 44601
of registration by filing with the division a renewal application 44602
accompanied by a one-hundred-dollar renewal fee. 44603

(I) All money collected by the division pursuant to this 44604
section shall be deposited by it in the state treasury to the 44605
credit of the consumer finance fund. 44606

(J)(1) No credit services organization shall fail to comply 44607
with division (A) of this section. 44608

(2) No credit services organization shall fail to comply with 44609
division (B), (D), (E), (F), or (G) of this section. 44610

Sec. 4713.14. No individual shall do any of the following: 44611

(A) Use fraud or deceit in making application for a license, 44612
permit, or registration; 44613

(B) Aid or abet any individual or entity in any of the 44614
following: 44615

(1) Violating this chapter or a rule adopted under it; 44616

(2) Obtaining a license, permit, or registration 44617
fraudulently; 44618

(3) Falsely pretending to hold a current, valid license or 44619
permit. 44620

(C) Practice a branch of cosmetology, for pay, free, or 44621
otherwise, without one of the following authorizing the practice 44622
of that branch of cosmetology: 44623

(1) A current, valid license under section 4713.28, 4713.30, 44624
or 4713.34 of the Revised Code; 44625

(2) A current, valid temporary pre-examination work permit issued under section 4713.22 of the Revised Code;	44626 44627
(3) A current, valid temporary special occasion work permit issued under section 4713.37 of the Revised Code;	44628 44629
(4) A current, valid temporary work permit issued under rules adopted by the board pursuant to section 4713.08 of the Revised Code;	44630 44631 44632
(5) A current, valid registration under section 4713.69 of the Revised Code.	44633 44634
(D) Employ an individual to practice a branch of cosmetology if the individual does not hold one of the following authorizing the practice of that branch of cosmetology:	44635 44636 44637
(1) A current, valid license under section 4713.28, 4713.30, or 4713.34 of the Revised Code;	44638 44639
(2) A current, valid temporary pre-examination work permit issued under section 4713.22 of the Revised Code;	44640 44641
(3) A current, valid temporary special occasion work permit issued under section 4713.37 of the Revised Code;	44642 44643
(4) A current, valid temporary work permit issued under rules adopted by the board pursuant to section 4713.08 of the Revised Code;	44644 44645 44646
(5) A current, valid registration under section 4713.69 of the Revised Code.	44647 44648
(E) Except for apprentice instructors and as provided in section 4713.45 of the Revised Code, teach the theory or practice of a branch of cosmetology at a school of cosmetology without either of the following authorizing the teaching of that branch of cosmetology:	44649 44650 44651 44652 44653
(1) A current, valid license under section 4713.31 or 4713.34 of the Revised Code;	44654 44655

(2) A current, valid temporary special occasion work permit issued under section 4713.37 of the Revised Code. 44656
44657

(F) Advertise or operate a glamour photography service in which a branch of cosmetology is practiced unless the individual practicing the branch of cosmetology holds either of the following authorizing the practice of that branch of cosmetology: 44658
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(1) A current, valid license under section 4713.28, 4713.30, or 4713.34 of the Revised Code; 44662
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(2) A current, valid temporary special occasion work permit issued under section 4713.37 of the Revised Code. 44664
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(G) Advertise or operate a glamour photography service in which a branch of cosmetology is practiced at a location not specified by rules adopted under section 4713.08 of the Revised Code; 44666
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(H) Practice a branch of cosmetology at a salon as an independent contractor without a current, valid independent contractor license issued under section 4713.39 of the Revised Code; 44670
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(I) Operate a salon without a current, valid license under section 4713.41 of the Revised Code; 44674
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(J) Provide cosmetic therapy or massage therapy at a salon for pay, free, or otherwise without a current, valid ~~certificate~~ license issued by the state medical board under section 4731.15 of the Revised Code or provide any other professional service at a salon for pay, free, or otherwise without a current, valid license or certificate issued by the professional regulatory board of this state that regulates the profession; 44676
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(K) Teach a branch of cosmetology at a salon, unless the individual receiving the instruction holds either of the following authorizing the practice of that branch of cosmetology: 44683
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(1) A current, valid license under section 4713.28, 4713.30, or 4713.34 of the Revised Code;	44686 44687
(2) A current, valid temporary pre-examination work permit issued under section 4713.22 of the Revised Code.	44688 44689
(L) Operate a school of cosmetology without a current, valid license under section 4713.44 of the Revised Code;	44690 44691
(M) At a salon or school of cosmetology, do any of the following:	44692 44693
(1) Use or possess a cosmetic product containing an ingredient that the United States food and drug administration has prohibited by regulation;	44694 44695 44696
(2) Use a cosmetic product in a manner inconsistent with a restriction established by the United States food and drug administration by regulation;	44697 44698 44699
(3) Use or possess a liquid nail monomer containing any trace of methyl methacrylate (MMA).	44700 44701
(N) While in charge of a salon or school of cosmetology, permit any individual to sleep in, or use for residential purposes, any room used wholly or in part as the salon or school of cosmetology;	44702 44703 44704 44705
(O) Maintain, as an established place of business for the practice of one or more of the branches of cosmetology, a room used wholly or in part for sleeping or residential purposes;	44706 44707 44708
(P) Operate a tanning facility that is offered to the public for a fee or other compensation without a current, valid permit under section 4713.48 of the Revised Code;	44709 44710 44711
(Q) Practice a branch of cosmetology in a location other than a licensed facility unless otherwise exempted under section 4713.16 or 4713.17 of the Revised Code;	44712 44713 44714
(R) Use any of the services or arts that are part of	44715

cosmetology to treat or attempt to cure a physical or mental 44716
disease or ailment. 44717

Sec. 4713.16. (A) This chapter does not prohibit any of the 44718
following: 44719

(1) Practicing a branch of cosmetology without a license or 44720
registration if the individual does so for free at the 44721
individual's home for a family member who resides in the same 44722
household as the individual; 44723

(2) The retail sale, or trial demonstration by application to 44724
the skin for purposes of retail sale, of cosmetics, preparations, 44725
tonics, antiseptics, creams, lotions, wigs, or hairpieces without 44726
a practicing license or registration; 44727

(3) The retailing, at a salon, of cosmetics, preparations, 44728
tonics, antiseptics, creams, lotions, wigs, hairpieces, clothing, 44729
or any other items that pose no risk of creating unsanitary 44730
conditions at the salon; 44731

(4) The provision of glamour photography services at a 44732
licensed salon if either of the following is the case: 44733

(a) A branch of cosmetology is not practiced as part of the 44734
services. 44735

(b) If a branch of cosmetology is practiced as part of the 44736
services, the part of the services that is a branch of cosmetology 44737
is performed by an individual who holds either of the following 44738
authorizing the individual to practice that branch of cosmetology: 44739

(i) A current, valid license under section 4713.28, 4713.30, 44740
or 4713.34 of the Revised Code; 44741

(ii) A current, valid temporary special occasion work permit 44742
issued under section 4713.37 of the Revised Code. 44743

(5) A student engaging, as a student, in work connected with 44744

a branch of cosmetology taught at the school of cosmetology at 44745
which the student is enrolled; 44746

(6) Practicing a branch of cosmetology without a license or 44747
registration if the individual does so for free for the purpose of 44748
researching or developing a cosmetic as defined in section 3715.01 44749
of the Revised Code. 44750

(B) A student in a career-technical program learning a branch 44751
of cosmetology may continue developing skills in the respective 44752
branch of cosmetology after completing the required coursework or 44753
obtaining a license in the respective branch of cosmetology by 44754
working in the licensed career-technical school clinic if the 44755
student does not receive any compensation. This allowance 44756
terminates upon the graduation of the student from the 44757
career-technical school. 44758

Sec. 4713.17. (A) The following persons are exempt from the 44759
provisions of this chapter, except, as applicable, section 4713.42 44760
of the Revised Code: 44761

(1) All individuals authorized to practice medicine, surgery, 44762
dentistry, and nursing or any of its branches in this state; 44763

(2) Commissioned surgical and medical officers of the United 44764
States army, navy, air force, or marine hospital service when 44765
engaged in the actual performance of their official duties, and 44766
attendants attached to same; 44767

(3) Funeral directors, embalmers, and apprentices licensed or 44768
registered under Chapter 4717. of the Revised Code; 44769

(4) Persons who are engaged in the retail sale, cleaning, or 44770
beautification of wigs and hairpieces but who do not engage in any 44771
other act constituting the practice of a branch of cosmetology; 44772

(5) Volunteers of hospitals, and homes as defined in section 44773
3721.01 of the Revised Code, who render service to registered 44774

patients and inpatients who reside in such hospitals or homes. 44775
Such volunteers shall not use or work with any chemical products 44776
such as permanent wave, hair dye, or chemical hair relaxer, which 44777
without proper training would pose a health or safety problem to 44778
the patient. 44779

(6) Nurse aides and other employees of hospitals and homes as 44780
defined in section 3721.01 of the Revised Code, who practice a 44781
branch of cosmetology on registered patients only as part of 44782
general patient care services and who do not charge patients 44783
directly on a fee for service basis; 44784

(7) Cosmetic therapists and massage therapists who hold 44785
current, valid ~~certificates~~ licenses to practice cosmetic or 44786
massage therapy issued by the state medical board under section 44787
4731.15 of the Revised Code, to the extent their actions are 44788
authorized by their ~~certificates to practice~~ licenses; 44789

(8) Inmates who provide services related to a branch of 44790
cosmetology to other inmates, except when those services are 44791
provided in a licensed school of cosmetology within a state 44792
correctional institution for females. 44793

(B) The director of rehabilitation and correction shall 44794
oversee the services described in division (A)(8) of this section 44795
with respect to sanitation and adopt rules governing those types 44796
of services provided by inmates. 44797

Sec. 4713.42. An individual holding a current, valid 44798
~~certificate~~ license issued under section 4731.15 of the Revised 44799
Code to provide cosmetic therapy or massage therapy may provide 44800
cosmetic therapy or massage therapy, as appropriate, in a salon. 44801
An individual holding a current, valid license or certificate 44802
issued by a professional regulatory board of this state may 44803
practice the individual's profession in a salon if the 44804
individual's profession is authorized by rules adopted under 44805

section 4713.08 of the Revised Code to practice in a salon. 44806

An individual providing cosmetic therapy, massage therapy, or 44807
other professional service in a salon pursuant to this section 44808
shall satisfy the standards established by rules adopted under 44809
section 4713.08 of the Revised Code. 44810

Sec. 4715.22. (A)(1) This section applies only when a 44811
licensed dental hygienist is not practicing in accordance with 44812
either of the following: 44813

(a) A permit issued pursuant to section 4715.363 of the 44814
Revised Code authorizing practice under the oral health access 44815
supervision of a dentist; 44816

(b) Section 4715.431 of the Revised Code. 44817

(2) As used in this section, "health care facility" means 44818
either of the following: 44819

(a) A hospital registered under section 3701.07 of the 44820
Revised Code; 44821

(b) A ~~"home"~~ home, as defined in section 3721.01 of the 44822
Revised Code. 44823

(B) A licensed dental hygienist shall practice under the 44824
supervision, order, control, and full responsibility of a dentist 44825
licensed under this chapter. A dental hygienist may practice in a 44826
dental office, public or private school, health care facility, 44827
dispensary, or public institution. Except as provided in divisions 44828
(C) to (E) of this section, a dental hygienist may not provide 44829
dental hygiene services to a patient when the supervising dentist 44830
is not physically present at the location where the dental 44831
hygienist is practicing. 44832

(C) A dental hygienist may provide, for not more than fifteen 44833
consecutive business days, dental hygiene services to a patient 44834

when the supervising dentist is not physically present at the 44835
location where the services are provided if all of the following 44836
requirements are met: 44837

(1) The dental hygienist has at least one year and a minimum 44838
of one thousand five hundred hours of experience in the practice 44839
of dental hygiene. 44840

(2) The dental hygienist has successfully completed a course 44841
approved by the state dental board in the identification and 44842
prevention of potential medical emergencies. 44843

(3) The dental hygienist does not perform, while the 44844
supervising dentist is absent from the location, procedures while 44845
the patient is anesthetized, definitive root planing, definitive 44846
subgingival curettage, or other procedures identified in rules the 44847
state dental board adopts. 44848

(4) The supervising dentist has evaluated the dental 44849
hygienist's skills. 44850

(5) The supervising dentist examined the patient not more 44851
than one year prior to the date the dental hygienist provides the 44852
dental hygiene services to the patient. 44853

(6) The dental hygienist complies with written protocols or 44854
written standing orders that the supervising dentist establishes, 44855
including those established for emergencies. 44856

(7) The supervising dentist completed and evaluated a medical 44857
and dental history of the patient not more than one year prior to 44858
the date the dental hygienist provides dental hygiene services to 44859
the patient and, except when the dental hygiene services are 44860
provided in a health care facility, the supervising dentist 44861
determines that the patient is in a medically stable condition. 44862

(8) If the dental hygiene services are provided in a health 44863
care facility, a doctor of medicine and surgery or osteopathic 44864

medicine and surgery ~~who holds a current certificate issued~~ 44865
licensed under Chapter 4731. of the Revised Code or a registered 44866
nurse licensed under Chapter 4723. of the Revised Code is present 44867
in the health care facility when the services are provided. 44868

(9) In advance of the appointment for dental hygiene 44869
services, the patient is notified that the supervising dentist 44870
will be absent from the location and that the dental hygienist 44871
cannot diagnose the patient's dental health care status. 44872

(10) The dental hygienist is employed by, or under contract 44873
with, one of the following: 44874

(a) The supervising dentist; 44875

(b) A dentist licensed under this chapter who is one of the 44876
following: 44877

(i) The employer of the supervising dentist; 44878

(ii) A shareholder in a professional association formed under 44879
Chapter 1785. of the Revised Code of which the supervising dentist 44880
is a shareholder; 44881

(iii) A member or manager of a limited liability company 44882
formed under Chapter 1705. of the Revised Code of which the 44883
supervising dentist is a member or manager; 44884

(iv) A shareholder in a corporation formed under division (B) 44885
of section 1701.03 of the Revised Code of which the supervising 44886
dentist is a shareholder; 44887

(v) A partner or employee of a partnership or a limited 44888
liability partnership formed under Chapter 1775. or 1776. of the 44889
Revised Code of which the supervising dentist is a partner or 44890
employee. 44891

(c) A government entity that employs the dental hygienist to 44892
provide dental hygiene services in a public school or in 44893
connection with other programs the government entity administers. 44894

(D) A dental hygienist may provide dental hygiene services to a patient when the supervising dentist is not physically present at the location where the services are provided if the services are provided as part of a dental hygiene program that is approved by the state dental board and all of the following requirements are met:

(1) The program is operated through a school district board of education or the governing board of an educational service center; the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code; a national, state, district, or local dental association; or any other public or private entity recognized by the state dental board.

(2) The supervising dentist is employed by or a volunteer for, and the patients are referred by, the entity through which the program is operated.

(3)(a) Except as provided in division (D)(3)(b) of this section, the services are performed after examination and diagnosis by the dentist and in accordance with the dentist's written treatment plan.

(b) The requirement in division (D)(3)(a) of this section does not apply when the only services to be provided by the dental hygienist are the placement of pit and fissure sealants and the application of fluoride varnish.

(E) A dental hygienist may do any of the following when the supervising dentist is not physically present at the location where the services are provided, regardless of whether the dentist has examined the patient, if the dental hygienist is employed by, or under contract with, the supervising dentist or another person or government entity specified in division (C)(10)(b) or (c) of this section:

(1) Apply fluoride varnish;	44926
(2) Apply desensitizing agents, excluding silver diamine fluoride;	44927 44928
(3) Apply disclosing solutions;	44929
(4) Apply pit and fissure sealants;	44930
(5) Recement temporary crowns or recement crowns with temporary cement;	44931 44932
(6) Conduct caries susceptibility testing;	44933
(7) Provide instruction on oral hygiene home care, including the use of toothbrushes and dental floss;	44934 44935
(8) Discuss general nonmedical nutrition information for the purpose of maintaining good oral health.	44936 44937
As used in division (E)(8) of this section, "general nonmedical nutrition information" means information on the following: principles of good nutrition and food preparation, food to be included in the normal daily diet, the essential nutrients needed by the body, recommended amounts of the essential nutrients, the actions of nutrients on the body, the effects of deficiencies or excesses of nutrients, or food and supplements that are good sources of essential nutrients.	44938 44939 44940 44941 44942 44943 44944 44945
(F) No person shall do either of the following:	44946
(1) Practice dental hygiene in a manner that is separate or otherwise independent from the dental practice of a supervising dentist;	44947 44948 44949
(2) Establish or maintain an office or practice that is primarily devoted to the provision of dental hygiene services.	44950 44951
(G) The state dental board shall adopt rules under division (C) of section 4715.03 of the Revised Code identifying procedures a dental hygienist may not perform when practicing in the absence	44952 44953 44954

of the supervising dentist pursuant to division (C) or (D) of this section. 44955
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Sec. 4715.52. (A) Except as provided in division (B) of this section, no person shall practice or hold that person out as a dental x-ray machine operator without a valid certificate issued under section 4715.53 of the Revised Code. 44957
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(B) Division (A) of this section does not apply to any of the following: 44961
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(1) Dentists or dental hygienists licensed under this chapter; 44963
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(2) As specified in 42 C.F.R. 75, radiologic personnel employed by the federal government or serving in a branch of the armed forces of the United States; 44965
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(3) Students engaging in any of the activities performed by dental x-ray machine operators as an integral part of a program of study leading to receipt of a license or certificate issued under this chapter, or a license issued under Chapter 4731., 4734., or Chapter 4773. of the Revised Code, ~~or a certificate issued under Chapter 4731. of the Revised Code.~~ 44968
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Sec. 4717.03. (A) Members of the board of embalmers and funeral directors shall annually in July, or within thirty days after the senate's confirmation of the new members appointed in that year, meet and organize by selecting from among its members a president, vice-president, and secretary-treasurer. The board may hold other meetings as it determines necessary. A quorum of the board consists of four members, of whom at least three shall be members who are funeral directors. The concurrence of at least four members is necessary for the board to take any action. The president and secretary-treasurer shall sign all licenses issued under this chapter and affix the board's seal to each license. 44974
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(B) The board may appoint an individual who is not a member of the board to serve as executive director of the board. The executive director serves at the pleasure of the board and shall do all of the following:

(1) Serve as the board's chief administrative officer;

(2) Act as custodian of the board's records;

(3) Execute all of the board's orders;

(4) Employ staff who are not members of the board and who serve at the pleasure of the executive director to provide any assistance that the board considers necessary.

(C) In executing the board's orders as required by division (B)(3) of this section, the executive director may enter the premises, establishment, office, or place of business of any embalmer, funeral director, or crematory operator in this state. The executive director may serve and execute any process issued by any court under this chapter.

(D) The executive director may employ necessary inspectors, who shall be licensed embalmers and funeral directors. An inspector employed by the executive director may enter the premises, establishment, office, or place of business of any embalmer, funeral director, or crematory operator, embalming facility, funeral home, or crematory facility in this state, for the purposes of inspecting the facility and premises; the license, permit, and ~~registration~~ certification of embalmers, funeral directors, and crematory operators operating in the facility; and the license of the funeral home, embalming facility, or crematory facility and perform any other duties delegated to the inspector by the board or assigned to the inspector by the executive director. The executive director may enter the facility or premises of a funeral home, embalming facility, or crematory for the purpose of an inspection if accompanied by an inspector or, if

an inspector is not available, when a situation presents a danger 45016
of immediate and serious harm to the public. 45017

(E) The president of the board shall designate three of the 45018
board's members to serve on the crematory review board, which is 45019
hereby created, for such time as the president finds appropriate 45020
to carry out the provisions of this chapter. Those members of the 45021
crematory review board designated by the president to serve and 45022
three members designated by the cemetery dispute resolution 45023
commission shall designate, by a majority vote, one person who 45024
holds a crematory operator permit, who is experienced in the 45025
operation of a crematory facility, and who is not affiliated with 45026
a cemetery or a funeral home to serve on the crematory review 45027
board for such time as the crematory review board finds 45028
appropriate. Members serving on the crematory review board shall 45029
not receive any additional compensation for serving on the board, 45030
but may be reimbursed for their actual and necessary expenses 45031
incurred in the performance of official duties as members of the 45032
board. Members of the crematory review board shall designate one 45033
from among its members to serve as a chairperson for such time as 45034
the board finds appropriate. Costs associated with conducting an 45035
adjudicatory hearing in accordance with division (F) of this 45036
section shall be paid from funds available to the board of 45037
embalmers and funeral directors. 45038

(F) Upon receiving written notice from the board of embalmers 45039
and funeral directors of any of the following, the crematory 45040
review board shall conduct an adjudicatory hearing on the matter 45041
in accordance with Chapter 119. of the Revised Code, except as 45042
otherwise provided in this section or division (C) of section 45043
4717.14 of the Revised Code: 45044

(1) Notice provided under division (I) of this section of an 45045
alleged violation of any provision of this chapter or any rules 45046
adopted under this chapter governing or in connection with 45047

crematory operators, crematory facilities, or cremation; 45048

(2) Notice provided under division (B) of section 4717.14 of 45049
the Revised Code that the board of embalmers and funeral directors 45050
proposes to refuse to grant or renew, or to suspend or revoke, a 45051
license to operate a crematory facility; 45052

(3) Notice provided under division (C) of section 4717.14 of 45053
the Revised Code that the board of embalmers and funeral directors 45054
has issued an order summarily suspending a crematory operator 45055
permit or a license to operate a crematory facility; 45056

(4) Notice provided under division (B) of section 4717.15 of 45057
the Revised Code that the board of embalmers and funeral directors 45058
proposes to issue a notice of violation and order requiring 45059
payment of a forfeiture for any violation described in divisions 45060
(A)(9)(a) to (g) of section 4717.04 of the Revised Code alleged in 45061
connection with a crematory operator, crematory facility, or 45062
cremation. 45063

Nothing in division (F) of this section precludes the 45064
crematory review board from appointing an independent examiner in 45065
accordance with section 119.09 of the Revised Code to conduct any 45066
adjudication hearing required under division (F) of this section. 45067

The crematory review board shall submit a written report of 45068
findings and advisory recommendations, and a written transcript of 45069
its proceedings, to the board of embalmers and funeral directors. 45070
The board of embalmers and funeral directors shall serve a copy of 45071
the written report of the crematory review board's findings and 45072
advisory recommendations on the party to the adjudication or the 45073
party's attorney, by certified mail, within five days after 45074
receiving the report and advisory recommendations. A party may 45075
file objections to the written report with the board of embalmers 45076
and funeral directors within ten days after receiving the report. 45077
No written report is final or appealable until it is issued as a 45078

final order by the board of embalmers and funeral directors and 45079
entered on the record of the proceedings. The board of embalmers 45080
and funeral directors shall consider objections filed by the party 45081
prior to issuing a final order. After reviewing the findings and 45082
advisory recommendations of the crematory review board, the 45083
written transcript of the crematory review board's proceedings, 45084
and any objections filed by a party, the board of embalmers and 45085
funeral directors shall issue a final order in the matter. Any 45086
party may appeal the final order issued by the board of embalmers 45087
and funeral directors in a matter described in divisions (F)(1) to 45088
(4) of this section in accordance with section 119.12 of the 45089
Revised Code, except that the appeal may be made to the court of 45090
common pleas in the county in which is located the crematory 45091
facility to which the final order pertains, or in the county in 45092
which the party resides. 45093

(G) On its own initiative or on receiving a written complaint 45094
from any person whose identity is made known to the board of 45095
embalmers and funeral directors, the board shall investigate the 45096
acts or practices of any person holding or claiming to hold a 45097
license, permit, or ~~registration~~ certification under this chapter 45098
that, if proven to have occurred, would violate this chapter or 45099
any rules adopted under it. The board may compel witnesses by 45100
subpoena to appear and testify in relation to investigations 45101
conducted under this chapter and may require by subpoena duces 45102
tecum the production of any book, paper, or document pertaining to 45103
an investigation. If a person does not comply with a subpoena or 45104
subpoena duces tecum, the board may apply to the court of common 45105
pleas of any county in this state for an order compelling the 45106
person to comply with the subpoena or subpoena duces tecum, or for 45107
failure to do so, to be held in contempt of court. 45108

(H) If, as a result of its investigation conducted under 45109
division (G) of this section, the board of embalmers and funeral 45110

directors has reasonable cause to believe that the person 45111
investigated is violating any provision of this chapter or any 45112
rules adopted under this chapter governing or in connection with 45113
embalming, funeral directing, cremation, funeral homes, embalming 45114
facilities, or cremation facilities, or the operation of funeral 45115
homes, embalming facilities, or crematory facilities, it may, 45116
after providing the opportunity for an adjudicatory hearing, issue 45117
an order directing the person to cease the acts or practices that 45118
constitute the violation. The board shall conduct the adjudicatory 45119
hearing in accordance with Chapter 119. of the Revised Code except 45120
that, notwithstanding the provisions of that chapter, the 45121
following shall apply: 45122

(1) The board shall send the notice informing the person of 45123
the person's right to a hearing by certified mail. 45124

(2) The person is entitled to a hearing only if the person 45125
requests a hearing and if the board receives the request within 45126
thirty days after the mailing of the notice described in division 45127
(H)(1) of this section. 45128

(3) A stenographic record shall be taken, in the manner 45129
prescribed in section 119.09 of the Revised Code, at every 45130
adjudicatory hearing held under this section, regardless of 45131
whether the record may be the basis of an appeal to a court. 45132

(I) If, as a result of its investigation conducted under 45133
division (G) of this section, the board of embalmers and funeral 45134
directors has reasonable cause to believe that the person 45135
investigated is violating any provision of this chapter or any 45136
rules adopted under this chapter governing or in connection with 45137
crematory operators, crematory facilities, or cremation, the board 45138
shall send written notice of the alleged violation to the 45139
crematory review board. If, after the conclusion of the 45140
adjudicatory hearing in the matter conducted under division (F) of 45141
this section, the board of embalmers and funeral directors finds 45142

that a person is in violation of any provision of this chapter or 45143
any rules adopted under this chapter governing or in connection 45144
with crematory operators, crematory facilities, or cremation, the 45145
board may issue a final order under that division directing the 45146
person to cease the acts or practices that constitute the 45147
violation. 45148

(J) The board of embalmers and funeral directors may bring a 45149
civil action to enjoin any violation or threatened violation of 45150
sections 4717.01 to 4717.15 of the Revised Code or a rule adopted 45151
under any of those sections; division (A) or (B) of section 45152
4717.23; division (B)(1) or (2), (C)(1) or (2), (D), (E), or 45153
(F)(1) or (2), or divisions (H) to (K) of section 4717.26; 45154
division (D)(1) of section 4717.27; divisions (A) to (C) of 45155
section 4717.28, or division (D) or (E) of section 4717.31 of the 45156
Revised Code. The action shall be brought in the county where the 45157
violation occurred or the threatened violation is expected to 45158
occur. At the request of the board, the attorney general shall 45159
represent the board in any matter arising under this chapter. 45160

(K) The board of embalmers and funeral directors and the 45161
crematory review board may issue subpoenas for any person holding 45162
a license or permit under this chapter or persons holding 45163
themselves out as such, or for any other person whose testimony, 45164
in the opinion of either board, is necessary. The subpoena shall 45165
require the person to appear before the appropriate board or any 45166
designated member of either board, upon any hearing conducted 45167
under this chapter. The penalty for disobedience to the command of 45168
such a subpoena is the same as for refusal to answer such a 45169
process issued under authority of the court of common pleas. 45170

(L) Except as provided in section 4717.41 of the Revised 45171
Code, all moneys received by the board of embalmers and funeral 45172
directors from any source shall be deposited in the state treasury 45173
to the credit of the occupational licensing and regulatory fund 45174

created in section 4743.05 of the Revised Code. 45175

(M) The board of embalmers and funeral directors shall submit 45176
a written report to the governor on or before the first Monday of 45177
July of each year. This report shall contain a detailed statement 45178
of the nature and amount of the board's receipts and the amount 45179
and manner of its expenditures. 45180

Sec. 4717.05. (A) Any person who desires to be licensed as an 45181
embalmer shall apply to the board of embalmers and funeral 45182
directors on a form provided by the board. The applicant shall 45183
include with the application an initial license fee as set forth 45184
in section 4717.07 of the Revised Code and evidence, verified by 45185
oath and satisfactory to the board, that the applicant meets all 45186
of the following requirements: 45187

(1) The applicant is at least eighteen years of age and of 45188
good moral character. 45189

(2) If the applicant has pleaded guilty to, has been found by 45190
a judge or jury to be guilty of, or has had a judicial finding of 45191
eligibility for treatment in lieu of conviction entered against 45192
the applicant in this state for aggravated murder, murder, 45193
voluntary manslaughter, felonious assault, kidnapping, rape, 45194
sexual battery, gross sexual imposition, aggravated arson, 45195
aggravated robbery, or aggravated burglary, or has pleaded guilty 45196
to, has been found by a judge or jury to be guilty of, or has had 45197
a judicial finding of eligibility for treatment in lieu of 45198
conviction entered against the applicant in another jurisdiction 45199
for a substantially equivalent offense, at least five years has 45200
elapsed since the applicant was released from incarceration, a 45201
community control sanction, a post-release control sanction, 45202
parole, or treatment in connection with the offense. 45203

(3) The applicant holds at least a bachelor's degree from a 45204
college or university authorized to confer degrees by the 45205

department of higher education or the comparable legal agency of 45206
another state in which the college or university is located and 45207
submits an official transcript from that college or university 45208
with the application. 45209

(4) The applicant has satisfactorily completed at least 45210
twelve months of instruction in a prescribed course in mortuary 45211
science as approved by the board and has presented to the board a 45212
certificate showing successful completion of the course. The 45213
course of mortuary science college training may be completed 45214
either before or after the completion of the educational standard 45215
set forth in division (A)(3) of this section. 45216

(5) The applicant has ~~registered with~~ been certified by the 45217
board prior to beginning an embalmer apprenticeship. 45218

(6) The applicant has satisfactorily completed at least one 45219
year of apprenticeship under an embalmer licensed in this state 45220
and has participated in embalming at least twenty-five dead human 45221
bodies. 45222

(7) The applicant, upon meeting the educational standards 45223
provided for in divisions (A)(3) and (4) of this section and 45224
completing the apprenticeship required in division (A)(6) of this 45225
section, has completed the examination for an embalmer's license 45226
required by the board. 45227

(B) Upon receiving satisfactory evidence verified by oath 45228
that the applicant meets all the requirements of division (A) of 45229
this section, the board shall issue the applicant an embalmer's 45230
license. 45231

(C) Any person who desires to be licensed as a funeral 45232
director shall apply to the board on a form prescribed by the 45233
board. The application shall include an initial license fee as set 45234
forth in section 4717.07 of the Revised Code and evidence, 45235
verified by oath and satisfactory to the board, that the applicant 45236

meets all of the following requirements: 45237

(1) Except as otherwise provided in division (D) of this 45238
section, the applicant has satisfactorily met all the requirements 45239
for an embalmer's license as described in divisions (A)(1) to (4) 45240
of this section. 45241

(2) The applicant has ~~registered with~~ been certified by the 45242
board prior to beginning a funeral director apprenticeship. 45243

(3) The applicant, following mortuary science college 45244
training described in division (A)(4) of this section, has 45245
satisfactorily completed a one-year apprenticeship under a 45246
licensed funeral director in this state and has participated in 45247
directing at least twenty-five funerals. 45248

(4) The applicant has satisfactorily completed the 45249
examination for a funeral director's license as required by the 45250
board. 45251

(D) In lieu of mortuary science college training required for 45252
a funeral director's license under division (C)(1) of this 45253
section, the applicant may substitute a satisfactorily completed 45254
two-year apprenticeship under a licensed funeral director in this 45255
state assisting that person in directing at least fifty funerals. 45256

(E) Upon receiving satisfactory evidence that the applicant 45257
meets all the requirements of division (C) of this section, the 45258
board shall issue to the applicant a funeral director's license. 45259

(F) A funeral director or embalmer may request the funeral 45260
director's or embalmer's license be placed on inactive status by 45261
submitting to the board a form prescribed by the board and such 45262
other information as the board may request. A funeral director or 45263
embalmer may not place the funeral director's or embalmer's 45264
license on inactive status unless the funeral director or embalmer 45265
is in good standing with the board and is in compliance with 45266
applicable continuing education requirements. A funeral director 45267

or embalmer who is granted inactive status is prohibited from 45268
participating in any activity for which a funeral director's or 45269
embalmer's license is required in this state. A funeral director 45270
or embalmer who has been granted inactive status is exempt from 45271
the continuing education requirements under section 4717.09 of the 45272
Revised Code during the period of the inactive status. 45273

(G) A funeral director or embalmer who has been granted 45274
inactive status may not return to active status for at least two 45275
years following the date that the inactive status was granted. 45276
Following a period of at least two years of inactive status, the 45277
funeral director or embalmer may apply to return to active status 45278
upon completion of all of the following conditions: 45279

(1) The funeral director or embalmer files with the board a 45280
form prescribed by the board seeking active status and provides 45281
any other information as the board may request; 45282

(2) The funeral director or embalmer takes and passes the 45283
Ohio laws examination for each license being activated; 45284

(3) The funeral director or embalmer pays a reactivation fee 45285
to the board in the amount of one hundred forty dollars for each 45286
license being reactivated. 45287

(H) As used in this section: 45288

(1) "Community control sanction" has the same meaning as in 45289
section 2929.01 of the Revised Code. 45290

(2) "Post-release control sanction" has the same meaning as 45291
in section 2967.01 of the Revised Code. 45292

Sec. 4717.07. (A) The board of embalmers and funeral 45293
directors shall charge and collect the following fees: 45294

(1) For applying for an initial or biennial renewal of an 45295
embalmer's or funeral director's license, ~~one~~ two hundred ~~fifty~~ 45296
dollars; 45297

(2) For applying for an embalmer or funeral director registration, twenty five dollars;	45298
	45299
(3) For filing <u>applying for</u> an embalmer or funeral director certificate of apprenticeship, ten <u>thirty-five</u> dollars;	45300
	45301
(4) <u>(3)</u> For the application to take the examination for a license to practice as an embalmer or funeral director, or to retake a section of the examination, thirty-five dollars;	45302
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	45304
(5) <u>(4)</u> For applying for an initial license to operate a funeral home, three <u>four</u> hundred fifty dollars and biennial renewal of a license to operate a funeral home, three <u>four</u> hundred fifty dollars;	45305
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	45308
(6) <u>(5)</u> For the reinstatement of a lapsed embalmer's or funeral director's license, the renewal fee prescribed in division (A)(1) of this section plus fifty dollars for each month or portion of a month the license is lapsed, but not more than one thousand dollars;	45309
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	45313
(7) <u>(6)</u> For the reinstatement of a lapsed license to operate a funeral home, the renewal fee prescribed in division (A) (5) <u>(4)</u> of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement, but not more than one thousand dollars;	45314
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	45318
(8) <u>(7)</u> For applying for a license to operate an embalming facility, three <u>four</u> hundred fifty dollars and biennial renewal of a license to operate an embalming facility, three <u>four</u> hundred fifty dollars;	45319
	45320
	45321
	45322
(9) <u>(8)</u> For the reinstatement of a lapsed license to operate an embalming facility, the renewal fee prescribed in division (A) (8) <u>(7)</u> of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement, but not more than one thousand dollars;	45323
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	45326
	45327

~~(10)~~(9) For applying for a license to operate a crematory facility, ~~three~~ four hundred ~~fifty~~ dollars and biennial renewal of a license to operate a crematory facility, ~~three~~ four hundred ~~fifty~~ dollars; 45328
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~~(11)~~(10) For the reinstatement of a lapsed license to operate a crematory facility, the renewal fee prescribed in division (A)~~(10)~~(9) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement, but not more than five hundred dollars; 45332
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~~(12)~~(11) For applying for the initial or biennial renewal of a crematory operator permit, one hundred fifty dollars; 45337
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~~(13)~~(12) For the reinstatement of a lapsed crematory operator permit, the renewal fee prescribed in division (A)~~(12)~~(11) of this section plus fifty dollars for each month or portion of a month the permit is lapsed, but not more than five hundred dollars; 45339
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~~(14)~~(13) For the issuance of a duplicate of a license issued under this chapter, ten dollars; 45343
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~~(15)~~(14) For each preneed funeral contract sold in the state other than those funded by the assignment of an existing insurance policy, ten dollars. 45345
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(B) In addition to the fees set forth in division (A) of this section, an applicant shall pay the examination fee assessed by any examining agency the board uses for any section of an examination required under this chapter. 45348
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(C) Subject to the approval of the controlling board, the board of embalmers and funeral directors may establish fees in excess of the amounts set forth in this section, provided that these fees do not exceed the amounts set forth in this section by more than fifty per cent. 45352
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Sec. 4717.41. (A) There is hereby created the preneed 45357

recovery fund, which shall be in the custody of the treasurer of 45358
state but shall not be part of the state treasury. All fees 45359
collected under division (A)~~(15)~~(14) of section 4717.07 of the 45360
Revised Code shall be deposited into the fund. The fund shall be 45361
used to reimburse purchasers of preneed funeral contracts who have 45362
suffered financial loss as a result of the malfeasance, 45363
misfeasance, default, failure, or insolvency in connection with 45364
the sale of a preneed funeral contract by any licensee under this 45365
chapter, regardless of whether the sale of such contract occurred 45366
before or after the establishment of the fund. The fund, and all 45367
investment earnings thereon, shall only be used for the purposes 45368
set forth in this section and shall not be used for any other 45369
purposes. The fund shall be administered by the board of embalmers 45370
and funeral directors. 45371

(B) All fees collected under division (A)~~(15)~~(14) of section 45372
4717.07 of the Revised Code shall be deposited into the fund. 45373
Deposits to and disbursements from the fund account shall be 45374
subject to rules established by the board. 45375

(C) If at the end of any fiscal year for this state, the 45376
balance in the fund exceeds two million dollars, the fee required 45377
by division (A)~~(15)~~(14) of section 4717.07 of the Revised Code for 45378
the upcoming fiscal year shall be reduced by fifty per cent. If 45379
the balance in the fund at the end of a fiscal year exceeds three 45380
million dollars, the payment of the fee required by division 45381
(A)~~(15)~~(14) of section 4717.07 of the Revised Code shall be 45382
suspended for the upcoming fiscal year. 45383

(D) The board shall adopt rules governing management of the 45384
fund, the presentation and processing of applications for 45385
reimbursement, subrogation, or assignment of the rights of any 45386
reimbursed applicant. 45387

(E) The board may expend moneys in the fund for the following 45388
purposes: 45389

(1) To make reimbursements on approved applications;	45390
(2) To purchase insurance to cover losses as considered	45391
appropriate by the board and not inconsistent with the purposes of	45392
the fund;	45393
(3) To invest such portions of the fund as are not currently	45394
needed to reimburse losses and maintain adequate reserves, as are	45395
permitted to be made by fiduciaries under the laws of this state;	45396
(4) To pay the expenses of the board for administering the	45397
fund, including employment of local counsel to prosecute	45398
subrogation claims.	45399
(F) Reimbursements from the fund shall be made only to the	45400
extent to which those losses are not bonded or otherwise covered,	45401
protected, or reimbursed and only after the applicant has complied	45402
with all applicable rules of the board.	45403
(G) The board shall investigate all applications made and may	45404
reject or allow such claims in whole or in part to the extent that	45405
moneys are available in the fund. The board shall have complete	45406
discretion to determine the order and manner of payment of	45407
approved applications. All payments shall be a matter of privilege	45408
and not of right, and no person shall have any right in the fund	45409
as a third-party beneficiary or otherwise. No attorney may be	45410
compensated by the board for prosecuting an application for	45411
reimbursement.	45412
(H) If reimbursement is made to an applicant under this	45413
section, the board shall be subrogated in the reimbursement amount	45414
and may bring any action it considers advisable against any	45415
person. The board may enforce any claims it may have for	45416
restitution or otherwise and may employ and compensate	45417
consultants, agents, legal counsel, accountants, and other persons	45418
it considers appropriate.	45419

Sec. 4723.08. (A) The board of nursing may impose fees not to 45420
exceed the following limits: 45421

(1) For application for licensure by examination or 45422
endorsement to practice nursing as a registered nurse or as a 45423
licensed practical nurse, seventy-five dollars; 45424

(2) For application for licensure to practice nursing as an 45425
advanced practice registered nurse, one hundred fifty dollars; 45426

(3) For application for a dialysis technician intern 45427
certificate, the amount specified in rules adopted under section 45428
4723.79 of the Revised Code; 45429

(4) For application for a dialysis technician certificate, 45430
the amount specified in rules adopted under section 4723.79 of the 45431
Revised Code; 45432

(5) For providing, pursuant to division (B) of section 45433
4723.271 of the Revised Code, written verification of a nursing 45434
license, dialysis technician certificate, medication aide 45435
certificate, or community health worker certificate to another 45436
jurisdiction, fifteen dollars; 45437

(6) For providing, pursuant to division (A) of section 45438
4723.271 of the Revised Code, a replacement copy of a wall 45439
certificate suitable for framing as described in that division, 45440
twenty-five dollars; 45441

(7) For renewal of a license to practice as a registered 45442
nurse or licensed practical nurse, sixty-five dollars; 45443

(8) For renewal of a license to practice as an advanced 45444
practice registered nurse, one hundred thirty-five dollars; 45445

(9) For renewal of a dialysis technician certificate, the 45446
amount specified in rules adopted under section 4723.79 of the 45447
Revised Code; 45448

(10) For processing a late application for renewal of a nursing license, certificate of authority , or dialysis technician certificate, fifty dollars;	45449 45450 45451
(11) For application for authorization to approve continuing education programs and courses from an applicant accredited by a national accreditation system for nursing, five hundred dollars;	45452 45453 45454
(12) For application for authorization to approve continuing education programs and courses from an applicant not accredited by a national accreditation system for nursing, one thousand dollars;	45455 45456 45457
(13) For each year for which authorization to approve continuing education programs and courses is renewed, one hundred fifty dollars;	45458 45459 45460
(14) For application for approval to operate a dialysis training program, the amount specified in rules adopted under section 4723.79 of the Revised Code;	45461 45462 45463
(15) For reinstatement of a lapsed license or certificate issued under this chapter, one hundred dollars except as provided in section 5903.10 of the Revised Code;	45464 45465 45466
(16) For processing a check returned to the board by a financial institution, twenty-five dollars;	45467 45468
(17) The amounts specified in rules adopted under section 4723.88 of the Revised Code pertaining to the issuance of certificates to community health workers, including fees for application for a certificate, renewal of a certificate, processing a late application for renewal of a certificate, reinstatement of a lapsed certificate, application for approval of a community health worker training program for community health workers, and renewal of the approval of a training program for community health workers.	45469 45470 45471 45472 45473 45474 45475 45476 45477
(B) Each quarter, for purposes of transferring funds under	45478

section 4743.05 of the Revised Code to the nurse education 45479
assistance fund created in section 3333.28 of the Revised Code, 45480
the board of nursing shall certify to the director of budget and 45481
management the number of licenses renewed under this chapter 45482
during the preceding quarter and the amount equal to that number 45483
times five dollars. 45484

(C) The board may charge a participant in a board-sponsored 45485
continuing education activity an amount not exceeding fifteen 45486
dollars for each activity. 45487

(D) The board may contract for services pertaining to the 45488
process of providing written verification of a license or 45489
certificate when the verification is performed for purposes other 45490
than providing verification to another jurisdiction. The contract 45491
may include provisions pertaining to the collection of the fee 45492
charged for providing the written verification. As part of these 45493
provisions, the board may permit the contractor to retain a 45494
portion of the fees as compensation, before any amounts are 45495
deposited into the state treasury. 45496

Sec. 4723.28. (A) The board of nursing, by a vote of a 45497
quorum, may impose one or more of the following sanctions if it 45498
finds that a person committed fraud in passing an examination 45499
required to obtain a license or dialysis technician certificate 45500
issued by the board or to have committed fraud, misrepresentation, 45501
or deception in applying for or securing any nursing license or 45502
dialysis technician certificate issued by the board: deny, revoke, 45503
suspend, or place restrictions on any nursing license or dialysis 45504
technician certificate issued by the board; reprimand or otherwise 45505
discipline a holder of a nursing license or dialysis technician 45506
certificate; or impose a fine of not more than five hundred 45507
dollars per violation. 45508

(B) The board of nursing, by a vote of a quorum, may impose 45509

one or more of the following sanctions: deny, revoke, suspend, or 45510
place restrictions on any nursing license or dialysis technician 45511
certificate issued by the board; reprimand or otherwise discipline 45512
a holder of a nursing license or dialysis technician certificate; 45513
or impose a fine of not more than five hundred dollars per 45514
violation. The sanctions may be imposed for any of the following: 45515

(1) Denial, revocation, suspension, or restriction of 45516
authority to engage in a licensed profession or practice a health 45517
care occupation, including nursing or practice as a dialysis 45518
technician, for any reason other than a failure to renew, in Ohio 45519
or another state or jurisdiction; 45520

(2) Engaging in the practice of nursing or engaging in 45521
practice as a dialysis technician, having failed to renew a 45522
nursing license or dialysis technician certificate issued under 45523
this chapter, or while a nursing license or dialysis technician 45524
certificate is under suspension; 45525

(3) Conviction of, a plea of guilty to, a judicial finding of 45526
guilt of, a judicial finding of guilt resulting from a plea of no 45527
contest to, or a judicial finding of eligibility for a pretrial 45528
diversion or similar program or for intervention in lieu of 45529
conviction for, a misdemeanor committed in the course of practice; 45530

(4) Conviction of, a plea of guilty to, a judicial finding of 45531
guilt of, a judicial finding of guilt resulting from a plea of no 45532
contest to, or a judicial finding of eligibility for a pretrial 45533
diversion or similar program or for intervention in lieu of 45534
conviction for, any felony or of any crime involving gross 45535
immorality or moral turpitude; 45536

(5) Selling, giving away, or administering drugs or 45537
therapeutic devices for other than legal and legitimate 45538
therapeutic purposes; or conviction of, a plea of guilty to, a 45539
judicial finding of guilt of, a judicial finding of guilt 45540

resulting from a plea of no contest to, or a judicial finding of 45541
eligibility for a pretrial diversion or similar program or for 45542
intervention in lieu of conviction for, violating any municipal, 45543
state, county, or federal drug law; 45544

(6) Conviction of, a plea of guilty to, a judicial finding of 45545
guilt of, a judicial finding of guilt resulting from a plea of no 45546
contest to, or a judicial finding of eligibility for a pretrial 45547
diversion or similar program or for intervention in lieu of 45548
conviction for, an act in another jurisdiction that would 45549
constitute a felony or a crime of moral turpitude in Ohio; 45550

(7) Conviction of, a plea of guilty to, a judicial finding of 45551
guilt of, a judicial finding of guilt resulting from a plea of no 45552
contest to, or a judicial finding of eligibility for a pretrial 45553
diversion or similar program or for intervention in lieu of 45554
conviction for, an act in the course of practice in another 45555
jurisdiction that would constitute a misdemeanor in Ohio; 45556

(8) Self-administering or otherwise taking into the body any 45557
dangerous drug, as defined in section 4729.01 of the Revised Code, 45558
in any way that is not in accordance with a legal, valid 45559
prescription issued for that individual, or self-administering or 45560
otherwise taking into the body any drug that is a schedule I 45561
controlled substance; 45562

(9) Habitual or excessive use of controlled substances, other 45563
habit-forming drugs, or alcohol or other chemical substances to an 45564
extent that impairs the individual's ability to provide safe 45565
nursing care or safe dialysis care; 45566

(10) Impairment of the ability to practice according to 45567
acceptable and prevailing standards of safe nursing care or safe 45568
dialysis care because of the use of drugs, alcohol, or other 45569
chemical substances; 45570

(11) Impairment of the ability to practice according to 45571

acceptable and prevailing standards of safe nursing care or safe dialysis care because of a physical or mental disability;	45572
	45573
(12) Assaulting or causing harm to a patient or depriving a patient of the means to summon assistance;	45574
	45575
(13) Misappropriation or attempted misappropriation of money or anything of value in the course of practice;	45576
	45577
(14) Adjudication by a probate court of being mentally ill or mentally incompetent. The board may reinstate the person's nursing license or dialysis technician certificate upon adjudication by a probate court of the person's restoration to competency or upon submission to the board of other proof of competency.	45578
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(15) The suspension or termination of employment by the United States department of defense or department of veterans affairs for any act that violates or would violate this chapter;	45583
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(16) Violation of this chapter or any rules adopted under it;	45586
(17) Violation of any restrictions placed by the board on a nursing license or dialysis technician certificate;	45587
	45588
(18) Failure to use universal and standard precautions established by rules adopted under section 4723.07 of the Revised Code;	45589
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	45591
(19) Failure to practice in accordance with acceptable and prevailing standards of safe nursing care or safe dialysis care;	45592
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(20) In the case of a registered nurse, engaging in activities that exceed the practice of nursing as a registered nurse;	45594
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(21) In the case of a licensed practical nurse, engaging in activities that exceed the practice of nursing as a licensed practical nurse;	45597
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(22) In the case of a dialysis technician, engaging in activities that exceed those permitted under section 4723.72 of	45600
	45601

the Revised Code;	45602
(23) Aiding and abetting a person in that person's practice of nursing without a license or practice as a dialysis technician without a certificate issued under this chapter;	45603 45604 45605
(24) In the case of an advanced practice registered nurse, except as provided in division (M) of this section, either of the following:	45606 45607 45608
(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers such nursing services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;	45609 45610 45611 45612 45613 45614
(b) Advertising that the nurse will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers such nursing services, would otherwise be required to pay.	45615 45616 45617 45618 45619
(25) Failure to comply with the terms and conditions of participation in the substance use disorder monitoring program established under section 4723.35 of the Revised Code;	45620 45621 45622
(26) Failure to comply with the terms and conditions required under the practice intervention and improvement program established under section 4723.282 of the Revised Code;	45623 45624 45625
(27) In the case of an advanced practice registered nurse:	45626
(a) Engaging in activities that exceed those permitted for the nurse's nursing specialty under section 4723.43 of the Revised Code;	45627 45628 45629
(b) Failure to meet the quality assurance standards established under section 4723.07 of the Revised Code.	45630 45631

(28) In the case of an advanced practice registered nurse 45632
other than a certified registered nurse anesthetist, failure to 45633
maintain a standard care arrangement in accordance with section 45634
4723.431 of the Revised Code or to practice in accordance with the 45635
standard care arrangement; 45636

(29) In the case of an advanced practice registered nurse who 45637
is designated as a clinical nurse specialist, certified 45638
nurse-midwife, or certified nurse practitioner, failure to 45639
prescribe drugs and therapeutic devices in accordance with section 45640
4723.481 of the Revised Code; 45641

(30) Prescribing any drug or device to perform or induce an 45642
abortion, or otherwise performing or inducing an abortion; 45643

(31) Failure to establish and maintain professional 45644
boundaries with a patient, as specified in rules adopted under 45645
section 4723.07 of the Revised Code; 45646

(32) Regardless of whether the contact or verbal behavior is 45647
consensual, engaging with a patient other than the spouse of the 45648
registered nurse, licensed practical nurse, or dialysis technician 45649
in any of the following: 45650

(a) Sexual contact, as defined in section 2907.01 of the 45651
Revised Code; 45652

(b) Verbal behavior that is sexually demeaning to the patient 45653
or may be reasonably interpreted by the patient as sexually 45654
demeaning. 45655

(33) Assisting suicide, as defined in section 3795.01 of the 45656
Revised Code; 45657

(34) Failure to comply with the requirements in section 45658
3719.061 of the Revised Code before issuing for a minor a 45659
prescription for an opioid analgesic, as defined in section 45660
3719.01 of the Revised Code; 45661

(35) Failure to comply with section 4723.487 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;

(36) The revocation, suspension, restriction, reduction, or termination of clinical privileges by the United States department of defense or department of veterans affairs or the termination or suspension of a certificate of registration to prescribe drugs by the drug enforcement administration of the United States department of justice.

(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication conducted under Chapter 119. of the Revised Code, except that in lieu of a hearing, the board may enter into a consent agreement with an individual to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by a vote of a quorum, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the agreement shall be of no effect.

(D) The hearings of the board shall be conducted in accordance with Chapter 119. of the Revised Code, the board may appoint a hearing examiner, as provided in section 119.09 of the Revised Code, to conduct any hearing the board is authorized to hold under Chapter 119. of the Revised Code.

In any instance in which the board is required under Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and the applicant, licensee, or certificate holder does not make a timely request for a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by a vote of a quorum, a final order that contains the board's findings. In the final order, the board may

order any of the sanctions listed in division (A) or (B) of this section. 45694
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(E) If a criminal action is brought against a registered nurse, licensed practical nurse, or dialysis technician for an act or crime described in divisions (B)(3) to (7) of this section and the action is dismissed by the trial court other than on the merits, the board shall conduct an adjudication to determine whether the registered nurse, licensed practical nurse, or dialysis technician committed the act on which the action was based. If the board determines on the basis of the adjudication that the registered nurse, licensed practical nurse, or dialysis technician committed the act, or if the registered nurse, licensed practical nurse, or dialysis technician fails to participate in the adjudication, the board may take action as though the registered nurse, licensed practical nurse, or dialysis technician had been convicted of the act. 45696
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If the board takes action on the basis of a conviction, plea, or a judicial finding as described in divisions (B)(3) to (7) of this section that is overturned on appeal, the registered nurse, licensed practical nurse, or dialysis technician may, on exhaustion of the appeal process, petition the board for reconsideration of its action. On receipt of the petition and supporting court documents, the board shall temporarily rescind its action. If the board determines that the decision on appeal was a decision on the merits, it shall permanently rescind its action. If the board determines that the decision on appeal was not a decision on the merits, it shall conduct an adjudication to determine whether the registered nurse, licensed practical nurse, or dialysis technician committed the act on which the original conviction, plea, or judicial finding was based. If the board determines on the basis of the adjudication that the registered nurse, licensed practical nurse, or dialysis technician committed 45710
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such act, or if the registered nurse, licensed practical nurse, or dialysis technician does not request an adjudication, the board shall reinstate its action; otherwise, the board shall permanently rescind its action.

Notwithstanding the provision of division (C)(2) of section 2953.32 of the Revised Code specifying that if records pertaining to a criminal case are sealed under that section the proceedings in the case shall be deemed not to have occurred, sealing of the following records on which the board has based an action under this section shall have no effect on the board's action or any sanction imposed by the board under this section: records of any conviction, guilty plea, judicial finding of guilt resulting from a plea of no contest, or a judicial finding of eligibility for a pretrial diversion program or intervention in lieu of conviction.

The board shall not be required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing of conviction records.

(F) The board may investigate an individual's criminal background in performing its duties under this section. As part of such investigation, the board may order the individual to submit, at the individual's expense, a request to the bureau of criminal identification and investigation for a criminal records check and check of federal bureau of investigation records in accordance with the procedure described in section 4723.091 of the Revised Code.

(G) During the course of an investigation conducted under this section, the board may compel any registered nurse, licensed practical nurse, or dialysis technician or applicant under this chapter to submit to a mental or physical examination, or both, as required by the board and at the expense of the individual, if the board finds reason to believe that the individual under investigation may have a physical or mental impairment that may

affect the individual's ability to provide safe nursing care. 45758
Failure of any individual to submit to a mental or physical 45759
examination when directed constitutes an admission of the 45760
allegations, unless the failure is due to circumstances beyond the 45761
individual's control, and a default and final order may be entered 45762
without the taking of testimony or presentation of evidence. 45763

If the board finds that an individual is impaired, the board 45764
shall require the individual to submit to care, counseling, or 45765
treatment approved or designated by the board, as a condition for 45766
initial, continued, reinstated, or renewed authority to practice. 45767
The individual shall be afforded an opportunity to demonstrate to 45768
the board that the individual can begin or resume the individual's 45769
occupation in compliance with acceptable and prevailing standards 45770
of care under the provisions of the individual's authority to 45771
practice. 45772

For purposes of this division, any registered nurse, licensed 45773
practical nurse, or dialysis technician or applicant under this 45774
chapter shall be deemed to have given consent to submit to a 45775
mental or physical examination when directed to do so in writing 45776
by the board, and to have waived all objections to the 45777
admissibility of testimony or examination reports that constitute 45778
a privileged communication. 45779

(H) The board shall investigate evidence that appears to show 45780
that any person has violated any provision of this chapter or any 45781
rule of the board. Any person may report to the board any 45782
information the person may have that appears to show a violation 45783
of any provision of this chapter or rule of the board. In the 45784
absence of bad faith, any person who reports such information or 45785
who testifies before the board in any adjudication conducted under 45786
Chapter 119. of the Revised Code shall not be liable for civil 45787
damages as a result of the report or testimony. 45788

(I) All of the following apply under this chapter with 45789

respect to the confidentiality of information: 45790

(1) Information received by the board pursuant to a complaint 45791
or an investigation is confidential and not subject to discovery 45792
in any civil action, except that the board may disclose 45793
information to law enforcement officers and government entities 45794
for purposes of an investigation of either a licensed health care 45795
professional, including a registered nurse, licensed practical 45796
nurse, or dialysis technician, or a person who may have engaged in 45797
the unauthorized practice of nursing or dialysis care. No law 45798
enforcement officer or government entity with knowledge of any 45799
information disclosed by the board pursuant to this division shall 45800
divulge the information to any other person or government entity 45801
except for the purpose of a government investigation, a 45802
prosecution, or an adjudication by a court or government entity. 45803

(2) If an investigation requires a review of patient records, 45804
the investigation and proceeding shall be conducted in such a 45805
manner as to protect patient confidentiality. 45806

(3) All adjudications and investigations of the board shall 45807
be considered civil actions for the purposes of section 2305.252 45808
of the Revised Code. 45809

(4) Any board activity that involves continued monitoring of 45810
an individual as part of or following any disciplinary action 45811
taken under this section shall be conducted in a manner that 45812
maintains the individual's confidentiality. Information received 45813
or maintained by the board with respect to the board's monitoring 45814
activities is not subject to discovery in any civil action and is 45815
confidential, except that the board may disclose information to 45816
law enforcement officers and government entities for purposes of 45817
an investigation of a licensee or certificate holder. 45818

(J) Any action taken by the board under this section 45819
resulting in a suspension from practice shall be accompanied by a 45820

written statement of the conditions under which the person may be 45821
reinstated to practice. 45822

(K) When the board refuses to grant a license or certificate 45823
to an applicant, revokes a license or certificate, or refuses to 45824
reinstate a license or certificate, the board may specify that its 45825
action is permanent. An individual subject to permanent action 45826
taken by the board is forever ineligible to hold a license or 45827
certificate of the type that was refused or revoked and the board 45828
shall not accept from the individual an application for 45829
reinstatement of the license or certificate or for a new license 45830
or certificate. 45831

(L) No unilateral surrender of a nursing license, ~~certificate~~ 45832
~~of authority~~, or dialysis technician certificate issued under this 45833
chapter shall be effective unless accepted by majority vote of the 45834
board. No application for a nursing license, ~~certificate of~~ 45835
~~authority~~, or dialysis technician certificate issued under this 45836
chapter may be withdrawn without a majority vote of the board. The 45837
board's jurisdiction to take disciplinary action under this 45838
section is not removed or limited when an individual has a license 45839
or certificate classified as inactive or fails to renew a license 45840
or certificate. 45841

(M) Sanctions shall not be imposed under division (B)(24) of 45842
this section against any licensee who waives deductibles and 45843
copayments as follows: 45844

(1) In compliance with the health benefit plan that expressly 45845
allows such a practice. Waiver of the deductibles or copayments 45846
shall be made only with the full knowledge and consent of the plan 45847
purchaser, payer, and third-party administrator. Documentation of 45848
the consent shall be made available to the board upon request. 45849

(2) For professional services rendered to any other person 45850
licensed pursuant to this chapter to the extent allowed by this 45851

chapter and the rules of the board. 45852

Sec. 4727.03. (A) As used in this section, "experience and 45853
fitness in the capacity involved" means that the applicant for a 45854
pawnbroker's license demonstrates sufficient financial 45855
responsibility, reputation, and experience in the pawnbroker 45856
business, or in a related business, to act as a pawnbroker in 45857
compliance with this chapter. "Experience and fitness in the 45858
capacity involved" shall be determined by: 45859

(1) Prior or current ownership or management of, or 45860
employment in, a pawnshop; 45861

(2) Demonstration to the satisfaction of the superintendent 45862
of financial institutions of a thorough working knowledge of all 45863
pawnbroker laws and rules as they relate to the actual operation 45864
of a pawnshop. 45865

A demonstration shall include a demonstration of an ability 45866
to properly complete forms, knowledge of how to properly calculate 45867
interest and storage charges, and knowledge of legal notice and 45868
forfeiture procedures. The final determination of whether an 45869
applicant's demonstration is adequate rests with the 45870
superintendent. 45871

(3) A submission by the applicant and any stockholders, 45872
owners, managers, directors, or officers of the pawnshop, and 45873
employees of the applicant to a police record check; and 45874

(4) Liquid assets in a minimum amount of one hundred 45875
twenty-five thousand dollars at the time of applying for initial 45876
licensure and demonstration of the ability to maintain the liquid 45877
assets at a minimum amount of seventy-five thousand dollars for 45878
the duration of holding a valid pawnbroker's license. If an 45879
applicant holds a pawnbroker's license at the time of application 45880
or is applying for more than one license, this requirement shall 45881

be met separately for each license. 45882

(B) The superintendent may grant a license to act as a 45883
pawnbroker to any person of good character and having experience 45884
and fitness in the capacity involved to engage in the business of 45885
pawnbroking upon the payment to the superintendent of a license 45886
fee determined by the superintendent pursuant to section 1321.20 45887
of the Revised Code. A license is not transferable or assignable. 45888

(C) The superintendent may consider an application withdrawn 45889
and may retain the investigation fee required under division (D) 45890
of this section if both of the following are true: 45891

(1) An application for a license does not contain all of the 45892
information required under division (B) of this section. 45893

(2) The information is not submitted to the superintendent 45894
within ninety days after the superintendent requests the 45895
information from the applicant in writing. 45896

(D) The superintendent shall require an applicant for a 45897
pawnbroker's license to pay to the superintendent a nonrefundable 45898
initial investigation fee of two hundred dollars, which is for the 45899
exclusive use of the state. 45900

(E)(1) Except as otherwise provided in division (E)(2) of 45901
this section, a pawnbroker's license issued by the superintendent 45902
expires on the thirtieth day of June next following the date of 45903
its issuance, or on a different date set by the superintendent 45904
pursuant to section 1181.23 of the Revised Code, and may be 45905
renewed annually ~~by the thirtieth day of June~~ in accordance with 45906
the standard renewal procedure set forth in Chapter 4745. of the 45907
Revised Code. Fifty per cent of the annual license fee shall be 45908
for the use of the state, and fifty per cent shall be paid by the 45909
state to the municipal corporation, or if outside the limits of 45910
any municipal corporation, to the county, in which the office of 45911
the licensee is located. All such fees payable to municipal 45912

corporations or counties shall be paid annually. 45913

(2) A pawnbroker's license issued or renewed by the 45914
superintendent on or after January 1, 2006, expires on the 45915
thirtieth day of June in the even-numbered year next following the 45916
date of its issuance or renewal, as applicable, and may be renewed 45917
biennially by the thirtieth day of June in accordance with the 45918
standard renewal procedure set forth in Chapter 4745. of the 45919
Revised Code. Fifty per cent of the biennial license fee shall be 45920
for the use of the state, and fifty per cent shall be paid by the 45921
state to the municipal corporation, or if outside the limits of 45922
any municipal corporation, to the county, in which the office of 45923
the licensee is located. All such fees payable to municipal 45924
corporations or counties shall be paid biennially. If deemed 45925
necessary for participation, the superintendent may reset the 45926
renewal date and require annual registration pursuant to section 45927
1181.23 of the Revised Code. 45928

(F) The fee for renewal of a license shall be equivalent to 45929
the fee for an initial license established by the superintendent 45930
pursuant to section 1321.20 of the Revised Code. Any licensee who 45931
wishes to renew the pawnbroker's license but who fails to do so on 45932
or before the date the license expires shall reapply for licensure 45933
in the same manner and pursuant to the same requirements as for 45934
initial licensure, unless the licensee pays to the superintendent 45935
on or before the thirty-first day of August of the year the 45936
license expires, a late renewal penalty of one hundred dollars in 45937
addition to the regular renewal fee. Any licensee who fails to 45938
renew the license on or before the date the license expires is 45939
prohibited from acting as a pawnbroker until the license is 45940
renewed or a new license is issued under this section. Any 45941
licensee who renews a license between the first day of July and 45942
the thirty-first day of August of the year the license expires is 45943
not relieved from complying with this division. The superintendent 45944

may refuse to issue to or renew the license of any licensee who 45945
violates this division. 45946

(G) No license shall be granted to any person not a resident 45947
of or the principal office of which is not located in the 45948
municipal corporation or county designated in such license unless 45949
that applicant, in writing and in due form approved by and filed 45950
with the superintendent, first appoints an agent, a resident of 45951
the state, and city or county where the office is to be located, 45952
upon whom all judicial and other process, or legal notice, 45953
directed to the applicant may be served. In case of the death, 45954
removal from the state, or any legal disability or any 45955
disqualification of any such agent, service of such process or 45956
notice may be made upon the superintendent. 45957

The superintendent may, upon notice to the licensee and 45958
reasonable opportunity to be heard, suspend or revoke any license 45959
or assess a penalty against the licensee if the licensee, or the 45960
licensee's officers, agents, or employees, has violated this 45961
chapter. Any penalty shall be appropriate to the violation but in 45962
no case shall the penalty be less than two hundred nor more than 45963
two thousand dollars. Whenever, for any cause, a license is 45964
suspended or revoked, the superintendent shall not issue another 45965
license to the licensee nor to the legal spouse of the licensee, 45966
nor to any business entity of which the licensee is an officer or 45967
member or partner, nor to any person employed by the licensee, 45968
until the expiration of at least two years from the date of 45969
revocation or suspension of the license. The superintendent shall 45970
deposit all penalties allocated pursuant to this section into the 45971
state treasury to the credit of the consumer finance fund. 45972

Any proceedings for the revocation or suspension of a license 45973
or to assess a penalty against a licensee are subject to Chapter 45974
119. of the Revised Code. 45975

(H) If a licensee surrenders or chooses not to renew the 45976

pawnbroker's license, the licensee shall notify the superintendent 45977
thirty days prior to the date on which the licensee intends to 45978
close the licensee's business as a pawnbroker. Prior to the date, 45979
the licensee shall do either of the following with respect to all 45980
active loans: 45981

(1) Dispose of an active loan by selling the loan to another 45982
person holding a valid pawnbroker's license issued under this 45983
section; 45984

(2) Reduce the rate of interest on pledged articles held as 45985
security for a loan to eight per cent per annum or less effective 45986
on the date that the pawnbroker's license is no longer valid. 45987

Sec. 4728.03. (A) As used in this section, "experience and 45988
fitness in the capacity involved" means that the applicant for a 45989
precious metals dealer's license has had sufficient financial 45990
responsibility, reputation, and experience in the business of 45991
precious metals dealer, or a related business, to act as a 45992
precious metals dealer in compliance with this chapter. 45993

(B)(1) The division of financial institutions in the 45994
department of commerce may grant a precious metals dealer's 45995
license to any person of good character, having experience and 45996
fitness in the capacity involved, who demonstrates a net worth of 45997
at least ten thousand dollars and the ability to maintain that net 45998
worth during the licensure period. The superintendent of financial 45999
institutions shall compute the applicant's net worth according to 46000
generally accepted accounting principles. 46001

(2) In place of the demonstration of net worth required by 46002
division (B)(1) of this section, an applicant may obtain a surety 46003
bond issued by a surety company authorized to do business in this 46004
state if all of the following conditions are met: 46005

(a) A copy of the surety bond is filed with the division; 46006

(b) The bond is in favor of any person, and of the state for the benefit of any person, injured by any violation of this chapter;

(c) The bond is in the amount of not less than ten thousand dollars.

(3) Before granting a license under this division, the division shall determine that the applicant meets the requirements of division (B)(1) or (2) of this section.

(C) The division shall require an applicant for a precious metals dealer's license to pay to the division a nonrefundable, initial investigation fee of two hundred dollars which shall be for the exclusive use of the state. The license fee for a precious metals dealer's license and the renewal fee shall be determined by the superintendent, provided that the fee may not exceed three hundred dollars. A license issued by the division shall expire on the last day of June next following the date of its issuance or annually on a different date set by the superintendent pursuant to section 1181.23 of the Revised Code. Fifty per cent of license fees shall be for the use of the state, and fifty per cent shall be paid to the municipal corporation, or if outside the limits of any municipal corporation, to the county in which the office of the licensee is located. All portions of license fees payable to municipal corporations or counties shall be paid as they accrue, by the treasurer of state, on vouchers issued by the director of budget and management.

(D) Every such license shall be renewed annually by the last day of June, or annually on a different date set by the superintendent pursuant to section 1181.23 of the Revised Code, according to the standard renewal procedure of Chapter 4745. of the Revised Code. No license shall be granted to any person not a resident of or the principal office of which is not located in the municipal corporation or county designated in such license,

unless, and until such applicant shall, in writing and in due 46039
form, to be first approved by and filed with the division, appoint 46040
an agent, a resident of the state, and city or county where the 46041
office is to be located, upon whom all judicial and other process, 46042
or legal notice, directed to the applicant may be served; and in 46043
case of the death, removal from the state, or any legal disability 46044
or any disqualification of any agent, service of process or notice 46045
may be made upon the superintendent. 46046

(E) The division may, pursuant to Chapter 119. of the Revised 46047
Code, upon notice to the licensee and after giving the licensee 46048
reasonable opportunity to be heard, revoke or suspend any license, 46049
if the licensee or the licensee's officers, agents, or employees 46050
violate this chapter. Whenever, for any cause, the license is 46051
revoked or suspended, the division shall not issue another license 46052
to the licensee nor to the husband or wife of the licensee, nor to 46053
any copartnership or corporation of which the licensee is an 46054
officer, nor to any person employed by the licensee, until the 46055
expiration of at least one year from the date of revocation of the 46056
license. 46057

(F) In conducting an investigation to determine whether an 46058
applicant satisfies the requirements for licensure under this 46059
section, the superintendent may request that the superintendent of 46060
the bureau of criminal identification and investigation 46061
investigate and determine whether the bureau has procured any 46062
information pursuant to section 109.57 of the Revised Code 46063
pertaining to the applicant. 46064

If the superintendent of financial institutions determines 46065
that conducting an investigation to determine whether an applicant 46066
satisfies the requirements for licensure under this section will 46067
require procuring information outside the state, then, in addition 46068
to the fee established under division (C) of this section, the 46069
superintendent may require the applicant to pay any of the actual 46070

expenses incurred by the division to conduct such an 46071
investigation, provided that the superintendent shall assess the 46072
applicant a total no greater than one thousand dollars for such 46073
expenses. The superintendent may require the applicant to pay in 46074
advance of the investigation, sufficient funds to cover the 46075
estimated cost of the actual expenses. If the superintendent 46076
requires the applicant to pay investigation expenses, the 46077
superintendent shall provide to the applicant an itemized 46078
statement of the actual expenses incurred by the division to 46079
conduct the investigation. 46080

(G)(1) Except as otherwise provided in division (G)(2) of 46081
this section a precious metals dealer licensed under this section 46082
shall maintain a net worth of at least ten thousand dollars, 46083
computed as required under division (B)(1) of this section, for as 46084
long as the licensee holds a valid precious metals dealer's 46085
license issued pursuant to this section. 46086

(2) A licensee who obtains a surety bond under division 46087
(B)(2) of this section is exempt from the requirement of division 46088
(G)(1) of this section, but shall maintain the bond for at least 46089
two years after the date on which the licensee ceases to conduct 46090
business in this state. 46091

Sec. 4729.261. Not later than July 1, 2020, the state board 46092
of pharmacy shall adopt rules in accordance with Chapter 119. of 46093
the Revised Code to define "specialty drug" and "specialty 46094
pharmacy" for the purpose of contracts entered into under section 46095
125.93 of the Revised Code. The board may consult with the 46096
department of medicaid in adopting the rules. 46097

Sec. 4729.48. When filling a prescription, if a pharmacist, 46098
pharmacy intern, or terminal distributor of dangerous drugs has 46099
information indicating that the cost-sharing amount required by 46100

the patient's health benefit plan exceeds the amount that may 46101
otherwise be charged for the same drug, both of the following 46102
apply: 46103

(A) The pharmacist, pharmacy intern, or terminal distributor 46104
shall provide this information to the patient. 46105

(B) The patient shall not be charged the higher amount. 46106

Sec. 4729.571. (A) The state board of pharmacy may suspend 46107
without a hearing the license of a terminal distributor of 46108
dangerous drugs if the board determines that there is clear and 46109
convincing evidence of a danger of immediate and serious harm to 46110
others due to either of the following: 46111

(1) The method used by the terminal distributor to possess or 46112
distribute dangerous drugs; 46113

(2) The method of prescribing dangerous drugs used by a 46114
licensed health professional authorized to prescribe drugs who 46115
holds a terminal distributor license or practices in the employ of 46116
or under contract with a terminal distributor. 46117

(B) The board shall follow the procedure for suspension 46118
without a prior hearing in section 119.07 of the Revised Code. The 46119
suspension shall remain in effect, unless removed by the board, 46120
until the board's final adjudication order becomes effective, 46121
except that if the board does not issue its final adjudication 46122
order within one hundred twenty days after the suspension, the 46123
suspension shall be void on the one hundred twenty-first day after 46124
the suspension. 46125

If the terminal distributor holds a license with a pain 46126
management clinic classification issued under section 4729.552 of 46127
the Revised Code or a license with an office-based opioid 46128
treatment classification issued under section 4729.553 of the 46129
Revised Code and the person holding the license also holds a 46130

~~certificate~~ license issued under Chapter 4731. of the Revised Code 46131
to practice medicine and surgery or osteopathic medicine and 46132
surgery, prior to suspending the license without a hearing, the 46133
board shall consult with the secretary of the state medical board 46134
or, if the secretary is unavailable, another physician member of 46135
the board. 46136

Sec. 4729.80. (A) If the state board of pharmacy establishes 46137
and maintains a drug database pursuant to section 4729.75 of the 46138
Revised Code, the board is authorized or required to provide 46139
information from the database only as follows: 46140

(1) On receipt of a request from a designated representative 46141
of a government entity responsible for the licensure, regulation, 46142
or discipline of health care professionals with authority to 46143
prescribe, administer, or dispense drugs, the board may provide to 46144
the representative information from the database relating to the 46145
professional who is the subject of an active investigation being 46146
conducted by the government entity or relating to a professional 46147
who is acting as an expert witness for the government entity in 46148
such an investigation. 46149

(2) On receipt of a request from a federal officer, or a 46150
state or local officer of this or any other state, whose duties 46151
include enforcing laws relating to drugs, the board shall provide 46152
to the officer information from the database relating to the 46153
person who is the subject of an active investigation of a drug 46154
abuse offense, as defined in section 2925.01 of the Revised Code, 46155
being conducted by the officer's employing government entity. 46156

(3) Pursuant to a subpoena issued by a grand jury, the board 46157
shall provide to the grand jury information from the database 46158
relating to the person who is the subject of an investigation 46159
being conducted by the grand jury. 46160

(4) Pursuant to a subpoena, search warrant, or court order in 46161

connection with the investigation or prosecution of a possible or 46162
alleged criminal offense, the board shall provide information from 46163
the database as necessary to comply with the subpoena, search 46164
warrant, or court order. 46165

(5) On receipt of a request from a prescriber or the 46166
prescriber's delegate approved by the board, the board shall 46167
provide to the prescriber a report of information from the 46168
database relating to a patient who is either a current patient of 46169
the prescriber or a potential patient of the prescriber based on a 46170
referral of the patient to the prescriber, if all of the following 46171
conditions are met: 46172

(a) The prescriber certifies in a form specified by the board 46173
that it is for the purpose of providing medical treatment to the 46174
patient who is the subject of the request; 46175

(b) The prescriber has not been denied access to the database 46176
by the board. 46177

(6) On receipt of a request from a pharmacist or the 46178
pharmacist's delegate approved by the board, the board shall 46179
provide to the pharmacist information from the database relating 46180
to a current patient of the pharmacist, if the pharmacist 46181
certifies in a form specified by the board that it is for the 46182
purpose of the pharmacist's practice of pharmacy involving the 46183
patient who is the subject of the request and the pharmacist has 46184
not been denied access to the database by the board. 46185

(7) On receipt of a request from an individual seeking the 46186
individual's own database information in accordance with the 46187
procedure established in rules adopted under section 4729.84 of 46188
the Revised Code, the board may provide to the individual the 46189
individual's own prescription history. 46190

(8) On receipt of a request from ~~a medical director or a~~ 46191
~~pharmacy director~~ of a managed care organization that has entered 46192

into a contract with the department of medicaid under section 46193
5167.10 of the Revised Code and a data security agreement with the 46194
board required by section 5167.14 of the Revised Code, the board 46195
shall provide to the ~~medical director or the pharmacy director~~ 46196
organization information from the database relating to a medicaid 46197
recipient enrolled in the ~~managed care organization~~ organization's 46198
medicaid MCO plan, as defined in section 5167.01 of the Revised 46199
Code, including information in the database related to 46200
prescriptions for the recipient that were not covered or 46201
reimbursed under a program administered by the department of 46202
medicaid. 46203

(9) On receipt of a request from the medicaid director, the 46204
board shall provide to the director information from the database 46205
relating to a recipient of a program administered by the 46206
department of medicaid, including information in the database 46207
related to prescriptions for the recipient that were not covered 46208
or paid by a program administered by the department. 46209

(10) On receipt of a request from a medical director of a 46210
managed care organization that has entered into a contract with 46211
the administrator of workers' compensation under division (B)(4) 46212
of section 4121.44 of the Revised Code and a data security 46213
agreement with the board required by section 4121.447 of the 46214
Revised Code, the board shall provide to the medical director 46215
information from the database relating to a claimant under Chapter 46216
4121., 4123., 4127., or 4131. of the Revised Code assigned to the 46217
managed care organization, including information in the database 46218
related to prescriptions for the claimant that were not covered or 46219
reimbursed under Chapter 4121., 4123., 4127., or 4131. of the 46220
Revised Code, if the administrator of workers' compensation 46221
confirms, upon request from the board, that the claimant is 46222
assigned to the managed care organization. 46223

(11) On receipt of a request from the administrator of 46224

workers' compensation, the board shall provide to the 46225
administrator information from the database relating to a claimant 46226
under Chapter 4121., 4123., 4127., or 4131. of the Revised Code, 46227
including information in the database related to prescriptions for 46228
the claimant that were not covered or reimbursed under Chapter 46229
4121., 4123., 4127., or 4131. of the Revised Code. 46230

(12) On receipt of a request from a prescriber or the 46231
prescriber's delegate approved by the board, the board shall 46232
provide to the prescriber information from the database relating 46233
to a patient's mother, if the prescriber certifies in a form 46234
specified by the board that it is for the purpose of providing 46235
medical treatment to a newborn or infant patient diagnosed as 46236
opioid dependent and the prescriber has not been denied access to 46237
the database by the board. 46238

(13) On receipt of a request from the director of health, the 46239
board shall provide to the director information from the database 46240
relating to the duties of the director or the department of health 46241
in implementing the Ohio violent death reporting system 46242
established under section 3701.93 of the Revised Code. 46243

(14) On receipt of a request from a requestor described in 46244
division (A)(1), (2), (5), or (6) of this section who is from or 46245
participating with another state's prescription monitoring 46246
program, the board may provide to the requestor information from 46247
the database, but only if there is a written agreement under which 46248
the information is to be used and disseminated according to the 46249
laws of this state. 46250

(15) On receipt of a request from a delegate of a retail 46251
dispensary licensed under Chapter 3796. of the Revised Code who is 46252
approved by the board to serve as the dispensary's delegate, the 46253
board shall provide to the delegate a report of information from 46254
the database pertaining only to a patient's use of medical 46255
marijuana, if both of the following conditions are met: 46256

(a) The delegate certifies in a form specified by the board 46257
that it is for the purpose of dispensing medical marijuana for use 46258
in accordance with Chapter 3796. of the Revised Code. 46259

(b) The retail dispensary or delegate has not been denied 46260
access to the database by the board. 46261

(16) On receipt of a request from a judge of a program 46262
certified by the Ohio supreme court as a specialized docket 46263
program for drugs, the board shall provide to the judge, or an 46264
employee of the program who is designated by the judge to receive 46265
the information, information from the database that relates 46266
specifically to a current or prospective program participant. 46267

(17) On receipt of a request from a coroner, deputy coroner, 46268
or coroner's delegate approved by the board, the board shall 46269
provide to the requestor information from the database relating to 46270
a deceased person about whom the coroner is conducting or has 46271
conducted an autopsy or investigation. 46272

(18) On receipt of a request from a prescriber, the board may 46273
provide to the prescriber a summary of the prescriber's 46274
prescribing record if such a record is created by the board. 46275
Information in the summary is subject to the confidentiality 46276
requirements of this chapter. 46277

(19)(a) On receipt of a request from a pharmacy's responsible 46278
person, the board may provide to the responsible person a summary 46279
of the pharmacy's dispensing record if such a record is created by 46280
the board. Information in the summary is subject to the 46281
confidentiality requirements of this chapter. 46282

(b) As used in division (A)(19)(a) of this section, 46283
"responsible person" has the same meaning as in rules adopted by 46284
the board under section 4729.26 of the Revised Code. 46285

(20) The board may provide information from the database 46286
without request to a prescriber or pharmacist who is authorized to 46287

use the database pursuant to this chapter. 46288

(21)(a) On receipt of a request from a prescriber or 46289
pharmacist, or the prescriber's or pharmacist's delegate, who is a 46290
designated representative of a peer review committee, the board 46291
shall provide to the committee information from the database 46292
relating to a prescriber who is subject to the committee's 46293
evaluation, supervision, or discipline if the information is to be 46294
used for one of those purposes. The board shall provide only 46295
information that it determines, in accordance with rules adopted 46296
under section 4729.84 of the Revised Code, is appropriate to be 46297
provided to the committee. 46298

(b) As used in division (A)(21)(a) of this section, "peer 46299
review committee" has the same meaning as in section 2305.25 of 46300
the Revised Code, except that it includes only a peer review 46301
committee of a hospital or a peer review committee of a nonprofit 46302
health care corporation that is a member of the hospital or of 46303
which the hospital is a member. 46304

(22) On receipt of a request from a requestor described in 46305
division (A)(5) or (6) of this section who is from or 46306
participating with a prescription monitoring program that is 46307
operated by a federal agency and approved by the board, the board 46308
may provide to the requestor information from the database, but 46309
only if there is a written agreement under which the information 46310
is to be used and disseminated according to the laws of this 46311
state. 46312

(23) Any personal health information submitted to the board 46313
pursuant to section 4729.772 of the Revised Code may be provided 46314
by the board only as authorized by the submitter of the 46315
information and in accordance with rules adopted under section 46316
4729.84 of the Revised Code. 46317

(B) The state board of pharmacy shall maintain a record of 46318

each individual or entity that requests information from the database pursuant to this section. In accordance with rules adopted under section 4729.84 of the Revised Code, the board may use the records to document and report statistics and law enforcement outcomes.

The board may provide records of an individual's requests for database information only to the following:

(1) A designated representative of a government entity that is responsible for the licensure, regulation, or discipline of health care professionals with authority to prescribe, administer, or dispense drugs who is involved in an active criminal or disciplinary investigation being conducted by the government entity of the individual who submitted the requests for database information;

(2) A federal officer, or a state or local officer of this or any other state, whose duties include enforcing laws relating to drugs and who is involved in an active investigation being conducted by the officer's employing government entity of the individual who submitted the requests for database information;

(3) A designated representative of the department of medicaid regarding a prescriber who is treating or has treated a recipient of a program administered by the department and who submitted the requests for database information.

(C) Information contained in the database and any information obtained from it is confidential and is not a public record. Information contained in the records of requests for information from the database is confidential and is not a public record. Information contained in the database that does not identify a person, including any licensee or registrant of the board or other entity, may be released in summary, statistical, or aggregate form.

(D) A pharmacist or prescriber shall not be held liable in damages to any person in any civil action for injury, death, or loss to person or property on the basis that the pharmacist or prescriber did or did not seek or obtain information from the database.

Sec. 4729.801. If the state board of pharmacy establishes and maintains a drug database pursuant to section 4729.75 of the Revised Code, all of the following apply to each request for information from the database as described in division (A)(8) of section 4729.80 of the Revised Code:

(A) A managed care organization may submit a request to the board for information about all medicaid recipients enrolled in the organization's medicaid MCO plan, as defined in section 5167.01 of the Revised Code.

(B) The board shall provide the information described in division (A) of this section to the organization in a single electronic file or format.

Sec. 4729.86. If the state board of pharmacy establishes and maintains a drug database pursuant to section 4729.75 of the Revised Code, all of the following apply:

(A)(1) No person identified in divisions (A)(1) to (13), (15) to ~~(22)~~(23), or (B) of section 4729.80 of the Revised Code shall disseminate any written or electronic information the person receives from the drug database or otherwise provide another person access to the information that the person receives from the database, except as follows:

(a) When necessary in the investigation or prosecution of a possible or alleged criminal offense;

(b) When a person provides the information to the prescriber, pharmacist, or retail dispensary licensed under Chapter 3796. of

the Revised Code for whom the person is approved by the board to 46380
serve as a delegate of the prescriber, pharmacist, or retail 46381
dispensary for purposes of requesting and receiving information 46382
from the drug database under division (A)(5), (6), or (15) of 46383
section 4729.80 of the Revised Code; 46384

(c) When a prescriber, pharmacist, or retail dispensary 46385
licensed under Chapter 3796. of the Revised Code provides the 46386
information to a person who is approved by the board to serve as 46387
such a delegate of the prescriber, pharmacist, or retail 46388
dispensary; 46389

(d) When a prescriber or pharmacist includes the information 46390
in a medical record, as defined in section 3701.74 of the Revised 46391
Code. 46392

(2) No person shall provide false information to the state 46393
board of pharmacy with the intent to obtain or alter information 46394
contained in the drug database. 46395

(3) No person shall obtain drug database information by any 46396
means except as provided under section 4729.80 or 4729.81 of the 46397
Revised Code. 46398

(B) A person shall not use information obtained pursuant to 46399
division (A) of section 4729.80 of the Revised Code as evidence in 46400
any civil or administrative proceeding. 46401

(C)(1) Except as provided in division (C)(2) of this section, 46402
after providing notice and affording an opportunity for a hearing 46403
in accordance with Chapter 119. of the Revised Code, the board may 46404
restrict a person from obtaining further information from the drug 46405
database if any of the following is the case: 46406

(a) The person violates division (A)(1), (2), or (3) of this 46407
section; 46408

(b) The person is a requestor identified in division (A)(14) 46409

or (22) of section 4729.80 of the Revised Code and the board 46410
determines that the person's actions in another state would have 46411
constituted a violation of division (A)(1), (2), or (3) of this 46412
section; 46413

(c) The person fails to comply with division (B) of this 46414
section, regardless of the jurisdiction in which the failure to 46415
comply occurred; 46416

(d) The person creates, by clear and convincing evidence, a 46417
threat to the security of information contained in the database. 46418

(2) If the board determines that allegations regarding a 46419
person's actions warrant restricting the person from obtaining 46420
further information from the drug database without a prior 46421
hearing, the board may summarily impose the restriction. A 46422
telephone conference call may be used for reviewing the 46423
allegations and taking a vote on the summary restriction. The 46424
summary restriction shall remain in effect, unless removed by the 46425
board, until the board's final adjudication order becomes 46426
effective. 46427

(3) The board shall determine the extent to which the person 46428
is restricted from obtaining further information from the 46429
database. 46430

Sec. 4730.02. (A) No person shall hold that person out as 46431
being able to function as a physician assistant, or use any words 46432
or letters indicating or implying that the person is a physician 46433
assistant, without a current, valid license to practice as a 46434
physician assistant issued pursuant to this chapter. 46435

(B) No person shall practice as a physician assistant without 46436
the supervision, control, and direction of a physician. 46437

(C) No person shall practice as a physician assistant without 46438
having entered into a supervision agreement with a supervising 46439

physician under section 4730.19 of the Revised Code. 46440

(D) No person acting as the supervising physician of a 46441
physician assistant shall authorize the physician assistant to 46442
perform services if either of the following is the case: 46443

(1) The services are not within the physician's normal course 46444
of practice and expertise; 46445

(2) The services are inconsistent with the supervision 46446
agreement under which the physician assistant is being supervised, 46447
including, if applicable, the policies of the health care facility 46448
in which the physician and physician assistant are practicing. 46449

(E) No person practicing as a physician assistant shall 46450
prescribe any drug or device to perform or induce an abortion, or 46451
otherwise perform or induce an abortion. 46452

(F) No person shall advertise to provide services as a 46453
physician assistant, except for the purpose of seeking employment. 46454

(G) No person practicing as a physician assistant shall fail 46455
to wear at all times when on duty a placard, plate, or other 46456
device identifying that person as a "physician assistant." 46457

(H) Division (A) of this section does not apply to a person 46458
who meets ~~both~~ all of the following conditions: 46459

(1) The person holds in good standing a valid license or 46460
other form of authority to practice as a physician assistant 46461
issued by another state. 46462

(2) The person is practicing as a volunteer without 46463
remuneration during a charitable event that lasts not more than 46464
seven days. 46465

(3) The medical care provided by the person will be 46466
supervised by the medical director of the charitable event or by 46467
another physician. 46468

When a person meets the conditions of this division, the 46469

person shall be deemed to hold, during the course of the 46470
charitable event, a license to practice as a physician assistant 46471
from the state medical board and shall be subject to the 46472
provisions of this chapter authorizing the board to take 46473
disciplinary action against a license holder. Not less than seven 46474
calendar days before the first day of the charitable event, the 46475
person or the event's organizer shall notify the board of the 46476
person's intent to practice as a physician assistant at the event. 46477
During the course of the charitable event, the person's scope of 46478
practice is limited to the procedures that a physician assistant 46479
licensed under this chapter is authorized to perform unless the 46480
person's scope of practice in the other state is more restrictive 46481
than in this state. If the latter is the case, the person's scope 46482
of practice is limited to the procedures that a physician 46483
assistant in the other state may perform. 46484

Sec. 4730.12. (A) The state medical board shall review each 46485
application ~~received under section 4730.10 of the Revised Code~~ for 46486
a license to practice as a physician assistant received under 46487
section 4730.10 of the Revised Code. Not later than sixty days 46488
after receiving a complete application, the board shall determine 46489
whether the applicant meets the requirements to receive the 46490
license, as specified in section 4730.11 of the Revised Code. ~~An~~ 46491
~~affirmative vote of not fewer than six members of the board is~~ 46492
~~required to determine that an applicant meets the requirements to~~ 46493
~~receive a license to practice as a physician assistant.~~ 46494

(B) If the board determines that an applicant meets the 46495
requirements to receive the license, the secretary of the board 46496
shall register the applicant as a physician assistant and issue to 46497
the applicant a license to practice as a physician assistant. 46498

Sec. 4730.14. (A) A license to practice as a physician 46499
assistant shall be valid for a two-year period unless revoked or 46500

suspended, shall expire biennially on the date that is two years 46501
after the date of issuance, and may be renewed for additional 46502
two-year periods in accordance with this section. A person seeking 46503
to renew a license ~~to practice as a physician assistant shall, on~~ 46504
~~or before the thirty first day of January of each even numbered~~ 46505
~~year, apply to the state medical board for renewal of the license~~ 46506
prior to the license's expiration date. The ~~state medical~~ board 46507
shall provide renewal notices to license holders at least one 46508
month prior to the expiration date. 46509

Applications shall be submitted to the board in a manner 46510
prescribed by the board. Each application shall be accompanied by 46511
a biennial renewal fee of two hundred dollars. The board shall 46512
deposit the fees in accordance with section 4731.24 of the Revised 46513
Code. 46514

The applicant shall report any criminal offense that 46515
constitutes grounds for refusing to issue a license to practice 46516
under section 4730.25 of the Revised Code to which the applicant 46517
has pleaded guilty, of which the applicant has been found guilty, 46518
or for which the applicant has been found eligible for 46519
intervention in lieu of conviction, since last signing an 46520
application for a license to practice as a physician assistant. 46521

(B) To be eligible for renewal of a license, an applicant is 46522
subject to all of the following: 46523

(1) The applicant must certify to the board that the 46524
applicant has maintained certification by the national commission 46525
on certification of physician assistants or a successor 46526
organization that is recognized by the board by meeting the 46527
standards to hold current certification from the commission or its 46528
successor, including ~~completion of continuing medical education~~ 46529
~~requirements and~~ passing periodic recertification examinations; 46530

(2) Except as provided in ~~division (F) of this section and~~ 46531

section 5903.12 of the Revised Code, the applicant must certify to 46532
the board that the applicant ~~has completed during the current~~ 46533
~~licensure period not less than one hundred hours of~~ is in 46534
compliance with the continuing medical education acceptable to the 46535
board requirements necessary to hold current certification from 46536
the commission or its successor. 46537

(3) The applicant must comply with the renewal eligibility 46538
requirements established under section 4730.49 of the Revised Code 46539
that pertain to the applicant. 46540

~~(C) The board shall adopt rules in accordance with Chapter 46541
119. of the Revised Code specifying the types of continuing 46542
medical education that must be completed to fulfill the board's 46543
requirements under division (B)(2) of this section. Except when 46544
additional continuing medical education is required, as specified 46545
in section 4730.49 of the Revised Code, the board shall not adopt 46546
rules that require a physician assistant to complete in any 46547
licensure period more than one hundred hours of continuing medical 46548
education acceptable to the board. In fulfilling the board's 46549
requirements, a physician assistant may use continuing medical 46550
education courses or programs completed to maintain certification 46551
by the national commission on certification of physician 46552
assistants or a successor organization that is recognized by the 46553
board if the standards for acceptable courses and programs of the 46554
commission or its successor are at least equivalent to the 46555
standards established by the board.~~ 46556

~~(D)~~ If an applicant submits a complete renewal application 46557
and qualifies for renewal pursuant to division (B) of this 46558
section, the board shall issue to the applicant a renewed license 46559
to practice as a physician assistant. 46560

~~(E)~~(D) The board may require a random sample of physician 46561
assistants to submit materials documenting certification both of 46562
the following: 46563

(1) Certification by the national commission on certification 46564
of physician assistants or a successor organization that is 46565
recognized by the board ~~and completion of;~~ 46566

(2) Completion of the required number of hours of continuing 46567
medical education required to hold current certification from the 46568
commission or its successor. 46569

~~(F) The board shall provide for pro rata reductions by month 46570
of the number of hours of continuing education that must be 46571
completed for individuals who are in their first licensure period, 46572
who have been disabled due to illness or accident, or who have 46573
been absent from the country. The board shall adopt rules, in 46574
accordance with Chapter 119. of the Revised Code, as necessary to 46575
implement this division.~~ 46576

~~(G)(1)~~ Division (D) of this section does not limit the 46577
board's authority to conduct investigations pursuant to section 46578
4730.25 of the Revised Code. 46579

(E) A license to practice that is not renewed on or before 46580
its expiration date is automatically suspended on its expiration 46581
date. Continued practice after suspension of the license shall be 46582
considered as practicing in violation of division (A) of section 46583
4730.02 of the Revised Code. 46584

~~(2)(F)~~ (E) If a license has been suspended pursuant to division 46585
~~(G)(1)~~ (E) of this section for two years or less, it may be 46586
reinstated. The board shall reinstate a license suspended for 46587
failure to renew upon an applicant's submission of a renewal 46588
application, the biennial renewal fee, and any applicable monetary 46589
penalty. 46590

If a license has been suspended pursuant to division 46591
~~(G)(1)~~ (E) of this section for more than two years, it may be 46592
restored. In accordance with section 4730.28 of the Revised Code, 46593
the board may restore a license suspended for failure to renew 46594

upon an applicant's submission of a restoration application, the 46595
biennial renewal fee, and any applicable monetary penalty and 46596
compliance with sections 4776.01 to 4776.04 of the Revised Code. 46597
The board shall not restore to an applicant a license to practice 46598
as a physician assistant unless the board, in its discretion, 46599
decides that the results of the criminal records check do not make 46600
the applicant ineligible for a license issued pursuant to section 46601
4730.12 of the Revised Code. 46602

The penalty for reinstatement shall be fifty dollars and the 46603
penalty for restoration shall be one hundred dollars. The board 46604
shall deposit penalties in accordance with section 4731.24 of the 46605
Revised Code. 46606

~~(H) If an individual certifies that the individual has 46607
completed the number of hours and type of continuing medical 46608
education required for renewal or reinstatement of a license to 46609
practice as a physician assistant, and the board finds through a 46610
random sample conducted under division (E) of this section or 46611
through any other means that the individual did not complete the 46612
requisite continuing medical education, the board may impose a 46613
civil penalty of not more than five thousand dollars. 46614~~

~~A civil penalty imposed under this division may be in 46615
addition to or in lieu of any other action the board may take 46616
under section 4730.25 of the Revised Code. The board shall deposit 46617
civil penalties in accordance with section 4731.24 of the Revised 46618
Code. The board shall not conduct an adjudication under Chapter 46619
119. of the Revised Code if the board imposes only a civil penalty 46620~~

(G)(1) If, through a random sample conducted under division 46621
(D) of this section or any other means, the board finds that an 46622
individual who certified completion of the continuing medical 46623
education required to renew, reinstate, or restore a license to 46624
practice did not complete the requisite continuing medical 46625
education, the board may do either of the following: 46626

(a) Take disciplinary action against the individual under section 4730.25 of the Revised Code, impose a civil penalty, or both; 46627
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(b) Permit the individual to agree in writing to complete the continuing medical education and pay a civil penalty. 46630
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(2) The board's finding in any disciplinary action taken under division (G)(1)(a) of this section shall be made pursuant to an adjudication under Chapter 119. of the Revised Code and by an affirmative vote of not fewer than six of its members. 46632
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(3) A civil penalty imposed under division (G)(1)(a) of this section or paid under division (G)(1)(b) of this section shall be in an amount specified by the board of not more than five thousand dollars. The board shall deposit civil penalties in accordance with section 4731.24 of the Revised Code. 46636
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Sec. 4730.19. (A) Before initiating supervision of one or more physician assistants licensed under this chapter, a physician shall enter into a supervision agreement with each physician assistant who will be supervised. A supervision agreement may apply to one or more physician assistants, but, except as provided in division (B)(2)(e) of this section, may apply to not more than one physician. The supervision agreement shall specify that the physician agrees to supervise the physician assistant and the physician assistant agrees to practice under that physician's supervision. 46641
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The agreement shall clearly state that the supervising physician is legally responsible and assumes legal liability for the services provided by the physician assistant. The agreement shall be signed by the physician and the physician assistant. 46651
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(B) A supervision agreement shall include either or both of the following: 46655
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(1) If a physician assistant will practice within a health care facility, the agreement shall include terms that require the physician assistant to practice in accordance with the policies of the health care facility.

(2) If a physician assistant will practice outside a health care facility, the agreement shall include terms that specify all of the following:

(a) The responsibilities to be fulfilled by the physician in supervising the physician assistant;

(b) The responsibilities to be fulfilled by the physician assistant when performing services under the physician's supervision;

(c) Any limitations on the responsibilities to be fulfilled by the physician assistant;

(d) The circumstances under which the physician assistant is required to refer a patient to the supervising physician;

(e) If the supervising physician chooses to designate physicians to act as alternate supervising physicians, the names, business addresses, and business telephone numbers of the physicians who have agreed to act in that capacity.

(C) A supervision agreement may be amended to modify the responsibilities of one or more physician assistants or to include one or more additional physician assistants.

(D) A The supervising physician who entered into a supervision agreement shall ~~be kept~~ retain a copy of the agreement in the records maintained by the supervising physician. Each physician assistant who entered into the supervision agreement shall retain a copy of the agreement in the records maintained by the physician assistant.

(E)(1) ~~The~~ If the board may impose a civil penalty of not

~~more than five thousand dollars if it finds,~~ through a review 46687
conducted under this section or through any other means, any of 46688
the following, the board may take disciplinary action against the 46689
individual under section 4730.25 or 4731.22 of the Revised Code, 46690
impose a civil penalty, or both: 46691

(a) That a physician assistant has practiced in a manner that 46692
departs from, or fails to conform to, the terms of a supervision 46693
agreement entered into under this section; 46694

(b) That a physician has supervised a physician assistant in 46695
a manner that departs from, or fails to conform to, the terms of a 46696
supervision agreement entered into under this section; 46697

(c) That a physician or physician assistant failed to comply 46698
with division (A) or (B) of this section. 46699

(2) If the board finds, through a review conducted under this 46700
section or through any other means, that a physician or physician 46701
assistant failed to comply with division (D) of this section, the 46702
board may do either of the following: 46703

(a) Take disciplinary action against the individual under 46704
section 4730.25 or 4731.22 of the Revised Code, impose a civil 46705
penalty, or both; 46706

(b) Permit the individual to agree in writing to update the 46707
records to comply with division (D) of this section and pay a 46708
civil penalty. 46709

(3) The board's finding in any disciplinary action taken 46710
under division ~~(A)(1)(E)~~ of this section shall be made pursuant to 46711
an adjudication conducted under Chapter 119. of the Revised Code. 46712
A 46713

(4) A civil penalty imposed under that division may be in 46714
addition to or in lieu of any other action the board may take 46715
under section 4730.25 or 4731.22 of the Revised Code (E)(1) or 46716

(2)(a) of this section or paid under division (E)(2)(b) of this section shall be in an amount specified by the board of not more than five thousand dollars and shall be deposited in accordance with section 4731.24 of the Revised Code.

Sec. 4730.25. (A) The state medical board, by an affirmative vote of not fewer than six members, may revoke or may refuse to grant a license to practice as a physician assistant to a person found by the board to have committed fraud, misrepresentation, or deception in applying for or securing the license.

(B) The board, by an affirmative vote of not fewer than six members, shall, to the extent permitted by law, limit, revoke, or suspend an individual's license to practice as a physician assistant or prescriber number, refuse to issue a license to an applicant, refuse to renew a ~~certificate~~ license, refuse to reinstate a license, or reprimand or place on probation the holder of a license for any of the following reasons:

(1) Failure to practice in accordance with the supervising physician's supervision agreement with the physician assistant, including, if applicable, the policies of the health care facility in which the supervising physician and physician assistant are practicing;

(2) Failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board;

(3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board;

(4) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or

physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;

(5) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;

(6) Administering drugs for purposes other than those authorized under this chapter;

(7) Willfully betraying a professional confidence;

(8) Making a false, fraudulent, deceptive, or misleading statement in soliciting or advertising for employment as a physician assistant; in connection with any solicitation or advertisement for patients; in relation to the practice of medicine as it pertains to physician assistants; or in securing or attempting to secure a license to practice as a physician assistant.

As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(9) Representing, with the purpose of obtaining compensation or other advantage personally or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured;

(10) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;

(11) A plea of guilty to, a judicial finding of guilt of, or	46778
a judicial finding of eligibility for intervention in lieu of	46779
conviction for, a felony;	46780
(12) Commission of an act that constitutes a felony in this	46781
state, regardless of the jurisdiction in which the act was	46782
committed;	46783
(13) A plea of guilty to, a judicial finding of guilt of, or	46784
a judicial finding of eligibility for intervention in lieu of	46785
conviction for, a misdemeanor committed in the course of practice;	46786
(14) A plea of guilty to, a judicial finding of guilt of, or	46787
a judicial finding of eligibility for intervention in lieu of	46788
conviction for, a misdemeanor involving moral turpitude;	46789
(15) Commission of an act in the course of practice that	46790
constitutes a misdemeanor in this state, regardless of the	46791
jurisdiction in which the act was committed;	46792
(16) Commission of an act involving moral turpitude that	46793
constitutes a misdemeanor in this state, regardless of the	46794
jurisdiction in which the act was committed;	46795
(17) A plea of guilty to, a judicial finding of guilt of, or	46796
a judicial finding of eligibility for intervention in lieu of	46797
conviction for violating any state or federal law regulating the	46798
possession, distribution, or use of any drug, including	46799
trafficking in drugs;	46800
(18) Any of the following actions taken by the state agency	46801
responsible for regulating the practice of physician assistants in	46802
another state, for any reason other than the nonpayment of fees:	46803
the limitation, revocation, or suspension of an individual's	46804
license to practice; acceptance of an individual's license	46805
surrender; denial of a license; refusal to renew or reinstate a	46806
license; imposition of probation; or issuance of an order of	46807
censure or other reprimand;	46808

- (19) A departure from, or failure to conform to, minimal standards of care of similar physician assistants under the same or similar circumstances, regardless of whether actual injury to a patient is established; 46809
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- (20) Violation of the conditions placed by the board on a license to practice as a physician assistant; 46813
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- (21) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code; 46815
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- (22) Failure to cooperate in an investigation conducted by the board under section 4730.26 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue; 46818
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- (23) Assisting suicide, as defined in section 3795.01 of the Revised Code; 46827
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- (24) Prescribing any drug or device to perform or induce an abortion, or otherwise performing or inducing an abortion; 46829
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- (25) Failure to comply with section 4730.53 of the Revised Code, unless the board no longer maintains a drug database pursuant to section 4729.75 of the Revised Code; 46831
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- (26) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code; 46834
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- (27) Having certification by the national commission on 46838

certification of physician assistants or a successor organization 46839
expire, lapse, or be suspended or revoked; 46840

(28) The revocation, suspension, restriction, reduction, or 46841
termination of clinical privileges by the United States department 46842
of defense or department of veterans affairs or the termination or 46843
suspension of a certificate of registration to prescribe drugs by 46844
the drug enforcement administration of the United States 46845
department of justice. 46846

(C) Disciplinary actions taken by the board under divisions 46847
(A) and (B) of this section shall be taken pursuant to an 46848
adjudication under Chapter 119. of the Revised Code, except that 46849
in lieu of an adjudication, the board may enter into a consent 46850
agreement with a physician assistant or applicant to resolve an 46851
allegation of a violation of this chapter or any rule adopted 46852
under it. A consent agreement, when ratified by an affirmative 46853
vote of not fewer than six members of the board, shall constitute 46854
the findings and order of the board with respect to the matter 46855
addressed in the agreement. If the board refuses to ratify a 46856
consent agreement, the admissions and findings contained in the 46857
consent agreement shall be of no force or effect. 46858

(D) For purposes of divisions (B)(12), (15), and (16) of this 46859
section, the commission of the act may be established by a finding 46860
by the board, pursuant to an adjudication under Chapter 119. of 46861
the Revised Code, that the applicant or license holder committed 46862
the act in question. The board shall have no jurisdiction under 46863
these divisions in cases where the trial court renders a final 46864
judgment in the license holder's favor and that judgment is based 46865
upon an adjudication on the merits. The board shall have 46866
jurisdiction under these divisions in cases where the trial court 46867
issues an order of dismissal upon technical or procedural grounds. 46868

(E) The sealing of conviction records by any court shall have 46869
no effect upon a prior board order entered under the provisions of 46870

this section or upon the board's jurisdiction to take action under 46871
the provisions of this section if, based upon a plea of guilty, a 46872
judicial finding of guilt, or a judicial finding of eligibility 46873
for intervention in lieu of conviction, the board issued a notice 46874
of opportunity for a hearing prior to the court's order to seal 46875
the records. The board shall not be required to seal, destroy, 46876
redact, or otherwise modify its records to reflect the court's 46877
sealing of conviction records. 46878

(F) For purposes of this division, any individual who holds a 46879
license issued under this chapter, or applies for a license issued 46880
under this chapter, shall be deemed to have given consent to 46881
submit to a mental or physical examination when directed to do so 46882
in writing by the board and to have waived all objections to the 46883
admissibility of testimony or examination reports that constitute 46884
a privileged communication. 46885

(1) In enforcing division (B)(4) of this section, the board, 46886
upon a showing of a possible violation, may compel any individual 46887
who holds a license issued under this chapter or who has applied 46888
for a license pursuant to this chapter to submit to a mental 46889
examination, physical examination, including an HIV test, or both 46890
a mental and physical examination. The expense of the examination 46891
is the responsibility of the individual compelled to be examined. 46892
Failure to submit to a mental or physical examination or consent 46893
to an HIV test ordered by the board constitutes an admission of 46894
the allegations against the individual unless the failure is due 46895
to circumstances beyond the individual's control, and a default 46896
and final order may be entered without the taking of testimony or 46897
presentation of evidence. If the board finds a physician assistant 46898
unable to practice because of the reasons set forth in division 46899
(B)(4) of this section, the board shall require the physician 46900
assistant to submit to care, counseling, or treatment by 46901
physicians approved or designated by the board, as a condition for 46902

an initial, continued, reinstated, or renewed license. An 46903
individual affected under this division shall be afforded an 46904
opportunity to demonstrate to the board the ability to resume 46905
practicing in compliance with acceptable and prevailing standards 46906
of care. 46907

(2) For purposes of division (B)(5) of this section, if the 46908
board has reason to believe that any individual who holds a 46909
license issued under this chapter or any applicant for a license 46910
suffers such impairment, the board may compel the individual to 46911
submit to a mental or physical examination, or both. The expense 46912
of the examination is the responsibility of the individual 46913
compelled to be examined. Any mental or physical examination 46914
required under this division shall be undertaken by a treatment 46915
provider or physician qualified to conduct such examination and 46916
chosen by the board. 46917

Failure to submit to a mental or physical examination ordered 46918
by the board constitutes an admission of the allegations against 46919
the individual unless the failure is due to circumstances beyond 46920
the individual's control, and a default and final order may be 46921
entered without the taking of testimony or presentation of 46922
evidence. If the board determines that the individual's ability to 46923
practice is impaired, the board shall suspend the individual's 46924
license or deny the individual's application and shall require the 46925
individual, as a condition for initial, continued, reinstated, or 46926
renewed licensure, to submit to treatment. 46927

Before being eligible to apply for reinstatement of a license 46928
suspended under this division, the physician assistant shall 46929
demonstrate to the board the ability to resume practice or 46930
prescribing in compliance with acceptable and prevailing standards 46931
of care. The demonstration shall include the following: 46932

(a) Certification from a treatment provider approved under 46933
section 4731.25 of the Revised Code that the individual has 46934

successfully completed any required inpatient treatment; 46935

(b) Evidence of continuing full compliance with an aftercare 46936
contract or consent agreement; 46937

(c) Two written reports indicating that the individual's 46938
ability to practice has been assessed and that the individual has 46939
been found capable of practicing according to acceptable and 46940
prevailing standards of care. The reports shall be made by 46941
individuals or providers approved by the board for making such 46942
assessments and shall describe the basis for their determination. 46943

The board may reinstate a license suspended under this 46944
division after such demonstration and after the individual has 46945
entered into a written consent agreement. 46946

When the impaired physician assistant resumes practice or 46947
prescribing, the board shall require continued monitoring of the 46948
physician assistant. The monitoring shall include compliance with 46949
the written consent agreement entered into before reinstatement or 46950
with conditions imposed by board order after a hearing, and, upon 46951
termination of the consent agreement, submission to the board for 46952
at least two years of annual written progress reports made under 46953
penalty of falsification stating whether the physician assistant 46954
has maintained sobriety. 46955

(G) If the secretary and supervising member determine that 46956
there is clear and convincing evidence that a physician assistant 46957
has violated division (B) of this section and that the 46958
individual's continued practice or prescribing presents a danger 46959
of immediate and serious harm to the public, they may recommend 46960
that the board suspend the individual's license without a prior 46961
hearing. Written allegations shall be prepared for consideration 46962
by the board. 46963

The board, upon review of those allegations and by an 46964
affirmative vote of not fewer than six of its members, excluding 46965

the secretary and supervising member, may suspend a license 46966
without a prior hearing. A telephone conference call may be 46967
utilized for reviewing the allegations and taking the vote on the 46968
summary suspension. 46969

The board shall issue a written order of suspension by 46970
certified mail or in person in accordance with section 119.07 of 46971
the Revised Code. The order shall not be subject to suspension by 46972
the court during pendency of any appeal filed under section 119.12 46973
of the Revised Code. If the physician assistant requests an 46974
adjudicatory hearing by the board, the date set for the hearing 46975
shall be within fifteen days, but not earlier than seven days, 46976
after the physician assistant requests the hearing, unless 46977
otherwise agreed to by both the board and the license holder. 46978

A summary suspension imposed under this division shall remain 46979
in effect, unless reversed on appeal, until a final adjudicative 46980
order issued by the board pursuant to this section and Chapter 46981
119. of the Revised Code becomes effective. The board shall issue 46982
its final adjudicative order within sixty days after completion of 46983
its hearing. Failure to issue the order within sixty days shall 46984
result in dissolution of the summary suspension order, but shall 46985
not invalidate any subsequent, final adjudicative order. 46986

(H) If the board takes action under division (B)(11), (13), 46987
or (14) of this section, and the judicial finding of guilt, guilty 46988
plea, or judicial finding of eligibility for intervention in lieu 46989
of conviction is overturned on appeal, upon exhaustion of the 46990
criminal appeal, a petition for reconsideration of the order may 46991
be filed with the board along with appropriate court documents. 46992
Upon receipt of a petition and supporting court documents, the 46993
board shall reinstate the individual's license. The board may then 46994
hold an adjudication under Chapter 119. of the Revised Code to 46995
determine whether the individual committed the act in question. 46996
Notice of opportunity for hearing shall be given in accordance 46997

with Chapter 119. of the Revised Code. If the board finds, 46998
pursuant to an adjudication held under this division, that the 46999
individual committed the act, or if no hearing is requested, it 47000
may order any of the sanctions identified under division (B) of 47001
this section. 47002

(I) The license to practice issued to a physician assistant 47003
and the physician assistant's practice in this state are 47004
automatically suspended as of the date the physician assistant 47005
pleads guilty to, is found by a judge or jury to be guilty of, or 47006
is subject to a judicial finding of eligibility for intervention 47007
in lieu of conviction in this state or treatment or intervention 47008
in lieu of conviction in another state for any of the following 47009
criminal offenses in this state or a substantially equivalent 47010
criminal offense in another jurisdiction: aggravated murder, 47011
murder, voluntary manslaughter, felonious assault, kidnapping, 47012
rape, sexual battery, gross sexual imposition, aggravated arson, 47013
aggravated robbery, or aggravated burglary. Continued practice 47014
after the suspension shall be considered practicing without a 47015
license. 47016

The board shall notify the individual subject to the 47017
suspension by certified mail or in person in accordance with 47018
section 119.07 of the Revised Code. If an individual whose license 47019
is suspended under this division fails to make a timely request 47020
for an adjudication under Chapter 119. of the Revised Code, the 47021
board shall enter a final order permanently revoking the 47022
individual's license to practice. 47023

(J) In any instance in which the board is required by Chapter 47024
119. of the Revised Code to give notice of opportunity for hearing 47025
and the individual subject to the notice does not timely request a 47026
hearing in accordance with section 119.07 of the Revised Code, the 47027
board is not required to hold a hearing, but may adopt, by an 47028
affirmative vote of not fewer than six of its members, a final 47029

order that contains the board's findings. In that final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

(K) Any action taken by the board under division (B) of this section resulting in a suspension shall be accompanied by a written statement of the conditions under which the physician assistant's license may be reinstated. The board shall adopt rules in accordance with Chapter 119. of the Revised Code governing conditions to be imposed for reinstatement. Reinstatement of a license suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

(L) When the board refuses to grant or issue to an applicant a license to practice as a physician assistant, revokes an individual's license, refuses to renew an individual's license, or refuses to reinstate an individual's license, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold the license and the board shall not accept an application for reinstatement of the license or for issuance of a new license.

(M) Notwithstanding any other provision of the Revised Code, all of the following apply:

(1) The surrender of a license issued under this chapter is not effective unless or until accepted by the board. Reinstatement of a license surrendered to the board requires an affirmative vote of not fewer than six members of the board.

(2) An application made under this chapter for a license may not be withdrawn without approval of the board.

(3) Failure by an individual to renew a license in accordance with section 4730.14 of the Revised Code shall not remove or limit

the board's jurisdiction to take disciplinary action under this 47061
section against the individual. 47062

~~Sec. 4730.28. (A) An individual whose license to practice as 47063
a physician assistant issued under this chapter has been suspended 47064
or is in an inactive state for any cause for more than two years 47065
may apply to the state medical board to have the license restored. 47066~~

~~(B)(1) The board shall not restore a license under this 47067
section unless the applicant complies with sections 4776.01 to 47068
4776.04 of the Revised Code. The board shall determine the 47069
applicant's present fitness to resume practice. The board shall 47070
consider the moral background and the activities of the applicant 47071
during the period of suspension or inactivity. 47072~~

~~(2) When restoring a license, the board may impose terms and 47073
conditions, including the following: 47074~~

~~(a) Requiring the applicant to obtain additional training and 47075
pass an examination upon completion of the training; 47076~~

~~(b) Restricting or limiting the extent, scope, or type of 47077
practice as a physician assistant that the individual may resume 47078
This section applies to both of the following: 47079~~

~~(1) An applicant seeking restoration of a license issued 47080
under this chapter that has been in a suspended or inactive state 47081
for any cause for more than two years; 47082~~

~~(2) An applicant seeking issuance of a license pursuant to 47083
this chapter who for more than two years has not been practicing 47084
as a physician assistant as either of the following: 47085~~

~~(a) An active practitioner; 47086~~

~~(b) A student in a program as described in division (B) or 47087
(C) of section 4730.11 of the Revised Code. 47088~~

~~(B) Before issuing a license to an applicant subject to this 47089~~

section or restoring a license to good standing for an applicant 47090
subject to this section, the state medical board may impose terms 47091
and conditions including any one or more of the following: 47092

(1) Requiring the applicant to pass an oral or written 47093
examination, or both, to determine the applicant's present fitness 47094
to resume practice; 47095

(2) Requiring the applicant to obtain additional training and 47096
to pass an examination upon completion of such training; 47097

(3) Requiring an assessment of the applicant's physical 47098
skills for purposes of determining whether the applicant's 47099
coordination, fine motor skills, and dexterity are sufficient for 47100
performing evaluations and procedures in a manner that meets the 47101
minimal standards of care; 47102

(4) Requiring an assessment of the applicant's skills in 47103
recognizing and understanding diseases and conditions; 47104

(5) Requiring the applicant to undergo a comprehensive 47105
physical examination, which may include an assessment of physical 47106
abilities, evaluation of sensory capabilities, or screening for 47107
the presence of neurological disorders; 47108

(6) Restricting or limiting the extent, scope, or type of 47109
practice of the applicant. 47110

The board shall consider the moral background and the 47111
activities of the applicant during the period of suspension or 47112
inactivity. The board shall not issue or restore a license under 47113
this section unless the applicant complies with sections 4776.01 47114
to 4776.04 of the Revised Code. 47115

Sec. 4730.43. (A) A physician assistant who holds a valid 47116
prescriber number issued by the state medical board and has been 47117
granted physician-delegated prescriptive authority may personally 47118
furnish to a patient samples of drugs and therapeutic devices that 47119

are included in the physician assistant's physician-delegated prescriptive authority, subject to all of the following: 47120
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(1) The amount of the sample furnished shall not exceed a seventy-two-hour supply, except when the minimum available quantity of the sample is packaged in an amount that is greater than a seventy-two-hour supply, in which case the physician assistant may furnish the sample in the package amount. 47122
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(2) No charge may be imposed for the sample or for furnishing it. 47127
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(3) Samples of controlled substances may not be personally furnished. 47129
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(B) A physician assistant who holds a valid prescriber number issued by the state medical board and has been granted physician-delegated prescriptive authority may personally furnish to a patient a complete or partial supply of the drugs and therapeutic devices that are included in the physician assistant's physician-delegated prescriptive authority, subject to all of the following: 47131
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(1) The physician assistant shall personally furnish only antibiotics, antifungals, scabicides, contraceptives, prenatal vitamins, antihypertensives, drugs and devices used in the treatment of diabetes, drugs and devices used in the treatment of asthma, and drugs used in the treatment of dyslipidemia. 47138
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(2) The physician assistant shall not furnish the drugs and devices in locations other than a health department operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code, a federally funded comprehensive primary care clinic, or a nonprofit health care clinic or program. 47143
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(3) The physician assistant shall comply with all standards 47149

and procedures for personally furnishing supplies of drugs and 47150
devices, as established in rules adopted under section 4730.39 of 47151
the Revised Code. 47152

Sec. 4730.49. (A) To be eligible for renewal of a license to 47153
practice as a physician assistant, an applicant who has been 47154
granted physician-delegated prescriptive authority is subject to 47155
both of the following: 47156

(1) The applicant shall complete every two years at least 47157
twelve hours of continuing education in pharmacology obtained 47158
through a program or course approved by the state medical board or 47159
a person the board has authorized to approve continuing 47160
pharmacology education programs and courses. Except as provided ~~in~~ 47161
~~division (B) of this section and~~ in section 5903.12 of the Revised 47162
Code, the continuing education shall be completed not later than 47163
the ~~thirty first day of January of each even numbered year~~ date on 47164
which the applicant's license expires. 47165

(2)(a) Except as provided in division (A)(2)(b) of this 47166
section, in the case of an applicant who prescribes opioid 47167
analgesics or benzodiazepines, as defined in section 3719.01 of 47168
the Revised Code, the applicant shall certify to the board whether 47169
the applicant has been granted access to the drug database 47170
established and maintained by the state board of pharmacy pursuant 47171
to section 4729.75 of the Revised Code. 47172

(b) The requirement described in division (A)(2)(a) of this 47173
section does not apply if any of the following is the case: 47174

(i) The state board of pharmacy notifies the state medical 47175
board pursuant to section 4729.861 of the Revised Code that the 47176
applicant has been restricted from obtaining further information 47177
from the drug database. 47178

(ii) The state board of pharmacy no longer maintains the drug 47179

database. 47180

(iii) The applicant does not practice as a physician 47181
assistant in this state. 47182

(c) If an applicant certifies to the state medical board that 47183
the applicant has been granted access to the drug database and the 47184
board finds through an audit or other means that the applicant has 47185
not been granted access, the board may take action under section 47186
4730.25 of the Revised Code. 47187

(B) The state medical board shall provide for pro rata 47188
reductions by month of the number of hours of continuing education 47189
in pharmacology that is required to be completed for physician 47190
assistants ~~who are in their first licensure period after~~ 47191
~~completing the period of supervision required under section~~ 47192
~~4730.44 of the Revised Code,~~ who have been disabled due to illness 47193
or accident, or ~~who~~ have been absent from the country. The board 47194
shall adopt rules, in accordance with Chapter 119. of the Revised 47195
Code, as necessary to implement this division. 47196

(C) The continuing education required by this section is in 47197
addition to the continuing education required under section 47198
4730.14 of the Revised Code. 47199

(D) If the board chooses to authorize persons to approve 47200
continuing pharmacology education programs and courses, it shall 47201
establish standards for granting that authority and grant the 47202
authority in accordance with the standards. 47203

Sec. 4731.04. As used in this chapter: 47204

(A) "Cosmetic therapy" means the permanent removal of hair 47205
from the human body through the use of electric modalities 47206
approved by the state medical board for use in cosmetic therapy 47207
and may include the systematic friction, stroking, slapping, and 47208
kneading or tapping of the face, neck, scalp, or shoulders. 47209

(B) "Fifth pathway training" means supervised clinical training obtained in the United States as a substitute for the internship or social service requirements of a foreign medical school.

(C) "Graduate medical education" means education received through any of the following:

(1) An internship ~~or~~, residency, or clinical fellowship program conducted in the United States and accredited by either the accreditation council for graduate medical education of the American medical association or the American osteopathic association;

(2) A clinical fellowship program that is not accredited as described in division (C)(1) of this section, but is conducted in the United States at an institution with a residency program that is accredited ~~by either the accreditation council for graduate medical education of the American medical association or the American osteopathic association that~~ as described in that division and is in a clinical field the same as or related to the clinical field of the fellowship program;

(3) An internship program conducted in Canada and accredited by the committee on accreditation of preregistration physician training programs of the federation of provincial medical licensing authorities of Canada;

(4) A residency program conducted in Canada and accredited by either the royal college of physicians and surgeons of Canada or the college of family physicians of Canada.

(D) "Massage therapy" means the treatment of disorders of the human body by the manipulation of soft tissue through the systematic external application of massage techniques including touch, stroking, friction, vibration, percussion, kneading, stretching, compression, and joint movements within the normal

physiologic range of motion; and adjunctive thereto, the external 47241
application of water, heat, cold, topical preparations, and 47242
mechanical devices. 47243

Sec. 4731.05. (A) The state medical board shall adopt rules 47244
in accordance with Chapter 119. of the Revised Code to carry out 47245
the purposes of this chapter. All adjudicative proceedings of the 47246
state medical board shall be conducted in accordance with Chapter 47247
119. of the Revised Code. 47248

(B) The state medical board shall appoint an executive 47249
director who shall be in the unclassified service of the state. 47250
The board may appoint other employees of the board as are 47251
necessary and shall prescribe their titles and duties. 47252

(C) The state medical board shall develop requirements for 47253
and provide appropriate initial and continuing training for 47254
investigators employed by the board to carry out its duties under 47255
Chapter 4731. of the Revised Code. The training and continuing 47256
education may include enrollment in courses operated or approved 47257
by the Ohio peace officer training commission that the board 47258
considers appropriate under conditions set forth in section 109.79 47259
of the Revised Code. 47260

(D)(1) The state medical board shall adopt internal 47261
management rules pursuant to section 111.15 of the Revised Code. 47262
The rules shall set forth criteria for assessing the board's 47263
accomplishments, activities, and performance data, including 47264
metrics detailing the board's revenues and reimbursements; budget 47265
distribution; investigation and licensing activity, including 47266
issuance of licenses and processing time frames; and enforcement 47267
data, including processing time frames. The board shall include 47268
the assessment in the annual report required by section 149.01 of 47269
the Revised Code. 47270

(2) The state medical board shall cause the internal 47271

management rules and annual report described in division (D)(1) of 47272
this section to be publicly accessible on the state medical 47273
board's web site. 47274

Sec. 4731.07. (A) The state medical board shall keep a record 47275
of its proceedings. The minutes of a meeting of the board shall, 47276
on approval by the board, constitute an official record of its 47277
proceedings. 47278

(B) The board shall keep a register of applicants for 47279
licenses and certificates issued under this chapter and Chapters 47280
4760., 4762., and 4774. of the Revised Code and; licenses issued 47281
under this chapter and Chapters 4730., 4759., 4761., 4760., 4762., 47282
4774., and 4778.; and licenses and limited permits issued under 47283
Chapters 4759. and 4761. of the Revised Code. The register shall 47284
show the name of the applicant and whether the applicant was 47285
granted or refused a certificate or the license, certificate, or 47286
limited permit being sought. With 47287

With respect to applicants to practice medicine and surgery 47288
or osteopathic medicine and surgery, the register shall show the 47289
name of the institution that granted the applicant the degree of 47290
doctor of medicine or osteopathic medicine. With respect to 47291
applicants to practice respiratory care, the register shall show 47292
the addresses of the person's last known place of business and 47293
residence, the effective date and identification number of the 47294
license or limited permit, and, if applicable, the name and 47295
location of the institution that granted the person's degree or 47296
certificate of completion of respiratory care educational 47297
requirements, and the date the degree or certificate of completion 47298
was issued. ~~The~~ 47299

(C) The books and records of the board shall be prima-facie 47300
evidence of matters therein contained. 47301

Sec. 4731.14. (A) The state medical board shall review all 47302
applications submitted under section 4731.09 ~~or 4731.296~~ of the 47303
Revised Code and determine whether each applicant meets the 47304
requirements for a license to practice medicine and surgery or 47305
osteopathic medicine and surgery. ~~An affirmative vote of not fewer~~ 47306
~~than six members of the board is necessary for the board to~~ 47307
~~determine that an applicant meets the requirements for a license.~~ 47308

(B) If the board determines that the evidence submitted with 47309
an application is satisfactory and the applicant meets the 47310
requirements for a license, the board shall issue to the applicant 47311
a license to practice medicine and surgery or osteopathic medicine 47312
and surgery, as applicable. If the applicant holds a medical 47313
degree other than the degree of doctor of medicine or doctor of 47314
osteopathic medicine, the license shall indicate that the 47315
applicant is authorized to practice medicine and surgery pursuant 47316
to the laws of this state. Each license issued by the board shall 47317
be signed by its president and secretary, and attested by its 47318
seal. 47319

(C) The holder of a license to practice medicine and surgery 47320
issued under this chapter may use the titles "Dr.," "doctor," 47321
"M.D.," or "physician." The holder of a license to practice 47322
osteopathic medicine and surgery issued under this chapter may use 47323
the titles "Dr.," "doctor," "D.O.," or "physician." 47324

(D) The holder of a license issued under this section shall 47325
either provide verification of licensure status from the board's 47326
internet web site on request or prominently display a wall 47327
certificate in the license holder's office or place where the 47328
majority of the holder's practice is conducted. 47329

Sec. 4731.15. (A) The state medical board also shall regulate 47330
the following limited branches of medicine: massage therapy and 47331

cosmetic therapy, and to the extent specified in section 4731.151 47332
of the Revised Code, naprapathy and mechanotherapy. The board 47333
shall adopt rules governing the limited branches of medicine under 47334
its jurisdiction. The rules shall be adopted in accordance with 47335
Chapter 119. of the Revised Code. 47336

(B) A ~~eertificate~~ license to practice a limited branch of 47337
medicine issued by the state medical board is valid for a two-year 47338
period, ~~except when an initial certificate is issued for a shorter~~ 47339
~~period or when division (C)(2) of this section is applicable~~ 47340
unless revoked or suspended and expires on the date that is two 47341
years after the date of issuance. The ~~eertificate~~ license may be 47342
renewed for additional two-year periods in accordance with 47343
division (C) of this section. 47344

~~(C)(1) Except as provided in division (C)(2) of this section,~~ 47345
~~both~~ Both of the following apply with respect to the renewal of 47346
~~eertificates~~ licenses to practice a limited branch of medicine: 47347

~~(a)(1)~~ Each person seeking to renew a ~~eertificate~~ license to 47348
practice a limited branch of medicine shall apply for biennial 47349
renewal with the state medical board in a manner prescribed by the 47350
board. An applicant for renewal shall pay a biennial renewal fee 47351
of one hundred dollars. 47352

~~(b)(2)~~ At least one month before a ~~eertificate~~ license 47353
expires, the board shall provide a renewal notice to the 47354
~~eertificate~~ license holder. 47355

~~(2) The board shall implement a staggered renewal system that~~ 47356
~~is substantially similar to the staggered renewal system the board~~ 47357
~~uses under division (A) of section 4731.281 of the Revised Code.~~ 47358

(D) All persons who hold a ~~eertificate~~ license to practice a 47359
limited branch of medicine issued by the state medical board shall 47360
provide the board notice of any change of address. The notice 47361
shall be submitted to the board not later than thirty days after 47362

the change of address. 47363

(E) A ~~certificate~~ license to practice a limited branch of 47364
medicine shall be automatically suspended if the ~~certificate~~ 47365
license holder fails to renew the ~~certificate~~ license in 47366
accordance with division (C) of this section. Continued practice 47367
after the suspension of the ~~certificate~~ license to practice shall 47368
be considered as practicing in violation of sections 4731.34 and 47369
4731.41 of the Revised Code. 47370

If a ~~certificate to practice~~ license has been suspended 47371
pursuant to this division for two years or less, it may be 47372
reinstated. The board shall reinstate the ~~certificate~~ license upon 47373
an applicant's submission of a renewal application and payment of 47374
a reinstatement fee of one hundred twenty-five dollars. With 47375
regard to reinstatement of a ~~certificate~~ license to practice 47376
cosmetic therapy, the applicant also shall submit with the 47377
application a certification that the number of hours of continuing 47378
education necessary to have a suspended ~~certificate~~ license 47379
reinstated have been completed, as specified in rules the board 47380
shall adopt in accordance with Chapter 119. of the Revised Code. 47381

If a ~~certificate~~ license has been suspended pursuant to this 47382
division for more than two years, it may be restored. Subject to 47383
section 4731.222 of the Revised Code, the board may restore the 47384
~~certificate~~ license upon an applicant's submission of a 47385
restoration application and a restoration fee of one hundred fifty 47386
dollars and compliance with sections 4776.01 to 4776.04 of the 47387
Revised Code. The board shall not restore to an applicant a 47388
~~certificate~~ license to practice unless the board, in its 47389
discretion, decides that the results of the criminal records check 47390
do not make the applicant ineligible for a ~~certificate~~ license 47391
issued pursuant to section 4731.17 of the Revised Code. 47392

Sec. 4731.155. (A) The state medical board may adopt rules 47393

that establish continuing education requirements for renewal under 47394
section 4731.15 of the Revised Code of a ~~certificate~~ license to 47395
practice a limited branch of medicine. The rules shall be adopted 47396
in accordance with Chapter 119. of the Revised Code. 47397

(B)(1) If the board adopts rules establishing continuing 47398
education requirements for holders of licenses to practice a 47399
limited branch of medicine, the board may require a holder to 47400
certify to the board that the holder has satisfied the continuing 47401
education requirements. 47402

(2) The board may require a random sample of license holders 47403
to submit materials documenting that the continuing education 47404
requirements adopted under this section have been satisfied. 47405

Division (B)(2) of this section does not limit the board's 47406
authority to conduct investigations pursuant to section 4731.22 of 47407
the Revised Code. 47408

(3) If, through a random sample conducted under division 47409
(B)(2) of this section or any other means, the board finds that an 47410
individual who certified completion of the number of hours and 47411
type of continuing education required to renew, reinstate, or 47412
restore a license to practice did not complete the requisite 47413
continuing education, the board may do either of the following: 47414

(a) Take disciplinary action against the individual under 47415
section 4731.22 of the Revised Code, impose a civil penalty, or 47416
both; 47417

(b) Permit the individual to agree in writing to complete the 47418
continuing education and pay a civil penalty. 47419

(4) The board's finding in any disciplinary action taken 47420
under division (B)(3)(a) of this section shall be made pursuant to 47421
an adjudication under Chapter 119. of the Revised Code and by an 47422
affirmative vote of not fewer than six of its members. 47423

(5) A civil penalty imposed under division (B)(3)(a) of this section or paid under division (B)(3)(b) of this section shall be in an amount specified by the board of not more than five thousand dollars. The board shall deposit civil penalties in accordance with section 4731.24 of the Revised Code. 47424
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Sec. 4731.17. (A) The state medical board shall review all applications received under section 4731.19 of the Revised Code. The board shall determine whether an applicant meets the requirements for a certificate license to practice the applicable limited branch of medicine. ~~An affirmative vote of not fewer than six members of the board is required to determine that an applicant meets the requirements for a certificate.~~ 47429
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(B) If the board determines that the applicant meets the requirements for a certificate license and that the documentation required for a certificate license is acceptable, the board shall issue to the applicant the appropriate certificate license to practice. Each certificate license shall be signed by the president and secretary of the board and attested by its seal. 47436
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(C) A certificate license shall authorize the holder to practice the limited branch of medicine for which the certificate license was issued. No person who holds a certificate license to practice a limited branch of medicine issued by the board under this section shall do any of the following: 47442
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(1) Practice a limited branch of medicine other than the limited branch of medicine for which the certificate license was issued; 47447
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(2) Treat infectious, contagious, or venereal diseases; 47450

(3) Prescribe or administer drugs; 47451

(4) Perform surgery or practice medicine in any other form. 47452

Sec. 4731.171. In addition to any other eligibility 47453
requirement set forth in this chapter, each applicant for a 47454
~~certificate~~ license to practice massage therapy or cosmetic 47455
therapy shall comply with sections 4776.01 to 4776.04 of the 47456
Revised Code. The state medical board shall not grant to an 47457
applicant a ~~certificate~~ license to practice massage therapy or 47458
cosmetic therapy unless the board, in its discretion, decides that 47459
the results of the criminal records check do not make the 47460
applicant ineligible for a ~~certificate~~ license issued pursuant to 47461
section 4731.17 of the Revised Code. 47462

Sec. 4731.19. (A) A person seeking a ~~certificate~~ license to 47463
practice a limited branch of medicine shall file with the state 47464
medical board an application in a manner prescribed by the board. 47465
The application shall include or be accompanied by all of the 47466
following: 47467

(1) Evidence that the applicant is at least eighteen years of 47468
age and of good moral character; 47469

(2) Evidence that the applicant has attained high school 47470
graduation or its equivalent; 47471

(3) Evidence that the applicant holds one of the following: 47472

(a) A diploma or certificate from a school, college, or 47473
institution in good standing as determined by the board, showing 47474
the completion of the required courses of instruction; 47475

(b) A diploma or certificate from a school, college, or 47476
institution in another state or jurisdiction showing completion of 47477
a course of instruction that meets course requirements determined 47478
by the board through rules adopted under section 4731.05 of the 47479
Revised Code; 47480

(c) ~~For not less than five years~~ During the five-year period 47481
immediately preceding the date of application, a current license, 47482

registration, or certificate in good standing in another state for 47483
massage therapy or cosmetic therapy. 47484

(4) Evidence that the applicant has successfully passed an 47485
examination, prescribed in rules described in section 4731.16 of 47486
the Revised Code, to determine competency to practice the 47487
applicable limited branch of medicine; 47488

(5) An attestation that the information submitted under this 47489
section is accurate and truthful and that the applicant consents 47490
to release of information; 47491

(6) Any other information the board requires. 47492

(B) An applicant for a ~~certificate~~ license to practice a 47493
limited branch of medicine shall comply with the requirements of 47494
section 4731.171 of the Revised Code. 47495

(C) At the time of making application for a ~~certificate~~ 47496
license to practice a limited branch of medicine, the applicant 47497
shall pay to the board a fee of one hundred fifty dollars, no part 47498
of which shall be returned. No application shall be considered 47499
filed until the board receives the appropriate fee. 47500

(D) The board may investigate the application materials 47501
received under this section and contact any agency or organization 47502
for recommendations or other information about the applicant. 47503

Sec. 4731.222. (A) This section applies to both of the 47504
following: 47505

(1) An applicant seeking restoration of a license or 47506
certificate issued under this chapter that has been in a suspended 47507
or inactive state for any cause for more than two years; 47508

(2) An applicant seeking issuance of a license or certificate 47509
pursuant to this chapter who for more than two years has not been 47510
engaged in the practice of medicine and surgery, osteopathic 47511
medicine and surgery, podiatric medicine and surgery, or a limited 47512

branch of medicine as any of the following:	47513
(a) An active practitioner;	47514
(b) A participant in a program of graduate medical education, as defined in section 4731.04 of the Revised Code;	47515 47516
(c) A participant in a podiatric internship, residency, or clinical fellowship program;	47517 47518
(d) A student in a college of podiatry determined by the state medical board to be in good standing;	47519 47520
(e) A student in a school, college, or institution giving instruction in a limited branch of medicine determined by the board to be in good standing under section 4731.16 of the Revised Code.	47521 47522 47523 47524
(B) Before restoring a license or certificate to good standing for or issuing a license or certificate to an applicant subject to this section <u>or restoring a license or certificate to good standing for an applicant subject to this section</u> , the state medical board may impose terms and conditions including any one or more of the following:	47525 47526 47527 47528 47529 47530
(1) Requiring the applicant to pass an oral or written examination, or both, to determine the applicant's present fitness to resume practice;	47531 47532 47533
(2) Requiring the applicant to obtain additional training and to pass an examination upon completion of such training;	47534 47535
(3) Requiring an assessment of the applicant's physical skills for purposes of determining whether the applicant's coordination, fine motor skills, and dexterity are sufficient for performing medical evaluations and procedures in a manner that meets the minimal standards of care;	47536 47537 47538 47539 47540
(4) Requiring an assessment of the applicant's skills in recognizing and understanding diseases and conditions;	47541 47542

(5) Requiring the applicant to undergo a comprehensive physical examination, which may include an assessment of physical abilities, evaluation of sensory capabilities, or screening for the presence of neurological disorders;

(6) Restricting or limiting the extent, scope, or type of practice of the applicant.

The board shall consider the moral background and the activities of the applicant during the period of suspension or inactivity, in accordance with section 4731.09, 4731.19, or 4731.52 of the Revised Code. The board shall not issue or restore a license or certificate under this section unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code.

Sec. 4731.228. (A) As used in this section:

(1) "Federally qualified health center" has the same meaning as in section 3701.047 of the Revised Code.

(2) "Federally qualified health center look-alike" has the same meaning as in section 3701.047 of the Revised Code.

(3) "Health care entity" means any of the following that employs a physician to provide physician services:

(a) A hospital registered with the department of health under section 3701.07 of the Revised Code;

(b) A corporation formed under division (B) of section 1701.03 of the Revised Code;

(c) A corporation formed under Chapter 1702. of the Revised Code;

(d) A limited liability company formed under Chapter 1705. of the Revised Code;

(e) A health insuring corporation holding a certificate of authority under Chapter 1751. of the Revised Code;

(f) A partnership;	47572
(g) A professional association formed under Chapter 1785. of the Revised Code.	47573 47574
(4) "Physician" means an individual authorized under this chapter to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery.	47575 47576 47577
(5) "Physician services" means direct patient care services provided by a physician pursuant to a certificate issued to the physician by the state medical board.	47578 47579 47580
(6) "Termination" means the end of a physician's employment with a health care entity for any reason.	47581 47582
(B) This section applies when a physician's employment with a health care entity to provide physician services is terminated for any reason, unless the physician continues to provide medical services for patients of the health care entity on an independent contractor basis.	47583 47584 47585 47586 47587
(C)(1) Except as provided in division (C)(2) of this section, a health care entity shall send notice of the termination of a physician's employment to each patient who received physician services from the physician in the two-year period immediately preceding the date of employment termination. Only patients of the health care entity who received services from the physician are to receive the notice.	47588 47589 47590 47591 47592 47593 47594
(2) If the health care entity provides to the physician a list of patients treated and patient contact information, the health care entity may require the physician to send the notice required by this section.	47595 47596 47597 47598
(D) The notice provided under division (C) of this section shall be provided not later than the date of termination or thirty days after the health care entity has actual knowledge of	47599 47600 47601

termination or resignation of the physician, whichever is later. 47602
The notice shall be provided in accordance with rules adopted by 47603
the state medical board under section 4731.05 of the Revised Code. 47604
The notice shall include at least all of the following: 47605

(1) A notice to the patient that the physician will no longer 47606
be practicing medicine as an employee of the health care entity; 47607

(2) Except in situations in which the health care entity has 47608
a good faith concern that the physician's conduct or the medical 47609
care provided by the physician would jeopardize the health and 47610
safety of patients, the physician's name and, if known by the 47611
health care entity, information provided by the physician that the 47612
patient may use to contact the physician; 47613

(3) The date on which the physician ceased or will cease to 47614
practice as an employee of the health care entity; 47615

(4) Contact information for an alternative physician or 47616
physicians employed by the health care entity or contact 47617
information for a group practice that can provide care for the 47618
patient; 47619

(5) Contact information that enables the patient to obtain 47620
information on the patient's medical records. 47621

(E) The requirements of this section do not apply to any of 47622
the following: 47623

(1) A physician rendering services to a patient on an 47624
episodic basis or in an emergency department or urgent care 47625
center, when it should not be reasonably expected that related 47626
medical services will be rendered by the physician to the patient 47627
in the future; 47628

(2) A medical director or other physician providing services 47629
in a similar capacity to a medical director to patients through a 47630
hospice care program licensed pursuant to section 3712.04 of the 47631

Revised Code. 47632

(3) Medical residents, interns, and fellows who work in 47633
hospitals, health systems, federally qualified health centers, and 47634
federally qualified health center look-alikes as part of their 47635
medical education and training. 47636

(4) A physician providing services to a patient through a 47637
community mental health ~~agency~~ services provider certified by the 47638
director of mental health and addiction services under section 47639
~~5119.611~~ 5119.36 of the Revised Code or ~~an alcohol and drug~~ 47640
~~addiction program~~ a community addiction services provider 47641
certified by the ~~department of alcohol and drug addiction services~~ 47642
director under that section ~~3793.06~~ of the Revised Code. 47643

(5) A physician providing services to a patient through a 47644
federally qualified health center or a federally qualified health 47645
center look-alike. 47646

Sec. 4731.229. Any disciplinary action taken on an 47647
individual's ~~certificate~~ license to practice by the state medical 47648
board under section 4731.22 of the Revised Code operates 47649
automatically on the individual's certificate to recommend and 47650
remains in effect for as long as the action remains in effect on 47651
the ~~certificate~~ license to practice. 47652

Sec. 4731.281. (A)(1) ~~Each person holding a~~ A license issued 47653
under this chapter to practice medicine and surgery, osteopathic 47654
medicine and surgery, or podiatric medicine and surgery ~~wishing to~~ 47655
~~renew that license shall apply to the board for renewal~~ shall be 47656
valid for a two-year period unless revoked or suspended. A license 47657
shall expire on the date that is two years from the date of 47658
issuance and may be renewed for additional two-year periods. 47659
Applications for renewal shall be submitted to the state medical 47660
board in a manner prescribed by the board. ~~Each~~ 47661

Each application shall be accompanied by a biennial renewal 47662
fee of three hundred five dollars. ~~Applications shall be submitted~~ 47663
~~according to the following schedule:~~ 47664

~~(a) Persons whose last name begins with the letters "A"~~ 47665
~~through "B," on or before the first day of July of every~~ 47666
~~odd-numbered year;~~ 47667

~~(b) Persons whose last name begins with the letters "C"~~ 47668
~~through "D," on or before the first day of April of every~~ 47669
~~odd-numbered year;~~ 47670

~~(c) Persons whose last name begins with the letters "E"~~ 47671
~~through "G," on or before the first day of January of every~~ 47672
~~odd-numbered year;~~ 47673

~~(d) Persons whose last name begins with the letters "H"~~ 47674
~~through "K," on or before the first day of October of every~~ 47675
~~even-numbered year;~~ 47676

~~(e) Persons whose last name begins with the letters "L"~~ 47677
~~through "M," on or before the first day of July of every~~ 47678
~~even-numbered year;~~ 47679

~~(f) Persons whose last name begins with the letters "N"~~ 47680
~~through "R," on or before the first day of April of every~~ 47681
~~even-numbered year;~~ 47682

~~(g) Persons whose last name begins with the letter "S," on or~~ 47683
~~before the first day of January of every even-numbered year;~~ 47684

~~(h) Persons whose last name begins with the letters "T"~~ 47685
~~through "Z," on or before the first day of October of every~~ 47686
~~odd-numbered year.~~ 47687

The board shall deposit the fee in accordance with section 47688
4731.24 of the Revised Code, except that the board shall deposit 47689
twenty dollars of the fee into the state treasury to the credit of 47690
the physician loan repayment fund created by section 3702.78 of 47691

the Revised Code. 47692

(2) The board shall provide a renewal notice to every person 47693
holding a license to practice medicine and surgery, osteopathic 47694
medicine and surgery, or podiatric medicine and surgery, a renewal 47695
notice ~~or~~. The board may provide the notice to the person through 47696
the secretary of any recognized medical, osteopathic, or podiatric 47697
society. The notice shall be provided to the person at least one 47698
month prior to the date on which the person's license expires. 47699

(3) Failure of any person to receive a notice of renewal from 47700
the board shall not excuse the person from the requirements 47701
contained in this section. 47702

(4) The board's notice shall inform the applicant of the 47703
renewal procedure. The board shall provide the application for 47704
renewal in a form determined by the board. 47705

(5) The applicant shall provide in the application the 47706
applicant's full name; the applicant's residence address, business 47707
address, and electronic mail address; the number of the 47708
applicant's license to practice; and any other information 47709
required by the board. 47710

(6)(a) Except as provided in division (A)(6)(b) of this 47711
section, in the case of an applicant who prescribes or personally 47712
furnishes opioid analgesics or benzodiazepines, as defined in 47713
section 3719.01 of the Revised Code, the applicant shall certify 47714
to the board whether the applicant has been granted access to the 47715
drug database established and maintained by the state board of 47716
pharmacy pursuant to section 4729.75 of the Revised Code. 47717

(b) The requirement described in division (A)(6)(a) of this 47718
section does not apply if any of the following is the case: 47719

(i) The state board of pharmacy notifies the state medical 47720
board pursuant to section 4729.861 of the Revised Code that the 47721
applicant has been restricted from obtaining further information 47722

from the drug database. 47723

(ii) The state board of pharmacy no longer maintains the drug 47724
database. 47725

(iii) The applicant does not practice medicine and surgery, 47726
osteopathic medicine and surgery, or podiatric medicine and 47727
surgery in this state. 47728

(c) If an applicant certifies to the state medical board that 47729
the applicant has been granted access to the drug database and the 47730
board finds through an audit or other means that the applicant has 47731
not been granted access, the board may take action under section 47732
4731.22 of the Revised Code. 47733

(7) The applicant shall indicate whether the applicant 47734
currently collaborates, as that term is defined in section 4723.01 47735
of the Revised Code, with any clinical nurse specialists, 47736
certified nurse-midwives, or certified nurse practitioners. 47737

(8) The applicant shall report any criminal offense to which 47738
the applicant has pleaded guilty, of which the applicant has been 47739
found guilty, or for which the applicant has been found eligible 47740
for intervention in lieu of conviction, since last submitting an 47741
application for a license to practice or renewal of a license. 47742

(9) The applicant shall execute and deliver the application 47743
to the board in a manner prescribed by the board. 47744

(B) The board shall renew a license under this chapter to 47745
practice medicine and surgery, osteopathic medicine and surgery, 47746
or podiatric medicine and surgery upon application and 47747
qualification therefor in accordance with this section. A renewal 47748
shall be valid for a two-year period. 47749

(C) Failure of any license holder to renew and comply with 47750
this section shall operate automatically to suspend the holder's 47751
license to practice and if applicable, the holder's certificate to 47752

recommend issued under section 4731.30 of the Revised Code. 47753
Continued practice after the suspension shall be considered as 47754
practicing in violation of section 4731.41, 4731.43, or 4731.60 of 47755
the Revised Code. 47756

If the license has been suspended pursuant to this division 47757
for two years or less, it may be reinstated. The board shall 47758
reinstate a license to practice suspended for failure to renew 47759
upon an applicant's submission of a renewal application and 47760
payment of a reinstatement fee of four hundred five dollars. 47761

If the license has been suspended pursuant to this division 47762
for more than two years, it may be restored. Subject to section 47763
4731.222 of the Revised Code, the board may restore a license to 47764
practice suspended for failure to renew upon an applicant's 47765
submission of a restoration application, payment of a restoration 47766
fee of five hundred five dollars, and compliance with sections 47767
4776.01 to 4776.04 of the Revised Code. The board shall not 47768
restore to an applicant a license ~~to practice~~ unless the board, in 47769
its discretion, decides that the results of the criminal records 47770
check do not make the applicant ineligible for a license issued 47771
pursuant to section 4731.14 or 4731.56 of the Revised Code. ~~Any~~ 47772

Any reinstatement or restoration of a license to practice 47773
under this section shall operate automatically to renew the 47774
holder's certificate to recommend. 47775

(D) The state medical board may obtain information not 47776
protected by statutory or common law privilege from courts and 47777
other sources concerning malpractice claims against any person 47778
holding a license to practice under this chapter or practicing as 47779
provided in section 4731.36 of the Revised Code. 47780

(E) Each ~~mailing sent~~ renewal notice provided by the board 47781
under division (A)(2) of this section to a person holding a 47782
license to practice medicine and surgery or osteopathic medicine 47783

and surgery shall inform the applicant of the reporting 47784
requirement established by division (H) of section 3701.79 of the 47785
Revised Code. At the discretion of the board, the information may 47786
be included on the application for renewal or on an accompanying 47787
page. 47788

(F) Each person holding a license to practice medicine and 47789
surgery, osteopathic medicine and surgery, or podiatric medicine 47790
and surgery shall give notice to the board of a change in the 47791
license holder's residence address, business address, or 47792
electronic mail address not later than thirty days after the 47793
change occurs. 47794

Sec. 4731.282. (A)(1) Except as provided in division (D) of 47795
this section, each person holding a license to practice medicine 47796
and surgery, osteopathic medicine and surgery, or podiatric 47797
medicine and surgery issued by the state medical board shall 47798
complete biennially not less than ~~one hundred~~ fifty hours of 47799
continuing medical education that has been approved by the board. 47800

(2) Each person holding a license to practice shall be given 47801
sufficient choice of continuing education programs to ensure that 47802
the person has had a reasonable opportunity to participate in 47803
continuing education programs that are relevant to the person's 47804
medical practice in terms of subject matter and level. 47805

(B) In determining whether a course, program, or activity 47806
qualifies for credit as continuing medical education, the board 47807
shall approve all of the following: 47808

(1) Continuing medical education completed by holders of 47809
licenses to practice medicine and surgery that is certified by the 47810
Ohio state medical association; 47811

(2) Continuing medical education completed by holders of 47812
licenses to practice osteopathic medicine and surgery that is 47813

certified by the Ohio osteopathic association; 47814

(3) Continuing medical education completed by holders of 47815
licenses to practice podiatric medicine and surgery that is 47816
certified by the Ohio podiatric medical association. 47817

(C) The board shall approve one or more continuing medical 47818
education courses of study included within the programs certified 47819
by the Ohio state medical association and the Ohio osteopathic 47820
association under divisions (B)(1) and (2) of this section that 47821
assist doctors of medicine and doctors of osteopathic medicine in 47822
both of the following: 47823

(1) Recognizing the signs of domestic violence and its 47824
relationship to child abuse; 47825

(2) Diagnosing and treating chronic pain, as defined in 47826
section 4731.052 of the Revised Code. 47827

(D) The board shall adopt rules providing for pro rata 47828
reductions by month of the number of hours of continuing education 47829
that must be completed for license holders who ~~are in their first~~ 47830
~~renewal period,~~ have been disabled by illness or accident, or have 47831
been absent from the country. The board shall adopt the rules in 47832
accordance with Chapter 119. of the Revised Code. 47833

(E) The board may require a random sample of holders of 47834
licenses to practice medicine and surgery, osteopathic medicine 47835
and surgery, or podiatric medicine and surgery to submit materials 47836
documenting completion of the required number of hours of 47837
continuing medical education. This division does not limit the 47838
board's authority to conduct investigations pursuant to section 47839
4731.22 of the Revised Code. 47840

(F)(1) If, through a random sample conducted under division 47841
(E) of this section or any other means, the board finds that an 47842
individual who certified completion of the number of hours and 47843
type of continuing medical education required to renew, reinstate, 47844

or restore a license to practice did not complete the requisite 47845
continuing medical education, the board may do either of the 47846
following: 47847

(a) Take disciplinary action against the individual under 47848
section 4731.22 of the Revised Code, ~~7~~ impose a civil penalty, or 47849
both; 47850

(b) Permit the individual to agree in writing to complete the 47851
continuing medical education and pay a civil penalty. 47852

(2) The board's finding in any disciplinary action taken 47853
under division (F)(1)(a) of this section shall be made pursuant to 47854
an adjudication under Chapter 119. of the Revised Code and by an 47855
affirmative vote of not fewer than six of its members. 47856

(3) A civil penalty ~~paid~~ imposed under division (F)(1)~~(b)~~(a) 47857
of this section or ~~imposed~~ paid under division (F)(1)~~(a)~~(b) of 47858
this section shall be in an amount specified by the board of not 47859
more than five thousand dollars. The board shall deposit civil 47860
penalties in accordance with section 4731.24 of the Revised Code. 47861

Sec. 4731.291. (A) An individual seeking to pursue an 47862
internship, residency, clinical fellowship program, or elective 47863
clinical rotation in this state, who does not hold a license to 47864
practice medicine and surgery or osteopathic medicine or surgery 47865
issued under this chapter, shall apply to the state medical board 47866
for a training certificate. The application shall be made on forms 47867
that the board shall furnish and shall be accompanied by an 47868
application fee of one hundred thirty dollars. 47869

An applicant for a training certificate shall furnish to the 47870
board all of the following: 47871

(1) Evidence satisfactory to the board that the applicant is 47872
at least eighteen years of age and is of good moral character. 47873

(2) Evidence satisfactory to the board that the applicant has 47874

been accepted or appointed to participate in this state in one of 47875
the following: 47876

(a) An internship ~~or~~, residency, or clinical fellowship 47877
program accredited by either the accreditation council for 47878
graduate medical education of the American medical association or 47879
the American osteopathic association; 47880

(b) A clinical fellowship program that is not accredited as 47881
described in division (A)(2)(a) of this section, but is conducted 47882
at an institution with a residency program that is accredited by 47883
~~either the accreditation council for graduate medical education of~~ 47884
~~the American medical association or the American osteopathic~~ 47885
~~association that~~ as described in that division and is in a 47886
clinical field the same as or related to the clinical field of the 47887
fellowship program; 47888

(c) An elective clinical rotation that lasts not more than 47889
one year and is offered to interns, residents, or clinical fellows 47890
participating in programs that are located outside this state and 47891
meet the requirements of division (A)(2)(a) or (b) of this 47892
section. 47893

(3) Information identifying the beginning and ending dates of 47894
the period for which the applicant has been accepted or appointed 47895
to participate in the internship, residency, or clinical 47896
fellowship program; 47897

(4) Any other information that the board requires. 47898

(B) If no grounds for denying a license or certificate under 47899
section 4731.22 of the Revised Code apply, and the applicant meets 47900
the requirements of division (A) of this section, the board shall 47901
issue a training certificate to the applicant. The board shall not 47902
require an examination as a condition of receiving a training 47903
certificate. 47904

A training certificate issued pursuant to this section shall 47905

be valid only for three years, but may ~~in the discretion of the~~ 47906
~~board and upon application duly made,~~ be renewed by the board for 47907
one additional three-year period. ~~The~~ To renew a training 47908
certificate, the holder shall apply to the board on or before the 47909
certificate's expiration date. 47910

The fee for renewal of a training certificate shall be one 47911
hundred dollars. A late application may be submitted not more than 47912
thirty days after the certificate's expiration date. In such a 47913
case, the holder shall include with the application a 47914
one-hundred-fifty-dollar reinstatement fee. 47915

~~The board shall maintain a register of all individuals who~~ 47916
~~hold training certificates.~~ 47917

(C) The holder of a valid training certificate shall be 47918
entitled to perform such acts as may be prescribed by or 47919
incidental to the holder's internship, residency, or clinical 47920
fellowship program, but the holder shall not be entitled otherwise 47921
to engage in the practice of medicine and surgery or osteopathic 47922
medicine and surgery in this state. The holder shall limit 47923
activities under the certificate to the programs of the hospitals 47924
or facilities for which the training certificate is issued. The 47925
holder shall train only under the supervision of the physicians 47926
responsible for supervision as part of the internship, residency, 47927
or clinical fellowship program. 47928

A training certificate may be revoked by the board upon 47929
proof, satisfactory to the board, that the holder thereof has 47930
engaged in practice in this state outside the scope of the 47931
internship, residency, or clinical fellowship program for which 47932
the training certificate has been issued, or upon proof, 47933
satisfactory to the board, that the holder thereof has engaged in 47934
unethical conduct or that there are grounds for action against the 47935
holder under section 4731.22 of the Revised Code. 47936

(D) The board may adopt rules as the board finds necessary to 47937
effect the purpose of this section. 47938

Sec. 4731.293. (A) The state medical board may issue, without 47939
examination, a clinical research faculty certificate to practice 47940
medicine and surgery, osteopathic medicine and surgery, or 47941
podiatric medicine and surgery to any person who applies for the 47942
certificate and provides to the board all of the following: 47943

(1) Evidence satisfactory to the board of all of the 47944
following: 47945

(a) That the applicant holds a current, unrestricted license 47946
to practice medicine and surgery, osteopathic medicine and 47947
surgery, or podiatric medicine and surgery issued by another state 47948
or country; 47949

(b) That the applicant has been appointed to serve in this 47950
state on the academic staff of a medical school accredited by the 47951
liaison committee on medical education, an osteopathic medical 47952
school accredited by the American osteopathic association, or a 47953
college of podiatric medicine and surgery in good standing with 47954
the board; 47955

(c) That the applicant is an international medical graduate 47956
who holds a medical degree from an educational institution listed 47957
in the international medical education directory. 47958

(2) An affidavit and supporting documentation from the dean 47959
of the school or college, or the department director or 47960
chairperson of a teaching hospital affiliated with the school or 47961
college, that the applicant is qualified to perform teaching and 47962
research activities and will be permitted to work only under the 47963
authority of the department director or chairperson of a teaching 47964
hospital affiliated with the school or college where the 47965
applicant's teaching and research activities will occur; 47966

(3) A description from the school, college, or teaching hospital of the scope of practice in which the applicant will be involved, including the types of teaching, research, and procedures in which the applicant will be engaged;

(4) A description from the school, college, or teaching hospital of the type and amount of patient contact that will occur in connection with the applicant's teaching and research activities.

(B) An applicant for an initial clinical research faculty certificate shall pay a fee of three hundred seventy-five dollars.

(C) The holder of a clinical research faculty certificate may do one of the following, as applicable:

(1) Practice medicine and surgery or osteopathic medicine and surgery only as is incidental to the certificate holder's teaching or research duties at the medical school or a teaching hospital affiliated with the school;

(2) Practice podiatric medicine and surgery only as is incidental to the certificate holder's teaching or research duties at the college of podiatric medicine and surgery or a teaching hospital affiliated with the college.

(D) The board may revoke a certificate on receiving proof satisfactory to the board that the certificate holder has engaged in practice in this state outside the scope of the certificate or that there are grounds for action against the certificate holder under section 4731.22 of the Revised Code.

(E) A clinical research faculty certificate is valid for three years, except that the certificate ceases to be valid if the holder's academic staff appointment described in division

(A)(1)(b) of this section is no longer valid or the certificate is revoked pursuant to division (D) of this section.

(F)(1) The board shall provide a renewal notice to the certificate holder at least one month before the certificate expires. Failure of a certificate holder to receive a notice of renewal from the board shall not excuse the certificate holder from the requirements contained in this section. The notice shall inform the certificate holder of the renewal procedure. The notice also shall inform the certificate holder of the reporting requirement established by division (H) of section 3701.79 of the Revised Code. At the discretion of the board, the information may be included on the application for renewal or on an accompanying page.

(2) A clinical research faculty certificate may be renewed for an additional three-year period. There is no limit on the number of times a certificate may be renewed. A person seeking renewal of a certificate shall apply to the board. The board shall provide the application for renewal in a form determined by the board.

(3) An applicant is eligible for renewal if the applicant does all of the following:

(a) Pays a renewal fee of three hundred seventy-five dollars;

(b) Reports any criminal offense to which the applicant has pleaded guilty, of which the applicant has been found guilty, or for which the applicant has been found eligible for intervention in lieu of conviction, since last filing an application for a clinical research faculty certificate;

(c) Provides to the board an affidavit and supporting documentation from the dean of the school or college, or the department director or chairperson of a teaching hospital affiliated with the school or college, that the applicant is in compliance with the applicant's current clinical research faculty certificate;

(d) Provides evidence satisfactory to the board of all of the following: 48028
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(i) That the applicant continues to maintain a current, unrestricted license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery issued by another state or country; 48030
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(ii) That the applicant's initial appointment to serve in this state on the academic staff of a school or college is still valid or has been renewed; 48034
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(iii) That the applicant has completed ~~one hundred fifty~~ seventy-five hours of continuing medical education that meet the requirements set forth in section 4731.282 of the Revised Code. 48037
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(4) Regardless of whether the certificate has expired, a person who was granted a visiting medical faculty certificate under this section as it existed immediately prior to June 6, 2012, may apply for a clinical research faculty certificate as a renewal. The board may issue the clinical research faculty certificate if the applicant meets the requirements of division (F)(3) of this section. The board may not issue a clinical research faculty certificate if the visiting medical faculty certificate was revoked. 48040
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~~(G) The board shall maintain a register of all persons who hold clinical research faculty certificates.~~ 48049
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~~(H)~~ The board may adopt any rules it considers necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. 48051
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Sec. 4731.294. (A) The state medical board may issue, without examination, a special activity certificate to any person seeking to practice medicine and surgery or osteopathic medicine and surgery in conjunction with a special activity, program, or event 48054
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taking place in this state. 48058

(B) An applicant for a special activity certificate shall 48059
~~hold a telemedicine certificate issued under section 4731.296 of~~ 48060
~~the Revised Code or~~ submit evidence satisfactory to the board of 48061
all of the following: 48062

(1) The applicant holds a current, unrestricted license to 48063
practice medicine and surgery or osteopathic medicine and surgery 48064
issued by another state or country and that within the two-year 48065
period immediately preceding application, the applicant has done 48066
one of the following: 48067

(a) Actively practiced medicine and surgery or osteopathic 48068
medicine and surgery in the United States; 48069

(b) Participated in a graduate medical education program 48070
accredited by either the accreditation council for graduate 48071
medical education of the American medical association or the 48072
American osteopathic association; 48073

(c) Successfully passed the federation licensing examination 48074
established by the federation of state medical boards, a special 48075
examination established by the federation of state medical boards, 48076
or all parts of a standard medical licensing examination 48077
established for purposes of determining the competence of 48078
individuals to practice medicine and surgery or osteopathic 48079
medicine and surgery in the United States. 48080

(2) The applicant meets the same educational requirements 48081
that individuals must meet under sections 4731.09 and 4731.14 of 48082
the Revised Code. 48083

(3) The applicant's practice in conjunction with the special 48084
activity, program, or event will be in the public interest. 48085

(C) The applicant shall pay a fee of one hundred twenty-five 48086
dollars ~~unless the applicant holds a telemedicine certificate~~ 48087

~~issued under section 4731.296 of the Revised Code. If the 48088
applicant holds a telemedicine certificate, the board shall not 48089
charge a fee for issuing a certificate under this section. The 48090
board shall maintain a register of all persons who hold a special 48091
activity certificate. 48092~~

(D) The holder of a special activity certificate may practice 48093
medicine and surgery or osteopathic medicine and surgery only in 48094
conjunction with the special activity, event, or program for which 48095
the certificate is issued. The board may revoke a certificate on 48096
receiving proof satisfactory to the board that the holder of the 48097
certificate has engaged in practice in this state outside the 48098
scope of the certificate or that there are grounds for action 48099
against the certificate holder under section 4731.22 of the 48100
Revised Code. 48101

(E) A special activity certificate is valid for the shorter 48102
of thirty days or the duration of the special activity, program, 48103
or event. The certificate may not be renewed. 48104

(F) The state medical board shall adopt rules in accordance 48105
with Chapter 119. of the Revised Code that specify how often an 48106
applicant may be granted a certificate under this section. 48107

Sec. 4731.299. (A) The state medical board may issue, without 48108
examination, to an applicant who meets all of the requirements of 48109
this section an expedited license to practice medicine and surgery 48110
or osteopathic medicine and surgery by endorsement. 48111

(B) An individual who seeks an expedited license by 48112
endorsement shall file with the board a written application on a 48113
form prescribed and supplied by the board. The application shall 48114
include all of the information the board considers necessary to 48115
process it. 48116
48117

(C) To be eligible to receive an expedited license by endorsement, an applicant shall do both of the following:	48118 48119
(1) Provide evidence satisfactory to the board that the applicant meets all of the following requirements:	48120 48121
(a) Has passed one of the following:	48122
(i) Steps one, two, and three of the United States medical licensing examination;	48123 48124
(ii) Levels one, two, and three of the comprehensive osteopathic medical licensing examination of the United States;	48125 48126
(iii) Any other medical licensing examination recognized by the board.	48127 48128
(b) For at least five years <u>During the five-year period</u> immediately preceding the date of application, has held a current, unrestricted license to practice medicine and surgery or osteopathic medicine and surgery issued by the licensing authority of another state or a Canadian province;	48129 48130 48131 48132 48133
(c) For at least two years immediately preceding the date of application, has actively practiced medicine and surgery or osteopathic medicine and surgery in a clinical setting;	48134 48135 48136
(d) Is in compliance with the medical education and training requirements in sections 4731.09 and 4731.14 of the Revised Code.	48137 48138
(2) Certify to the board that all of the following are the case:	48139 48140
(a) Not more than two malpractice claims, <u>which resulted in a finding of liability or in payment</u> , have been filed against the applicant within a <u>during the ten-year period of ten years immediately preceding the date of application</u> and no malpractice claim against the applicant <u>during that ten-year period</u> has resulted in total payment of more than five hundred thousand dollars.	48141 48142 48143 48144 48145 48146 48147

(b) The applicant does not have a criminal record according 48148
to the criminal records check required by section 4731.08 of the 48149
Revised Code. 48150

(c) The applicant does not have a medical condition that 48151
could affect the applicant's ability to practice according to 48152
acceptable and prevailing standards of care. 48153

(d) No adverse action has been taken against the applicant by 48154
a health care institution. 48155

(e) To the applicant's knowledge, no federal agency, medical 48156
society, medical association, or branch of the United States 48157
military has investigated or taken action against the applicant. 48158

(f) No professional licensing or regulatory authority has 48159
filed a complaint against, investigated, or taken action against 48160
the applicant and the applicant has not withdrawn a professional 48161
license application. 48162

(g) The applicant has not been suspended or expelled from any 48163
institution of higher education or school, including a medical 48164
school. 48165

(D) An applicant for an expedited license by endorsement 48166
shall comply with section 4731.08 of the Revised Code. 48167

(E) At the time of application, the applicant shall pay to 48168
the board a fee of one thousand dollars, no part of which shall be 48169
returned. No application shall be considered filed until the board 48170
receives the fee. 48171

(F) The secretary and supervising member of the board shall 48172
review all applications received under this section. 48173

If the secretary and supervising member determine that an 48174
applicant meets the requirements for an expedited license by 48175
endorsement, the board shall issue the license to the applicant. 48176

If the secretary and supervising member determine that an 48177

applicant does not meet the requirements for an expedited license 48178
by endorsement, the application shall be treated as an application 48179
under section 4731.09 of the Revised Code. 48180

(G) Each license issued by the board under this section shall 48181
be signed by the president and secretary of the board and attested 48182
by the board's seal. 48183

(H) Within sixty days after September 29, 2013, the board 48184
shall approve acceptable means of demonstrating compliance with 48185
sections 4731.09 and 4731.14 of the Revised Code as required by 48186
division (C)(1)(d) of this section. 48187

Sec. 4731.56. (A) The state medical board shall review all 48188
applications received under section 4731.52 of the Revised Code. 48189
The board shall determine whether an applicant meets the 48190
requirements for a license to practice podiatric medicine and 48191
surgery. ~~An affirmative vote of not fewer than six members of the~~ 48192
~~board is required to determine that an applicant meets the~~ 48193
~~requirements for a license.~~ 48194

(B) If the board determines that the applicant meets the 48195
requirements for a license and that the documentation provided is 48196
satisfactory to the board, the board shall issue to the applicant 48197
a license to practice podiatric medicine and surgery. Each license 48198
shall be signed by the president and secretary of the board and 48199
attested by its seal. 48200

(C) A person who holds a license to practice podiatric 48201
medicine and surgery issued under this section may use the title 48202
"Dr.," "doctor," "D.P.M.," "physician," or "surgeon." 48203

(D) The holder of a license issued under this section shall 48204
either provide verification of licensure status from the board's 48205
internet web site on request or prominently display a wall 48206
certificate in the license holder's office or the place where a 48207

major portion of the license holder's practice is conducted. 48208

Sec. 4731.572. (A) The state medical board may issue, without 48209
examination, a visiting podiatric faculty certificate to any 48210
person who holds a current, unrestricted license to practice 48211
podiatric medicine and surgery issued by another state or country 48212
and has been appointed to serve in this state on the academic 48213
staff of an approved college of podiatric medicine and surgery in 48214
good standing, as determined by the board. 48215

(B) An applicant for a visiting podiatric faculty certificate 48216
shall submit evidence satisfactory to the board that the applicant 48217
meets the requirements of division (A) of this section. The 48218
applicant shall pay a fee of one hundred twenty-five dollars. ~~The~~ 48219
~~board shall maintain a register of all persons who hold a visiting~~ 48220
~~podiatric faculty certificate.~~ 48221

(C) The holder of a visiting podiatric faculty certificate 48222
may practice podiatric medicine and surgery only as is incidental 48223
to the certificate holder's teaching duties at the college or the 48224
teaching hospitals affiliated with the college. The board may 48225
revoke a certificate on receiving proof satisfactory to the board 48226
that the holder of the certificate has engaged in practice in this 48227
state outside the scope of the certificate or that there are 48228
grounds for action against the certificate holder under section 48229
4731.22 of the Revised Code. 48230

(D) A visiting podiatric faculty certificate is valid for the 48231
shorter of one year or the duration of the holder's appointment to 48232
the academic staff of the college. The certificate may not be 48233
renewed. 48234

Sec. 4731.573. (A) An individual seeking to pursue an 48235
internship, residency, or clinical fellowship program in podiatric 48236
medicine and surgery in this state, who does not hold a license to 48237

practice podiatric medicine and surgery issued under this chapter, 48238
shall apply to the state medical board for a training certificate. 48239
The application shall be made on forms that the board shall 48240
furnish and shall be accompanied by an application fee of one 48241
hundred thirty dollars. 48242

An applicant for a training certificate shall furnish to the 48243
board all of the following: 48244

(1) Evidence satisfactory to the board that the applicant is 48245
at least eighteen years of age and is of good moral character; 48246

(2) Evidence satisfactory to the board that the applicant has 48247
been accepted or appointed to participate in this state in one of 48248
the following: 48249

(a) An internship ~~or~~, residency, or clinical fellowship 48250
program accredited by either the council on podiatric medical 48251
education or the American podiatric medical association; 48252

(b) A clinical fellowship program that is not accredited as 48253
described in division (A)(2)(a) of this section, but is conducted 48254
at an institution with a residency program that is accredited ~~by~~ 48255
~~either the council on podiatric medical education or the American~~ 48256
~~podiatric medical association that~~ as described in that division 48257
and is in a clinical field the same as or related to the clinical 48258
field of the fellowship program. 48259

(3) Information identifying the beginning and ending dates of 48260
the period for which the applicant has been accepted or appointed 48261
to participate in the internship, residency, or clinical 48262
fellowship program; 48263

(4) Any other information that the board requires. 48264

(B) If no grounds for denying a license or certificate under 48265
section 4731.22 of the Revised Code apply and the applicant meets 48266
the requirements of division (A) of this section, the board shall 48267

issue a training certificate to the applicant. The board shall not
require an examination as a condition of receiving a training
certificate.

A training certificate issued pursuant to this section shall
be valid only for three years, but may ~~in the discretion of the~~
~~board and upon application duly made,~~ be renewed by the board for
one additional three-year period. ~~The~~ To renew a training
certificate, the holder shall apply to the board on or before the
certificate's expiration date.

The fee for renewal of a training certificate shall be one
hundred dollars. A late application may be submitted not more than
thirty days after the certificate's expiration date. In such a
case, the holder shall include with the application a
one-hundred-fifty-dollar reinstatement fee.

~~The board shall maintain a register of all individuals who~~
~~hold training certificates.~~

(C) The holder of a valid training certificate shall be
entitled to perform such acts as may be prescribed by or
incidental to the holder's internship, residency, or clinical
fellowship program, but the holder shall not be entitled otherwise
to engage in the practice of podiatric medicine and surgery in
this state. The holder shall limit activities under the
certificate to the programs of the hospitals or facilities for
which the training certificate is issued. The holder shall train
only under the supervision of the podiatrists responsible for
supervision as part of the internship, residency, or clinical
fellowship program. A training certificate may be revoked by the
board upon proof, satisfactory to the board, that the holder
thereof has engaged in practice in this state outside the scope of
the internship, residency, or clinical fellowship program for
which the training certificate has been issued, or upon proof,
satisfactory to the board, that the holder thereof has engaged in

unethical conduct or that there are grounds for action against the holder under section 4731.22 of the Revised Code. 48300
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(D) The board may adopt rules as the board finds necessary to effect the purpose of this section. 48302
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Sec. 4734.281. Except in cases where a chiropractor holds a certificate license issued under section 4762.04 of the Revised Code or is an individual described in division (B) of section 4762.02 of the Revised Code, a chiropractor licensed under this chapter shall not engage in the practice of acupuncture unless the chiropractor holds a valid certificate to practice acupuncture issued by the state chiropractic board under this chapter. 48304
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Sec. 4735.023. (A) An oil and gas land professional who is not otherwise permitted to engage in the activities described in division (A) of section 4735.01 of the Revised Code may perform such activities, if the oil and gas land professional does all of the following: 48311
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(1)(a) Registers on an annual basis as an oil and gas land professional with the superintendent of real estate by such date specified and on a form approved by the superintendent, which form includes both of the following: 48316
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(i) The name and address of the oil and gas land professional; 48320
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(ii) Evidence of the oil and gas land professional's membership in good standing in a national, state, or local professional organization that has been in existence for at least three years and has, as part of its mission, developed a set of standards of performance and ethics for oil and gas land professionals. 48322
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(b) Pays an annual fee, established by the superintendent in an amount not to exceed one hundred dollars, which shall accompany 48328
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the registration. 48330

(2) At or prior to first contacting any landowner or other 48331
person with an interest in real estate for the purpose of engaging 48332
in the activities of an oil and gas land professional, and on a 48333
form approved by the superintendent, discloses to the landowner or 48334
other person all of the following: 48335

(a) The oil and gas land professional's name and address as 48336
registered with the superintendent; 48337

(b) That the oil and gas land professional is registered as 48338
such with the superintendent and is a member in good standing in a 48339
national, state, or local professional organization that has been 48340
in existence for at least three years and has, as part of its 48341
mission, developed a set of standards of performance and ethics 48342
for oil and gas land professionals; 48343

(c) That the oil and gas land professional is not a licensed 48344
real estate broker or real estate salesperson under Chapter 4735. 48345
of the Revised Code; 48346

(d) That the landowner or other person with an interest in 48347
real estate may seek legal counsel in connection with any 48348
transaction with the oil and gas land professional; 48349

(e) That the oil and gas land professional is not 48350
representing the landowner or other person with an interest in 48351
real estate. 48352

(3) At or prior to entering into any agreements for the 48353
purpose of exploring for, transporting, producing, or developing 48354
oil and gas mineral interests including, but not limited to, oil 48355
and gas leases and pipeline easements with any landowner or other 48356
person with an interest in real estate, and on a form approved by 48357
the superintendent, discloses to the landowner or other person 48358
with an interest in real estate all of the following: 48359

(a) The oil and gas land professional's name and address as registered with the superintendent; 48360
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(b) That the oil and gas land professional is registered as such with the superintendent and a member in good standing in a national, state, or local professional organization that has been in existence for at least three years and has, as part of its mission, developed a set of standards of performance and ethics for oil and gas land professionals; 48362
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(c) That the oil and gas land professional is not a licensed real estate broker or real estate salesperson under Chapter 4735. of the Revised Code; 48368
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(d) That the landowner or other person may seek legal counsel in connection with any transaction with the oil and gas land professional; 48371
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(e) That the oil and gas land professional is not representing the landowner or other person with an interest in real estate. 48374
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(B) Any oil and gas land professional who must be registered as such with the superintendent pursuant to this section who ceases to be a member in good standing of an organization described in division (A)(1)(a)(ii) of this section shall report the change in membership status to the superintendent within thirty days of that change. Failure to report such change in membership status shall result in the automatic suspension of registration status and subject the registrant to the penalties for unlicensed activity as found in section ~~4735.02~~ 4735.052 of the Revised Code. 48377
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(C) Any oil and gas land professional who fails to register with the superintendent pursuant to this section is subject to the penalties for unlicensed activity as found in section ~~4735.02~~ 4735.052 of the Revised Code. 48387
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Sec. 4735.052. (A) Upon receipt of a written complaint or 48391
upon the superintendent's own motion, the superintendent may 48392
investigate any person that has allegedly violated section 48393
4735.02, 4735.023, or 4735.25 of the Revised Code, except that the 48394
superintendent shall not initiate an investigation, pursuant to 48395
this section, of any person who held a suspended or inactive 48396
license under this chapter on the date of the alleged violation. 48397

(B) If, after investigation, the superintendent determines 48398
there exists reasonable evidence of a violation of section 48399
4735.02, 4735.023, or 4735.25 of the Revised Code, within fourteen 48400
business days after that determination, the superintendent shall 48401
send the party who is the subject of the investigation, a written 48402
notice, by regular mail, that includes all of the following 48403
information: 48404

(1) A description of the activity in which the party 48405
allegedly is engaging or has engaged that is a violation of 48406
section 4735.02, 4735.023, or 4735.25 of the Revised Code; 48407

(2) The applicable law allegedly violated; 48408

(3) A statement informing the party that a hearing concerning 48409
the alleged violation will be held, upon the party's request, 48410
before a hearing examiner pursuant to Chapter 119. of the Revised 48411
Code. 48412

(C)(1) If a hearing is requested, the hearing examiner shall 48413
hear the testimony of all parties present at the hearing and 48414
consider any written testimony submitted pursuant to this section, 48415
and determine if there has been a violation of section 4735.02, 48416
4735.023, or 4735.25 of the Revised Code. 48417

(2) After the conclusion of formal hearings, the hearing 48418
examiner shall file a report of findings of fact and conclusions 48419
of law with the superintendent, the commission, the complainant, 48420

and the parties. Within twenty days of receipt of such copy of the
written report of findings of fact and conclusions of law, the
parties and the division may file with the commission written
objections to the report, which shall be considered by the
commission before approving, modifying, or disapproving the
report.

(3) The commission shall review the hearing examiner's report
at the next regularly scheduled commission meeting held at least
twenty business days after receipt of the hearing examiner's
report. The commission shall hear the testimony of the complainant
or the parties upon request.

(4) The commission shall decide whether to impose
disciplinary sanctions upon a party for a violation of section
4735.02 or 4735.023 of the Revised Code. If the commission finds
that a violation has occurred, the commission may assess a civil
penalty, in an amount it determines, not to exceed one thousand
dollars per violation. Each day a violation occurs or continues is
a separate violation. The commission shall determine the terms of
payment. The commission shall maintain a record of the proceedings
of the hearing and issue a written opinion to all parties, citing
its findings and grounds for any action taken.

(D) Civil penalties collected under this section shall be
deposited in the real estate operating fund, which is created in
the state treasury under section 4735.211 of the Revised Code.

(E) If a party fails to pay a civil penalty assessed pursuant
to this section within the time prescribed by the commission, the
superintendent shall forward to the attorney general the name of
the party and the amount of the civil penalty, for the purpose of
collecting that civil penalty. In addition to the civil penalty
assessed pursuant to this section, the party also shall pay any
fee assessed by the attorney general for collection of the civil
penalty.

(F) The superintendent may reserve the right to bring a civil 48453
action against a party that fails to pay a civil penalty for 48454
breach of contract in a court of competent jurisdiction. 48455

Sec. 4735.06. (A) Application for a license as a real estate 48456
broker shall be made to the superintendent of real estate on forms 48457
furnished by the superintendent and filed with the superintendent 48458
and shall be signed by the applicant or its members or officers. 48459
Each application shall state the name of the person applying and 48460
the location of the place of business for which the license is 48461
desired, and give such other information as the superintendent 48462
requires in the form of application prescribed by the 48463
superintendent. 48464

(B)(1) If the applicant is a partnership, limited liability 48465
company, limited liability partnership, or association, the names 48466
of all the members also shall be stated, and, if the applicant is 48467
a corporation, the names of its president and of each of its 48468
officers also shall be stated. 48469

The superintendent has the right to reject the application of 48470
any partnership, association, limited liability company, limited 48471
liability partnership, or corporation if the name proposed to be 48472
used by such partnership, association, limited liability company, 48473
limited liability partnership, or corporation is likely to mislead 48474
the public or if the name is not such as to distinguish it from 48475
the name of any existing partnership, association, limited 48476
liability company, limited liability partnership, or corporation 48477
licensed under this chapter, unless there is filed with the 48478
application the written consent of such existing partnership, 48479
association, limited liability company, limited liability 48480
partnership, or corporation, executed by a duly authorized 48481
representative of it, permitting the use of the name of such 48482
existing partnership, association, limited liability company, 48483

limited liability partnership, or corporation. 48484

(2) The superintendent shall approve the use of a trade name 48485
by a brokerage, if the name meets both of the following criteria: 48486

(a) The proposed name is not the same as or is clearly 48487
distinguishable from a name registered with the division of real 48488
estate and professional licensing by another existing brokerage. 48489
If the superintendent determines that the proposed name is not 48490
clearly distinguishable from any other existing brokerage, the 48491
superintendent may approve the use of the trade name if there is 48492
filed with the superintendent the written consent of the existing 48493
brokerage with the same or similar name. 48494

(b) The name is not misleading or likely to mislead the 48495
public. 48496

(3) The superintendent may approve the use of more than one 48497
trade name for a brokerage. 48498

(4) When a brokerage has received the approval of the 48499
superintendent to conduct business under one or more trade names, 48500
those trade names shall be the only identifying names used by the 48501
brokerage in all advertising. 48502

(C) A fee of one hundred thirty-five dollars shall accompany 48503
the application for a real estate broker's license. The initial 48504
licensing period commences at the time the license is issued and 48505
ends on the applicant's first birthday thereafter. However, if the 48506
applicant was an inactive or active salesperson immediately 48507
preceding application for a broker's license, then the initial 48508
licensing period shall commence at the time the broker's license 48509
is issued and ends on the date the licensee's continuing education 48510
is due as set when the applicant was a salesperson. The 48511
application fee shall be nonrefundable. A fee of one hundred 48512
thirty-five dollars shall be charged by the superintendent for 48513
each successive application made by an applicant. In the case of 48514

issuance of a three-year license, upon passing the examination, or 48515
upon waiver of the examination requirement, if the superintendent 48516
determines it is necessary, the applicant shall submit an 48517
additional fee determined by the superintendent based upon the 48518
number of years remaining in a real estate salesperson's licensing 48519
period. 48520

(D) One dollar of each application fee for a real estate 48521
broker's license shall be credited to the real estate education 48522
and research fund, which is hereby created in the state treasury. 48523
The Ohio real estate commission may use the fund in discharging 48524
the duties prescribed in divisions (E), (F), (G), and (H) of 48525
section 4735.03 of the Revised Code and shall use it in the 48526
advancement of education and research in real estate at any 48527
institution of higher education in the state, or in contracting 48528
with any such institution or a trade organization for a particular 48529
research or educational project in the field of real estate, or in 48530
advancing loans, not exceeding two thousand dollars, to applicants 48531
for salesperson licenses, to defray the costs of satisfying the 48532
educational requirements of division (F) of section 4735.09 of the 48533
Revised Code. Such loans shall be made according to rules 48534
established by the commission under the procedures of Chapter 119. 48535
of the Revised Code, and they shall be repaid to the fund within 48536
three years of the time they are made. No more than twenty-five 48537
thousand dollars shall be lent from the fund in any one fiscal 48538
year. 48539

The governor may appoint a representative from the executive 48540
branch to be a member ex officio of the commission for the purpose 48541
of advising on research requests or educational projects. The 48542
commission shall report to the general assembly on the third 48543
Tuesday after the third Monday in January of each year setting 48544
forth the total amount contained in the fund and the amount of 48545
each research grant that it has authorized and the amount of each 48546

research grant requested. A copy of all research reports shall be 48547
submitted to the state library of Ohio and the library of the 48548
legislative service commission. 48549

(E) If the superintendent, with the consent of the 48550
commission, enters into an agreement with a national testing 48551
service to administer the real estate broker's examination, 48552
pursuant to division (A) of section 4735.07 of the Revised Code, 48553
the superintendent may require an applicant to pay the testing 48554
service's examination fee directly to the testing service. If the 48555
superintendent requires the payment of the examination fee 48556
directly to the testing service, each applicant shall submit to 48557
the superintendent a processing fee in an amount determined by the 48558
Ohio real estate commission pursuant to division (A)(2) of section 48559
4735.10 of the Revised Code. 48560

Sec. 4735.09. (A) Application for a license as a real estate 48561
salesperson shall be made to the superintendent of real estate on 48562
forms furnished by the superintendent and signed by the applicant. 48563
The application shall be in the form prescribed by the 48564
superintendent and shall contain such information as is required 48565
by this chapter and the rules of the Ohio real estate commission. 48566
The application shall be accompanied by the recommendation of the 48567
real estate broker with whom the applicant is associated or with 48568
whom the applicant intends to be associated, certifying that the 48569
applicant is honest, truthful, and of good reputation, has not 48570
been convicted of a felony or a crime involving moral turpitude, 48571
and has not been finally adjudged by a court to have violated any 48572
municipal, state, or federal civil rights laws relevant to the 48573
protection of purchasers or sellers of real estate, which 48574
conviction or adjudication the applicant has not disclosed to the 48575
superintendent, and recommending that the applicant be admitted to 48576
the real estate salesperson examination. 48577

(B) A fee of ~~sixty~~ eighty-one dollars shall accompany the application, which fee includes the fee for the initial year of the licensing period, if a license is issued. The initial year of the licensing period commences at the time the license is issued and ends on the applicant's first birthday thereafter. The application fee shall be nonrefundable. A fee of ~~sixty~~ eighty-one dollars shall be charged by the superintendent for each successive application made by the applicant. One dollar of each application fee shall be credited to the real estate education and research fund.

(C) There shall be no limit placed on the number of times an applicant may retake the examination.

(D) The superintendent, with the consent of the commission, may enter into an agreement with a recognized national testing service to administer the real estate salesperson's examination under the superintendent's supervision and control, consistent with the requirements of this chapter as to the contents of the examination.

If the superintendent, with the consent of the commission, enters into an agreement with a national testing service to administer the real estate salesperson's examination, the superintendent may require an applicant to pay the testing service's examination fee directly to the testing service. If the superintendent requires the payment of the examination fee directly to the testing service, each applicant shall submit to the superintendent a processing fee in an amount determined by the Ohio real estate commission pursuant to division (A)(1) of section 4735.10 of the Revised Code.

(E) The superintendent shall issue a real estate salesperson's license when satisfied that the applicant has received a passing score on each portion of the salesperson's examination as determined by rule by the real estate commission,

except that the superintendent may waive one or more of the requirements of this section in the case of an applicant who is a licensed real estate salesperson in another state pursuant to a reciprocity agreement with the licensing authority of the state from which the applicant holds a valid real estate salesperson's license.

(F) No applicant for a salesperson's license shall take the salesperson's examination who has not established to the satisfaction of the superintendent that the applicant:

(1) Is honest, truthful, and of good reputation;

(2)(a) Has not been convicted of a felony or crime of moral turpitude or, if the applicant has been so convicted, the superintendent has disregarded the conviction because the applicant has proven to the superintendent, by a preponderance of the evidence, that the applicant's activities and employment record since the conviction show that the applicant is honest, truthful, and of good reputation, and there is no basis in fact for believing that the applicant again will violate the laws involved;

(b) Has not been finally adjudged by a court to have violated any municipal, state, or federal civil rights laws relevant to the protection of purchasers or sellers of real estate or, if the applicant has been so adjudged, at least two years have passed since the court decision and the superintendent has disregarded the adjudication because the applicant has proven, by a preponderance of the evidence, that the applicant is honest, truthful, and of good reputation, and there is no basis in fact for believing that the applicant again will violate the laws involved.

(3) Has not, during any period in which the applicant was licensed under this chapter, violated any provision of, or any

rule adopted pursuant to this chapter, or, if the applicant has 48641
violated such provision or rule, has established to the 48642
satisfaction of the superintendent that the applicant will not 48643
again violate such provision or rule; 48644

(4) Is at least eighteen years of age; 48645

(5) If born after the year 1950, has a high school diploma or 48646
a certificate of high school equivalence issued by the department 48647
of education; 48648

(6) Has successfully completed at an institution of higher 48649
education all of the following credit-eligible courses by either 48650
classroom instruction or distance education: 48651

(a) Forty hours of instruction in real estate practice; 48652

(b) Forty hours of instruction that includes the subjects of 48653
Ohio real estate law, municipal, state, and federal civil rights 48654
law, new case law on housing discrimination, desegregation issues, 48655
and methods of eliminating the effects of prior discrimination. If 48656
feasible, the instruction in Ohio real estate law shall be taught 48657
by a member of the faculty of an accredited law school. If 48658
feasible, the instruction in municipal, state, and federal civil 48659
rights law, new case law on housing discrimination, desegregation 48660
issues, and methods of eliminating the effects of prior 48661
discrimination shall be taught by a staff member of the Ohio civil 48662
rights commission who is knowledgeable with respect to those 48663
subjects. The requirements of this division do not apply to an 48664
applicant who is admitted to practice before the supreme court. 48665

(c) Twenty hours of instruction in real estate appraisal; 48666

(d) Twenty hours of instruction in real estate finance. 48667

(G)(1) Successful completion of the instruction required by 48668
division (F)(6) of this section shall be determined by the law in 48669
effect on the date the instruction was completed. 48670

(2) Division (F)(6)(c) of this section does not apply to any 48671
new applicant who holds a valid Ohio real estate appraiser license 48672
or certificate issued prior to the date of application for a real 48673
estate salesperson's license. 48674

(H) Only for noncredit course offerings, an institution of 48675
higher education shall obtain approval from the appropriate state 48676
authorizing entity prior to offering a real estate course that is 48677
designed and marketed as satisfying the salesperson license 48678
education requirements of division (F)(6) of this section. The 48679
state authorizing entity may consult with the superintendent in 48680
reviewing the course for compliance with this section. 48681

(I) Any person who has not been licensed as a real estate 48682
salesperson or broker within a four-year period immediately 48683
preceding the person's current application for the salesperson's 48684
examination shall have successfully completed the prelicensure 48685
instruction required by division (F)(6) of this section within a 48686
ten-year period immediately preceding the person's current 48687
application for the salesperson's examination. 48688

(J) Not earlier than the date of issue of a real estate 48689
salesperson's license to a licensee, but not later than twelve 48690
months after the date of issue of a real estate salesperson 48691
license to a licensee, the licensee shall submit proof 48692
satisfactory to the superintendent, on forms made available by the 48693
superintendent, of the completion of twenty hours of instruction 48694
that shall be completed in schools, seminars, and educational 48695
institutions approved by the commission. The instruction shall 48696
include, but is not limited to, current practices relating to 48697
commercial real estate, property management, short sales, and land 48698
contracts; contract law; federal and state programs; economic 48699
conditions; and fiduciary responsibility. Approval of the 48700
curriculum and providers shall be granted according to rules 48701
adopted pursuant to section 4735.10 of the Revised Code and may be 48702

taken through classroom instruction or distance education. 48703

If proof of completion of the required instruction is not 48704
submitted within twelve months of the date a license is issued 48705
under this section, the licensee's license is suspended 48706
automatically without the taking of any action by the 48707
superintendent. The superintendent immediately shall notify the 48708
broker with whom such salesperson is associated of the suspension 48709
of the salesperson's license. A salesperson whose license has been 48710
suspended under this division shall have twelve months after the 48711
date of the suspension of the salesperson's license to submit 48712
proof of successful completion of the instruction required under 48713
this division. No such license shall be reactivated by the 48714
superintendent until it is established, to the satisfaction of the 48715
superintendent, that the requirements of this division have been 48716
met and that the licensee is in compliance with this chapter. A 48717
licensee's license is revoked automatically without the taking of 48718
any action by the superintendent when the licensee fails to submit 48719
the required proof of completion of the education requirements 48720
under division (I) of this section within twelve months of the 48721
date the license is suspended. 48722

(K) Examinations shall be administered with reasonable 48723
accommodations in accordance with the requirements of the 48724
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 48725
U.S.C. 12189. The contents of an examination shall be consistent 48726
with the classroom instructional requirements of division (F)(6) 48727
of this section. An applicant who has completed the classroom 48728
instructional requirements of division (F)(6) of this section at 48729
the time of application shall be examined no later than twelve 48730
months after the applicant is notified of the applicant's 48731
admission to the examination. 48732

Sec. 4735.12. (A) The real estate recovery fund is hereby 48733

created in the state treasury, to be administered by the 48734
superintendent of real estate. Amounts collected by the 48735
superintendent as prescribed in this section and interest earned 48736
on the assets of the fund shall be credited by the treasurer of 48737
state to the fund. The amount of money in the fund shall be 48738
ascertained by the superintendent as of the first day of July of 48739
each year. 48740

The commission, in accordance with rules adopted under 48741
division (A)(2)(g) of section 4735.10 of the Revised Code, shall 48742
impose a special assessment not to exceed ten dollars per year for 48743
each year of a licensing period on each licensee filing a notice 48744
of renewal under section 4735.14 of the Revised Code if the amount 48745
available in the fund is less than ~~five~~ two hundred fifty thousand 48746
dollars on the first day of July preceding that filing. ~~The~~ 48747
~~commission may impose a special assessment not to exceed five~~ 48748
~~dollars per year for each year of a licensing period if the amount~~ 48749
~~available in the fund is greater than one million dollars, but~~ 48750
~~less than two million dollars on the first day of July preceding~~ 48751
~~that filing.~~ The commission shall not impose a special assessment 48752
if the amount available in the fund exceeds two ~~million~~ hundred 48753
fifty thousand dollars on the first day of July preceding that 48754
filing. 48755

(B)(1) Any person who obtains a final judgment in any court 48756
of competent jurisdiction against any broker or salesperson 48757
licensed under this chapter, on the grounds of conduct that is in 48758
violation of this chapter or the rules adopted under it, and that 48759
is associated with an act or transaction that only a licensed real 48760
estate broker or licensed real estate salesperson is authorized to 48761
perform as specified in division (A) or (C) of section 4735.01 of 48762
the Revised Code, may file a verified application, as described in 48763
division (B)(3) of this section, in the court of common pleas of 48764
Franklin county for an order directing payment out of the real 48765

estate recovery fund of the portion of the judgment that remains 48766
unpaid and that represents the actual and direct loss sustained by 48767
the applicant. 48768

(2) Punitive damages, attorney's fees, and interest on a 48769
judgment are not recoverable from the fund. In the discretion of 48770
the superintendent of real estate, court costs may be recovered 48771
from the fund, and, if the superintendent authorizes the recovery 48772
of court costs, the order of the court of common pleas then may 48773
direct their payment from the fund. 48774

(3) The application shall specify the nature of the act or 48775
transaction upon which the underlying judgment was based, the 48776
activities of the applicant in pursuit of remedies available under 48777
law for the collection of judgments, and the actual and direct 48778
losses, attorney's fees, and the court costs sustained or incurred 48779
by the applicant. The applicant shall attach to the application a 48780
copy of each pleading and order in the underlying court action. 48781

(4) The court shall order the superintendent to make such 48782
payments out of the fund when the person seeking the order has 48783
shown all of the following: 48784

(a) The person has obtained a judgment, as provided in this 48785
division; 48786

(b) All appeals from the judgment have been exhausted and the 48787
person has given notice to the superintendent, as required by 48788
division (C) of this section; 48789

(c) The person is not a spouse of the judgment debtor, or the 48790
personal representative of such spouse; 48791

(d) The person has diligently pursued the person's remedies 48792
against all the judgment debtors and all other persons liable to 48793
the person in the transaction for which the person seeks recovery 48794
from the fund; 48795

(e) The person is making the person's application not more than one year after termination of all proceedings, including appeals, in connection with the judgment. 48796
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(5) Divisions (B)(1) to (4) of this section do not apply to any of the following: 48799
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(a) Actions arising from property management accounts maintained in the name of the property owner; 48801
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(b) A bonding company when it is not a principal in a real estate transaction; 48803
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(c) A person in an action for the payment of a commission or fee for the performance of an act or transaction specified or comprehended in division (A) or (C) of section 4735.01 of the Revised Code; 48805
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(d) Losses incurred by investors in real estate if the applicant and the licensee are principals in the investment. 48809
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(C) A person who applies to a court of common pleas for an order directing payment out of the fund shall file notice of the application with the superintendent. The superintendent may defend any such action on behalf of the fund and shall have recourse to all appropriate means of defense and review, including examination of witnesses, verification of actual and direct losses, and challenges to the underlying judgment required in division (B)(4)(a) of this section to determine whether the underlying judgment is based on activity only a licensed broker or licensed salesperson is permitted to perform. The superintendent may move the court at any time to dismiss the application when it appears there are no triable issues and the application is without merit. The motion may be supported by affidavit of any person having knowledge of the facts and may be made on the basis that the application, including the judgment referred to in it, does not form the basis for a meritorious recovery claim; provided, that 48811
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the superintendent shall give written notice to the applicant at 48827
least ten days before such motion. The superintendent may, subject 48828
to court approval, compromise a claim based upon the application 48829
of an aggrieved party. The superintendent shall not be bound by 48830
any prior compromise or stipulation of the judgment debtor. 48831

(D) Notwithstanding any other provision of this section, the 48832
liability of the fund shall not exceed forty thousand dollars for 48833
any one licensee. If a licensee's license is reactivated as 48834
provided in division (E) of this section, the liability of the 48835
fund for the licensee under this section shall again be forty 48836
thousand dollars, but only for transactions that occur subsequent 48837
to the time of reactivation. 48838

If the forty-thousand-dollar liability of the fund is 48839
insufficient to pay in full the valid claims of all aggrieved 48840
persons by whom claims have been filed against any one licensee, 48841
the forty thousand dollars shall be distributed among them in the 48842
ratio that their respective claims bear to the aggregate of valid 48843
claims or in such other manner as the court finds equitable. 48844
Distribution of moneys shall be among the persons entitled to 48845
share in it, without regard to the order of priority in which 48846
their respective judgments may have been obtained or their claims 48847
have been filed. Upon petition of the superintendent, the court 48848
may require all claimants and prospective claimants against one 48849
licensee to be joined in one action, to the end that the 48850
respective rights of all such claimants to the fund may be 48851
equitably adjudicated and settled. 48852

(E) If the superintendent pays from the fund any amount in 48853
settlement of a claim or toward satisfaction of a judgment against 48854
a licensed broker or salesperson, the license of the broker or 48855
salesperson shall be automatically suspended upon the date of 48856
payment from the fund. The superintendent shall not reactivate the 48857
suspended license of that broker or salesperson until the broker 48858

or salesperson has repaid in full, plus interest per annum at the 48859
rate specified in division (A) of section 1343.03 of the Revised 48860
Code, the amount paid from the fund on the broker's or 48861
salesperson's account. A discharge in bankruptcy does not relieve 48862
a person from the suspension and requirements for reactivation 48863
provided in this section unless the underlying judgment has been 48864
included in the discharge and has not been reaffirmed by the 48865
debtor. 48866

(F) If, at any time, the money deposited in the fund is 48867
insufficient to satisfy any duly authorized claim or portion of a 48868
claim, the superintendent shall, when sufficient money has been 48869
deposited in the fund, satisfy such unpaid claims or portions, in 48870
the order that such claims or portions were originally filed, plus 48871
accumulated interest per annum at the rate specified in division 48872
(A) of section 1343.03 of the Revised Code. 48873

(G) When, upon the order of the court, the superintendent has 48874
paid from the fund any sum to the judgment creditor, the 48875
superintendent shall be subrogated to all of the rights of the 48876
judgment creditor to the extent of the amount so paid, and the 48877
judgment creditor shall assign all the judgment creditor's right, 48878
title, and interest in the judgment to the superintendent to the 48879
extent of the amount so paid. Any amount and interest so recovered 48880
by the superintendent on the judgment shall be deposited in the 48881
fund. 48882

(H) Nothing contained in this section shall limit the 48883
authority of the superintendent to take disciplinary action 48884
against any licensee under other provisions of this chapter; nor 48885
shall the repayment in full of all obligations to the fund by any 48886
licensee nullify or modify the effect of any other disciplinary 48887
proceeding brought pursuant to this chapter. 48888

(I) The superintendent shall collect from the fund a service 48889
fee in an amount equivalent to the interest rate specified in 48890

division (A) of section 1343.03 of the Revised Code multiplied by 48891
the annual interest earned on the assets of the fund, to defray 48892
the expenses incurred in the administration of the fund. 48893

Sec. 4735.13. (A) Every real estate broker licensed under 48894
this chapter shall have and maintain a definite place of business 48895
in this state. A post office box address is not a definite place 48896
of business for purposes of this section. The license of a real 48897
estate broker shall be prominently displayed in the office or 48898
place of business of the broker, and no license shall authorize 48899
the licensee to do business except from the location specified in 48900
it. If the broker maintains more than one place of business within 48901
the state, the broker shall apply for and procure a duplicate 48902
license for each branch office maintained by the broker. Each 48903
branch office shall be in the charge of a licensed broker or 48904
salesperson. The branch office license shall be prominently 48905
displayed at the branch office location. 48906

(B) The license of each real estate salesperson shall be 48907
mailed to and remain in the possession of the licensed broker with 48908
whom the salesperson is or is to be associated until the licensee 48909
places the license on inactive or resigned status or until the 48910
salesperson leaves the brokerage or is terminated. The broker 48911
shall keep each salesperson's license in a way that it can, and 48912
shall on request, be made immediately available for public 48913
inspection at the office or place of business of the broker. 48914
Except as provided in divisions (G) and (H) of this section, 48915
immediately upon the salesperson's leaving the association or 48916
termination of the association of a real estate salesperson with 48917
the broker, the broker shall return the salesperson's license to 48918
the superintendent of real estate. 48919

The failure of a broker to return the license of a real 48920
estate salesperson or broker who leaves or who is terminated, via 48921

certified mail return receipt requested, within three business 48922
days of the receipt of a written request from the superintendent 48923
for the return of the license, is prima-facie evidence of 48924
misconduct under division (A)(6) of section 4735.18 of the Revised 48925
Code. 48926

(C) A licensee shall notify the superintendent in writing 48927
within fifteen days of any of the following occurrences: 48928

(1) The licensee is convicted of a felony. 48929

(2) The licensee is convicted of a crime involving moral 48930
turpitude. 48931

(3) The licensee is found to have violated any federal, 48932
state, or municipal civil rights law pertaining to discrimination 48933
in housing. 48934

(4) The licensee is found to have engaged in a discriminatory 48935
practice pertaining to housing accommodations described in 48936
division (H) of section 4112.02 of the Revised Code. 48937

(5) The licensee is the subject of an order by the department 48938
of commerce, the department of insurance, or the department of 48939
agriculture revoking or permanently surrendering any professional 48940
license, certificate, or registration. 48941

(6) The licensee is the subject of an order by any government 48942
agency concerning real estate, financial matters, or the 48943
performance of fiduciary duties with respect to any license, 48944
certificate, or registration. 48945

If a licensee fails to notify the superintendent within the 48946
required time, the superintendent immediately may suspend the 48947
license of the licensee. 48948

Any court that convicts a licensee of a violation of any 48949
municipal civil rights law pertaining to housing discrimination 48950
also shall notify the Ohio civil rights commission within fifteen 48951

days of the conviction. 48952

(D) In case of any change of business location, a broker 48953
shall give notice to the superintendent, on a form prescribed by 48954
the superintendent, within thirty days after the change of 48955
location, whereupon the superintendent shall issue new licenses 48956
for the unexpired period without charge. If a broker changes a 48957
business location without giving the required notice and without 48958
receiving new licenses that action is prima-facie evidence of 48959
misconduct under division (A)(6) of section 4735.18 of the Revised 48960
Code. 48961

(E) If a real estate broker desires to associate with another 48962
real estate broker in the capacity of a real estate salesperson, 48963
the broker shall apply to the superintendent to deposit the 48964
broker's real estate broker's license with the superintendent and 48965
for the issuance of a real estate salesperson's license. The 48966
application shall be made on a form prescribed by the 48967
superintendent and shall be accompanied by the recommendation of 48968
the real estate broker with whom the applicant intends to become 48969
associated and a fee of ~~twenty-five~~ thirty-four dollars for the 48970
real estate salesperson's license. One dollar of the fee shall be 48971
credited to the real estate education and research fund. If the 48972
superintendent is satisfied that the applicant is honest, 48973
truthful, and of good reputation, has not been convicted of a 48974
felony or a crime involving moral turpitude, and has not been 48975
finally adjudged by a court to have violated any municipal, state, 48976
or federal civil rights laws relevant to the protection of 48977
purchasers or sellers of real estate, and that the association of 48978
the real estate broker and the applicant will be in the public 48979
interest, the superintendent shall grant the application and issue 48980
a real estate salesperson's license to the applicant. Any license 48981
so deposited with the superintendent shall be subject to this 48982
chapter. A broker who intends to deposit the broker's license with 48983

the superintendent, as provided in this section, shall give 48984
written notice of this fact in a format prescribed by the 48985
superintendent to all salespersons associated with the broker when 48986
applying to place the broker's license on deposit. 48987

(F) If a real estate broker desires to become a member or 48988
officer of a partnership, association, limited liability company, 48989
limited liability partnership, or corporation that is or intends 48990
to become a licensed real estate broker, the broker shall notify 48991
the superintendent of the broker's intentions. The notice of 48992
intention shall be on a form prescribed by the superintendent and 48993
shall be accompanied by a fee of ~~twenty-five~~ thirty-four dollars. 48994
One dollar of the fee shall be credited to the real estate 48995
education and research fund. 48996

A licensed real estate broker who is a member or officer of a 48997
partnership, association, limited liability company, limited 48998
liability partnership, or corporation shall only act as a real 48999
estate broker for such partnership, association, limited liability 49000
company, limited liability partnership, or corporation. 49001

(G)(1) If a real estate broker or salesperson enters the 49002
armed forces, the broker or salesperson may place the broker's or 49003
salesperson's license on deposit with the Ohio real estate 49004
commission. The licensee shall not be required to renew the 49005
license until the renewal date that follows the date of discharge 49006
from the armed forces. Any license deposited with the commission 49007
shall be subject to this chapter. 49008

Any licensee whose license is on deposit under this division 49009
and who fails to meet the continuing education requirements of 49010
section 4735.141 of the Revised Code because the licensee is in 49011
the armed forces shall satisfy the commission that the licensee 49012
has complied with the continuing education requirements within 49013
twelve months of the licensee's first birthday after discharge or 49014
within the amount of time equal to the total number of months the 49015

licensee spent on active duty, whichever is greater. The licensee 49016
shall submit proper documentation of active duty service and the 49017
length of that active duty service to the superintendent. The 49018
extension shall not exceed the total number of months that the 49019
licensee served in active duty. The superintendent shall notify 49020
the licensee of the licensee's obligations under section 4735.141 49021
of the Revised Code at the time the licensee applies for 49022
reactivation of the licensee's license. 49023

(2) If a licensee is a spouse of a member of the armed forces 49024
and the spouse's service resulted in the licensee's absence from 49025
this state, both of the following apply: 49026

(a) The licensee shall not be required to renew the license 49027
until the renewal date that follows the date of the spouse's 49028
discharge from the armed forces. 49029

(b) If the licensee fails to meet the continuing education 49030
requirements of section 4735.141 of the Revised Code, the licensee 49031
shall satisfy the commission that the licensee has complied with 49032
the continuing education requirements within twelve months after 49033
the licensee's first birthday after the spouse's discharge or 49034
within the amount of time equal to the total number of months the 49035
licensee's spouse spent on active duty, whichever is greater. The 49036
licensee shall submit proper documentation of the spouse's active 49037
duty service and the length of that active duty service. This 49038
extension shall not exceed the total number of months that the 49039
licensee's spouse served in active duty. 49040

(3) In the case of a licensee as described in division (G)(2) 49041
of this section, who holds the license through a reciprocity 49042
agreement with another state, the spouse's service shall have 49043
resulted in the licensee's absence from the licensee's state of 49044
residence for the provisions of that division to apply. 49045

(4) As used in this division, "armed forces" means the armed 49046

forces of the United States or reserve component of the armed 49047
forces of the United States including the Ohio national guard or 49048
the national guard of any other state. 49049

(H) If a licensed real estate salesperson submits an 49050
application to the superintendent to leave the association of one 49051
broker to associate with a different broker, the broker possessing 49052
the licensee's license need not return the salesperson's license 49053
to the superintendent. The superintendent may process the 49054
application regardless of whether the licensee's license is 49055
returned to the superintendent. 49056

Sec. 4735.15. (A) The nonrefundable fees for reactivation or 49057
transfer of a license shall be as follows: 49058

(1) Reactivation or transfer of a broker's license into or 49059
out of a partnership, association, limited liability company, 49060
limited liability partnership, or corporation or from one 49061
partnership, association, limited liability company, limited 49062
liability partnership, or corporation to another partnership, 49063
association, limited liability company, limited liability 49064
partnership, or corporation, ~~twenty-five~~ thirty-four dollars. An 49065
application for such transfer shall be made to the superintendent 49066
of real estate on forms provided by the superintendent. 49067

(2) Reactivation or transfer of a license by a real estate 49068
salesperson, ~~twenty-five~~ thirty-four dollars. 49069

(B) Except as may otherwise be specified pursuant to division 49070
(F) of this section or any rules adopted by the Ohio real estate 49071
commission pursuant to division (A)(2)(b) of section 4735.10 of 49072
the Revised Code, the nonrefundable fees ~~for a branch office~~ 49073
~~license, license renewal, late filing, and foreign real estate~~ 49074
~~dealer and salesperson license~~ are as follows ~~per year~~ for each 49075
~~year of a~~ licensing period: 49076

- (1) Branch office license, ~~fifteen~~ twenty dollars; 49077
- (2) Renewal of a three-year real estate broker's license, 49078
~~sixty two hundred forty-three~~ dollars. If the licensee is a 49079
partnership, association, limited liability company, limited 49080
liability partnership, or corporation, the full broker's renewal 49081
fee shall be required for each member of such partnership, 49082
association, limited liability company, limited liability 49083
partnership, or corporation that is a real estate broker. If the 49084
real estate broker has not less than eleven nor more than twenty 49085
real estate salespersons associated with the broker, an additional 49086
fee of sixty-four dollars shall be assessed to the brokerage. For 49087
every additional ten real estate salespersons or fraction of that 49088
number, the brokerage assessment fee shall be increased in the 49089
amount of thirty-seven dollars. 49090
- (3) Renewal of a three-year real estate salesperson's 49091
license, ~~forty-five~~ one hundred eighty-two dollars; 49092
- (4) Renewal of a real estate broker's or salesperson's 49093
license filed within twelve months after the licensee's renewal 49094
date, an additional late filing penalty of fifty per cent of the 49095
required three-year fee; 49096
- (5) Foreign real estate dealer's license and each renewal of 49097
the license, thirty dollars per salesperson employed by the 49098
dealer, but not less than ~~one~~ two hundred fifty three dollars; 49099
- (6) Foreign real estate salesperson's license and each 49100
renewal of the license, ~~fifty~~ sixty-eight dollars. 49101
- (C) All fees collected under this section shall be paid to 49102
the treasurer of state. One dollar of each such fee shall be 49103
credited to the real estate education and research fund, except 49104
that for fees that are assessed only once every three years, three 49105
dollars of each triennial fee shall be credited to the real estate 49106
education and research fund. 49107

(D) In all cases, the fee and any penalty shall accompany the application for the license, license transfer, or license reactivation or shall accompany the filing of the renewal.

(E) The commission may establish by rule reasonable fees for services not otherwise established by this chapter.

(F) The commission may adopt rules that provide for a reduction in the fees established in divisions (B)(2) and (3) of this section.

Sec. 4735.18. (A) Subject to section 4735.32 of the Revised Code, the superintendent of real estate, upon the superintendent's own motion, may investigate the conduct of any licensee. Subject to division (E) of this section and section 4735.32 of the Revised Code, the Ohio real estate commission shall impose disciplinary sanctions upon any licensee who, whether or not acting in the licensee's capacity as a real estate broker or salesperson, or in handling the licensee's own property, is found to have been convicted of a felony or a crime of moral turpitude, and may impose disciplinary sanctions upon any licensee who, in the licensee's capacity as a real estate broker or salesperson, or in handling the licensee's own property, is found guilty of:

(1) Knowingly making any misrepresentation;

(2) Making any false promises with intent to influence, persuade, or induce;

(3) A continued course of misrepresentation or the making of false promises through agents, salespersons, advertising, or otherwise;

(4) Acting for more than one party in a transaction except as permitted by and in compliance with section 4735.71 of the Revised Code;

(5) Failure within a reasonable time to account for or to

remit any money coming into the licensee's possession which	49138
belongs to others;	49139
(6) Dishonest or illegal dealing, gross negligence,	49140
incompetency, or misconduct;	49141
(7)(a) By final adjudication by a court, a violation of any	49142
municipal or federal civil rights law relevant to the protection	49143
of purchasers or sellers of real estate or, by final adjudication	49144
by a court, any unlawful discriminatory practice pertaining to the	49145
purchase or sale of real estate prohibited by Chapter 4112. of the	49146
Revised Code, provided that such violation arose out of a	49147
situation wherein parties were engaged in bona fide efforts to	49148
purchase, sell, or lease real estate, in the licensee's practice	49149
as a licensed real estate broker or salesperson;	49150
(b) A second or subsequent violation of any unlawful	49151
discriminatory practice pertaining to the purchase or sale of real	49152
estate prohibited by Chapter 4112. of the Revised Code or any	49153
second or subsequent violation of municipal or federal civil	49154
rights laws relevant to purchasing or selling real estate whether	49155
or not there has been a final adjudication by a court, provided	49156
that such violation arose out of a situation wherein parties were	49157
engaged in bona fide efforts to purchase, sell, or lease real	49158
estate. For any second offense under this division, the commission	49159
shall suspend for a minimum of two months or revoke the license of	49160
the broker or salesperson. For any subsequent offense, the	49161
commission shall revoke the license of the broker or salesperson.	49162
(8) Procuring a license under this chapter, for the licensee	49163
or any salesperson by fraud, misrepresentation, or deceit;	49164
(9) Having violated or failed to comply with any provision of	49165
sections 4735.51 to 4735.74 of the Revised Code or having	49166
willfully disregarded or violated any other provisions of this	49167
chapter;	49168

(10) As a real estate broker, having demanded, without	49169
reasonable cause, other than from a broker licensed under this	49170
chapter, a commission to which the licensee is not entitled, or,	49171
as a real estate salesperson, having demanded, without reasonable	49172
cause, a commission to which the licensee is not entitled;	49173
(11) Except as permitted under section 4735.20 of the Revised	49174
Code, having paid commissions or fees to, or divided commissions	49175
or fees with, anyone not licensed as a real estate broker or	49176
salesperson under this chapter or anyone not operating as an	49177
out-of-state commercial real estate broker or salesperson under	49178
section 4735.022 of the Revised Code;	49179
(12) Having falsely represented membership in any real estate	49180
professional association of which the licensee is not a member;	49181
(13) Having accepted, given, or charged any undisclosed	49182
commission, rebate, or direct profit on expenditures made for a	49183
principal;	49184
(14) Having offered anything of value other than the	49185
consideration recited in the sales contract as an inducement to a	49186
person to enter into a contract for the purchase or sale of real	49187
estate or having offered real estate or the improvements on real	49188
estate as a prize in a lottery or scheme of chance;	49189
(15) Having acted in the dual capacity of real estate broker	49190
and undisclosed principal, or real estate salesperson and	49191
undisclosed principal, in any transaction;	49192
(16) Having guaranteed, authorized, or permitted any person	49193
to guarantee future profits which may result from the resale of	49194
real property;	49195
(17) Having advertised or placed a sign on any property	49196
offering it for sale or for rent without the consent of the owner	49197
or the owner's authorized agent;	49198

(18) Having induced any party to a contract of sale or lease	49199
to break such contract for the purpose of substituting in lieu of	49200
it a new contract with another principal;	49201
(19) Having negotiated the sale, exchange, or lease of any	49202
real property directly with a seller, purchaser, lessor, or tenant	49203
knowing that such seller, purchaser, lessor, or tenant is	49204
represented by another broker under a written exclusive agency	49205
agreement, exclusive right to sell or lease listing agreement, or	49206
exclusive purchaser agency agreement with respect to such property	49207
except as provided for in section 4735.75 of the Revised Code;	49208
(20) Having offered real property for sale or for lease	49209
without the knowledge and consent of the owner or the owner's	49210
authorized agent, or on any terms other than those authorized by	49211
the owner or the owner's authorized agent;	49212
(21) Having published advertising, whether printed, radio,	49213
display, or of any other nature, which was misleading or	49214
inaccurate in any material particular, or in any way having	49215
misrepresented any properties, terms, values, policies, or	49216
services of the business conducted;	49217
(22) Having knowingly withheld from or inserted in any	49218
statement of account or invoice any statement that made it	49219
inaccurate in any material particular;	49220
(23) Having published or circulated unjustified or	49221
unwarranted threats of legal proceedings which tended to or had	49222
the effect of harassing competitors or intimidating their	49223
customers;	49224
(24) Having failed to keep complete and accurate records of	49225
all transactions for a period of three years from the date of the	49226
transaction, such records to include copies of listing forms,	49227
earnest money receipts, offers to purchase and acceptances of	49228
them, records of receipts and disbursements of all funds received	49229

by the licensee as broker and incident to the licensee's 49230
transactions as such, and records required pursuant to divisions 49231
(C)(4) and (5) of section 4735.20 of the Revised Code, and any 49232
other instruments or papers related to the performance of any of 49233
the acts set forth in the definition of a real estate broker; 49234

(25) Failure of a real estate broker or salesperson to 49235
furnish all parties involved in a real estate transaction true 49236
copies of all listings and other agreements to which they are a 49237
party, at the time each party signs them; 49238

(26) Failure to maintain at all times a special or trust bank 49239
account in a depository located in this state. The account shall 49240
be noninterest-bearing, separate and distinct from any personal or 49241
other account of the broker, and, except as provided in division 49242
(A)(27) of this section, shall be used for the deposit and 49243
maintenance of all escrow funds, security deposits, and other 49244
moneys received by the broker in a fiduciary capacity. The name, 49245
account number, if any, and location of the depository wherein 49246
such special or trust account is maintained shall be submitted in 49247
writing to the superintendent. Checks drawn on such special or 49248
trust bank accounts are deemed to meet the conditions imposed by 49249
section 1349.21 of the Revised Code. Funds deposited in the trust 49250
or special account in connection with a purchase agreement shall 49251
be maintained in accordance with section 4735.24 of the Revised 49252
Code. 49253

(27) Failure to maintain at all times a special or trust bank 49254
account in a depository in this state, to be used exclusively for 49255
the deposit and maintenance of all rents, security deposits, 49256
escrow funds, and other moneys received by the broker in a 49257
fiduciary capacity in the course of managing real property. This 49258
account shall be separate and distinct from any other account 49259
maintained by the broker. The name, account number, and location 49260
of the depository shall be submitted in writing to the 49261

superintendent. This account may earn interest, which shall be 49262
paid to the property owners on a pro rata basis. 49263

Division (A)(27) of this section does not apply to brokers 49264
who are not engaged in the management of real property on behalf 49265
of real property owners. 49266

(28) Having failed to put definite expiration dates in all 49267
written agency agreements to which the broker is a party; 49268

(29) Having an unsatisfied final judgment or lien in any 49269
court of record against the licensee arising out of the licensee's 49270
conduct as a licensed broker or salesperson; 49271

(30) Failing to render promptly upon demand a full and 49272
complete statement of the expenditures by the broker or 49273
salesperson of funds advanced by or on behalf of a party to a real 49274
estate transaction to the broker or salesperson for the purpose of 49275
performing duties as a licensee under this chapter in conjunction 49276
with the real estate transaction; 49277

(31) Failure within a reasonable time, after the receipt of 49278
the commission by the broker, to render an accounting to and pay a 49279
real estate salesperson the salesperson's earned share of it; 49280

(32) Performing any service for another constituting the 49281
practice of law, as determined by any court of law; 49282

(33) Having been adjudicated incompetent for the purpose of 49283
holding the license by a court, as provided in section 5122.301 of 49284
the Revised Code. A license revoked or suspended under this 49285
division shall be reactivated upon proof to the commission of the 49286
removal of the disability. 49287

(34) Having authorized or permitted a person to act as an 49288
agent in the capacity of a real estate broker, or a real estate 49289
salesperson, who was not then licensed as a real estate broker or 49290
real estate salesperson under this chapter or who was not then 49291

operating as an out-of-state commercial real estate broker or 49292
salesperson under section 4735.022 of the Revised Code; 49293

(35) Having knowingly inserted or participated in inserting 49294
any materially inaccurate term in a document, including naming a 49295
false consideration; 49296

(36) Having failed to inform the licensee's client of the 49297
existence of an offer or counteroffer or having failed to present 49298
an offer or counteroffer in a timely manner, unless otherwise 49299
instructed by the client, provided the instruction of the client 49300
does not conflict with any state or federal law; 49301

(37) Having failed to comply with section 4735.24 of the 49302
Revised Code; 49303

(38) Having acted as a broker without authority, impeded the 49304
ability of a principal broker to perform any of the duties 49305
described in section 4735.081 of the Revised Code, or impeded the 49306
ability a management level licensee to perform the licensee's 49307
duties. 49308

(B) Whenever the commission, pursuant to section 4735.051 of 49309
the Revised Code, imposes disciplinary sanctions for any violation 49310
of this section, the commission also may impose such sanctions 49311
upon the broker with whom the salesperson is affiliated if the 49312
commission finds that the broker had knowledge of the 49313
salesperson's actions that violated this section. 49314

(C) The commission shall, pursuant to section 4735.051 of the 49315
Revised Code, impose disciplinary sanctions upon any foreign real 49316
estate dealer or salesperson who, in that capacity or in handling 49317
the dealer's or salesperson's own property, is found guilty of any 49318
of the acts or omissions specified or comprehended in division (A) 49319
of this section insofar as the acts or omissions pertain to 49320
foreign real estate. If the commission imposes such sanctions upon 49321
a foreign real estate salesperson for a violation of this section, 49322

the commission also may suspend or revoke the license of the 49323
foreign real estate dealer with whom the salesperson is affiliated 49324
if the commission finds that the dealer had knowledge of the 49325
salesperson's actions that violated this section. 49326

(D) The commission may suspend, in whole or in part, the 49327
imposition of the penalty of suspension of a license under this 49328
section. 49329

(E) A person licensed under this chapter who represents a 49330
party to a transaction or a proposed transaction involving the 49331
sale, purchase, exchange, lease, or management of real property 49332
that is or will be used in the cultivation, processing, 49333
dispensing, or testing of medical marijuana under Chapter 3796. of 49334
the Revised Code, or who receives, holds, or disburses funds from 49335
a real estate brokerage trust account in connection with such a 49336
transaction, shall not be subject to disciplinary sanctions under 49337
this chapter as a consequence of that action. 49338

Sec. 4735.182. If a check or other draft instrument used to 49339
pay any fee required under this chapter is returned to the 49340
superintendent unpaid by the financial institution upon which it 49341
is drawn for any reason, the superintendent shall notify the 49342
entity or person that the check or other draft instrument was 49343
returned for insufficient funds. 49344

(A) If the check or draft instrument was submitted by a 49345
licensee, the superintendent shall also notify the licensee that 49346
the licensee's license will be suspended unless the licensee, 49347
within fifteen days after the mailing of the notice, submits the 49348
fee and a one-hundred-dollar fee to the superintendent. If the 49349
licensee does not submit both fees within that time period, or if 49350
any check or other draft instrument used to pay either of those 49351
fees is returned to the superintendent unpaid by the financial 49352
institution upon which it is drawn for any reason, the license 49353

shall be suspended immediately without a hearing and the licensee 49354
shall cease activity as a licensee under this chapter. 49355

(B) If the check or draft instrument was remitted by a person 49356
or entity applying to qualify foreign real estate or renew a 49357
property registration, the superintendent shall also notify the 49358
applicant that registration will be suspended, unless the 49359
applicant, within fifteen days after the mailing of the notice, 49360
submits the fee and a one-hundred-dollar fee to the 49361
superintendent. If the applicant does not submit both fees within 49362
that time period, or if any check or other draft instrument used 49363
to pay either of the fees is returned to the superintendent unpaid 49364
by the financial institution upon which it is drawn for any 49365
reason, the property registration shall be suspended immediately 49366
without a hearing and the applicant shall cease activity. 49367

(C) If the check or draft instrument was remitted by an 49368
applicant for licensure, that application shall automatically be 49369
rejected or approval withdrawn, unless the applicant, within 49370
fifteen days after the mailing of the notice, submits the fee and 49371
a one-hundred-dollar fee to the superintendent. If the applicant 49372
does not submit both fees within that time period, or if any check 49373
or other draft instrument used to pay either of those fees is 49374
returned to the superintendent unpaid by the financial institution 49375
upon which it is drawn for any reason, the application shall be 49376
denied or approval withdrawn. 49377

(D) If the check or draft instrument was remitted by an 49378
education course provider or course provider applicant, that 49379
application shall automatically be rejected or approval withdrawn, 49380
unless the applicant, within fifteen days after the mailing of the 49381
notice, submits the fee and a ~~one-hundred-dollar~~ 49382
one-hundred-thirty-five-dollar fee to the superintendent. If the 49383
applicant does not submit both fees within that time period, or if 49384
any check or other draft instrument used to pay either of those 49385

fees is returned to the superintendent unpaid by the financial 49386
institution upon which it is drawn for any reason, the application 49387
shall be denied or approval withdrawn. 49388

Sec. 4735.27. (A) An application to act as a foreign real 49389
estate dealer shall be in writing and filed with the 49390
superintendent of real estate. It shall be in the form the 49391
superintendent prescribes and shall contain the following 49392
information: 49393

(1) The name and address of the applicant; 49394

(2) A description of the applicant, including, if the 49395
applicant is a partnership, unincorporated association, or any 49396
similar form of business organization, the names and the residence 49397
and business addresses of all partners, officers, directors, 49398
trustees, or managers of the organization, and the limitation of 49399
the liability of any partner or member; and if the applicant is a 49400
corporation, a list of its officers and directors, and the 49401
residence and business addresses of each, and, if it is a foreign 49402
corporation, a copy of its articles of incorporation in addition; 49403

(3) The location and addresses of the principal office and 49404
all other offices of the applicant; 49405

(4) A general description of the business of the applicant 49406
prior to the application, including a list of states in which the 49407
applicant is a licensed foreign real estate dealer; 49408

(5) The names and addresses of all ~~salesmen~~ salespersons of 49409
the applicant at the date of the application; 49410

(6) The nature of the business of the applicant, and its 49411
places of business, for the ten-year period preceding the date of 49412
application. 49413

(B) Every nonresident applicant shall name a person within 49414
this state upon whom process against the applicant may be served 49415

and shall give the complete residence and business address of the 49416
person designated. Every applicant shall file an irrevocable 49417
written consent, executed and acknowledged by an individual duly 49418
authorized to give such consent, that actions growing out of a 49419
fraud committed by the applicant in connection with the sale in 49420
this state of foreign real estate may be commenced against it, in 49421
the proper court of any county in this state in which a cause of 49422
action for such fraud may arise or in which the plaintiff in such 49423
action may reside, by serving on the secretary of state any proper 49424
process or pleading authorized by the laws of this state, in the 49425
event that the applicant if a resident of this state, or the 49426
person designated by the nonresident applicant, cannot be found at 49427
the address given. The consent shall stipulate that the service of 49428
process on the secretary of state shall be taken in all courts to 49429
be as valid and binding as if service had been made upon the 49430
foreign real estate dealer. If the applicant is a corporation or 49431
an unincorporated association, the consent shall be accompanied by 49432
a certified copy of the resolution of the board of directors, 49433
trustees, or managers of the corporation or association, 49434
authorizing such individual to execute the consent. 49435

(C) The superintendent may investigate any applicant for a 49436
dealer's license, and may require any additional information ~~he~~ 49437
the superintendent considers necessary to determine the business 49438
repute and qualifications of the applicant to act as a foreign 49439
real estate dealer. If the application for a dealer's license 49440
involves investigation outside this state, the superintendent may 49441
require the applicant to advance sufficient funds to pay any of 49442
the actual expenses of the investigation, and an itemized 49443
statement of such expense shall be furnished to the applicant. 49444

(D) Every applicant shall take a written examination, 49445
prescribed and conducted by the superintendent, which covers ~~his~~ 49446
the applicant's knowledge of the principles of real estate 49447

practice, real estate law, financing and appraisal, real estate 49448
transactions and instruments relating to them, canons of business 49449
ethics relating to real estate transactions, and the duties of 49450
foreign real estate dealers and ~~salesmen~~ salespersons. The fee for 49451
the examination, when administered by the superintendent, is 49452
~~seventy-five~~ one hundred one dollars. If the applicant does not 49453
appear for the examination, the fee shall be forfeited and a new 49454
application and fee shall be filed, unless good cause for the 49455
failure to appear is shown to the superintendent. The requirement 49456
of an examination may be waived in whole or in part by the 49457
superintendent if an applicant is licensed as a real estate broker 49458
by any state. 49459

Any applicant who fails the examination twice shall wait six 49460
months before applying to retake the examination. 49461

(E) No person shall take the foreign real estate dealer's 49462
examination who has not established to the satisfaction of the 49463
superintendent that ~~he~~ the person:

(1) Has not been convicted of a felony or a crime of moral 49465
turpitude or, if ~~he~~ the applicant has been so convicted, the 49466
superintendent has disregarded the conviction because the 49467
applicant has proven to the superintendent, by a preponderance of 49468
the evidence, that ~~his~~ the applicant's activities and employment 49469
record since the conviction show that ~~he~~ the applicant is honest, 49470
truthful, and of good reputation, and there is no basis in fact 49471
for believing that ~~he~~ the applicant again will violate the laws 49472
involved; 49473

(2) Has not been finally adjudged by a court to have violated 49474
any municipal, state, or federal civil rights laws relevant to the 49475
protection of purchasers or sellers of real estate or, if ~~he~~ the 49476
applicant has been so adjudged, at least two years have passed 49477
since the court decision and the superintendent has disregarded 49478
the adjudication because the applicant has proven, by a 49479

preponderance of the evidence, that ~~his~~ the applicant's activities 49480
and employment record since the adjudication show that ~~he~~ the 49481
applicant is honest, truthful, and of good reputation, and there 49482
is no basis in fact for believing that ~~he~~ the applicant again will 49483
violate the laws involved; 49484

(3) Has not, during any period for which ~~he~~ the applicant was 49485
licensed under this chapter or any former section of the Revised 49486
Code applicable to licensed foreign real estate dealers or 49487
~~salesmen~~ salespersons, violated any provision of, or any rule 49488
adopted pursuant to, this chapter or that section, or, if ~~he~~ the 49489
applicant has violated any such provision or rule, has established 49490
to the satisfaction of the superintendent that ~~he~~ the applicant 49491
will not again violate the provision or rule. 49492

(F) If the superintendent finds that an applicant for a 49493
license as a foreign real estate dealer, or each named member, 49494
manager, or officer of a partnership, association, or corporate 49495
applicant is at least eighteen years of age, is of good business 49496
repute, has passed the examination required under this section or 49497
has had the requirement of an examination waived, and appears 49498
otherwise qualified, the superintendent shall issue a license to 49499
the applicant to engage in business in this state as a foreign 49500
real estate dealer. Dealers licensed pursuant to this section 49501
shall employ as ~~salesmen~~ salespersons of foreign real estate only 49502
persons licensed pursuant to section 4735.28 of the Revised Code. 49503
If at any time such ~~salesmen~~ salespersons resign or are discharged 49504
or new ~~salesmen~~ salespersons are added, the dealer forthwith shall 49505
notify the superintendent and shall file with the division of real 49506
estate the names and addresses of new ~~salesmen~~ salespersons. 49507

(G) If the applicant merely is renewing ~~his~~ the applicant's 49508
license for the previous year, the application need contain only 49509
the information required by divisions (A)(2), (3), and (6) of this 49510
section. 49511

Sec. 4735.28. (A) An application to act as a foreign real estate ~~salesman~~ salesperson shall be in writing and filed with the superintendent of real estate. It shall be in the form the superintendent prescribes and shall contain the following information:

(1) The name and complete residence and business addresses of the applicant;

(2) The name of the foreign real estate dealer who is employing the applicant or who intends to employ ~~him~~ the applicant;

(3) The age and education of the applicant, and ~~his~~ the applicant's experience in the sale of foreign real estate; whether ~~he~~ the applicant has ever been licensed by the superintendent, and if so, when; whether ~~he~~ the applicant has ever been refused a license by the superintendent; and whether ~~he~~ the applicant has ever been licensed or refused a license or any similar permit by any division or superintendent of real estate, by whatsoever name known or designated, anywhere;

(4) The nature of the employment, and the names and addresses of the employers, of the applicant for the period of ten years immediately preceding the date of the application.

(B) Every applicant shall take a written examination, prescribed and conducted by the superintendent, which covers ~~his~~ the applicant's knowledge of the principles of real estate practice, real estate law, financing and appraisal, real estate transactions and instruments relating to them, canons of business ethics relating to real estate transactions, and the duties of foreign real estate ~~salesmen~~ salespersons. The fee for the examination, when administered by the superintendent, is ~~fifty~~ sixty-eight dollars. If the applicant does not appear for the examination, the fee shall be forfeited and a new application and

fee shall be filed, unless good cause for the failure to appear is 49543
shown to the superintendent. The requirement of an examination may 49544
be waived in whole or in part by the superintendent if an 49545
applicant is licensed as a real estate broker or ~~salesman~~ 49546
salesperson by any state. 49547

Any applicant who fails the examination twice shall wait six 49548
months before applying to retake the examination. 49549

(C) No person shall take the foreign real estate ~~salesman's~~ 49550
salesperson's examination who has not established to the 49551
satisfaction of the superintendent that ~~he~~ the person: 49552

(1) Has not been convicted of a felony or a crime of moral 49553
turpitude or, if ~~he~~ the applicant has been so convicted, the 49554
superintendent has disregarded the conviction because the 49555
applicant has proven to the superintendent, by a preponderance of 49556
the evidence, that ~~his~~ the applicant's activities and employment 49557
record since the conviction show that ~~he~~ the applicant is honest, 49558
truthful, and of good reputation, and there is no basis in fact 49559
for believing that ~~he~~ the applicant again will violate the laws 49560
involved; 49561

(2) Has not been finally adjudged by a court to have violated 49562
any municipal, state, or federal civil rights laws relevant to the 49563
protection of purchasers or sellers of real estate or, if ~~he~~ the 49564
applicant has been so adjudged, at least two years have passed 49565
since the court decision and the superintendent has disregarded 49566
the adjudication because the applicant has proven, by a 49567
preponderance of the evidence, that ~~his~~ the applicant's activities 49568
and employment record since the adjudication show that ~~he~~ the 49569
applicant is honest, truthful, and of good reputation, and there 49570
is no basis in fact for believing that ~~he~~ the applicant will again 49571
violate the laws; 49572

(3) Has not, during any period for which ~~he~~ the applicant was 49573

licensed under this chapter or any former section of the Revised Code ~~aplicable~~ applicable to licensed foreign real estate dealers or ~~salesmen~~ salespersons, violated any provision of, or any rule adopted pursuant to, this chapter or that section, or, if ~~he~~ the applicant has violated any such provision or rule, has established to the satisfaction of the superintendent that ~~he~~ the applicant will not again violate the provision or rule.

(D) Every ~~salesman~~ salesperson of foreign real estate shall be licensed by the superintendent of real estate and shall be employed only by the licensed foreign real estate dealer specified on ~~his~~ the salesperson's license.

(E) If the superintendent finds that the applicant is of good business repute, appears to be qualified to act as a foreign real estate ~~salesman~~ salesperson, and has fully complied with the provisions of this chapter, and that the dealer in the application is a licensed foreign real estate dealer, the superintendent, upon payment of the fees prescribed by section 4735.15 of the Revised Code, shall issue a license to the applicant authorizing ~~him~~ the applicant to act as ~~salesman~~ a salesperson for the dealer named in the application.

Sec. 4737.045. (A) To register as a scrap metal dealer or a bulk merchandise container dealer with the director of public safety as required by division (B) of section 4737.04 of the Revised Code, a person shall do all of the following:

(1) Provide the name and street address of the dealer's place of business;

(2) Provide the name of the primary owner of the business, and of the manager of the business, if the manager is not the primary owner;

(3) Provide the electronic mail address of the business;

(4) Provide confirmation that the dealer has the capabilities to electronically connect with the department of public safety for the purpose of sending and receiving information;

(5) Provide any other information required by the director in rules the director adopts pursuant to sections 4737.01 to 4737.045 of the Revised Code;

(6) Pay an initial registration fee of two hundred dollars.

(B) A person engaging in the business of a scrap metal dealer or a bulk merchandise container dealer in this state on or before September 28, 2012, shall register with the director not later than January 1, 2013. With respect to a person who commences engaging in the business of a scrap metal dealer or a bulk merchandise container dealer after September 28, 2012, the person shall register with the director pursuant to this section prior to commencing business as a scrap metal dealer or a bulk merchandise container dealer.

(C) A registration issued to a scrap metal dealer or a bulk merchandise container dealer pursuant to this section is valid for a period of one year. A dealer shall renew the registration in accordance with the rules adopted by the director and pay a renewal fee of one hundred fifty dollars to cover the costs of operating and maintaining the registry created pursuant to division (E) of this section.

(D) A scrap metal dealer or a bulk merchandise container dealer registered under this section shall prominently display a copy of the annual registration certificate received from the director pursuant to division (E)(2) of this section.

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

(1) Develop and implement, by January 1, 2014, and maintain as a registry a secure database for use by law enforcement agencies that is capable of all of the following:

(a) Receiving and securely storing all of the information required by division (A) of this section and the daily transaction data that scrap metal dealers and bulk merchandise dealers are required to send pursuant to division (E)(1) of section 4737.04 of the Revised Code;	49635 49636 49637 49638 49639
(b) Providing secure search capabilities to law enforcement agencies for enforcement purposes;	49640 49641
(c) Creating a link and retransmission capability for receipt of routine scrap theft alerts published by the institute of scrap recycling industries for transmission to dealers and law enforcement agencies in the state;	49642 49643 49644 49645
(d) Making the electronic lists prepared pursuant to division (F)(2) of section 4737.04 of the Revised Code available through an electronic searchable format for individual law enforcement agencies and for dealers in the state;	49646 49647 49648 49649
(e) Providing, without charge, interlink programming enabling the transfer of information to dealers.	49650 49651
(2) Issue, reissue, or deny registration to dealers;	49652
(3) Adopt rules to enforce sections 4737.01 to 4737.045 of the Revised Code, rules establishing procedures to renew a registration issued under this section, rules for the format and maintenance for the records required under division (A) of section 4737.012 of the Revised Code or division (C) of section 4737.04 of the Revised Code, and rules regarding the delivery of the report required by division (E)(1) of section 4737.04 of the Revised Code to the registry, which shall be used exclusively by law enforcement agencies.	49653 49654 49655 49656 49657 49658 49659 49660 49661
(F) A scrap metal dealer or bulk merchandise container dealer may search, modify, or update only the dealer's own business data contained within the registry established in division (E) of this section.	49662 49663 49664 49665

(G) All fees received by the director pursuant to this section and division (F) of section 4737.99 of the Revised Code shall be used to develop and maintain the registry required under this section and for the department of public safety's operating expenses. The fees shall be deposited into the infrastructure protection fund which is hereby created in the state treasury.

Sec. 4743.02. The examination papers of each applicant examined by boards, commissions, or agencies created under or by virtue of Chapters 4701. to 4741., 4751., and 4757. of the Revised Code shall be open for inspection by the applicant or his attorney for at least ninety days subsequent to the announcement of the applicant's grade; provided, papers not graded by members of examining boards or their employees and which by terms of a contract with any testing company the papers are not available for inspection, need not be made available for inspection; but it shall be the applicant's right to have any such paper regraded manually, upon written request of either himself or his attorney made to the board within ninety days after announcement of the grade.

Sec. 4745.04. (A) As used in this section:

(1) "Indigent and uninsured person" and "volunteer" have the same meanings as in section 2305.234 of the Revised Code.

(2) "Licensing agency that licenses health care professionals" means all of the following:

(a) The state dental board established under Chapter 4715. of the Revised Code;

(b) The board of nursing established under Chapter 4723. of the Revised Code;

(c) The state vision professionals board established under Chapter 4725. of the Revised Code;

(d) The state board of pharmacy established under Chapter 4729. of the Revised Code;	49696 49697
(e) The state medical board established under Chapter 4731. of the Revised Code;	49698 49699
(f) The state board of psychology established under Chapter 4732. of the Revised Code;	49700 49701
(g) The state chiropractic board established under Chapter 4734. of the Revised Code;	49702 49703
(h) The Ohio occupational therapy, physical therapy, and athletic trainers board established under Chapter 4755. of the Revised Code;	49704 49705 49706
(i) The counselor, social worker, and marriage and family therapist board established under Chapter 4757. of the Revised Code;	49707 49708 49709
(j) The chemical dependency professionals board established under Chapter 4758. of the Revised Code;	49710 49711
(k) The state board of emergency medical services established under Chapter 4765. of the Revised Code;	49712 49713
(l) The state speech and hearing professionals board established under Chapter 4744. of the Revised Code;	49714 49715
(m) Any other licensing agency that considers its licensees to be health care professionals.	49716 49717
(B) Notwithstanding any provision of the Revised Code to the contrary, a licensing agency that licenses health care professionals shall apply toward the satisfaction of a portion of a licensee's continuing education requirement the provision of health care services if all of the following apply:	49718 49719 49720 49721 49722
(1) The licensing agency that licenses health care professionals requires a licensee to complete continuing education as a condition of having a license renewed by the agency.	49723 49724 49725

(2) The licensee provides the health care services to an indigent and uninsured person.	49726 49727
(3) The licensee provides the health care services as a volunteer.	49728 49729
(4) The licensee satisfies the requirements of section 2305.234 of the Revised Code to qualify for the immunity from liability granted under that section.	49730 49731 49732
(5) The health care services provided are within the scope of authority of the licensee renewing the license.	49733 49734
(C) <u>A (1) Except as provided in division (C)(2) of this section, a licensing agency that licenses health care professionals shall permit a licensee to satisfy up to one-third of the licensee's continuing education requirement by providing health care services as a volunteer. A licensing agency that licenses health care professionals shall permit a licensee to earn continuing education credits at the rate of one credit hour for each sixty minutes spent providing health care services as a volunteer.</u>	49735 49736 49737 49738 49739 49740 49741 49742 49743
<u>(2) In the case of a person holding a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery, the state medical board shall permit the person to satisfy not more than three hours of the person's continuing education requirement by providing health care services as a volunteer.</u>	49744 49745 49746 49747 49748 49749
(D) A licensing agency that licenses health care professionals shall adopt rules as necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.	49750 49751 49752 49753
(E) Continuing education credit received under this section for providing health care services is not compensation or any other form of remuneration for purposes of section 2305.234 of the	49754 49755 49756

Revised Code and does not make the provider of those services 49757
ineligible for the immunity from liability granted under that 49758
section. 49759

Sec. 4751.01. As used in ~~sections 4751.01 to 4751.13 of the~~ 49760
~~Revised Code~~ this chapter: 49761

(A) "Health-care licensing agency" means any department, 49762
division, board, section of a board, or other government unit that 49763
is authorized by a statute of this or another state to issue a 49764
license, certificate, permit, card, or other authority to do 49765
either of the following in the context of health care: 49766

(1) Engage in a specific profession, occupation, or 49767
occupational activity; 49768

(2) Have charge of and operate certain specified equipment, 49769
machinery, or premises. 49770

(B) "Licensed health services executive" means an individual 49771
who holds a valid health services executive license. 49772

(C) "Licensed nursing home administrator" means an individual 49773
who holds a valid nursing home administrator license. 49774

(D) "Licensed temporary nursing home administrator" means an 49775
individual who holds a valid temporary nursing home administrator 49776
license. 49777

(E) "Long-term services and supports ~~settings~~ setting" means 49778
any institutional or community-based setting in which medical, 49779
health, ~~psycho-social~~ psychosocial, habilitative, rehabilitative, 49780
or personal care services are provided to individuals on a 49781
post-acute care basis. 49782

~~(B) "Nursing home administrator" means any individual~~ 49783
~~responsible for planning, organizing, directing, and managing the~~ 49784
~~operation of a nursing home, or who in fact performs such~~ 49785
~~function, whether or not such functions and duties are shared by~~ 49786

~~one or more other persons.~~ 49787

~~(C)~~(F) "Nursing home" means a nursing home as defined by or 49788
under the authority of section 3721.01 of the Revised Code, or a 49789
nursing home operated by a governmental agency. 49790

~~(D)~~ "Temporary license" means a license for a period not to 49791
exceed one hundred eighty days issued pursuant to division (B) of 49792
section 4751.06 of the Revised Code. 49793

~~(E)~~(G) "Nursing home administration" means planning, 49794
organizing, directing, and managing the operation of a nursing 49795
home. 49796

(H) "Nursing home administrator" means any individual who 49797
engages in the practice of nursing home administration, whether or 49798
not the individual shares the functions and duties of nursing home 49799
administration with one or more other individuals. 49800

(I) "Valid health services executive license" means a health 49801
services executive license to which all of the following apply: 49802

(1) It was issued by the board of executives of long-term 49803
services and supports under section 4751.21, 4751.23, 4751.25, or 49804
4751.33 of the Revised Code; 49805

(2) It was not sold, fraudulently furnished, or fraudulently 49806
obtained in violation of division (F) of section 4751.10 of the 49807
Revised Code; 49808

(3) It is current and in good standing. 49809

(J) "Valid nursing home administrator license" means a 49810
nursing home administrator license to which all of the following 49811
apply: 49812

(1) It was issued by the board under section 4751.20, 49813
4751.201, 4751.23, 4751.24, or 4751.33 of the Revised Code; 49814

(2) It was not sold, fraudulently furnished, or fraudulently 49815
obtained in violation of division (F) of section 4751.10 of the 49816

<u>Revised Code;</u>	49817
<u>(3) It is current and in good standing.</u>	49818
<u>(K) "Valid temporary nursing home administrator license"</u>	49819
<u>means a temporary nursing home administrator license to which all</u>	49820
<u>of the following apply:</u>	49821
<u>(1) It was issued by the board under section 4751.202,</u>	49822
<u>4751.23, or 4751.33 of the Revised Code;</u>	49823
<u>(2) It was not sold, fraudulently furnished, or fraudulently</u>	49824
<u>obtained in violation of division (F) of section 4751.10 of the</u>	49825
<u>Revised Code;</u>	49826
<u>(3) It is current and in good standing.</u>	49827
Sec. 4751.03 4751.02. (A) There is hereby established in the	49828
department of aging a board of executives of long-term services	49829
and supports, which board shall be composed of the following	49830
eleven members:	49831
(1) Four members who are nursing home administrators, owners	49832
of nursing homes, or officers of corporations owning nursing	49833
homes, and who shall have an understanding of person-centered	49834
care, and experience with a range of long-term services and	49835
supports settings;	49836
(2)(a) Three members who work in long-term services and	49837
supports settings that are not nursing homes, and who shall have	49838
an understanding of person-centered care, and experience with a	49839
range of long-term services and supports settings;	49840
(b) At least one of the members described in division	49841
(A)(2)(a) of this section shall be a home health administrator,	49842
<u>hospice administrator</u> , an owner of a home health agency <u>or hospice</u>	49843
<u>care program</u> , or an officer of a home health agency <u>or hospice</u>	49844
<u>care program</u> .	49845

(3) One member who is a member of the academic community;	49846
(4) One member who is a consumer of services offered in a long-term services and supports setting;	49847 49848
(5) One nonvoting member who is a representative of the department of health, designated by the director of health, who is involved in the nursing home survey and certification process, who shall serve in an advisory capacity only;	49849 49850 49851 49852
(6) One nonvoting member who is a representative of the office of the state long-term care ombudsman, designated by the state long-term care ombudsman, who shall serve in an advisory capacity only.	49853 49854 49855 49856
All members of the board shall be citizens of the United States and residents of this state. No member of the board who is appointed under divisions (A)(3) to (6) of this section may have or acquire any direct financial interest in a nursing home or long-term services and supports settings.	49857 49858 49859 49860 49861
(B) The term of office for each appointed member of the board shall be for three years, commencing on the twenty-eighth day of May and ending on the twenty-seventh day of May. Each member shall serve from the date of appointment until the end of the term for which appointed. No member shall serve more than two consecutive full terms.	49862 49863 49864 49865 49866 49867
(C) Appointments to the board shall be made by the governor. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of such term. Any appointed member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first.	49868 49869 49870 49871 49872 49873 49874 49875
(D) The governor may remove any member of the board for	49876

misconduct, incapacity, incompetence, or neglect of duty after the 49877
member so charged has been served with a written statement of 49878
charges and has been given an opportunity to be heard. 49879

(E) Each member of the board, except the member designated by 49880
the director of health and the member designated by the ombudsman, 49881
shall be paid in accordance with section 124.15 of the Revised 49882
Code and each member shall be reimbursed for the member's actual 49883
and necessary expenses incurred in the discharge of such duties. 49884

(F) The board shall elect annually from its membership a 49885
chairperson and a vice-chairperson. 49886

(G) The board shall hold and conduct meetings quarterly and 49887
at such other times as its business requires. A majority of the 49888
voting members of the board shall constitute a quorum. The 49889
affirmative vote of a majority of the voting members of the board 49890
is necessary for the board to act. 49891

(H) The board shall appoint a secretary who has no financial 49892
interest in a long-term services and supports setting, and may 49893
employ and prescribe the powers and duties of such employees and 49894
consultants as are necessary to carry out this chapter and the 49895
rules adopted under it. 49896

Sec. ~~4751.042~~ 4751.021. (A) The board of executives of 49897
long-term services and supports shall enter into a written 49898
agreement with the department of aging for the department to serve 49899
as the board's fiscal agent. The fiscal agent shall be responsible 49900
for all the board's fiscal matters and financial transactions, as 49901
specified in the agreement. The written agreement shall specify 49902
the fees that the board shall pay to the fiscal agent for services 49903
performed under the agreement, and such fees shall be in 49904
proportion to the services performed for the board. 49905

(1) The agreement shall require the fiscal agent to provide 49906

the following services:	49907
(a) Preparation and processing of payroll and other personnel documents that the board approves;	49908 49909
(b) Maintenance of ledgers of accounts and reports of account balances, and monitoring of budgets and allotment plans in consultation with the board;	49910 49911 49912
(c) Performance of other routine support services, specified in the agreement, that the fiscal agent considers appropriate to achieve efficiency.	49913 49914 49915
(2) The agreement may require the fiscal agent to provide the following services:	49916 49917
(a) Any shared services between the board and the fiscal agent;	49918 49919
(b) Any other services agreed to by the board and the department, including administrative or technical services.	49920 49921
(B) The board, in conjunction and consultation with the fiscal agent, has the following authority and responsibility relative to fiscal matters:	49922 49923 49924
(1) Sole authority to expend funds from the board's accounts for programs and any other necessary expenses the board may incur;	49925 49926
(2) Responsibility to cooperate with and inform the fiscal agent fully of all financial transactions.	49927 49928
(C) The board shall follow all state procurement, fiscal, human resources, information technology, statutory, and administrative rule requirements.	49929 49930 49931
(D) In its role as fiscal agent for the board, the department shall serve as a contractor of the board, and does not assume responsibility for the debts or fiscal obligations of the board.	49932 49933 49934
Sec. 4751.14 <u>4751.03</u>. There is hereby created in the state	49935

treasury the board of executives of long-term services and 49936
supports fund. The fund shall consist of the amounts the board of of 49937
executives of long-term services and supports collects under this 49938
chapter as ~~license and registration fees, other~~ fees, civil 49939
penalties, and fines. ~~Money~~ The board shall use the money in the 49940
fund ~~shall be used by the board of executives of long term~~ 49941
~~services and supports~~ to administer and enforce this chapter and 49942
the rules adopted under ~~it~~ section 4751.04 of the Revised Code. 49943
Investment earnings of the fund shall be credited to the fund. 49944

Sec. 4751.04. The board of executives of long-term services 49945
and supports shall adopt rules in accordance with Chapter 119. of 49946
the Revised Code as necessary to implement and enforce this 49947
chapter. 49948

Sec. 4751.10. No person shall knowingly do any of the 49949
following: 49950

(A) Operate a nursing home unless it is under the supervision 49951
of an administrator whose principal occupation is nursing home 49952
administration or hospital administration and who is a licensed 49953
nursing home administrator or licensed temporary nursing home 49954
administrator; 49955

(B) Practice or offer to practice nursing home administration 49956
unless the person is a licensed nursing home administrator or 49957
licensed temporary nursing home administrator; 49958

(C) Use any of the following unless the person is a licensed 49959
nursing home administrator: 49960

(1) The title "licensed nursing home administrator," "nursing 49961
home administrator," "licensed assistant nursing home 49962
administrator," or "assistant nursing home administrator"; 49963

(2) The acronym "LNHA," "L.N.H.A.," "NHA," "N.H.A.," "LANHA," 49964

<u>"L.A.N.H.A.," "ANHA," or "A.N.H.A." after the person's name;</u>	49965
<u>(3) Any other words, letters, signs, cards, or devices that tend to indicate or imply that the person is a licensed nursing home administrator.</u>	49966 49967 49968
<u>(D) Use any of the following unless the person is a licensed temporary nursing home administrator:</u>	49969 49970
<u>(1) The title "licensed temporary nursing home administrator," "temporary nursing home administrator," "licensed temporary assistant nursing home administrator," or "temporary assistant nursing home administrator";</u>	49971 49972 49973 49974
<u>(2) The acronym "LTNHA," "L.T.N.H.A.," "TNHA," "T.N.H.A.," "LTANHA," "L.T.A.N.H.A.," "TANHA," or "T.A.N.H.A." after the person's name;</u>	49975 49976 49977
<u>(3) Any other words, letters, signs, cards, or devices that tend to indicate or imply that the person is a licensed temporary nursing home administrator.</u>	49978 49979 49980
<u>(E) Use any of the following unless the person is a licensed health services executive:</u>	49981 49982
<u>(1) The title "licensed health services executive" or "health services executive";</u>	49983 49984
<u>(2) The acronym "LHSE," "L.H.S.E.," "HSE," or "H.S.E." after the person's name;</u>	49985 49986
<u>(3) Any other words, letters, signs, cards, or devices that tend to indicate or imply that the person is a licensed health services executive.</u>	49987 49988 49989
<u>(F) Sell, fraudulently furnish, fraudulently obtain, or aid or abet another person in selling, fraudulently furnishing, or fraudulently obtaining any of the following:</u>	49990 49991 49992
<u>(1) A nursing home administrator license;</u>	49993

<u>(2) A temporary nursing home administrator license;</u>	49994
<u>(3) A health services executive license.</u>	49995
<u>(G) Otherwise violate any of the provisions of this chapter</u>	49996
<u>or the rules adopted under section 4751.04 of the Revised Code.</u>	49997
<u>Sec. 4751.101.</u> <u>Nothing in this chapter or the rules adopted</u>	49998
<u>under it shall be construed as requiring either of the following:</u>	49999
<u>(A) An individual to be a licensed health services executive</u>	50000
<u>in order to do either of the following:</u>	50001
<u>(1) Practice nursing home administration;</u>	50002
<u>(2) Serve in a leadership position at a long-term services</u>	50003
<u>and supports setting or direct the practices of others in such a</u>	50004
<u>setting.</u>	50005
<u>(B) An applicant for a nursing home administrator license or</u>	50006
<u>temporary nursing home administrator license who is employed by an</u>	50007
<u>institution for the care and treatment of the sick to demonstrate</u>	50008
<u>proficiency in any medical techniques or to meet any medical</u>	50009
<u>educational qualifications or medical standards not in accord with</u>	50010
<u>the remedial care and treatment provided by the institution if all</u>	50011
<u>of the following apply to the institution:</u>	50012
<u>(1) It is operated exclusively for patients who use spiritual</u>	50013
<u>means for healing and for whom the acceptance of medical care is</u>	50014
<u>inconsistent with their religious beliefs.</u>	50015
<u>(2) It is accredited by a national accrediting organization.</u>	50016
<u>(3) It is exempt from federal income taxation under section</u>	50017
<u>501 of the "Internal Revenue Code of 1986," 26 U.S.C. 501.</u>	50018
<u>(4) It provides twenty-four hour nursing care pursuant to the</u>	50019
<u>exemption in division (E) of section 4723.32 of the Revised Code</u>	50020
<u>from the licensing requirements of Chapter 4723. of the Revised</u>	50021
<u>Code.</u>	50022

Sec. 4751.102. Every operator of a nursing home shall report 50023
to the board of executives of long-term services and supports the 50024
name and license number of each licensed nursing home 50025
administrator and licensed temporary nursing home administrator 50026
who practices nursing home administration at the nursing home not 50027
later than ten days after the following dates: 50028

(A) The date the licensed nursing home administrator or 50029
licensed temporary nursing home administrator begins to practice 50030
nursing home administration at the nursing home; 50031

(B) The date the licensed nursing home administrator or 50032
licensed temporary nursing home administrator ceases to practice 50033
nursing home administration at the nursing home. 50034

Sec. 4751.05 4751.15. ~~(A)~~ The board of executives of 50035
long-term services and supports, ~~or shall administer, or contract~~ 50036
~~with~~ a government or private entity ~~under contract with the board~~ 50037
to administer, examinations for licensure as that an individual 50038
must pass to obtain a nursing home administrator, ~~shall admit to~~ 50039
~~an examination any candidate who:~~ 50040

~~(1) Pays the application fee of fifty dollars;~~ 50041

~~(2) Submits evidence of good moral character and suitability;~~ 50042

~~(3) Is at least eighteen years of age;~~ 50043

~~(4) Has completed educational requirements and work~~ 50044
~~experience satisfactory to the board;~~ 50045

~~(5) Submits an application on forms prescribed by the board;~~ 50046

~~(6) Pays~~ license under section 4751.20 or 4751.201 of the 50047
Revised Code. If the board contracts with a government or private 50048
entity to administer the examinations, the contract may authorize 50049
the entity to collect and keep, as all or part of the entity's 50050
compensation under the contract, any fee an individual pays to 50051

take the examination. The entity is not required to deposit the 50052
fee into the state treasury. 50053

To be admitted to an examination administered under this 50054
section, an individual must pay the examination fee charged by the 50055
board or government or private entity. 50056

~~(B) Nothing in Chapter 4751. of the Revised Code or the rules~~ 50057
~~adopted thereunder shall be construed to require an applicant for~~ 50058
~~licensure or a temporary license, who is employed by an~~ 50059
~~institution for the care and treatment of the sick to demonstrate~~ 50060
~~proficiency in any medical techniques or to meet any medical~~ 50061
~~educational qualifications or medical standards not in accord with~~ 50062
~~the remedial care and treatment provided by the institution if the~~ 50063
~~institution is all of the following:~~ 50064

~~(1) Operated exclusively for patients who use spiritual means~~ 50065
~~for healing and for whom the acceptance of medical care is~~ 50066
~~inconsistent with their religious beliefs;~~ 50067

~~(2) Accredited by a national accrediting organization;~~ 50068

~~(3) Exempt from federal income taxation under section 501 of~~ 50069
~~the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C.A. 1,~~ 50070
~~as amended;~~ 50071

~~(4) Providing twenty four hour nursing care pursuant to the~~ 50072
~~exemption in division (E) of section 4723.32 of the Revised Code~~ 50073
~~from the licensing requirements of Chapter 4723. of the Revised~~ 50074
~~Code.~~ 50075

~~(C) entity. If a person an individual fails three times to~~ 50076
~~attain a passing grade on pass the examination, said person the~~ 50077
~~individual, before the person may again be being admitted to the~~ 50078
~~examination a subsequent time, shall meet such additional also~~ 50079
~~must satisfy any education ~~or~~ requirements, experience~~ 50080
~~requirements, or both, as that may be prescribed by the board in~~ 50081
~~rules adopted under section 4751.04 of the Revised Code in~~ 50082

addition to any education requirements or experience requirements 50083
that must be satisfied to obtain a nursing home administrator 50084
license under section 4751.20 or 4751.201 of the Revised Code. 50085

Sec. ~~4751.041~~ 4751.151. Except when the board of executives 50086
of long-term services and supports considers it necessary, the 50087
board shall not disclose test materials, examinations, or 50088
evaluation tools used in an examination ~~for licensure as a nursing~~ 50089
~~home administrator that the board administers~~ administered under 50090
section ~~4751.04~~ 4751.15 of the Revised Code ~~or contracts under~~ 50091
~~that section with a private or government entity to administer.~~ 50092

Sec. ~~4751.06~~ 4751.20. (A) ~~An applicant for licensure as~~ 50093
Subject to section 4751.32 of the Revised Code, the board of 50094
executives of long-term services and supports shall issue a 50095
nursing home administrator ~~who has successfully completed the~~ 50096
~~requirements of section 4751.05 of the Revised Code,~~ license to an 50097
individual under this section if all of the following requirements 50098
are satisfied: 50099

(1) The individual has submitted to the board a completed 50100
application for the license in accordance with rules adopted under 50101
section 4751.04 of the Revised Code. 50102

(2) If the individual is required by rules adopted under 50103
section 4751.04 of the Revised Code to serve as a nursing home 50104
administrator in training, the individual has paid to the board 50105
the administrator in training fee of fifty dollars. 50106

(3) The individual is at least twenty-one years of age. 50107

(4) The individual has successfully completed educational 50108
requirements and work experience specified in rules adopted under 50109
section 4751.04 of the Revised Code, including, if so required by 50110
the rules, experience obtained as a nursing home administrator in 50111
training. 50112

<u>(5) The individual is of good moral character.</u>	50113
<u>(6) The individual has complied with section 4776.02 of the Revised Code regarding a criminal records check.</u>	50114 50115
<u>(7) The board, in its discretion, has determined that the results of the criminal records check do not make the individual ineligible for the license.</u>	50116 50117 50118
<u>(8) The individual has passed the licensing examination administered by the board of executives of long term services and supports or a government or private entity under contract with the board, and paid section 4751.15 of the Revised Code.</u>	50119 50120 50121 50122
<u>(9) The individual has paid to the board an original a license fee of two hundred fifty dollars shall be issued a license on a form provided by the board. Such</u>	50123 50124 50125
<u>(10) The individual has satisfied any additional requirements as may be prescribed in rules adopted under section 4751.04 of the Revised Code.</u>	50126 50127 50128
<u>(B) A nursing home administrator license shall certify that the applicant individual to whom it was issued has met the licensure applicable requirements of Chapter 4751. this chapter and any applicable rules adopted under section 4751.04 of the Revised Code and is entitled authorized to practice as a licensed nursing home administrator administration while the license is valid.</u>	50129 50130 50131 50132 50133 50134 50135
<u>(B) A temporary license for a period not to exceed one hundred eighty days may be issued to an individual temporarily filling the position of a nursing home administrator vacated by reason of death, illness, or other unexpected cause, pursuant to regulations adopted by the board.</u>	50136 50137 50138 50139 50140
<u>(C) The fee for a temporary license is one hundred dollars. Said fee must accompany the application for the temporary license.</u>	50141 50142

~~(D) Any license or temporary license issued by the board pursuant to this section shall be under the hand of the chairperson and the secretary of the board.~~

~~(E) A duplicate of the original certificate of registration or license may be secured to replace one that has been lost or destroyed by submitting to the board a notarized statement explaining the conditions of the loss, mutilation, or destruction of the certificate or license and by paying a fee of twenty five dollars.~~

~~(F) A duplicate certificate of registration and license may be issued in the event of a legal change of name by submitting to the board a certified copy of the court order or marriage license establishing the change of name, by returning at the same time the original license and certificate of registration, and by paying a fee of twenty five dollars.~~

Sec. 4751.08 4751.201. The (A) Subject to section 4751.32 of the Revised Code, the board of executives of long-term services and supports, in its discretion, and otherwise subject to Chapter 4751. of the Revised Code and the rules adopted by the board thereunder prescribing the qualifications for a nursing home administrator license, may license issue a nursing home administrator without examination if the nursing home administrator has a valid license issued by the proper authorities of any other state, upon payment of to an individual under this section if all of the following requirements are satisfied:

(1) The individual is legally authorized to practice nursing home administration in another state.

(2) The individual has submitted to the board a completed application for the license in accordance with rules adopted under section 4751.04 of the Revised Code.

<u>(3) The individual is at least twenty-one years of age.</u>	50173
<u>(4) The individual holds at least a bachelor's degree from an accredited educational institution.</u>	50174 50175
<u>(5) The individual is of good moral character.</u>	50176
<u>(6) The individual has complied with section 4776.02 of the Revised Code regarding a criminal records check.</u>	50177 50178
<u>(7) The board, in its discretion, has determined that the results of the criminal records check do not make the individual ineligible for the license.</u>	50179 50180 50181
<u>(8) The individual has passed the licensing examination administered under section 4751.15 of the Revised Code.</u>	50182 50183
<u>(9) The individual has paid to the board a license fee of one two hundred fifty dollars, and upon submission of evidence satisfactory to the board both:</u>	50184 50185 50186
<u>(A) That such other state maintained a system and standard of qualifications and examinations for a nursing home administrator license which were substantially equivalent to those required in this state at the time such other license was issued by such other state;</u>	50187 50188 50189 50190 50191
<u>(B) That such other state gives similar recognition to nursing home administrators licensed in this state.</u>	50192 50193
<u>(10) The individual has satisfied any additional requirements as may be prescribed in rules adopted under section 4751.04 of the Revised Code.</u>	50194 50195 50196
<u>(B) A nursing home administrator license shall certify that the individual to whom it was issued has met the applicable requirements of this chapter and any applicable rules adopted under section 4751.04 of the Revised Code and is authorized to practice nursing home administration while the license is valid.</u>	50197 50198 50199 50200 50201

Sec. 4751.202. (A) Subject to section 4751.32 of the Revised Code, the board of executives of long-term services and supports may issue a temporary nursing home administrator license to an individual if all of the following requirements are satisfied: 50202
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(1) The operator of a nursing home has requested that the board issue a temporary nursing home administrator license to the individual to authorize the individual to temporarily practice nursing home administration at the nursing home because of a vacancy in the position of nursing home administrator at the nursing home resulting from a death, illness, or other unexpected cause. 50206
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(2) The individual is at least twenty-one years of age. 50213

(3) The individual is of good moral character. 50214

(4) The individual has complied with section 4776.02 of the Revised Code regarding a criminal records check. 50215
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(5) The board, in its discretion, has determined that the results of the criminal records check do not make the individual ineligible for the license. 50217
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(6) The individual has paid to the board a fee for the temporary license of one hundred dollars. 50220
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(7) The individual has satisfied any additional requirements as may be prescribed in rules adopted under section 4751.04 of the Revised Code. 50222
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(B) A temporary nursing home administrator license shall certify that the individual to whom it was issued has met the applicable requirements of this chapter and any applicable rules adopted under section 4751.04 of the Revised Code and is authorized to practice nursing home administration while the temporary license is valid. 50225
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(C) Except as provided in section 4751.32 of the Revised 50231

Code, a temporary nursing home administrator license is valid for 50232
a period of time the board shall specify on the temporary license. 50233
That period shall not exceed one hundred eighty days. If that 50234
period is less than one hundred eighty days, the individual 50235
holding the temporary license may apply to the board for renewal 50236
of the temporary license in accordance with rules the board shall 50237
adopt under section 4751.04 of the Revised Code. Except as 50238
provided in section 4751.32 of the Revised Code, a renewed 50239
temporary nursing home administrator license is valid for a period 50240
of time the board shall specify on the renewed temporary license. 50241
That period shall not exceed the difference between one hundred 50242
eighty days and the number of days for which the original 50243
temporary license was valid. A renewed temporary nursing home 50244
administrator license shall not be renewed. A licensed temporary 50245
nursing home administrator who intends to continue to practice 50246
nursing home administration after the temporary license, 50247
including, if applicable, the renewed temporary license, expires 50248
must obtain a nursing home administrator license under section 50249
4751.20 of the Revised Code. 50250

Sec. 4751.21. (A) Subject to section 4751.32 of the Revised 50251
Code, the board of executives of long-term services and supports 50252
shall issue a health services executive license to an individual 50253
if all of the following requirements are satisfied: 50254

(1) The individual has submitted to the board a completed 50255
application for the license in accordance with rules adopted under 50256
section 4751.04 of the Revised Code. 50257

(2) The individual is a licensed nursing home administrator. 50258

(3) The individual has obtained the health services executive 50259
qualification through the national association of long-term care 50260
administrator boards. 50261

(4) The individual has complied with section 4776.02 of the 50262

<u>Revised Code regarding a criminal records check.</u>	50263
<u>(5) The board, in its discretion, has determined that the results of the criminal records check do not make the individual ineligible for the license.</u>	50264 50265 50266
<u>(6) The individual has paid to the board a license fee of one hundred dollars.</u>	50267 50268
<u>(B) A health services executive license shall certify that the individual to whom it was issued has met the applicable requirements of this chapter and any applicable rules adopted under section 4751.04 of the Revised Code and is a licensed health services executive while the license is valid.</u>	50269 50270 50271 50272 50273
<u>Sec. 4751.22. All licenses and temporary licenses that the board of executives of long-term services and supports issues under this chapter shall include the signatures of the board's chairperson and secretary.</u>	50274 50275 50276 50277
<u>Sec. 4751.23. (A) Subject to section 4751.32 of the Revised Code, the board of executives of long-term services and supports may issue to a licensed nursing home administrator, licensed temporary nursing home administrator, or licensed health services executive a duplicate of the individual's nursing home administrator license, temporary nursing home administrator license, or health services executive license if the license or temporary license has been lost, mutilated, or destroyed and the individual does both of the following:</u>	50278 50279 50280 50281 50282 50283 50284 50285 50286
<u>(1) Submits to the board a notarized statement explaining the conditions of the loss, mutilation, or destruction;</u>	50287 50288
<u>(2) Pays to the board a fee of twenty-five dollars.</u>	50289
<u>(B) Subject to section 4751.32 of the Revised Code, the board may issue to a licensed nursing home administrator, licensed</u>	50290 50291

temporary nursing home administrator, or licensed health services 50292
executive whose name has been legally changed a duplicate of the 50293
individual's nursing home administrator license, temporary nursing 50294
home administrator license, or health services executive license 50295
that has the individual's new name if the individual does all of 50296
the following: 50297

(1) Submits to the board a certified copy of the court order 50298
or marriage license establishing the change of name; 50299

(2) Returns to the board the license or temporary license 50300
that has the individual's previous name; 50301

(3) Pays to the board a fee of twenty-five dollars. 50302

~~**Sec. 4751.07 4751.24.** (A) Every individual who holds a valid~~ 50303
~~license as a nursing home administrator issued under division (A)~~ 50304
~~of section 4751.06 of the Revised Code, shall immediately upon~~ 50305
~~issuance thereof be registered with the board of executives of~~ 50306
~~long term services and supports and be issued a certificate of~~ 50307
~~registration. Such individual shall annually apply to the board~~ 50308
~~for a new certificate of registration on forms provided for such~~ 50309
~~purpose prior to the expiration of the certificate of registration~~ 50310
~~and shall at the same time submit~~ Subject to section 4751.32 of 50311
the Revised Code, a nursing home administrator license is valid 50312
for one year and may be renewed and reinstated in accordance with 50313
this section. 50314

(B) If a licensed nursing home administrator intends to 50315
continue to practice nursing home administration without 50316
interruption after the administrator's license expires, the 50317
administrator shall apply to the board of executives of long-term 50318
services and supports for a renewed nursing home administrator 50319
license. Subject to section 4751.32 of the Revised Code, the board 50320
shall renew the license if the administrator does all of the 50321
following before the license expires: 50322

<u>(1) Submits to the board a completed application for license renewal in accordance with rules adopted under section 4751.04 of the Revised Code;</u>	50323
	50324
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<u>(2) Pays to the board the license renewal fee of three hundred dollars;</u>	50326
	50327
<u>(3) Submits to the board satisfactory evidence to the board of having attended such continuing education programs or courses of study as may be prescribed in rules adopted by the board under section 4751.04 of the Revised Code;</u>	50328
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<u>(4) Satisfies any other requirements as may be prescribed in rules adopted under section 4751.04 of the Revised Code.</u>	50332
	50333
(B) Upon making an application for a new certificate of registration such individual shall pay the annual registration fee of three hundred dollars.	50334
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(C) Upon receipt of such application for registration and the registration fee required by divisions (A) and (B) of this section, the board shall issue a certificate of registration to such nursing home administrator. <u>If a nursing home administrator license issued under section 4751.20 or 4751.201 of the Revised Code is not renewed before it expires, the individual who held the license may apply to the board for the license's reinstatement. Subject to section 4751.32 of the Revised Code, the board shall reinstate the license if the individual does all of the following not later than one year after the date the license expired:</u>	50337
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<u>(1) Submits to the board the completed application for license reinstatement in accordance with rules adopted under section 4751.04 of the Revised Code;</u>	50347
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<u>(2) Pays to the board the license reinstatement fee equal to the sum of the following:</u>	50350
	50351
<u>(a) Three hundred dollars;</u>	50352

(b) Fifty dollars for each calendar quarter that occurs 50353
during the period beginning on the date the license expires and 50354
ending on the last day of the calendar quarter during which the 50355
individual applies for license reinstatement, up to a maximum of 50356
two hundred dollars. 50357

(3) Submits to the board satisfactory evidence of having 50358
attended such continuing education programs or courses of study as 50359
may be prescribed in rules adopted by the board under section 50360
4751.04 of the Revised Code; 50361

(4) Satisfies any other requirements as may be prescribed in 50362
rules adopted under section 4751.04 of the Revised Code. 50363

~~(D) The license of a nursing home administrator who fails to~~ 50364
~~comply with this section shall automatically lapse.~~ 50365

~~(E) A licensed nursing home administrator who has been~~ 50366
~~licensed and registered in this state who determines to~~ 50367
~~temporarily abandon the practice of nursing home administration~~ 50368
~~shall notify the board in writing immediately; provided, that such~~ 50369
~~individual. The former administrator may thereafter register to~~ 50370
~~resume the practice of nursing home administration within the~~ 50371
~~state upon complying with the requirements of this section~~ 50372
~~regarding annual registration license renewal or license~~ 50373
~~reinstatement, whichever is applicable.~~ 50374

~~(F) Only an individual who has qualified as a licensed and~~ 50375
~~registered nursing home administrator under Chapter 4751. of the~~ 50376
~~Revised Code and the rules adopted thereunder, and who holds a~~ 50377
~~valid current registration certificate pursuant to this section,~~ 50378
~~may use the title "nursing home administrator," or the~~ 50379
~~abbreviation "N.H.A." after the individual's name. No other person~~ 50380
~~shall use such title or such abbreviation or any other words,~~ 50381
~~letters, sign, card, or device tending to indicate or to imply~~ 50382
~~that the person is a licensed and registered nursing home~~ 50383

administrator. 50384

~~(G) Every person holding a valid license entitling the person 50385
to practice nursing home administration in this state shall 50386
display said license in the nursing home which is the person's 50387
principal place of employment, and while engaged in the practice 50388
of nursing home administration shall have at hand the current 50389
registration certificate. 50390~~

~~(H) Every person holding a valid temporary license shall have 50391
such license at hand while engaged in the practice of nursing home 50392
administration. 50393~~

Sec. 4751.25. (A) Subject to section 4751.32 of the Revised 50394
Code, a health services executive license is valid for one year 50395
and may be renewed and reinstated in accordance with this section. 50396

(B) A licensed health services executive may apply to the 50397
board of executives of long-term services and supports for a 50398
renewed license. Subject to section 4751.32 of the Revised Code, 50399
the board shall renew the license if the licensed health services 50400
executive does all of the following before the license expires: 50401

(1) Submits to the board the completed application for 50402
license renewal in accordance with rules adopted under section 50403
4751.04 of the Revised Code; 50404

(2) Pays to the board the license renewal fee of fifty 50405
dollars; 50406

(3) Submits to the board satisfactory evidence of having 50407
attended such continuing education programs or courses of study as 50408
may be prescribed in rules adopted under section 4751.04 of the 50409
Revised Code. 50410

(C)(1) If a health services executive license is not renewed 50411
before it expires, the individual who held the license may apply 50412
to the board for the license's reinstatement. Subject to section 50413

4751.32 of the Revised Code, the board shall reinstate the license 50414
if the individual does all of the following not later than one 50415
year after the date the license expired: 50416

(a) Submits to the board the completed application for 50417
license reinstatement in accordance with rules adopted under 50418
section 4751.04 of the Revised Code; 50419

(b) Pays to the board the license reinstatement fee specified 50420
in division (C)(2) of this section; 50421

(c) Submits to the board satisfactory evidence of having 50422
attended such continuing education programs or courses of study as 50423
may be prescribed in rules adopted under section 4751.04 of the 50424
Revised Code. 50425

(2) The fee to reinstate a health services executive license 50426
under division (C)(1) of this section is the following: 50427

(a) If the individual applying for reinstatement has, at the 50428
same time, applied for reinstatement of a nursing home 50429
administrator license under division (C) of section 4751.24 of the 50430
Revised Code and paid the reinstatement fee required by division 50431
(C)(2) of that section, one hundred dollars; 50432

(b) If division (C)(2)(a) of this section does not apply to 50433
the individual, the sum of the following: 50434

(i) One hundred dollars; 50435

(ii) Twenty-five dollars for each calendar quarter that 50436
occurs during the period beginning on the date the license expired 50437
and ending on the last day of the calendar quarter during which 50438
the individual applies for license reinstatement, up to a maximum 50439
of one hundred dollars. 50440

Sec. 4751.044 4751.26. The board of executives of long-term 50441
services and supports shall approve continuing education courses 50442
for licensed nursing home administrators and licensed health 50443

services executives. The board may establish a fee for approval of 50444
such courses that is adequate to cover any expense the board 50445
incurs in the approval process. 50446

Sec. 4751.30. (A) Any person may submit to the board of 50447
executives of long-term services and supports a complaint that the 50448
person reasonably believes that another person has violated, or 50449
failed to comply with a requirement of, this chapter or a rule 50450
adopted under section 4751.04 of the Revised Code. All of the 50451
following apply to complaints submitted to the board under this 50452
section: 50453

(1) They are not subject to discovery in any civil action. 50454

(2) They are not public records for purposes of section 50455
149.43 of the Revised Code. 50456

(3) They are not subject to inspection or copying under 50457
section 1347.08 of the Revised Code. 50458

(B) Except as provided in division (D) of section 4751.31 of 50459
the Revised Code, the board shall protect the confidentiality of 50460
each person who submits a complaint to the board under this 50461
section. 50462

Sec. 4751.31. (A) The board of executives of long-term 50463
services and supports shall receive, investigate, and take 50464
appropriate action with respect to any complaint submitted to the 50465
board under section 4751.30 of the Revised Code and any other 50466
credible information the board possesses that indicates a person 50467
may have violated, or failed to comply with a requirement of, this 50468
chapter or a rule adopted under section 4751.04 of the Revised 50469
Code. 50470

(B) In conducting an investigation under this section, the 50471
board may do any of the following: 50472

<u>(1) Question witnesses;</u>	50473
<u>(2) Conduct interviews;</u>	50474
<u>(3) Inspect and copy any books, accounts, papers, records, or other documents;</u>	50475 50476
<u>(4) Issue subpoenas;</u>	50477
<u>(5) Compel the attendance of witnesses and the production of documents and testimony.</u>	50478 50479
<u>(C) No member of the board who supervises an investigation conducted under this section shall participate in any adjudication arising from the investigation.</u>	50480 50481 50482
<u>(D) The board may disclose any information it receives as part of an investigation conducted under this section, including the identity of a person who submits a complaint under section 4751.30 of the Revised Code, to a law enforcement agency, licensing board, or other government agency that investigates, prosecutes, or adjudicates alleged violations of statutes or rules. An agency or board that receives such information shall protect the confidentiality of a person who submits a complaint under section 4751.30 of the Revised Code in the same manner as the board of executives of long-term services and supports, notwithstanding any other information that the agency or other board possesses.</u>	50483 50484 50485 50486 50487 50488 50489 50490 50491 50492 50493 50494
Sec. 4751.10 4751.32. <u>(A) The license or registration, or both, or the temporary license of any person practicing or offering to practice nursing home administration, shall be revoked or suspended by the board of executives of long-term services and supports may take any of the actions authorized by division (B) of this section against an individual who has applied for or holds a nursing home administrator license, temporary nursing home administrator license, or health services executive license if</u>	50495 50496 50497 50498 50499 50500 50501 50502

~~such licensee or temporary licensee~~ any of the following apply to 50503
the individual: 50504

~~(A) Is~~ (1) The individual has failed to satisfy any 50505
requirement established by this chapter or the rules adopted under 50506
section 4751.04 of the Revised Code that must be satisfied to 50507
obtain the license or temporary license. 50508

(2) The individual has violated, or failed to comply with a 50509
requirement of, this chapter or a rule adopted under section 50510
4751.04 of the Revised Code regarding the practice of nursing home 50511
administration, including the requirements of sections 4751.40 and 50512
4751.41 of the Revised Code. 50513

(3) The individual is unfit or incompetent to practice 50514
nursing home administration, serve in a leadership position at a 50515
long-term services and supports setting, or direct the practices 50516
of others in such a setting by reason of negligence, habits, or 50517
other causes. 50518

~~(B) Has willfully or repeatedly violated any of the~~ 50519
~~provisions of Chapter 4751. of the Revised Code or the regulations~~ 50520
~~adopted thereunder; or willfully or repeatedly, including the~~ 50521
individual's habitual or excessive use or abuse of drugs, alcohol, 50522
or other substances. 50523

(4) The individual has acted in a manner inconsistent with 50524
the health and safety of either of the patients following: 50525

(a) The residents of the nursing home in at which the 50526
~~licensee or temporary licensee is the administrator~~ individual 50527
practices nursing home administration; 50528

~~(C) Is guilty of fraud or deceit in the practice of nursing~~ 50529
~~home administration or in the licensee's or temporary licensee's~~ 50530
~~admission to such practice;~~ 50531

~~(D) Has~~ (b) The consumers of services and supports provided 50532

by a long-term services and supports setting at which the 50533
individual serves in a leadership position or directs the 50534
practices of others. 50535

(5) The individual has been convicted of, or pleaded guilty 50536
to, either of the following in a court of competent jurisdiction, 50537
either within or without this state, ~~of a:~~ 50538

(a) A felony; 50539

(b) An offense of moral turpitude that constitutes a 50540
misdemeanor in this state. 50541

(6) The individual made a false, fraudulent, deceptive, or 50542
misleading statement in seeking to obtain, or obtaining, a nursing 50543
home administrator license, temporary nursing home administrator 50544
license, or health services executive license. 50545

(7) The individual made a fraudulent misrepresentation in 50546
attempting to obtain, or obtaining, money or anything of value in 50547
the practice of nursing home administration or while serving in a 50548
leadership position at a long-term services and supports setting 50549
or directing the practices of others in such a setting. 50550

(8) The individual has substantially deviated from the 50551
board's code of ethics. 50552

(9) Another health care licensing agency has taken any of the 50553
following actions against the individual for any reason other than 50554
nonpayment of a fee: 50555

(a) Denied, refused to renew or reinstate, limited, revoked, 50556
or suspended, or accepted the surrender of, a license or other 50557
authorization to practice; 50558

(b) Imposed probation; 50559

(c) Issued a censure or other reprimand. 50560

(10) The individual has failed to do any of the following: 50561

<u>(a) Cooperate with an investigation conducted by the board</u>	50562
<u>under section 4751.31 of the Revised Code;</u>	50563
<u>(b) Respond to or comply with a subpoena issued by the board</u>	50564
<u>in an investigation of the individual;</u>	50565
<u>(c) Comply with any disciplinary action the board has taken</u>	50566
<u>against the individual pursuant to this section.</u>	50567
<u>(B) The following are the actions that the board may take for</u>	50568
<u>the purpose of division (A) of this section:</u>	50569
<u>(1) Deny the individual any of the following:</u>	50570
<u>(a) A nursing home administrator license under section</u>	50571
<u>4751.20, 4751.201, 4751.23, or 4751.24 of the Revised Code;</u>	50572
<u>(b) A temporary nursing home administrator license under</u>	50573
<u>section 4751.202 or 4751.23 of the Revised Code;</u>	50574
<u>(c) A health services executive license under section</u>	50575
<u>4751.21, 4751.23, or 4751.25 of the Revised Code.</u>	50576
<u>(2) Suspend the individual's nursing home administrator</u>	50577
<u>license, temporary nursing home administrator license, or health</u>	50578
<u>services executive license;</u>	50579
<u>(3) Revoke the individual's nursing home administrator</u>	50580
<u>license, temporary nursing home administrator license, or health</u>	50581
<u>services executive license, either permanently or for a period of</u>	50582
<u>time the board specifies;</u>	50583
<u>(4) Place a limitation on the individual's nursing home</u>	50584
<u>administrator license, temporary nursing home administrator</u>	50585
<u>license, or health services executive license;</u>	50586
<u>(5) Place the individual on probation;</u>	50587
<u>(6) Issue a written reprimand of the individual;</u>	50588
<u>(7) Impose on the individual a civil penalty, fine, or other</u>	50589
<u>sanction specified in rules adopted under section 4751.04 of the</u>	50590

Revised Code. 50591

(C) The board shall take actions authorized by division (B) 50592
of this section in accordance with Chapter 119. of the Revised 50593
Code, except that the board may enter into a consent agreement 50594
with an individual to resolve an alleged violation of this chapter 50595
or a rule adopted under section 4751.04 of the Revised Code in 50596
lieu of making an adjudication regarding the alleged violation. A 50597
consent agreement constitutes the board's findings and order with 50598
respect to the matter addressed in the consent agreement if the 50599
board ratifies the consent agreement. Any admissions or findings 50600
included in a proposed consent agreement have no force or effect 50601
if the board refuses to ratify the consent agreement. 50602

Sec. ~~4751.11~~ 4751.33. (A) The board of executives of 50603
long-term services and supports may, in its discretion, reissue a 50604
nursing home administrator license or registration, or both, 50605
temporary nursing home administrator license, or health services 50606
executive license to any ~~person~~ individual whose license or 50607
registration, or both, temporary license has been ~~revoked~~. 50608

~~(B)~~ revoked. Application for the reissuance of ~~a license or 50609~~
~~registration, or both,~~ shall not be made prior to one year after 50610
revocation and shall be made in such manner as the board may 50611
direct. 50612

~~(C)~~(B) If ~~a person~~ an individual who has been convicted of, 50613
or pleaded guilty to, a felony is subsequently pardoned by the 50614
governor of the state where such conviction or plea was had or by 50615
the president of the United States, or receives a final release 50616
granted by the adult parole authority of this state or its 50617
equivalent agency of another state, the board may, in its 50618
discretion, on application of ~~such person~~ the individual and on 50619
the submission of evidence satisfactory to the board, ~~restore to~~ 50620
~~such person~~ the individual's nursing home administrator's 50621

administrator license or registration, temporary nursing home 50622
administrator license, or both health services executive license. 50623

Sec. ~~4751.12~~ 4751.35. On receipt of a notice pursuant to 50624
section 3123.43 of the Revised Code, the board of executives of 50625
long-term services and supports shall comply with sections 3123.41 50626
to 3123.50 of the Revised Code and any applicable rules adopted 50627
under section 3123.63 of the Revised Code with respect to a 50628
license or temporary license issued pursuant to this chapter. 50629

Sec. ~~4751.13~~ 4751.36. The board of executives of long-term 50630
services and supports shall comply with section 4776.20 of the 50631
Revised Code. 50632

Sec. 4751.37. The board of executives of long-term services 50633
and supports shall take such actions as may be necessary to enable 50634
the state to meet the requirements set forth in section 1908 of 50635
the "Social Security Act," 42 U.S.C. 1396g. 50636

Sec. 4751.38. The board of executives of long-term services 50637
and supports shall create opportunities for the education, 50638
training, and credentialing of nursing home administrators, 50639
persons in leadership positions who practice in long-term services 50640
and supports settings or who direct the practices of others in 50641
those settings, and persons interested in serving in those roles. 50642
In carrying out this duty, the board shall do both the following: 50643

(A) Identify core competencies and areas of knowledge that 50644
are appropriate for nursing home administrators, credentialed 50645
individuals, and others working within the long-term services and 50646
supports settings system, with an emphasis on all of the 50647
following: 50648

(1) Leadership; 50649

<u>(2) Person-centered care;</u>	50650
<u>(3) Principles of management within both the business and regulatory environments;</u>	50651 50652
<u>(4) An understanding of all post-acute settings, including transitions from acute settings and between post-acute settings.</u>	50653 50654
<u>(B) Assist in the development of a strong, competitive market in this state for making training, continuing education, and degree programs available to individuals seeking to practice nursing home administration, serve in a leadership position at a long-term services and support setting, or direct the practice of others in such a setting.</u>	50655 50656 50657 50658 50659 50660
Sec. 4751.043 <u>4751.381</u>. (A) Training and education programs developed by the board of executives of long-term services and supports pursuant to division (A)(10) of section 4751.04 <u>4751.38</u> of the Revised Code may be conducted in person or through electronic media. The board may establish and charge a fee for the education and training programs.	50661 50662 50663 50664 50665 50666
(B) The board may enter into a contract with a government or private entity to perform the board's duties under division (A)(10) of section 4751.04 <u>4751.38</u> of the Revised Code to develop and conduct education and training programs. If the board enters into such a contract, the contract may authorize the entity to pay any or all costs associated with the education or training programs and to collect and keep, as all or part of the entity's compensation under the contract, any fee an applicant for education or training pays to enroll in the education or training program.	50667 50668 50669 50670 50671 50672 50673 50674 50675 50676
Sec. <u>4751.40</u>. <u>Each licensed nursing home administrator, licensed temporary nursing home administrator, and licensed health services executive shall report to the board of executives of</u>	50677 50678 50679

long-term services and supports any change in any of the following 50680
not later than ten days after the change: 50681

(A) The individual's residence mailing address; 50682

(B) The name and address of each place at which the 50683
individual practices nursing home administration; 50684

(C) The name and address of each long-term services and 50685
supports setting at which the individual serves in a leadership 50686
position or directs the practices of others. 50687

Sec. 4751.41. Every licensed nursing home administrator, 50688
licensed temporary nursing home administrator, and licensed health 50689
services executive shall display the individual's license or 50690
temporary license in the place at which the individual practices 50691
nursing home administration and the long-term services and 50692
supports setting at which the individual serves in a leadership 50693
position or directs the practices of others. 50694

Sec. 4751.45. An individual who is a licensed nursing home 50695
administrator, licensed temporary nursing home administrator, or 50696
licensed health services executive may request that the board of 50697
executives of long-term services and supports provide to a 50698
licensing board or agency of another state verification of the 50699
individual's licensure status under this chapter and other related 50700
information in the board's possession. The board shall provide the 50701
licensing board or agency of the other state the verification and 50702
other related information so requested if the individual pays to 50703
the board the fee for this service. The board shall adopt a rule 50704
under section 4751.04 of the Revised Code establishing the fee. 50705

Sec. 4751.99. Whoever violates section ~~4751.02~~ or ~~4751.09~~ 50706
4751.10 of the Revised Code may be fined not more than five 50707
hundred dollars for the first offense; for each subsequent offense 50708

such person may be fined not more than five hundred dollars or 50709
imprisoned for not more than ninety days, or both. 50710

The imposition of fines pursuant to this section does not 50711
preclude the imposition of any civil penalties or fines authorized 50712
~~under~~ by section ~~4751.04~~ 4751.32 or any other section of the 50713
Revised Code. 50714

Sec. 4757.10. (A) The counselor, social worker, and marriage 50715
and family therapist board may adopt any rules necessary to carry 50716
out this chapter. 50717

(B) The board shall adopt rules that do all of the following: 50718

~~(A)~~(1) Concern intervention for and treatment of any impaired 50719
person holding a license or certificate of registration issued 50720
under this chapter; 50721

~~(B)~~(2) Establish standards for training and experience of 50722
supervisors described in division (C) of section 4757.30 of the 50723
Revised Code; 50724

~~(C)~~(3) Define the requirement that an applicant be of good 50725
moral character in order to be licensed or registered under this 50726
chapter; 50727

~~(D)~~(4) Establish requirements for criminal records checks of 50728
applicants under section 4776.03 of the Revised Code; 50729

~~(E)~~(5) Establish a graduated system of fines based on the 50730
scope and severity of violations and the history of compliance, 50731
not to exceed five hundred dollars per incident, that any 50732
professional standards committee of the board may charge for a 50733
disciplinary violation described in section 4757.36 of the Revised 50734
Code; 50735

~~(F)~~(6) Establish the amount and content of corrective action 50736
courses required by the board under section ~~4755.36~~ 4757.36 of the 50737
Revised Code; 50738

~~(G)(7)~~ Provide for voluntary registration of all of the 50739
following: 50740

~~(1)(a)~~ Master's level counselor trainees enrolled in practice 50741
and internships; 50742

~~(2)(b)~~ Master's level social worker trainees enrolled in 50743
fieldwork, practice, and internships; 50744

~~(3)(c)~~ Master's level marriage and family therapist trainees 50745
enrolled in practice and internships. 50746

(8) Establish a schedule of deadlines for renewal. 50747

(C) Rules adopted under division ~~(G)(B)(7)~~ of this section 50748
shall not require a trainee to register with the board, and if a 50749
trainee has not registered, shall prohibit any adverse effect with 50750
respect to a trainee's application for licensure by the board. 50751

(D) All rules adopted under this section shall be adopted in 50752
accordance with Chapter 119. of the Revised Code. When it adopts 50753
rules under this section or any other section of this chapter, the 50754
board may consider standards established by any national 50755
association or other organization representing the interests of 50756
those involved in professional counseling, social work, or 50757
marriage and family therapy. 50758

Sec. 4757.13. ~~(A) Each individual who engages in the practice 50759
of professional counseling, social work, or marriage and family 50760
therapy shall prominently display, in a conspicuous place in the 50761
office or place where a major portion of the individual's practice 50762
is conducted, and in such a manner as to be easily seen and read, 50763
the license granted to the individual by the state counselor, 50764
social worker, and marriage and family therapist board. 50765~~

~~(B)~~ A person holding a license holder issued under this 50766
chapter who is engaged in a private individual practice, 50767
partnership, or group practice shall prominently display the 50768

license holder's fee schedule in the office or place where a major 50769
portion of the license holder's practice is conducted. The bottom 50770
of the first page of the fee schedule shall include the following 50771
statement, which shall be followed by the name, address, and 50772
telephone number of the board: 50773

"This information is required by the Counselor, Social 50774
Worker, and Marriage and Family Therapist Board, which regulates 50775
the practices of professional counseling, social work, and 50776
marriage and family therapy in this state." 50777

Sec. 4757.18. The counselor, social worker, and marriage and 50778
family therapist board may enter into a reciprocal agreement with 50779
any state that regulates individuals practicing in the same 50780
capacities as those regulated under this chapter if the board 50781
finds that the state has requirements substantially equivalent to 50782
the requirements this state has for receipt of a license or 50783
certificate of registration under this chapter. In a reciprocal 50784
agreement, the board agrees to issue the appropriate license or 50785
certificate of registration to any resident of the other state 50786
whose practice is currently authorized by that state if that 50787
state's regulatory body agrees to authorize the appropriate 50788
practice of any resident of this state who holds a valid license 50789
or certificate of registration issued under this chapter. 50790

The Subject to section 4757.25 of the Revised Code, the 50791
professional standards committees of the board may, by 50792
endorsement, issue the appropriate license or certificate of 50793
registration to a resident of a state with which the board does 50794
not have a reciprocal agreement, if the person submits proof 50795
satisfactory to the committee of currently being licensed, 50796
certified, registered, or otherwise authorized to practice by that 50797
state. 50798

Sec. 4757.22. (A) The counselors professional standards 50799
committee of the counselor, social worker, and marriage and family 50800
therapist board shall issue a license to practice as a licensed 50801
professional clinical counselor to each applicant who submits a 50802
properly completed application, pays the fee established under 50803
section 4757.31 of the Revised Code, and meets the requirements 50804
specified in division (B) of this section. 50805

(B)(1) To be eligible for a licensed professional clinical 50806
counselor license, an individual must meet the following 50807
requirements: 50808

(a) The individual must be of good moral character. 50809

(b) The individual must hold a graduate degree in counseling 50810
as described in division (B)(2) of this section. 50811

(c) The individual must complete a minimum of ninety quarter 50812
hours or sixty semester hours of graduate credit in counselor 50813
training acceptable to the committee, including instruction in the 50814
following areas: 50815

(i) Clinical psychopathology, personality, and abnormal 50816
behavior; 50817

(ii) Evaluation of mental and emotional disorders; 50818

(iii) Diagnosis of mental and emotional disorders; 50819

(iv) Methods of prevention, intervention, and treatment of 50820
mental and emotional disorders. 50821

(d) The individual must complete, in either a private or 50822
clinical counseling setting, supervised experience in counseling 50823
that is of a type approved by the committee, is supervised by a 50824
licensed professional clinical counselor or other qualified 50825
professional approved by the committee, and is in the following 50826
amounts: 50827

- (i) In the case of an individual holding only a master's degree, not less than two years of experience, which must be completed after the award of the master's degree; 50828
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50830
- (ii) In the case of an individual holding a doctorate, not less than one year of experience, which must be completed after the award of the doctorate. 50831
50832
50833
- (e) The individual must pass a field evaluation that meets the following requirements: 50834
50835
- (i) Has been completed by the applicant's instructors, employers, supervisors, or other persons determined by the committee to be competent to evaluate an individual's professional competence; 50836
50837
50838
50839
- (ii) Includes documented evidence of the quality, scope, and nature of the applicant's experience and competence in diagnosing and treating mental and emotional disorders. 50840
50841
50842
- (f) The individual must pass an examination administered by the board for the purpose of determining ability to practice as a licensed professional clinical counselor. 50843
50844
50845
- (2) To meet the requirement of division (B)(1)(b) of this section, a graduate degree in counseling obtained from a ~~mental health~~ counseling program in this state after January 1, 2018, must be from one of the following: 50846
50847
50848
50849
- (a) ~~A clinical mental health counseling program, a clinical rehabilitation counseling program, or an addiction counseling program~~ accredited by the council for accreditation of counseling and related educational programs; 50850
50851
50852
50853
- (b) A counseling education program approved by the board in accordance with rules adopted by the board under division (G) of this section. 50854
50855
50856
- (3) All of the following meet the educational requirements of 50857

division (B)(1)(c) of this section: 50858

(a) A clinical mental health counseling program accredited by 50859
the council for accreditation of counseling and related 50860
educational programs; 50861

(b) Until January 1, 2018, a mental health counseling program 50862
accredited by the council for accreditation of counseling and 50863
related educational programs; 50864

(c) A graduate degree in counseling issued by another state 50865
from a clinical mental health counseling program, a clinical 50866
rehabilitation counseling program, or an addiction counseling 50867
program that is accredited by the council for accreditation of 50868
counseling and related educational programs; 50869

(d) A counseling education program approved by the board in 50870
accordance with rules adopted under division (G) of this section. 50871

(C) To be accepted by the committee for purposes of division 50872
(B) of this section, counselor training must include at least the 50873
following: 50874

(1) Instruction in human growth and development; counseling 50875
theory; counseling techniques; group dynamics, processing, and 50876
counseling; appraisal of individuals; research and evaluation; 50877
professional, legal, and ethical responsibilities; social and 50878
cultural foundations; and lifestyle and career development; 50879

(2) Participation in a supervised practicum and clinical 50880
internship in counseling. 50881

(D) The committee may issue a temporary license to an 50882
applicant who meets all of the requirements to be licensed under 50883
this section, pending the receipt of transcripts or action by the 50884
committee to issue a license to practice as a licensed 50885
professional clinical counselor. 50886

(E) An individual may not sit for the licensing examination 50887

unless the individual meets the educational requirements to be 50888
licensed under this section. An individual who is denied admission 50889
to the licensing examination may appeal the denial in accordance 50890
with Chapter 119. of the Revised Code. 50891

(F) The board shall adopt any rules necessary for the 50892
committee to implement this section. The rules shall do both of 50893
the following: 50894

(1) Establish criteria for the committee to use in 50895
determining whether an applicant's training should be accepted and 50896
supervised experience approved; 50897

(2) Establish course content requirements for qualifying 50898
counseling degrees issued by institutions in other states from 50899
clinical mental health counseling programs, clinical 50900
rehabilitation counseling programs, and addiction counseling 50901
programs that are not accredited by the council for accreditation 50902
of counseling and related educational programs. 50903

Rules adopted under this division shall be adopted in 50904
accordance with Chapter 119. of the Revised Code. 50905

(G)(1) The board may adopt rules to temporarily approve a 50906
counseling education program created after January 1, 2018, that 50907
has not been accredited by the council for accreditation of 50908
counseling and related educational programs. If the board adopts 50909
rules under this division, the board shall do all of the following 50910
in the rules: 50911

(a) Create an application process under which a program 50912
administrator may apply to the board for approval of the program; 50913

(b) Identify the educational requirements that an individual 50914
must satisfy to receive a graduate degree in counseling from the 50915
approved program; 50916

(c) Establish a time period during which an individual may 50917

use an unaccredited degree granted under the program to satisfy 50918
the requirements of divisions (B)(1)(b) and (c) of this section; 50919

(d) Specify that, if the program is denied accreditation, a 50920
student enrolled in the program before the accreditation is denied 50921
may apply for licensure before completing the program and, on 50922
receiving a degree from the program, is considered to satisfy 50923
divisions (B)(1)(b) and (c) of this section. 50924

(2) A degree from a counseling education program approved by 50925
the board pursuant to the rules adopted under division (G)(1) of 50926
this section satisfies the requirements of divisions (B)(1)(b) and 50927
(c) of this section for the time period approved by the board. 50928

Sec. 4757.23. (A) The counselors professional standards 50929
committee of the counselor, social worker, and marriage and family 50930
therapist board shall issue a license as a licensed professional 50931
counselor to each applicant who submits a properly completed 50932
application, pays the fee established under section 4757.31 of the 50933
Revised Code, and meets the requirements established under 50934
division (B) of this section. 50935

(B)(1) To be eligible for a license as a licensed 50936
professional counselor, an individual must meet the following 50937
requirements: 50938

(a) The individual must be of good moral character. 50939

(b) The individual must hold a graduate degree in counseling 50940
as described in division (B)(2) of this section. 50941

(c) The individual must complete a minimum of ninety quarter 50942
hours or sixty semester hours of graduate credit in counselor 50943
training acceptable to the committee, which the individual may 50944
complete while working toward receiving a graduate degree in 50945
counseling, or subsequent to receiving the degree, and which shall 50946
include training in the following areas: 50947

(i) Clinical psychopathology, personality, and abnormal behavior;	50948 50949
(ii) Evaluation of mental and emotional disorders;	50950
(iii) Diagnosis of mental and emotional disorders;	50951
(iv) Methods of prevention, intervention, and treatment of mental and emotional disorders.	50952 50953
(d) The individual must pass an examination administered by the board for the purpose of determining ability to practice as a licensed professional counselor.	50954 50955 50956
(2) To meet the requirement of division (B)(1)(b) of this section, a graduate degree in counseling obtained from a mental health counseling program in this state after January 1, 2018, must be from one of the following:	50957 50958 50959 50960
(a) A clinical mental health counseling program, clinical rehabilitation counseling program, or addiction counseling program accredited by the council for accreditation of counseling and related educational programs;	50961 50962 50963 50964
(b) A counseling education program approved by the board in accordance with rules adopted by the board under division (G) of this section.	50965 50966 50967
(3) All of the following meet the educational requirements of division (B)(1)(c) of this section:	50968 50969
(a) A clinical mental health counseling program accredited by the council for accreditation of counseling and related educational programs;	50970 50971 50972
(b) Until January 1, 2018, a mental health counseling program accredited by the council for accreditation of counseling and related educational programs;	50973 50974 50975
(c) A graduate degree in counseling issued by an institution in another state from a clinical mental health counseling program,	50976 50977

a clinical rehabilitation counseling program, or an addiction 50978
counseling program that is accredited by the council for 50979
accreditation of counseling and related educational programs; 50980

(d) A counseling education program approved by the board in 50981
accordance with rules adopted under division (G) of this section. 50982

(C) To be accepted by the committee for purposes of division 50983
(B) of this section, counselor training must include at least the 50984
following: 50985

(1) Instruction in human growth and development; counseling 50986
theory; counseling techniques; group dynamics, processing, and 50987
counseling; appraisal of individuals; research and evaluation; 50988
professional, legal, and ethical responsibilities; social and 50989
cultural foundations; and lifestyle and career development; 50990

(2) Participation in a supervised practicum and clinical 50991
internship in counseling. 50992

(D) The committee may issue a temporary license to practice 50993
as a licensed professional counselor to an applicant who meets all 50994
of the requirements to be licensed under this section as follows: 50995

(1) Pending the receipt of transcripts or action by the 50996
committee to issue a license as a licensed professional counselor; 50997

(2) For a period not to exceed ninety days, to an applicant 50998
who provides the board with a statement from the applicant's 50999
academic institution indicating that the applicant has met the 51000
academic requirements for the applicant's degree and the projected 51001
date the applicant will receive the applicant's transcript showing 51002
a conferred degree. 51003

On application to the committee, a temporary license issued 51004
under division (D)(2) of this section may be renewed for good 51005
cause shown. 51006

(E) An individual may not sit for the licensing examination 51007

unless the individual meets the educational requirements to be 51008
licensed under this section. An individual who is denied admission 51009
to the licensing examination may appeal the denial in accordance 51010
with Chapter 119. of the Revised Code. 51011

(F) The board shall adopt any rules necessary for the 51012
committee to implement this section. The rules shall do both of 51013
the following: 51014

(1) Establish criteria for the committee to use in 51015
determining whether an applicant's training should be accepted and 51016
supervised experience approved; 51017

(2) Establish course content requirements for qualifying 51018
counseling degrees issued by institutions in other states from 51019
clinical mental health counseling programs, clinical 51020
rehabilitation counseling programs, and addiction counseling 51021
programs that are not accredited by the council for accreditation 51022
of counseling and related educational programs. 51023

Rules adopted under this division shall be adopted in 51024
accordance with Chapter 119. of the Revised Code. 51025

(G)(1) The board may adopt rules to temporarily approve a 51026
counseling education program created after January 1, 2018, that 51027
has not been accredited by the council for accreditation of 51028
counseling and related educational programs. If the board adopts 51029
rules under this division, the board shall do all of the following 51030
in the rules: 51031

(a) Create an application process under which a program 51032
administrator may apply to the board for approval of the program; 51033

(b) Identify the educational requirements that an individual 51034
must satisfy to receive a graduate degree in counseling from the 51035
approved program; 51036

(c) Establish a time period during which an individual may 51037

use an unaccredited degree granted under the program to satisfy 51038
the requirements of divisions (B)(1)(b) and (c) of this section; 51039

(d) Specify that, if the program is denied accreditation, a 51040
student enrolled in the program before the accreditation is denied 51041
may apply for licensure before completing the program and, on 51042
receiving a degree from the program, is considered to satisfy 51043
divisions (B)(1)(b) and (c) of this section. 51044

(2) A degree from a counseling education program approved by 51045
the board pursuant to the rules adopted under division (G)(1) of 51046
this section satisfies the requirements of divisions (B)(1)(b) and 51047
(c) of this section for the time period approved by the board. 51048

Sec. 4757.25. (A) Notwithstanding any provision in sections 51049
4757.22 and 4757.23 of the Revised Code to the contrary, the 51050
counselors professional standards committee of the counselor, 51051
social worker, and marriage and family therapist board may, by 51052
endorsement, issue a license to practice as a licensed 51053
professional clinical counselor or a licensed professional 51054
counselor to a person who is authorized to practice in another 51055
state even though the person does not hold a graduate degree in 51056
counseling if the person meets all of the following requirements: 51057

(1) The person has a graduate degree in a field of study that 51058
demonstrates an education in the diagnosis and treatment of mental 51059
and emotional disorders. 51060

(2) The person has continuously engaged in the practice of 51061
professional counseling in the other state for a period of five 51062
years or more immediately preceding the date the application is 51063
submitted. 51064

(3) The person's scope of practice in the other state is 51065
comparable to the scope of practice associated with the license 51066
the person is requesting. 51067

(4) The person's license, certificate, registration, or other authorization to practice in the other state is in good standing at the time the person submits the application. 51068
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(5) The person has not been disciplined by the regulatory authority of the other state that issued the license, certificate, registration, or other authorization for a period of five years or more preceding the date the application is submitted. 51071
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(6) The person has achieved a passing score on the examination required by the board for licensure as a licensed professional clinical counselor or a licensed professional counselor, as applicable. 51075
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(B) To meet the requirement of division (A)(1) of this section, the coursework the person completed to obtain the graduate degree must be comparable to the coursework required to obtain a degree in clinical mental health counseling from a program accredited by the council for accreditation of counseling and related educational programs. 51079
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(C) Before issuing a license to practice as a licensed professional clinical counselor by endorsement under this section, the committee shall require an applicant to complete not less than seven hundred fifty hours of supervised experience that is of a type approved by the committee. 51085
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Sec. 4757.32. A license or certificate of registration issued under this chapter ~~expires two years after it is issued and is~~ valid without further recommendation or examination until revoked or suspended or until the license or certificate of registration expires for failure to renew as provided for in this section. 51090
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Licenses and certificates of registration shall be renewed biennially in accordance with the schedule established in rules adopted by the counselor, social worker, and marriage and family therapist board under section 4757.10 of the Revised Code. A 51095
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license or certificate of registration may be renewed in 51099
accordance with the standard renewal procedure established under 51100
Chapter 4745. of the Revised Code. 51101

Subject to section 4757.36 of the Revised Code, the staff of 51102
the appropriate professional standards committee of the ~~counselor,~~ 51103
~~social worker, and marriage and family therapist~~ board shall, on 51104
behalf of each committee, issue a renewed license or certificate 51105
of registration to each applicant who has paid the renewal fee 51106
established by the board under section 4757.31 of the Revised Code 51107
and satisfied the continuing education requirements established by 51108
the board under section 4757.33 of the Revised Code. 51109

A license or certificate of registration that is not renewed 51110
lapses on its expiration date. A license or certificate of 51111
registration that has lapsed may be restored if the individual, 51112
not later than two years after the license or certificate expired, 51113
applies for restoration of the license or certificate. The staff 51114
of the appropriate professional standards committee shall issue a 51115
restored license or certificate of registration to the applicant 51116
if the applicant pays the renewal fee established under section 51117
4757.31 of the Revised Code and satisfies the continuing education 51118
requirements established under section 4757.33 of the Revised Code 51119
for restoring the license or certificate of registration. The 51120
board and its professional standards committees shall not require 51121
a person to take an examination as a condition of having a lapsed 51122
license or certificate of registration restored. 51123

Sec. 4759.02. (A) Except as otherwise provided in this 51124
section or in section 4759.10 of the Revised Code, no person shall 51125
practice, offer to practice, or hold self forth to practice 51126
dietetics unless the person has been licensed under section 51127
4759.06 of the Revised Code. 51128

(B) Except for a person licensed under section 4759.06 of the Revised Code, or as otherwise provided in this section or in section 4759.10 of the Revised Code:

(1) No person shall use the title "dietitian";

(2) No person except for a person licensed under Title XLVII of the Revised Code, when acting within the scope of their practice, shall use any other title, designation, words, letters, abbreviation, or insignia or combination of any title, designation, words, letters, abbreviation, or insignia tending to indicate that the person is practicing dietetics.

(C) Notwithstanding division (B) of this section, a person who is a dietitian registered by the commission on dietetic registration and who does not violate division (A) of this section may use the designation "registered dietitian" and the abbreviation "R.D."

(D) Division (A) of this section does not apply to:

(1) A student enrolled in an academic program that is in compliance with division (A)(4) of section 4759.06 of the Revised Code who is engaging in the practice of dietetics under the supervision of a dietitian licensed under section 4759.06 of the Revised Code or a dietitian registered by the commission on dietetic registration, as part of the academic program;

(2) A person participating in the pre-professional experience required by division (A)(5) of section 4759.06 of the Revised Code;

(3) A person holding a limited permit under division ~~(E)~~(G) of section 4759.06 of the Revised Code.

(E) The attorney general, the prosecuting attorney of any county in which the offense was committed or the offender resides, the state medical board, or any other person having knowledge of a

person who either directly or by complicity is in violation of 51159
this section, may, in accordance with provisions of the Revised 51160
Code governing injunctions, maintain an action in the name of the 51161
state to enjoin any person from engaging either directly or by 51162
complicity in the unlawful activity by applying for an injunction 51163
in the Franklin county court of common pleas or any other court of 51164
competent jurisdiction. 51165

Prior to application for such injunction, the secretary of 51166
the state medical board shall notify the person allegedly engaged 51167
either directly or by complicity in the unlawful activity by 51168
registered mail that the secretary has received information 51169
indicating that the person is so engaged. The person shall answer 51170
the secretary within thirty days showing that the person is either 51171
properly licensed for the stated activity or that the person is 51172
not in violation of this chapter. If the answer is not forthcoming 51173
within thirty days after notice by the secretary, the secretary 51174
shall request that the attorney general, the prosecuting attorney 51175
of the county in which the offense was committed or the offender 51176
resides, or the state medical board proceed as authorized in this 51177
section. 51178

Upon the filing of a verified petition in court, the court 51179
shall conduct a hearing on the petition and shall give the same 51180
preference to this proceeding as is given all proceedings under 51181
Chapter 119. of the Revised Code, irrespective of the position of 51182
the proceeding on the calendar of the court. Injunction 51183
proceedings shall be in addition to, and not in lieu of, all 51184
penalties and other remedies provided under this chapter. 51185

Sec. 4759.05. (A) The state medical board shall adopt, amend, 51186
or rescind rules pursuant to Chapter 119. of the Revised Code to 51187
carry out the provisions of this chapter, including rules 51188
governing the following: 51189

(1) Selection and approval of a dietitian licensure examination offered by the commission on dietetic registration or any other examination;	51190 51191 51192
(2) The examination of applicants for licensure as a dietitian, as required under division (A) of section 4759.06 of the Revised Code;	51193 51194 51195
(3) Requirements for pre-professional dietetic experience of applicants for licensure as a dietitian that are at least equivalent to the requirements adopted by the commission on dietetic registration;	51196 51197 51198 51199
(4) Requirements for a person holding a limited permit under division (E) <u>(G)</u> of section 4759.06 of the Revised Code, including the duration of validity of a limited permit and procedures for renewal;	51200 51201 51202 51203
(5) Continuing education requirements for renewal of a license, including rules providing for pro rata reductions by month of the number of hours of continuing education that must be completed for license holders who are in their first renewal period , have been disabled by illness or accident, or have been absent from the country. Rules adopted under this division shall be consistent with the continuing education requirements adopted by the commission on dietetic registration.	51204 51205 51206 51207 51208 51209 51210 51211
(6) Any additional education requirements the board considers necessary, for applicants who have not practiced dietetics within five years of the initial date of application for licensure;	51212 51213 51214
(7) Standards of professional responsibility and practice for persons licensed under this chapter that are consistent with those standards of professional responsibility and practice adopted by the academy of nutrition and dietetics;	51215 51216 51217 51218
(8) Formulation of an application form for licensure or license renewal;	51219 51220

(9) Procedures for license renewal;	51221
(10) Requirements for criminal records checks of applicants under section 4776.03 of the Revised Code.	51222 51223
(B)(1) The board shall investigate evidence that appears to show that a person has violated any provision of this chapter or any rule adopted under it. Any person may report to the board in a signed writing any information that the person may have that appears to show a violation of any provision of this chapter or any rule adopted under it. In the absence of bad faith, any person who reports information of that nature or who testifies before the board in any adjudication conducted under Chapter 119. of the Revised Code shall not be liable in damages in a civil action as a result of the report or testimony. Each complaint or allegation of a violation received by the board shall be assigned a case number and shall be recorded by the board.	51224 51225 51226 51227 51228 51229 51230 51231 51232 51233 51234 51235
(2) Investigations of alleged violations of this chapter or any rule adopted under it shall be supervised by the supervising member elected by the board in accordance with section 4731.02 of the Revised Code and by the secretary as provided in section 4759.012 of the Revised Code. The president may designate another member of the board to supervise the investigation in place of the supervising member. No member of the board who supervises the investigation of a case shall participate in further adjudication of the case.	51236 51237 51238 51239 51240 51241 51242 51243 51244
(3) In investigating a possible violation of this chapter or any rule adopted under this chapter, the board may issue subpoenas, question witnesses, conduct interviews, administer oaths, order the taking of depositions, inspect and copy any books, accounts, papers, records, or documents, and compel the attendance of witnesses and the production of books, accounts, papers, records, documents, and testimony, except that a subpoena for patient record information shall not be issued without	51245 51246 51247 51248 51249 51250 51251 51252

consultation with the attorney general's office and approval of 51253
the secretary and supervising member of the board. 51254

Before issuance of a subpoena for patient record information, 51255
the secretary and supervising member shall determine whether there 51256
is probable cause to believe that the complaint filed alleges a 51257
violation of this chapter or any rule adopted under it and that 51258
the records sought are relevant to the alleged violation and 51259
material to the investigation. The subpoena may apply only to 51260
records that cover a reasonable period of time surrounding the 51261
alleged violation. 51262

On failure to comply with any subpoena issued by the board 51263
and after reasonable notice to the person being subpoenaed, the 51264
board may move for an order compelling the production of persons 51265
or records pursuant to the Rules of Civil Procedure. 51266

A subpoena issued by the board may be served by a sheriff, 51267
the sheriff's deputy, or a board employee or agent designated by 51268
the board. Service of a subpoena issued by the board may be made 51269
by delivering a copy of the subpoena to the person named therein, 51270
reading it to the person, or leaving it at the person's usual 51271
place of residence, usual place of business, or address on file 51272
with the board. When serving a subpoena to an applicant for or the 51273
holder of a license or limited permit issued under this chapter, 51274
service of the subpoena may be made by certified mail, return 51275
receipt requested, and the subpoena shall be deemed served on the 51276
date delivery is made or the date the person refuses to accept 51277
delivery. If the person being served refuses to accept the 51278
subpoena or is not located, service may be made to an attorney who 51279
notifies the board that the attorney is representing the person. 51280

A sheriff's deputy who serves a subpoena shall receive the 51281
same fees as a sheriff. Each witness who appears before the board 51282
in obedience to a subpoena shall receive the fees and mileage 51283
provided for under section 119.094 of the Revised Code. 51284

(4) All hearings, investigations, and inspections of the board shall be considered civil actions for the purposes of section 2305.252 of the Revised Code.

(5) A report required to be submitted to the board under this chapter, a complaint, or information received by the board pursuant to an investigation is confidential and not subject to discovery in any civil action.

The board shall conduct all investigations or inspections and proceedings in a manner that protects the confidentiality of patients and persons who file complaints with the board. The board shall not make public the names or any other identifying information about patients or complainants unless proper consent is given.

The board may share any information it receives pursuant to an investigation or inspection, including patient records and patient record information, with law enforcement agencies, other licensing boards, and other governmental agencies that are prosecuting, adjudicating, or investigating alleged violations of statutes or administrative rules. An agency or board that receives the information shall comply with the same requirements regarding confidentiality as those with which the state medical board must comply, notwithstanding any conflicting provision of the Revised Code or procedure of the agency or board that applies when it is dealing with other information in its possession. In a judicial proceeding, the information may be admitted into evidence only in accordance with the Rules of Evidence, but the court shall require that appropriate measures are taken to ensure that confidentiality is maintained with respect to any part of the information that contains names or other identifying information about patients or complainants whose confidentiality was protected by the state medical board when the information was in the board's possession. Measures to ensure confidentiality that may be taken by the court

include sealing its records or deleting specific information from 51317
its records. 51318

(6) On a quarterly basis, the board shall prepare a report 51319
that documents the disposition of all cases during the preceding 51320
three months. The report shall contain the following information 51321
for each case with which the board has completed its activities: 51322

(a) The case number assigned to the complaint or alleged 51323
violation; 51324

(b) The type of license, if any, held by the individual 51325
against whom the complaint is directed; 51326

(c) A description of the allegations contained in the 51327
complaint; 51328

(d) The disposition of the case. 51329

The report shall state how many cases are still pending and 51330
shall be prepared in a manner that protects the identity of each 51331
person involved in each case. The report shall be a public record 51332
under section 149.43 of the Revised Code. 51333

(C) The board shall keep records as are necessary to carry 51334
out the provisions of this chapter. 51335

(D) The board shall maintain and publish on its internet web 51336
site the board's rules and requirements for licensure adopted 51337
under division (A) of this section. 51338

Sec. 4759.06. (A) The state medical board shall issue a 51339
license to practice dietetics to an applicant who meets all of the 51340
following requirements: 51341

(1) Has satisfactorily completed an application for licensure 51342
in accordance with rules adopted under division (A) of section 51343
4759.05 of the Revised Code; 51344

(2) Has paid the fee required under division (A) of section 51345

4759.08 of the Revised Code; 51346

(3) Is of good moral character; 51347

(4) Has received a baccalaureate or higher degree from an 51348
institution of higher education that is approved by the board or a 51349
regional accreditation agency that is recognized by the council on 51350
postsecondary accreditation, and has completed a program 51351
consistent with the academic standards for dietitians established 51352
by the academy of nutrition and dietetics; 51353

(5) Has successfully completed a pre-professional dietetic 51354
experience approved by the academy of nutrition and dietetics, or 51355
experience approved by the board under division (A)(3) of section 51356
4759.05 of the Revised Code; 51357

(6) Has passed the examination approved by the board under 51358
division (A)(1) of section 4759.05 of the Revised Code. 51359

(B) The board shall waive the requirements of divisions 51360
(A)(4), (5), and (6) of this section and any rules adopted under 51361
division (A)(6) of section 4759.05 of the Revised Code if the 51362
applicant presents satisfactory evidence to the board of current 51363
registration as a registered dietitian with the commission on 51364
dietetic registration. 51365

(C)(1) The board shall issue a license to practice dietetics 51366
to an applicant who meets the requirements of division (A) of this 51367
section. A license ~~issued before July 1, 2018, shall expire on~~ 51368
~~June 30, 2018. A license issued on or after July 1, 2018, shall be~~ 51369
valid for a two-year period unless revoked or suspended by the 51370
board and shall expire on the thirtieth day of June of the next 51371
even-numbered year date that is two years after the date of 51372
issuance. A license may be renewed for additional two-year 51373
periods. 51374

(2) The board shall renew an applicant's license if the 51375
applicant ~~meets the continuing education requirements adopted~~ 51376

~~under division (A)(5) of section 4759.05 of the Revised Code and~~ 51377
has paid the license renewal fee specified in section 4759.08 of 51378
the Revised Code and certifies to the board that the applicant has 51379
met the continuing education requirements adopted under division 51380
(A)(5) of section 4759.05 of the Revised Code. The renewal shall 51381
be pursuant to the standard renewal procedure of sections 4745.01 51382
to 4745.03 of the Revised Code. 51383

At least one month before a license expires, the board shall 51384
provide a renewal notice. Failure of any person to receive a 51385
notice of renewal from the board shall not excuse the person from 51386
the requirements contained in this section. Each person holding a 51387
license shall give notice to the board of a change in the license 51388
holder's residence address, business address, or electronic mail 51389
address not later than thirty days after the change occurs. 51390

(D) Any person licensed to practice dietetics by the former 51391
Ohio board of dietetics before January 21, 2018, may continue to 51392
practice dietetics in this state under that license if the person 51393
continues to meet the requirements to renew a license under this 51394
chapter and renews the license through the state medical board. 51395

The state medical board may take any of the following 51396
actions, as provided in section 4759.07 of the Revised Code, 51397
against the holder of a license to practice dietetics issued 51398
before January 21, 2018, by the former Ohio board of dietetics: 51399

- (1) Limit, revoke, or suspend the holder's license; 51400
- (2) Refuse to renew or reinstate the holder's license; 51401
- (3) Reprimand the holder or place the holder on probation. 51402

(E) The board may require a random sample of dietitians to 51403
submit materials documenting that the continuing education 51404
requirements adopted under division (A)(5) of section 4759.05 of 51405
the Revised Code have been met. 51406

This division does not limit the board's authority to conduct investigations pursuant to section 4759.07 of the Revised Code. 51407
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(F)(1) If, through a random sample conducted under division (E) of this section or any other means, the board finds that an individual who certified completion of the number of hours and type of continuing education required to renew, reinstate, or restore a license to practice did not complete the requisite continuing education, the board may do either of the following: 51409
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(a) Take disciplinary action against the individual under section 4759.07 of the Revised Code, impose a civil penalty, or both; 51415
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(b) Permit the individual to agree in writing to complete the continuing education and pay a civil penalty. 51418
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(4) The board's finding in any disciplinary action taken under division (F)(1)(a) of this section shall be made pursuant to an adjudication under Chapter 119. of the Revised Code and by an affirmative vote of not fewer than six of its members. 51420
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(5) A civil penalty imposed under division (F)(1)(a) of this section or paid under division (F)(1)(b) of this section shall be in an amount specified by the board of not more than five thousand dollars. The board shall deposit civil penalties in accordance with section 4731.24 of the Revised Code. 51424
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(G)(1) The board may grant a limited permit to a person who has completed the education and pre-professional requirements of divisions (A)(4) and (5) of this section and who presents evidence to the board of having applied to take the examination approved by the board under division (A)(1) of section 4759.05 of the Revised Code. An application for a limited permit shall be made on forms that the board shall furnish and shall be accompanied by the limited permit fee specified in section 4759.08 of the Revised Code. 51429
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(2) If no grounds apply under section 4759.07 of the Revised Code for denying a license to the applicant and the applicant meets the requirements of division ~~(E)~~(G)(1) of this section, the board shall issue a limited permit to the applicant.

A limited permit expires in accordance with rules adopted under section 4759.05 of the Revised Code. A limited permit may be renewed in accordance with those rules.

~~(3) The board shall maintain a register of all persons holding limited permits under this chapter.~~

~~(4)~~ A person holding a limited permit who has failed the examination shall practice only under the direct supervision of a licensed dietitian.

~~(5)~~(4) The board may revoke a limited permit on proof satisfactory to the board that the permit holder has engaged in practice in this state outside the scope of the permit, that the holder has engaged in unethical conduct, or that grounds for action against the holder exist under section 4759.07 of the Revised Code.

Sec. 4759.062. (A) A license to practice dietetics that is not renewed on or before its expiration date is automatically suspended on its expiration date. Continued practice after suspension shall be considered as practicing in violation of section 4759.02 of the Revised Code.

(B) If a license has been suspended pursuant to division (A) of this section for two years or less, it may be reinstated. The state medical board shall reinstate the license upon the applicant's submission of a complete renewal application and payment of a reinstatement fee of two hundred five dollars.

(C)~~(1)~~ If a license has been suspended pursuant to division (A) of this section for more than two years, it may be restored.

~~The Subject to section 4759.063 of the Revised Code, the board may restore the license upon an applicant's submission of a complete restoration application and a restoration fee of two hundred thirty dollars and compliance with sections 4776.01 to 4776.04 of the Revised Code. The board shall not restore a license unless the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a license issued pursuant to section 4759.06 of the Revised Code.~~

~~(2) The board may impose terms and conditions for the restoration, including any one or more of the following:~~

~~(a) Requiring the applicant to pass an oral or written examination, or both, to determine the applicant's present fitness to resume practice;~~

~~(b) Requiring the applicant to obtain additional training and to pass an examination upon completion of such training;~~

~~(c) Restricting or limiting the extent, scope, or type of practice of the applicant.~~

Sec. 4759.063. (A) This section applies to both of the following:

(1) An applicant seeking restoration of a license issued under this chapter that has been in a suspended or inactive state for any cause for more than two years;

(2) An applicant seeking issuance of a license pursuant to this chapter who for more than two years has not been engaged in the practice of dietetics as any of the following:

(a) An active practitioner;

(b) A participant in a pre-professional dietetic experience as described in section 4759.06 of the Revised Code;

(c) A student in a program described in section 4759.06 of

the Revised Code. 51497

(B) Before issuing a license to an applicant subject to this section or restoring a license to good standing for an applicant subject to this section, the state medical board may impose terms and conditions including any one or more of the following: 51498
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(1) Requiring the applicant to pass an oral or written examination, or both, to determine the applicant's present fitness to resume practice; 51502
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(2) Requiring the applicant to obtain additional training and to pass an examination upon completion of such training; 51505
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(3) Requiring an assessment of the applicant's physical skills for purposes of determining whether the applicant's coordination, fine motor skills, and dexterity are sufficient for performing evaluations and procedures in a manner that meets the minimal standards of care; 51507
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(4) Requiring an assessment of the applicant's skills in recognizing and understanding diseases and conditions; 51512
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(5) Requiring the applicant to undergo a comprehensive physical examination, which may include an assessment of physical abilities, evaluation of sensory capabilities, or screening for the presence of neurological disorders; 51514
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(6) Restricting or limiting the extent, scope, or type of practice of the applicant. 51518
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The board shall consider the moral background and the activities of the applicant during the period of suspension or inactivity. The board shall not issue or restore a license under this section unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code. 51520
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Sec. 4760.02. (A) Except as provided in division (B) of this section, no person shall practice as an anesthesiologist assistant 51525
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unless the person holds a current, valid ~~certificate~~ license 51527
issued under this chapter to practice as an anesthesiologist 51528
assistant. 51529

(B) Division (A) of this section does not apply to either of 51530
the following: 51531

(1) A person participating in a training program leading 51532
toward certification by the national commission for certification 51533
of anesthesiologist assistants, as long as the person is 51534
supervised by an anesthesiologist, an individual participating in 51535
a hospital residency program in preparation to practice as an 51536
anesthesiologist, or an anesthesiologist assistant who holds a 51537
current, valid ~~certificate to practice~~ license issued under this 51538
chapter; 51539

(2) Any person who otherwise holds professional authority 51540
granted pursuant to the Revised Code to perform any of the 51541
activities that an anesthesiologist assistant is authorized to 51542
perform. 51543

Sec. 4760.03. (A) An individual seeking a ~~certificate~~ license 51544
to practice as an anesthesiologist assistant shall file with the 51545
state medical board a written application on a form prescribed and 51546
supplied by the board. The application shall include all of the 51547
following information: 51548

(1) Evidence satisfactory to the board that the applicant is 51549
at least twenty-one years of age and of good moral character; 51550

(2) Evidence satisfactory to the board that the applicant has 51551
successfully completed the training necessary to prepare 51552
individuals to practice as anesthesiologist assistants, as 51553
specified in section 4760.031 of the Revised Code; 51554

(3) Evidence satisfactory to the board that the applicant 51555
holds current certification from the national commission for 51556

certification of anesthesiologist assistants and that the 51557
requirements for receiving the certification included passage of 51558
an examination to determine the individual's competence to 51559
practice as an anesthesiologist assistant; 51560

(4) Any other information the board considers necessary to 51561
process the application and evaluate the applicant's 51562
qualifications. 51563

(B) At the time of making application for a ~~certificate to~~ 51564
~~practice~~ license, the applicant shall pay the board a fee of one 51565
hundred dollars, no part of which shall be returned. 51566

(C) The board shall review all applications received under 51567
this section. Not later than sixty days after receiving a complete 51568
application, the board shall determine whether an applicant meets 51569
the requirements to receive a ~~certificate to practice~~ license. ~~The~~ 51570
~~affirmative vote of not fewer than six members of the board is~~ 51571
~~required to determine that an applicant meets the requirements for~~ 51572
~~a certificate.~~ The board shall not issue a ~~certificate~~ license to 51573
an applicant unless the applicant is certified by the national 51574
commission for certification of anesthesiologist assistants or a 51575
successor organization that is recognized by the board. 51576

Sec. 4760.031. As a condition of being eligible to receive a 51577
~~certificate~~ license to practice as an anesthesiologist assistant, 51578
an individual must successfully complete the following training 51579
requirements: 51580

(A) A baccalaureate or higher degree program at an 51581
institution of higher education accredited by an organization 51582
recognized by the ~~board of regents~~ department of higher education. 51583
The program must have included courses in the following areas of 51584
study: 51585

(1) General biology; 51586

(2) General chemistry;	51587
(3) Organic chemistry;	51588
(4) Physics;	51589
(5) Calculus.	51590
(B) A training program conducted for the purpose of preparing individuals to practice as anesthesiologist assistants. If the program was completed prior to May 31, 2000, the program must have been completed at case western reserve university or emory university in Atlanta, Georgia. If the program is completed on or after May 31, 2000, the program must be a graduate-level program accredited by the commission on accreditation of allied health education programs or any of the commission's successor organizations. In either case, the training program must have included at least all of the following components:	51591 51592 51593 51594 51595 51596 51597 51598 51599 51600
(1) Basic sciences of anesthesia: physiology, pathophysiology, anatomy, and biochemistry. The courses must be presented as a continuum of didactic courses designed to teach students the foundations of human biological existence on which clinical correlations to anesthesia practice are based.	51601 51602 51603 51604 51605
(2) Pharmacology for the anesthetic sciences. The course must include instruction in the anesthetic principles of pharmacology, pharmacodynamics, pharmacokinetics, uptake and distribution, intravenous anesthetics and narcotics, and volatile anesthetics.	51606 51607 51608 51609
(3) Physics in anesthesia.	51610
(4) Fundamentals of anesthetic sciences, presented as a continuum of courses covering a series of topics in basic medical sciences with special emphasis on the effects of anesthetics on normal physiology and pathophysiology.	51611 51612 51613 51614
(5) Patient instrumentation and monitoring, presented as a continuum of courses focusing on the design of, proper preparation	51615 51616

of, and proper methods of resolving problems that arise with 51617
anesthesia equipment. The courses must provide a balance between 51618
the engineering concepts used in anesthesia instruments and the 51619
clinical application of anesthesia instruments. 51620

(6) Clinically based conferences in which techniques of 51621
anesthetic management, quality assurance issues, and current 51622
professional literature are reviewed from the perspective of 51623
practice improvement. 51624

(7) Clinical experience consisting of at least two thousand 51625
hours of direct patient contact, presented as a continuum of 51626
courses throughout the entirety of the program, beginning with a 51627
gradual introduction of the techniques for the anesthetic 51628
management of patients and culminating in the assimilation of the 51629
graduate of the program into the work force. Areas of instruction 51630
must include the following: 51631

(a) Preoperative patient assessment; 51632

(b) Indwelling vascular catheter placement, including 51633
intravenous and arterial catheters; 51634

(c) Airway management, including mask airway and orotracheal 51635
intubation; 51636

(d) Intraoperative charting; 51637

(e) Administration and maintenance of anesthetic agents, 51638
narcotics, hypnotics, and muscle relaxants; 51639

(f) Administration and maintenance of volatile anesthetics; 51640

(g) Administration of blood products and fluid therapy; 51641

(h) Patient monitoring; 51642

(i) Postoperative management of patients; 51643

(j) Regional anesthesia techniques; 51644

(k) Administration of vasoactive substances for treatment of 51645

unacceptable patient hemodynamic status; 51646

(1) Specific clinical training in all the subspecialties of 51647
anesthesia, including pediatrics, neurosurgery, cardiovascular 51648
surgery, trauma, obstetrics, orthopedics, and vascular surgery. 51649

(8) Basic life support that qualifies the individual to 51650
administer cardiopulmonary resuscitation to patients in need. The 51651
course must include the instruction necessary to be certified in 51652
basic life support by the American red cross or the American heart 51653
association. 51654

(9) Advanced cardiac life support that qualifies the 51655
individual to participate in the pharmacologic intervention and 51656
management resuscitation efforts for a patient in full cardiac 51657
arrest. The course must include the instruction necessary to be 51658
certified in advanced cardiac life support by the American red 51659
cross or the American heart association. 51660

Sec. 4760.032. In addition to any other eligibility 51661
requirement set forth in this chapter, each applicant for a 51662
~~certificate~~ license to practice as an anesthesiologist assistant 51663
shall comply with sections 4776.01 to 4776.04 of the Revised Code. 51664
The state medical board shall not grant to an applicant a 51665
~~certificate~~ license to practice as an anesthesiologist assistant 51666
unless the board, in its discretion, decides that the results of 51667
the criminal records check do not make the applicant ineligible 51668
for a ~~certificate~~ license issued pursuant to section 4760.04 of 51669
the Revised Code. 51670

Sec. 4760.04. If the state medical board determines under 51671
section 4760.03 of the Revised Code that an applicant meets the 51672
requirements for a ~~certificate~~ license to practice as an 51673
anesthesiologist assistant, the secretary of the board shall 51674
register the applicant as an anesthesiologist assistant and issue 51675

to the applicant a ~~certificate~~ license to practice as an 51676
anesthesiologist assistant. The ~~certificate~~ license shall be valid 51677
for a two-year period unless revoked or suspended, shall expire 51678
~~biennially~~ on the date that is two years after the date of 51679
issuance, and may be renewed for additional two-year periods in 51680
accordance with section 4760.06 of the Revised Code. 51681

Sec. 4760.05. On application by the holder of a ~~certificate~~ 51682
license to practice as an anesthesiologist assistant, the state 51683
medical board shall issue a duplicate ~~certificate~~ license to 51684
replace one that is missing or damaged, to reflect a name change, 51685
or for any other reasonable cause. The fee for a duplicate 51686
~~certificate~~ license is thirty-five dollars. 51687

Sec. 4760.06. (A) A person seeking to renew a ~~certificate~~ 51688
license to practice as an anesthesiologist assistant shall, on or 51689
before the ~~thirty first day of January of each even numbered year~~ 51690
license's expiration date, apply to the state medical board for 51691
renewal of the ~~certificate~~ license. The ~~state medical~~ board shall 51692
provide renewal notices to license holders at least one month 51693
prior to the expiration date. 51694

Applications shall be submitted to the board in a manner 51695
prescribed by the board. Each application shall be accompanied by 51696
a biennial renewal fee of one hundred dollars. 51697

The applicant shall report any criminal offense that 51698
constitutes grounds for refusing to issue a ~~certificate~~ license to 51699
practice under section 4760.13 of the Revised Code to which the 51700
applicant has pleaded guilty, of which the applicant has been 51701
found guilty, or for which the applicant has been found eligible 51702
for intervention in lieu of conviction, since last signing an 51703
application for a ~~certificate~~ license to practice as an 51704
anesthesiologist assistant. 51705

(B) To be eligible for renewal, an anesthesiologist assistant must certify to the board that the assistant has maintained certification by the national commission for the certification of anesthesiologist assistants.

(C) If an applicant submits a complete renewal application and qualifies for renewal pursuant to division (B) of this section, the board shall renew the ~~certificate~~ license to practice as an anesthesiologist assistant.

(D) A ~~certificate~~ license to practice that is not renewed on or before its expiration date is automatically suspended on its expiration date. ~~If~~

If a ~~certificate~~ license has been suspended pursuant to this division for two years or less, the board shall reinstate the ~~certificate~~ license upon an applicant's submission of a renewal application, the biennial renewal fee, and the applicable monetary penalty. The penalty for reinstatement is twenty-five dollars. ~~If~~

If a ~~certificate~~ license has been suspended pursuant to this division for more than two years, it may be restored. Subject to section 4760.061 of the Revised Code, the board may restore the license upon an applicant's submission of a restoration application, the biennial renewal fee, and the applicable monetary penalty and compliance with sections 4776.01 to 4776.04 of the Revised Code. The board shall not restore a ~~certificate to practice~~ license unless the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a certificate issued pursuant to section 4760.04 of the Revised Code. The penalty for restoration is fifty dollars.

Sec. 4760.061. (A) This section applies to both of the following:

<u>(1) An applicant seeking restoration of a license issued</u>	51736
<u>under this chapter that has been in a suspended or inactive state</u>	51737
<u>for any cause for more than two years;</u>	51738
<u>(2) An applicant seeking issuance of a license pursuant to</u>	51739
<u>this chapter who for more than two years has not been practicing</u>	51740
<u>as an anesthesiologist assistant as either of the following:</u>	51741
<u>(a) An active practitioner;</u>	51742
<u>(b) A participant in a training program as described in</u>	51743
<u>section 4760.031 of the Revised Code.</u>	51744
<u>(B) Before issuing a license or certificate to an applicant</u>	51745
<u>subject to this section or restoring a license to good standing</u>	51746
<u>for an applicant subject to this section, the state medical board</u>	51747
<u>may impose terms and conditions including any one or more of the</u>	51748
<u>following:</u>	51749
<u>(1) Requiring the applicant to pass an oral or written</u>	51750
<u>examination, or both, to determine the applicant's present fitness</u>	51751
<u>to resume practice;</u>	51752
<u>(2) Requiring the applicant to obtain additional training and</u>	51753
<u>to pass an examination upon completion of such training;</u>	51754
<u>(3) Requiring an assessment of the applicant's physical</u>	51755
<u>skills for purposes of determining whether the applicant's</u>	51756
<u>coordination, fine motor skills, and dexterity are sufficient for</u>	51757
<u>performing evaluations and procedures in a manner that meets the</u>	51758
<u>minimal standards of care;</u>	51759
<u>(4) Requiring an assessment of the applicant's skills in</u>	51760
<u>recognizing and understanding diseases and conditions;</u>	51761
<u>(5) Requiring the applicant to undergo a comprehensive</u>	51762
<u>physical examination, which may include an assessment of physical</u>	51763
<u>abilities, evaluation of sensory capabilities, or screening for</u>	51764
<u>the presence of neurological disorders;</u>	51765

(6) Restricting or limiting the extent, scope, or type of practice of the applicant. 51766
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The board shall consider the moral background and the activities of the applicant during the period of suspension or inactivity. The board shall not issue or restore a license under this section unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code. 51768
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Sec. 4760.13. (A) The state medical board, by an affirmative vote of not fewer than six members, may revoke or may refuse to grant a ~~certificate~~ license to practice as an anesthesiologist assistant to a person found by the board to have committed fraud, misrepresentation, or deception in applying for or securing the ~~certificate~~ license. 51773
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(B) The board, by an affirmative vote of not fewer than six members, shall, to the extent permitted by law, limit, revoke, or suspend an individual's ~~certificate~~ license to practice as an anesthesiologist assistant, refuse to issue a ~~certificate~~ license to an applicant, refuse to renew a ~~certificate~~ license, refuse to reinstate a ~~certificate~~ license, or reprimand or place on probation the holder of a ~~certificate~~ license for any of the following reasons: 51779
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(1) Permitting the holder's name or ~~certificate~~ license to be used by another person; 51787
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(2) Failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board; 51789
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(3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board; 51792
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(4) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances whether or not actual injury to the patient is established;	51796 51797 51798 51799
(5) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;	51800 51801 51802 51803
(6) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;	51804 51805 51806 51807
(7) Willfully betraying a professional confidence;	51808
(8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a <u>certificate license</u> to practice as an anesthesiologist assistant.	51809 51810 51811
As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.	51812 51813 51814 51815 51816 51817 51818 51819
(9) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice;	51820 51821 51822
(10) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;	51823 51824 51825

(11) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	51826 51827 51828
(12) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;	51829 51830 51831
(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;	51832 51833 51834
(14) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	51835 51836 51837
(15) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	51838 51839 51840
(16) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs;	51841 51842 51843 51844 51845
(17) Any of the following actions taken by the state agency responsible for regulating the practice of anesthesiologist assistants in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;	51846 51847 51848 51849 51850 51851 51852 51853
(18) Violation of the conditions placed by the board on a certificate <u>license</u> to practice;	51854 51855

(19) Failure to use universal blood and body fluid 51856
precautions established by rules adopted under section 4731.051 of 51857
the Revised Code; 51858

(20) Failure to cooperate in an investigation conducted by 51859
the board under section 4760.14 of the Revised Code, including 51860
failure to comply with a subpoena or order issued by the board or 51861
failure to answer truthfully a question presented by the board at 51862
a deposition or in written interrogatories, except that failure to 51863
cooperate with an investigation shall not constitute grounds for 51864
discipline under this section if a court of competent jurisdiction 51865
has issued an order that either quashes a subpoena or permits the 51866
individual to withhold the testimony or evidence in issue; 51867

(21) Failure to comply with any code of ethics established by 51868
the national commission for the certification of anesthesiologist 51869
assistants; 51870

(22) Failure to notify the state medical board of the 51871
revocation or failure to maintain certification from the national 51872
commission for certification of anesthesiologist assistants. 51873

(C) Disciplinary actions taken by the board under divisions 51874
(A) and (B) of this section shall be taken pursuant to an 51875
adjudication under Chapter 119. of the Revised Code, except that 51876
in lieu of an adjudication, the board may enter into a consent 51877
agreement with an anesthesiologist assistant or applicant to 51878
resolve an allegation of a violation of this chapter or any rule 51879
adopted under it. A consent agreement, when ratified by an 51880
affirmative vote of not fewer than six members of the board, shall 51881
constitute the findings and order of the board with respect to the 51882
matter addressed in the agreement. If the board refuses to ratify 51883
a consent agreement, the admissions and findings contained in the 51884
consent agreement shall be of no force or effect. 51885

(D) For purposes of divisions (B)(11), (14), and (15) of this 51886

section, the commission of the act may be established by a finding 51887
by the board, pursuant to an adjudication under Chapter 119. of 51888
the Revised Code, that the applicant or ~~certificate~~ license holder 51889
committed the act in question. The board shall have no 51890
jurisdiction under these divisions in cases where the trial court 51891
renders a final judgment in the ~~certificate~~ license holder's favor 51892
and that judgment is based upon an adjudication on the merits. The 51893
board shall have jurisdiction under these divisions in cases where 51894
the trial court issues an order of dismissal on technical or 51895
procedural grounds. 51896

(E) The sealing of conviction records by any court shall have 51897
no effect on a prior board order entered under the provisions of 51898
this section or on the board's jurisdiction to take action under 51899
the provisions of this section if, based upon a plea of guilty, a 51900
judicial finding of guilt, or a judicial finding of eligibility 51901
for intervention in lieu of conviction, the board issued a notice 51902
of opportunity for a hearing prior to the court's order to seal 51903
the records. The board shall not be required to seal, destroy, 51904
redact, or otherwise modify its records to reflect the court's 51905
sealing of conviction records. 51906

(F) For purposes of this division, any individual who holds a 51907
~~certificate~~ license to practice issued under this chapter, or 51908
applies for a ~~certificate~~ license to practice, shall be deemed to 51909
have given consent to submit to a mental or physical examination 51910
when directed to do so in writing by the board and to have waived 51911
all objections to the admissibility of testimony or examination 51912
reports that constitute a privileged communication. 51913

(1) In enforcing division (B)(5) of this section, the board, 51914
on a showing of a possible violation, may compel any individual 51915
who holds a ~~certificate~~ license to practice issued under this 51916
chapter or who has applied for a ~~certificate~~ license to practice 51917
pursuant to this chapter to submit to a mental or physical 51918

examination, or both. A physical examination may include an HIV 51919
test. The expense of the examination is the responsibility of the 51920
individual compelled to be examined. Failure to submit to a mental 51921
or physical examination or consent to an HIV test ordered by the 51922
board constitutes an admission of the allegations against the 51923
individual unless the failure is due to circumstances beyond the 51924
individual's control, and a default and final order may be entered 51925
without the taking of testimony or presentation of evidence. If 51926
the board finds an anesthesiologist assistant unable to practice 51927
because of the reasons set forth in division (B)(5) of this 51928
section, the board shall require the anesthesiologist assistant to 51929
submit to care, counseling, or treatment by physicians approved or 51930
designated by the board, as a condition for an initial, continued, 51931
reinstated, or renewed ~~certificate~~ license to practice. An 51932
individual affected by this division shall be afforded an 51933
opportunity to demonstrate to the board the ability to resume 51934
practicing in compliance with acceptable and prevailing standards 51935
of care. 51936

(2) For purposes of division (B)(6) of this section, if the 51937
board has reason to believe that any individual who holds a 51938
~~certificate~~ license to practice issued under this chapter or any 51939
applicant for a ~~certificate~~ license to practice suffers such 51940
impairment, the board may compel the individual to submit to a 51941
mental or physical examination, or both. The expense of the 51942
examination is the responsibility of the individual compelled to 51943
be examined. Any mental or physical examination required under 51944
this division shall be undertaken by a treatment provider or 51945
physician qualified to conduct such examination and chosen by the 51946
board. 51947

Failure to submit to a mental or physical examination ordered 51948
by the board constitutes an admission of the allegations against 51949
the individual unless the failure is due to circumstances beyond 51950

the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board determines that the individual's ability to practice is impaired, the board shall suspend the individual's ~~certificate~~ license or deny the individual's application and shall require the individual, as a condition for an initial, continued, reinstated, or renewed ~~certificate~~ license to practice, to submit to treatment.

Before being eligible to apply for reinstatement of a ~~certificate~~ license suspended under this division, the anesthesiologist assistant shall demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards of care. The demonstration shall include the following:

(a) Certification from a treatment provider approved under section 4731.25 of the Revised Code that the individual has successfully completed any required inpatient treatment;

(b) Evidence of continuing full compliance with an aftercare contract or consent agreement;

(c) Two written reports indicating that the individual's ability to practice has been assessed and that the individual has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the board for making such assessments and shall describe the basis for their determination.

The board may reinstate a ~~certificate~~ license suspended under this division after such demonstration and after the individual has entered into a written consent agreement.

When the impaired anesthesiologist assistant resumes practice, the board shall require continued monitoring of the anesthesiologist assistant. The monitoring shall include

monitoring of compliance with the written consent agreement 51982
entered into before reinstatement or with conditions imposed by 51983
board order after a hearing, and, on termination of the consent 51984
agreement, submission to the board for at least two years of 51985
annual written progress reports made under penalty of 51986
falsification stating whether the anesthesiologist assistant has 51987
maintained sobriety. 51988

(G) If the secretary and supervising member determine that 51989
there is clear and convincing evidence that an anesthesiologist 51990
assistant has violated division (B) of this section and that the 51991
individual's continued practice presents a danger of immediate and 51992
serious harm to the public, they may recommend that the board 51993
suspend the individual's ~~certificate~~ license without a prior 51994
hearing. Written allegations shall be prepared for consideration 51995
by the board. 51996

The board, on review of the allegations and by an affirmative 51997
vote of not fewer than six of its members, excluding the secretary 51998
and supervising member, may suspend a ~~certificate~~ license without 51999
a prior hearing. A telephone conference call may be utilized for 52000
reviewing the allegations and taking the vote on the summary 52001
suspension. 52002

The board shall issue a written order of suspension by 52003
certified mail or in person in accordance with section 119.07 of 52004
the Revised Code. The order shall not be subject to suspension by 52005
the court during pendency of any appeal filed under section 119.12 52006
of the Revised Code. If the anesthesiologist assistant requests an 52007
adjudicatory hearing by the board, the date set for the hearing 52008
shall be within fifteen days, but not earlier than seven days, 52009
after the anesthesiologist assistant requests the hearing, unless 52010
otherwise agreed to by both the board and the ~~certificate~~ license 52011
holder. 52012

A summary suspension imposed under this division shall remain 52013

in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order within sixty days after completion of its hearing. Failure to issue the order within sixty days shall result in dissolution of the summary suspension order, but shall not invalidate any subsequent, final adjudicative order.

(H) If the board takes action under division (B)(11), (13), or (14) of this section, and the judicial finding of guilt, guilty plea, or judicial finding of eligibility for intervention in lieu of conviction is overturned on appeal, on exhaustion of the criminal appeal, a petition for reconsideration of the order may be filed with the board along with appropriate court documents. On receipt of a petition and supporting court documents, the board shall reinstate the ~~certificate~~ license to practice. The board may then hold an adjudication under Chapter 119. of the Revised Code to determine whether the individual committed the act in question. Notice of opportunity for hearing shall be given in accordance with Chapter 119. of the Revised Code. If the board finds, pursuant to an adjudication held under this division, that the individual committed the act, or if no hearing is requested, it may order any of the sanctions specified in division (B) of this section.

(I) The ~~certificate~~ license to practice of an anesthesiologist assistant and the assistant's practice in this state are automatically suspended as of the date the anesthesiologist assistant pleads guilty to, is found by a judge or jury to be guilty of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state or treatment of intervention in lieu of conviction in another jurisdiction for any of the following criminal offenses in this state or a substantially equivalent criminal offense in another

jurisdiction: aggravated murder, murder, voluntary manslaughter, 52046
felonious assault, kidnapping, rape, sexual battery, gross sexual 52047
imposition, aggravated arson, aggravated robbery, or aggravated 52048
burglary. Continued practice after the suspension shall be 52049
considered practicing without a ~~certificate~~ license. 52050

The board shall notify the individual subject to the 52051
suspension by certified mail or in person in accordance with 52052
section 119.07 of the Revised Code. If an individual whose 52053
~~certificate~~ license is suspended under this division fails to make 52054
a timely request for an adjudication under Chapter 119. of the 52055
Revised Code, the board shall enter a final order permanently 52056
revoking the individual's ~~certificate~~ license to practice. 52057

(J) In any instance in which the board is required by Chapter 52058
119. of the Revised Code to give notice of opportunity for hearing 52059
and the individual subject to the notice does not timely request a 52060
hearing in accordance with section 119.07 of the Revised Code, the 52061
board is not required to hold a hearing, but may adopt, by an 52062
affirmative vote of not fewer than six of its members, a final 52063
order that contains the board's findings. In the final order, the 52064
board may order any of the sanctions identified under division (A) 52065
or (B) of this section. 52066

(K) Any action taken by the board under division (B) of this 52067
section resulting in a suspension shall be accompanied by a 52068
written statement of the conditions under which the 52069
anesthesiologist assistant's ~~certificate~~ license may be 52070
reinstated. The board shall adopt rules in accordance with Chapter 52071
119. of the Revised Code governing conditions to be imposed for 52072
reinstatement. Reinstatement of a ~~certificate~~ license suspended 52073
pursuant to division (B) of this section requires an affirmative 52074
vote of not fewer than six members of the board. 52075

(L) When the board refuses to grant or issue a ~~certificate~~ 52076
license to practice as an anesthesiologist assistant to an 52077

applicant, revokes an individual's ~~certificate~~ license, refuses to 52078
renew an individual's ~~certificate~~ license, or refuses to reinstate 52079
an individual's ~~certificate~~ license, the board may specify that 52080
its action is permanent. An individual subject to a permanent 52081
action taken by the board is forever thereafter ineligible to hold 52082
a ~~certificate~~ license to practice as an anesthesiologist assistant 52083
and the board shall not accept an application for reinstatement of 52084
the ~~certificate~~ license or for issuance of a new ~~certificate~~ 52085
license. 52086

(M) Notwithstanding any other provision of the Revised Code, 52087
all of the following apply: 52088

(1) The surrender of a ~~certificate~~ license to practice issued 52089
under this chapter is not effective unless or until accepted by 52090
the board. Reinstatement of a ~~certificate~~ license surrendered to 52091
the board requires an affirmative vote of not fewer than six 52092
members of the board. 52093

(2) An application made under this chapter for a ~~certificate~~ 52094
license to practice may not be withdrawn without approval of the 52095
board. 52096

(3) Failure by an individual to renew a ~~certificate~~ license 52097
to practice in accordance with section 4760.06 of the Revised Code 52098
shall not remove or limit the board's jurisdiction to take 52099
disciplinary action under this section against the individual. 52100

Sec. 4760.131. On receipt of a notice pursuant to section 52101
3123.43 of the Revised Code, the state medical board shall comply 52102
with sections 3123.41 to 3123.50 of the Revised Code and any 52103
applicable rules adopted under section 3123.63 of the Revised Code 52104
with respect to a ~~certificate~~ license to practice as an 52105
anesthesiologist assistant issued pursuant to this chapter. 52106

Sec. 4760.132. If the state medical board has reason to 52107

believe that any person who has been granted a ~~certificate~~ license 52108
to practice as an anesthesiologist assistant under this chapter is 52109
mentally ill or mentally incompetent, it may file in the probate 52110
court of the county in which the person has a legal residence an 52111
affidavit in the form prescribed in section 5122.11 of the Revised 52112
Code and signed by the board secretary or a member of the board 52113
secretary's staff, whereupon the same proceedings shall be had as 52114
provided in Chapter 5122. of the Revised Code. The attorney 52115
general may represent the board in any proceeding commenced under 52116
this section. 52117

If any person who has been granted a ~~certificate~~ license to 52118
practice is adjudged by a probate court to be mentally ill or 52119
mentally incompetent, the person's ~~certificate~~ license shall be 52120
automatically suspended until the person has filed with the state 52121
medical board a certified copy of an adjudication by a probate 52122
court of the person's subsequent restoration to competency or has 52123
submitted to the board proof, satisfactory to the board, that the 52124
person has been discharged as having a restoration to competency 52125
in the manner and form provided in section 5122.38 of the Revised 52126
Code. The judge of the probate court shall forthwith notify the 52127
state medical board of an adjudication of mental illness or mental 52128
incompetence, and shall note any suspension of a ~~certificate~~ 52129
license in the margin of the court's record of such ~~certificate~~ 52130
license. 52131

Sec. 4760.14. (A) The state medical board shall investigate 52132
evidence that appears to show that any person has violated this 52133
chapter or the rules adopted under it. Any person may report to 52134
the board in a signed writing any information the person has that 52135
appears to show a violation of any provision of this chapter or 52136
the rules adopted under it. In the absence of bad faith, a person 52137
who reports such information or testifies before the board in an 52138
adjudication conducted under Chapter 119. of the Revised Code 52139

shall not be liable for civil damages as a result of reporting the 52140
information or providing testimony. Each complaint or allegation 52141
of a violation received by the board shall be assigned a case 52142
number and be recorded by the board. 52143

(B) Investigations of alleged violations of this chapter or 52144
rules adopted under it shall be supervised by the supervising 52145
member elected by the board in accordance with section 4731.02 of 52146
the Revised Code and by the secretary as provided in section 52147
4760.15 of the Revised Code. The board's president may designate 52148
another member of the board to supervise the investigation in 52149
place of the supervising member. A member of the board who 52150
supervises the investigation of a case shall not participate in 52151
further adjudication of the case. 52152

(C) In investigating a possible violation of this chapter or 52153
the rules adopted under it, the board may administer oaths, order 52154
the taking of depositions, issue subpoenas, and compel the 52155
attendance of witnesses and production of books, accounts, papers, 52156
records, documents, and testimony, except that a subpoena for 52157
patient record information shall not be issued without 52158
consultation with the attorney general's office and approval of 52159
the secretary and supervising member of the board. Before issuance 52160
of a subpoena for patient record information, the secretary and 52161
supervising member shall determine whether there is probable cause 52162
to believe that the complaint filed alleges a violation of this 52163
chapter or the rules adopted under it and that the records sought 52164
are relevant to the alleged violation and material to the 52165
investigation. The subpoena may apply only to records that cover a 52166
reasonable period of time surrounding the alleged violation. 52167

On failure to comply with any subpoena issued by the board 52168
and after reasonable notice to the person being subpoenaed, the 52169
board may move for an order compelling the production of persons 52170

or records pursuant to the Rules of Civil Procedure. 52171

A subpoena issued by the board may be served by a sheriff, 52172
the sheriff's deputy, or a board employee designated by the board. 52173
Service of a subpoena issued by the board may be made by 52174
delivering a copy of the subpoena to the person named therein, 52175
reading it to the person, or leaving it at the person's usual 52176
place of residence. When the person being served is an 52177
anesthesiologist assistant, service of the subpoena may be made by 52178
certified mail, restricted delivery, return receipt requested, and 52179
the subpoena shall be deemed served on the date delivery is made 52180
or the date the person refuses to accept delivery. 52181

A sheriff's deputy who serves a subpoena shall receive the 52182
same fees as a sheriff. Each witness who appears before the board 52183
in obedience to a subpoena shall receive the fees and mileage 52184
provided for under section 119.094 of the Revised Code. 52185

(D) All hearings and investigations of the board shall be 52186
considered civil actions for the purposes of section 2305.252 of 52187
the Revised Code. 52188

(E) Information received by the board pursuant to an 52189
investigation is confidential and not subject to discovery in any 52190
civil action. 52191

The board shall conduct all investigations and proceedings in 52192
a manner that protects the confidentiality of patients and persons 52193
who file complaints with the board. The board shall not make 52194
public the names or any other identifying information about 52195
patients or complainants unless proper consent is given. 52196

The board may share any information it receives pursuant to 52197
an investigation, including patient records and patient record 52198
information, with law enforcement agencies, other licensing 52199
boards, and other governmental agencies that are prosecuting, 52200
adjudicating, or investigating alleged violations of statutes or 52201

administrative rules. An agency or board that receives the 52202
information shall comply with the same requirements regarding 52203
confidentiality as those with which the state medical board must 52204
comply, notwithstanding any conflicting provision of the Revised 52205
Code or procedure of the agency or board that applies when it is 52206
dealing with other information in its possession. In a judicial 52207
proceeding, the information may be admitted into evidence only in 52208
accordance with the Rules of Evidence, but the court shall require 52209
that appropriate measures are taken to ensure that confidentiality 52210
is maintained with respect to any part of the information that 52211
contains names or other identifying information about patients or 52212
complainants whose confidentiality was protected by the state 52213
medical board when the information was in the board's possession. 52214
Measures to ensure confidentiality that may be taken by the court 52215
include sealing its records or deleting specific information from 52216
its records. 52217

(F) The state medical board shall develop requirements for 52218
and provide appropriate initial training and continuing education 52219
for investigators employed by the board to carry out its duties 52220
under this chapter. The training and continuing education may 52221
include enrollment in courses operated or approved by the Ohio 52222
peace officer training commission that the board considers 52223
appropriate under conditions set forth in section 109.79 of the 52224
Revised Code. 52225

(G) On a quarterly basis, the board shall prepare a report 52226
that documents the disposition of all cases during the preceding 52227
three months. The report shall contain the following information 52228
for each case with which the board has completed its activities: 52229

(1) The case number assigned to the complaint or alleged 52230
violation; 52231

(2) The type of ~~certificate~~ license to practice, if any, held 52232
by the individual against whom the complaint is directed; 52233

(3) A description of the allegations contained in the 52234
complaint; 52235

(4) The disposition of the case. 52236

The report shall state how many cases are still pending, and 52237
shall be prepared in a manner that protects the identity of each 52238
person involved in each case. The report is a public record for 52239
purposes of section 149.43 of the Revised Code. 52240

Sec. 4760.15. (A) As used in this section, "prosecutor" has 52241
the same meaning as in section 2935.01 of the Revised Code. 52242

(B) Whenever any person holding a valid ~~certificate~~ license 52243
issued pursuant to this chapter pleads guilty to, is subject to a 52244
judicial finding of guilt of, or is subject to a judicial finding 52245
of eligibility for intervention in lieu of conviction for a 52246
violation of Chapter 2907., 2925., or 3719. of the Revised Code or 52247
of any substantively comparable ordinance of a municipal 52248
corporation in connection with the person's practice, the 52249
prosecutor in the case, on forms prescribed and provided by the 52250
state medical board, shall promptly notify the board of the 52251
conviction. Within thirty days of receipt of that information, the 52252
board shall initiate action in accordance with Chapter 119. of the 52253
Revised Code to determine whether to suspend or revoke the 52254
~~certificate~~ license under section 4760.13 of the Revised Code. 52255

(C) The prosecutor in any case against any person holding a 52256
valid ~~certificate~~ license to practice issued pursuant to this 52257
chapter, on forms prescribed and provided by the state medical 52258
board, shall notify the board of any of the following: 52259

(1) A plea of guilty to, a finding of guilt by a jury or 52260
court of, or judicial finding of eligibility for intervention in 52261
lieu of conviction for a felony, or a case in which the trial 52262
court issues an order of dismissal upon technical or procedural 52263

grounds of a felony charge; 52264

(2) A plea of guilty to, a finding of guilt by a jury or 52265
court of, or judicial finding of eligibility for intervention in 52266
lieu of conviction for a misdemeanor committed in the course of 52267
practice, or a case in which the trial court issues an order of 52268
dismissal upon technical or procedural grounds of a charge of a 52269
misdemeanor, if the alleged act was committed in the course of 52270
practice; 52271

(3) A plea of guilty to, a finding of guilt by a jury or 52272
court of, or judicial finding of eligibility for intervention in 52273
lieu of conviction for a misdemeanor involving moral turpitude, or 52274
a case in which the trial court issues an order of dismissal upon 52275
technical or procedural grounds of a charge of a misdemeanor 52276
involving moral turpitude. 52277

The report shall include the name and address of the 52278
~~certificate~~ license holder, the nature of the offense for which 52279
the action was taken, and the certified court documents recording 52280
the action. 52281

Sec. 4760.16. (A) Within sixty days after the imposition of 52282
any formal disciplinary action taken by any health care facility, 52283
including a hospital, health care facility operated by ~~an~~ a health 52284
insuring corporation, ambulatory surgical facility, or similar 52285
facility, against any individual holding a valid ~~certificate~~ 52286
license to practice as an anesthesiologist assistant, the chief 52287
administrator or executive officer of the facility shall report to 52288
the state medical board the name of the individual, the action 52289
taken by the facility, and a summary of the underlying facts 52290
leading to the action taken. On request, the board shall be 52291
provided certified copies of the patient records that were the 52292
basis for the facility's action. Prior to release to the board, 52293
the summary shall be approved by the peer review committee that 52294

reviewed the case or by the governing board of the facility. 52295

The filing of a report with the board or decision not to file 52296
a report, investigation by the board, or any disciplinary action 52297
taken by the board, does not preclude a health care facility from 52298
taking disciplinary action against an anesthesiologist assistant. 52299

In the absence of fraud or bad faith, no individual or entity 52300
that provides patient records to the board shall be liable in 52301
damages to any person as a result of providing the records. 52302

(B)(1) Except as provided in division (B)(2) of this section, 52303
an anesthesiologist assistant, professional association or society 52304
of anesthesiologist assistants, physician, or professional 52305
association or society of physicians that believes a violation of 52306
any provision of this chapter, Chapter 4731. of the Revised Code, 52307
or rule of the board has occurred shall report to the board the 52308
information on which the belief is based. 52309

(2) An anesthesiologist assistant, professional association 52310
or society of anesthesiologist assistants, physician, or 52311
professional association or society of physicians that believes 52312
that a violation of division (B)(6) of section 4760.13 of the 52313
Revised Code has occurred shall report the information upon which 52314
the belief is based to the monitoring organization conducting the 52315
program established by the board under section 4731.251 of the 52316
Revised Code. If any such report is made to the board, it shall be 52317
referred to the monitoring organization unless the board is aware 52318
that the individual who is the subject of the report does not meet 52319
the program eligibility requirements of section 4731.252 of the 52320
Revised Code. 52321

(C) Any professional association or society composed 52322
primarily of anesthesiologist assistants that suspends or revokes 52323
an individual's membership for violations of professional ethics, 52324
or for reasons of professional incompetence or professional 52325

malpractice, within sixty days after a final decision, shall 52326
report to the board, on forms prescribed and provided by the 52327
board, the name of the individual, the action taken by the 52328
professional organization, and a summary of the underlying facts 52329
leading to the action taken. 52330

The filing of a report with the board or decision not to file 52331
a report, investigation by the board, or any disciplinary action 52332
taken by the board, does not preclude a professional organization 52333
from taking disciplinary action against an anesthesiologist 52334
assistant. 52335

(D) Any insurer providing professional liability insurance to 52336
any person holding a valid ~~certificate~~ license to practice as an 52337
anesthesiologist assistant or any other entity that seeks to 52338
indemnify the professional liability of an anesthesiologist 52339
assistant shall notify the board within thirty days after the 52340
final disposition of any written claim for damages where such 52341
disposition results in a payment exceeding twenty-five thousand 52342
dollars. The notice shall contain the following information: 52343

(1) The name and address of the person submitting the 52344
notification; 52345

(2) The name and address of the insured who is the subject of 52346
the claim; 52347

(3) The name of the person filing the written claim; 52348

(4) The date of final disposition; 52349

(5) If applicable, the identity of the court in which the 52350
final disposition of the claim took place. 52351

(E) The board may investigate possible violations of this 52352
chapter or the rules adopted under it that are brought to its 52353
attention as a result of the reporting requirements of this 52354
section, except that the board shall conduct an investigation if a 52355

possible violation involves repeated malpractice. As used in this 52356
division, "repeated malpractice" means three or more claims for 52357
malpractice within the previous five-year period, each resulting 52358
in a judgment or settlement in excess of twenty-five thousand 52359
dollars in favor of the claimant, and each involving negligent 52360
conduct by the anesthesiologist assistant. 52361

(F) All summaries, reports, and records received and 52362
maintained by the board pursuant to this section shall be held in 52363
confidence and shall not be subject to discovery or introduction 52364
in evidence in any federal or state civil action involving an 52365
anesthesiologist assistant, supervising physician, or health care 52366
facility arising out of matters that are the subject of the 52367
reporting required by this section. The board may use the 52368
information obtained only as the basis for an investigation, as 52369
evidence in a disciplinary hearing against an anesthesiologist 52370
assistant or supervising physician, or in any subsequent trial or 52371
appeal of a board action or order. 52372

The board may disclose the summaries and reports it receives 52373
under this section only to health care facility committees within 52374
or outside this state that are involved in credentialing or 52375
recredentialing an anesthesiologist assistant or supervising 52376
physician or reviewing their privilege to practice within a 52377
particular facility. The board shall indicate whether or not the 52378
information has been verified. Information transmitted by the 52379
board shall be subject to the same confidentiality provisions as 52380
when maintained by the board. 52381

(G) Except for reports filed by an individual pursuant to 52382
division (B) of this section, the board shall send a copy of any 52383
reports or summaries it receives pursuant to this section to the 52384
anesthesiologist assistant. The anesthesiologist assistant shall 52385
have the right to file a statement with the board concerning the 52386
correctness or relevance of the information. The statement shall 52387

at all times accompany that part of the record in contention. 52388

(H) An individual or entity that reports to the board, 52389
reports to the monitoring organization described in section 52390
4731.251 of the Revised Code, or refers an impaired 52391
anesthesiologist assistant to a treatment provider approved by the 52392
board under section 4731.25 of the Revised Code shall not be 52393
subject to suit for civil damages as a result of the report, 52394
referral, or provision of the information. 52395

(I) In the absence of fraud or bad faith, a professional 52396
association or society of anesthesiologist assistants that 52397
sponsors a committee or program to provide peer assistance to an 52398
anesthesiologist assistant with substance abuse problems, a 52399
representative or agent of such a committee or program, a 52400
representative or agent of the monitoring organization described 52401
in section 4731.251 of the Revised Code, and a member of the state 52402
medical board shall not be held liable in damages to any person by 52403
reason of actions taken to refer an anesthesiologist assistant to 52404
a treatment provider approved under section 4731.25 of the Revised 52405
Code for examination or treatment. 52406

Sec. 4760.18. The attorney general, the prosecuting attorney 52407
of any county in which the offense was committed or the offender 52408
resides, the state medical board, or any other person having 52409
knowledge of a person engaged either directly or by complicity in 52410
practicing as an anesthesiologist assistant without having first 52411
obtained a ~~certificate~~ license to practice ~~pursuant to~~ issued 52412
under this chapter, may, in accordance with provisions of the 52413
Revised Code governing injunctions, maintain an action in the name 52414
of the state to enjoin any person from engaging either directly or 52415
by complicity in unlawfully practicing as an anesthesiologist 52416
assistant by applying for an injunction in any court of competent 52417
jurisdiction. 52418

Prior to application for an injunction, the secretary of the state medical board shall notify the person allegedly engaged either directly or by complicity in the unlawful practice by registered mail that the secretary has received information indicating that this person is so engaged. The person shall answer the secretary within thirty days showing that the person is either properly licensed for the stated activity or that the person is not in violation of this chapter. If the answer is not forthcoming within thirty days after notice by the secretary, the secretary shall request that the attorney general, the prosecuting attorney of the county in which the offense was committed or the offender resides, or the state medical board proceed as authorized in this section.

Upon the filing of a verified petition in court, the court shall conduct a hearing on the petition and shall give the same preference to this proceeding as is given all proceedings under Chapter 119. of the Revised Code, irrespective of the position of the proceeding on the calendar of the court.

Injunction proceedings shall be in addition to, and not in lieu of, all penalties and other remedies provided in this chapter.

Sec. 4761.05. (A) The state medical board shall issue a license to any applicant who complies with the requirements of section 4761.04 of the Revised Code, files the prescribed application form, and pays the fee or fees required under section 4761.07 of the Revised Code. The license entitles the holder to practice respiratory care.

(B)(1) The board shall issue a limited permit to any applicant who meets the requirements of division (A)(1) of section 4761.04 of the Revised Code, files an application on a form furnished by the board, pays the fee required under section

4761.07 of the Revised Code, and meets either of the following requirements: 52450
52451

(a) Is enrolled in and is in good standing in a respiratory care educational program approved by the board that meets the requirements of division (A)(2) of section 4761.04 of the Revised Code leading to a degree or certificate of completion or is a graduate of the program; 52452
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(b) Is employed as a provider of respiratory care in this state and was employed as a provider of respiratory care in this state prior to March 14, 1989. 52457
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(2) If no grounds apply under section 4761.09 of the Revised Code for denying a limited permit to the applicant and the applicant meets the requirements of division (B) of this section, the board shall issue a limited permit to the applicant. 52460
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~~The board shall maintain a register of all persons holding limited permits under this chapter.~~ The limited permit authorizes the holder to provide respiratory care under the supervision of a respiratory care professional. A person issued a limited permit under division (B)(1)(a) of this section may practice respiratory care under the limited permit for not more than three years after the date the limited permit is issued, except that the limited permit shall cease to be valid one year following the date of receipt of a certificate of completion from a board-approved respiratory care education program or immediately if the holder discontinues participation in the educational program. 52464
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The holder shall notify the board as soon as practicable when the holder completes a board-approved respiratory care education program or discontinues participation in the educational program. 52475
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This division does not require a student enrolled in an educational program leading to a degree or certificate of completion in respiratory care approved by the board to obtain a 52478
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limited permit to perform any duties that are part of the required 52481
course of study. 52482

(3) A person issued a limited permit under division (B)(1)(b) 52483
of this section may practice under a limited permit for not more 52484
than three years, except that this restriction does not apply to a 52485
permit holder who, on March 14, 1989, has been employed as a 52486
provider of respiratory care for an average of not less than 52487
twenty-five hours per week for a period of not less than five 52488
years by a hospital. 52489

(4) During the three-year period in which a person may 52490
practice under a limited permit, the person shall apply for 52491
renewal on an annual basis in accordance with section 4761.06 of 52492
the Revised Code. 52493

(5) The board may revoke a limited permit upon proof 52494
satisfactory to the board that the permit holder has engaged in 52495
practice in this state outside the scope of the permit, that the 52496
holder has engaged in unethical conduct, or that there are grounds 52497
for action against the holder under section 4761.09 of the Revised 52498
Code. 52499

(C) The holder of a license or limited permit issued under 52500
this section shall either provide verification of licensure or 52501
permit status from the board's internet web site on request or 52502
prominently display a wall certificate in the license holder's 52503
office or place where the majority of the holder's practice is 52504
conducted. 52505

Sec. 4761.06. (A) Each license to practice respiratory care 52506
~~shall be renewed biennially~~ expire on or before the last day of 52507
~~June of every even numbered year~~ the date that is two years after 52508
the date of issuance and may be renewed for additional two-year 52509
periods. Each limited permit to practice respiratory care shall be 52510
renewed annually. Each person ~~holding~~ seeking to renew a license 52511

or limited permit to practice respiratory care shall apply to the 52512
state medical board ~~on the form and according to the schedule in a~~ 52513
~~manner~~ prescribed by the board ~~for renewal of the license or~~ 52514
~~limited permit~~. Licenses and limited permits shall be renewed in 52515
accordance with the standard renewal procedure of Chapter 4745. of 52516
the Revised Code. The ~~state medical~~ board shall renew a license if 52517
the holder pays the license renewal fee prescribed under section 52518
4761.07 of the Revised Code and certifies that the holder has 52519
completed the continuing education or reexamination requirements 52520
of division (B) of this section. 52521

At least one month before a license expires, the board shall 52522
provide to the license holder a renewal notice. Failure of any 52523
~~person~~ license holder to receive a notice of renewal from the 52524
board shall not excuse the ~~person~~ holder from the requirements 52525
contained in this section. Each ~~person holding a~~ license holder 52526
shall give notice to the board of a change in the ~~license~~ holder's 52527
residence address, business address, or electronic mail address 52528
not later than thirty days after the change occurs. 52529

The board shall renew a limited permit if the holder pays the 52530
limited permit renewal fee prescribed under section 4761.07 of the 52531
Revised Code and does either of the following: 52532

(1) If the limited permit was issued on the basis of division 52533
(B)(1)(a) of section 4761.05 of the Revised Code, certifies that 52534
the holder is enrolled and in good standing in an educational 52535
program that meets the requirements of division (A)(2) of section 52536
4761.04 of the Revised Code or has graduated from such a program; 52537

(2) If the limited permit was issued on the basis of division 52538
(B)(1)(b) of section 4761.05 of the Revised Code, certifies that 52539
the applicant is employed as a provider of respiratory care under 52540
the supervision of a respiratory care professional. 52541

(B) ~~On and after March 14, 1991, and every year thereafter,~~ 52542

~~on~~ or before the annual renewal date, the holder of a limited 52543
permit issued under division (B)(1)(b) of section 4761.05 of the 52544
Revised Code shall certify to the board that the holder has 52545
satisfactorily completed the number of hours of continuing 52546
education required by the board, which shall not be less than 52547
three nor more than ten hours of continuing education acceptable 52548
to the board. 52549

On or before the ~~biennial renewal~~ date a license expires, a 52550
license holder shall certify to the board that the license holder 52551
has satisfactorily completed the number of hours of continuing 52552
education required by the board, which shall be not less than six 52553
nor more than twenty hours of continuing education acceptable to 52554
the board, or has passed a reexamination in accordance with the 52555
board's renewal requirements. 52556

(C)(1) A license to practice respiratory care that is not 52557
renewed on or before its expiration date is automatically 52558
suspended on its expiration date. Continued practice after 52559
suspension shall be considered as practicing in violation of 52560
section 4761.10 of the Revised Code. 52561

(2) If a license has been suspended pursuant to division 52562
(C)(1) of this section for two years or less, it may be 52563
reinstated. The ~~state medical~~ board shall reinstate the license 52564
upon the applicant's submission of a complete renewal application 52565
and payment of a reinstatement fee of one hundred dollars. 52566

~~(3)(a)~~ If a license has been suspended pursuant to division 52567
(C)(1) of this section for more than two years, it may be 52568
restored. The Subject to section 4761.061 of the Revised Code, the 52569
board may restore the license upon an applicant's submission of a 52570
complete restoration application and a restoration fee of one 52571
hundred twenty-five dollars and compliance with sections 4776.01 52572
to 4776.04 of the Revised Code. The board shall not restore a 52573
license unless the board, in its discretion, decides that the 52574

results of the criminal records check do not make the applicant 52575
ineligible for a license issued pursuant to division (A) of this 52576
section. 52577

~~(b) The board may impose terms and conditions for the 52578
restoration, including any one or more of the following: 52579~~

~~(i) Requiring the applicant to pass an oral or written 52580
examination, or both, to determine the applicant's present fitness 52581
to resume practice; 52582~~

~~(ii) Requiring the applicant to obtain additional training 52583
and to pass an examination upon completion of such training; 52584~~

~~(iii) Restricting or limiting the extent, scope, or type of 52585
practice of the applicant. 52586~~

(D)(1) The board may require a random sample of limited 52587
permit holders to submit materials documenting that the holder has 52588
completed the number of hours of continuing education as described 52589
in division (B) of this section. 52590

(2) The board may require a random sample of license holders 52591
to submit materials documenting that the holder has completed the 52592
number of hours of continuing education as described in division 52593
(B) of this section or has passed a reexamination. 52594

(3) Division (D)(1) or (2) of this section does not limit the 52595
board's authority to conduct investigations pursuant to section 52596
4731.22 of the Revised Code. 52597

(E)(1) If, through a random sample conducted under division 52598
(D) of this section or any other means, the board finds that an 52599
individual who certified passing the reexamination or completion 52600
of the number of hours and type of continuing education required 52601
to renew, reinstate, or restore a limited permit or license did 52602
not pass the reexamination or complete the requisite continuing 52603
education, the board may do either of the following: 52604

(a) Take disciplinary action against the individual under section 4761.09 of the Revised Code, impose a civil penalty, or both; 52605
52606
52607

(b) Permit the individual to agree in writing to pass the reexamination or complete the continuing education and pay a civil penalty. 52608
52609
52610

(2) The board's finding in any disciplinary action taken under division (E)(1)(a) of this section shall be made pursuant to an adjudication under Chapter 119. of the Revised Code and by an affirmative vote of not fewer than six of its members. 52611
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52614

(3) A civil penalty imposed under division (E)(1)(a) of this section or paid under division (E)(1)(b) of this section shall be in an amount specified by the board of not more than five thousand dollars. The board shall deposit civil penalties in accordance with section 4731.24 of the Revised Code. 52615
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Sec. 4761.061. (A) This section applies to both of the following: 52620
52621

(1) An applicant seeking restoration of a license issued under this chapter that has been in a suspended or inactive state for any cause for more than two years; 52622
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52624

(2) An applicant seeking issuance of a license or certificate pursuant to this chapter who for more than two years has not been engaged in the practice of respiratory care as either of the following: 52625
52626
52627
52628

(a) An active practitioner; 52629

(b) A student in an educational program as described in section 4761.04 of the Revised Code. 52630
52631

(B) Before issuing a license or certificate to an applicant subject to this section or restoring a license to good standing for an applicant subject to this section, the state medical board 52632
52633
52634

may impose terms and conditions including any one or more of the 52635
following: 52636

(1) Requiring the applicant to pass an oral or written 52637
examination, or both, to determine the applicant's present fitness 52638
to resume practice; 52639

(2) Requiring the applicant to obtain additional training and 52640
to pass an examination upon completion of such training; 52641

(3) Requiring an assessment of the applicant's physical 52642
skills for purposes of determining whether the applicant's 52643
coordination, fine motor skills, and dexterity are sufficient for 52644
performing evaluations and procedures in a manner that meets the 52645
minimal standards of care; 52646

(4) Requiring an assessment of the applicant's skills in 52647
recognizing and understanding diseases and conditions; 52648

(5) Requiring the applicant to undergo a comprehensive 52649
physical examination, which may include an assessment of physical 52650
abilities, evaluation of sensory capabilities, or screening for 52651
the presence of neurological disorders; 52652

(6) Restricting or limiting the extent, scope, or type of 52653
practice of the applicant. 52654

The board shall consider the moral background and the 52655
activities of the applicant during the period of suspension or 52656
inactivity. The board shall not issue or restore a license under 52657
this section unless the applicant complies with sections 4776.01 52658
to 4776.04 of the Revised Code. 52659

Sec. 4762.02. (A) Except as provided in division (B), (C), or 52660
(D) of this section, no person shall do either of the following: 52661
52662

(1) Engage in the practice of oriental medicine unless the 52663
person holds a valid ~~certificate~~ license to practice as an 52664

oriental medicine practitioner issued by the state medical board 52665
under this chapter; 52666

(2) Engage in the practice of acupuncture unless the person 52667
holds a valid ~~certificate~~ license to practice as an acupuncturist 52668
issued by the state medical board under this chapter. 52669

(B) Division (A) of this section does not apply to a 52670
physician. 52671

(C) Division (A)(1) of this section does not apply to the 52672
following: 52673

(1) A person who engages in activities included in the 52674
practice of oriental medicine as part of a training program in 52675
oriental medicine, but only if both of the following conditions 52676
are met: 52677

(a) The training program is operated by an educational 52678
institution that holds an effective certificate of authorization 52679
issued by the ~~Ohio board of regents~~ chancellor of higher education 52680
under section 1713.02 of the Revised Code or a school that holds 52681
an effective certificate of registration issued by the state board 52682
of career colleges and schools under section 3332.05 of the 52683
Revised Code. 52684

(b) The person engages in the activities under the general 52685
supervision of an individual who holds a ~~certificate~~ license to 52686
practice as an oriental medicine practitioner issued under this 52687
chapter and is not practicing within the supervisory period 52688
required by section 4762.10 of the Revised Code. 52689

(2) To the extent that acupuncture is a component of oriental 52690
medicine, an individual who holds a ~~certificate~~ license to 52691
practice as an acupuncturist issued under this chapter or a 52692
chiropractor who holds a certificate to practice acupuncture 52693
issued by the state chiropractic board under section 4734.283 of 52694
the Revised Code. 52695

(D) Division (A)(2) of this section does not apply to the 52696
following: 52697

(1) A person who performs acupuncture as part of a training 52698
program in acupuncture, but only if both of the following 52699
conditions are met: 52700

(a) The training program is operated by an educational 52701
institution that holds an effective certificate of authorization 52702
issued by the ~~Ohio board of regents~~ chancellor of higher education 52703
under section 1713.02 of the Revised Code or a school that holds 52704
an effective certificate of registration issued by the state board 52705
of career colleges and schools under section 3332.05 of the 52706
Revised Code. 52707

(b) The person performs the acupuncture under the general 52708
supervision of an acupuncturist who holds a ~~certificate~~ license to 52709
practice as an acupuncturist issued under this chapter and is not 52710
practicing within the supervisory period required by section 52711
4762.10 of the Revised Code. 52712

(2) An individual who holds a ~~certificate~~ license to practice 52713
as an oriental medicine practitioner issued under this chapter. 52714

(3) A chiropractor who holds a certificate to practice 52715
acupuncture issued by the state chiropractic board under section 52716
4734.283 of the Revised Code. 52717

Sec. 4762.03. (A) An individual seeking a ~~certificate~~ license 52718
to practice as an oriental medicine practitioner or ~~certificate~~ 52719
license to practice as an acupuncturist shall file with the state 52720
medical board a written application on a form prescribed and 52721
supplied by the board. 52722

(B) To be eligible for the ~~certificate to practice~~ license, 52723
an applicant shall meet all of the following conditions, as 52724
applicable: 52725

(1) The applicant shall submit evidence satisfactory to the board that the applicant is at least eighteen years of age and of good moral character.

(2) In the case of an applicant seeking a ~~certificate~~ license to practice as an oriental medicine practitioner, the applicant shall submit evidence satisfactory to the board of both of the following:

(a) That the applicant holds a current and active designation from the national certification commission for acupuncture and oriental medicine as either a diplomate in oriental medicine or diplomate of acupuncture and Chinese herbology;

(b) That the applicant has successfully completed, in the two-year period immediately preceding application for the ~~certificate~~ license to practice, one course approved by the commission on federal food and drug administration dispensary and compounding guidelines and procedures.

(3) In the case of an applicant seeking a ~~certificate~~ license to practice as an acupuncturist, the applicant shall submit evidence satisfactory to the board that the applicant holds a current and active designation from the national certification commission for acupuncture and oriental medicine as a diplomate in acupuncture.

(4) The applicant shall demonstrate to the board proficiency in spoken English by satisfying one of the following requirements:

(a) Passing the examination described in section 4731.142 of the Revised Code;

(b) Submitting evidence satisfactory to the board that the applicant was required to demonstrate proficiency in spoken English as a condition of obtaining designation from the national certification commission for acupuncture and oriental medicine as a diplomate in oriental medicine, diplomate of acupuncture and

Chinese herbology, or diplomate in acupuncture; 52757

(c) Submitting evidence satisfactory to the board that the 52758
applicant, in seeking a designation from the national 52759
certification commission for acupuncture and oriental medicine as 52760
a diplomate of oriental medicine, diplomate of acupuncture and 52761
Chinese herbology, or diplomate of acupuncture, has successfully 52762
completed in English the examination required for such a 52763
designation by the national certification commission for 52764
acupuncture and oriental medicine; 52765

(d) In the case of an applicant seeking a ~~certificate~~ license 52766
to practice as an oriental medicine practitioner, submitting 52767
evidence satisfactory to the board that the applicant has 52768
previously held a ~~certificate~~ license to practice as an 52769
acupuncturist issued under section 4762.04 of the Revised Code. 52770

(5) The applicant shall submit to the board any other 52771
information the board requires. 52772

(6) The applicant shall pay to the board a fee of one hundred 52773
dollars, no part of which may be returned to the applicant. 52774

(C) The board shall review all applications received under 52775
this section. The board shall determine whether an applicant meets 52776
the requirements to receive a ~~certificate to practice~~ license not 52777
later than sixty days after receiving a complete application. ~~The~~ 52778
~~affirmative vote of not fewer than six members of the board is~~ 52779
~~required to determine that an applicant meets the requirements for~~ 52780
~~a certificate.~~ 52781

Sec. 4762.031. In addition to any other eligibility 52782
requirement set forth in this chapter, each applicant for a 52783
~~certificate~~ license to practice as an oriental medicine 52784
practitioner or ~~certificate~~ license to practice as an 52785
acupuncturist shall comply with sections 4776.01 to 4776.04 of the 52786

Revised Code. The state medical board shall not grant to an 52787
applicant a ~~certificate~~ license to practice unless the board, in 52788
its discretion, decides that the results of the criminal records 52789
check do not make the applicant ineligible for a ~~certificate~~ 52790
license issued pursuant to section 4762.04 of the Revised Code. 52791

Sec. 4762.04. If the state medical board determines under 52792
section 4762.03 of the Revised Code that an applicant meets the 52793
requirements for a ~~certificate~~ license to practice as an oriental 52794
medicine practitioner or ~~certificate~~ license to practice as an 52795
acupuncturist, the secretary of the board shall register the 52796
applicant as an oriental medicine practitioner or acupuncturist, 52797
as appropriate, and issue to the applicant the appropriate 52798
~~certificate~~ license to practice. The ~~certificate~~ license shall be 52799
valid for a two-year period unless revoked or suspended, shall 52800
expire ~~biennially~~ on the date that is two years after the date of 52801
issuance, and may be renewed for additional two-year periods in 52802
accordance with section 4762.06 of the Revised Code. 52803

Sec. 4762.05. Upon application by the holder of a ~~certificate~~ 52804
license to practice as an oriental medicine practitioner or 52805
~~certificate~~ license to practice as an acupuncturist, the state 52806
medical board shall issue a duplicate ~~certificate~~ license to 52807
replace one that is missing or damaged, to reflect a name change, 52808
or for any other reasonable cause. The fee for a duplicate 52809
~~certificate~~ license is thirty-five dollars. 52810

Sec. 4762.06. (A) A person seeking to renew a ~~certificate~~ 52811
license to practice as an oriental medicine practitioner or 52812
~~certificate~~ license to practice as an acupuncturist shall, on or 52813
before the ~~thirty first day of January of each even numbered year~~ 52814
license's expiration date, apply to the state medical board for 52815
renewal ~~of the certificate.~~ The ~~state medical~~ board shall provide 52816

renewal notices to license holders at least one month prior to the 52817
expiration date. 52818

Applications shall be submitted to the board in a manner 52819
prescribed by the board. Each application shall be accompanied by 52820
a biennial renewal fee of one hundred dollars. 52821

The applicant shall report any criminal offense that 52822
constitutes grounds for refusing to issue a ~~certificate~~ license 52823
under section 4762.13 of the Revised Code to which the applicant 52824
has pleaded guilty, of which the applicant has been found guilty, 52825
or for which the applicant has been found eligible for 52826
intervention in lieu of conviction, since last signing an 52827
application for a ~~certificate~~ license to practice as an oriental 52828
medicine practitioner or ~~certificate~~ license to practice as an 52829
acupuncturist. 52830

(B)(1) To be eligible for renewal of a ~~certificate~~ license to 52831
practice as an oriental medicine practitioner, an applicant shall 52832
certify to the board both of the following, as applicable: 52833

(a) That the applicant has maintained a current and active 52834
designation from the national certification commission for 52835
acupuncture and oriental medicine as either a diplomate in 52836
oriental medicine or diplomate of acupuncture and Chinese 52837
herbology; 52838

(b) That the applicant has successfully completed one 52839
six-hour course in herb and drug interaction approved by the 52840
national certification commission for acupuncture and oriental 52841
medicine in the four years immediately preceding the expiration 52842
date of the applicant's current and active designation from the 52843
commission as a diplomate in oriental medicine or diplomate of 52844
acupuncture and Chinese herbology. 52845

(2) To be eligible for renewal of a ~~certificate~~ license to 52846
practice as an acupuncturist, an applicant shall certify to the 52847

board that the acupuncturist has maintained a current and active 52848
designation from the national certification commission for 52849
acupuncture and oriental medicine as a diplomate in acupuncture. 52850

(C) If an applicant submits a complete renewal application 52851
and qualifies for renewal pursuant to division (B) of this 52852
section, the board shall issue to the applicant a renewed 52853
~~certificate~~ license to practice. 52854

(D) A ~~certificate~~ license to practice that is not renewed on 52855
or before its expiration date is automatically suspended on its 52856
expiration date. ~~If~~ 52857

If a ~~certificate~~ license has been suspended pursuant to this 52858
division for two years or less, the board shall reinstate the 52859
~~certificate~~ license upon an applicant's submission of a renewal 52860
application, the biennial renewal fee, and the applicable monetary 52861
penalty. The penalty for reinstatement is twenty-five dollars. ~~If~~ 52862

If a ~~certificate~~ license has been suspended pursuant to this 52863
division for more than two years, it may be restored. Subject to 52864
section 4762.061 of the Revised Code, the board may restore the 52865
license upon an applicant's submission of a restoration 52866
application, the biennial renewal fee, and the applicable monetary 52867
penalty and compliance with sections 4776.01 to 4776.04 of the 52868
Revised Code. The board shall not restore a ~~certificate to~~ 52869
~~practice~~ license unless the board, in its discretion, decides that 52870
the results of the criminal records check do not make the 52871
applicant ineligible for a certificate issued pursuant to section 52872
4762.04 of the Revised Code. The penalty for restoration is fifty 52873
dollars. 52874

Sec. 4762.061. (A) This section applies to both of the 52875
following: 52876

(1) An applicant seeking restoration of a license issued 52877

<u>under this chapter that has been in a suspended or inactive state</u>	52878
<u>for any cause for more than two years;</u>	52879
<u>(2) An applicant seeking issuance of a license pursuant to</u>	52880
<u>this chapter who for more than two years has not been engaged in</u>	52881
<u>the practice of oriental medicine or acupuncture as either of the</u>	52882
<u>following:</u>	52883
<u>(a) An active practitioner;</u>	52884
<u>(b) A participant in a training program as described in</u>	52885
<u>section 4762.02 of the Revised Code.</u>	52886
<u>(B) Before issuing a license to an applicant subject to this</u>	52887
<u>section or restoring a license to good standing for an applicant</u>	52888
<u>subject to this section, the state medical board may impose terms</u>	52889
<u>and conditions including any one or more of the following:</u>	52890
<u>(1) Requiring the applicant to pass an oral or written</u>	52891
<u>examination, or both, to determine the applicant's present fitness</u>	52892
<u>to resume practice;</u>	52893
<u>(2) Requiring the applicant to obtain additional training and</u>	52894
<u>to pass an examination upon completion of such training;</u>	52895
<u>(3) Requiring an assessment of the applicant's physical</u>	52896
<u>skills for purposes of determining whether the applicant's</u>	52897
<u>coordination, fine motor skills, and dexterity are sufficient for</u>	52898
<u>performing evaluations and procedures in a manner that meets the</u>	52899
<u>minimal standards of care;</u>	52900
<u>(4) Requiring an assessment of the applicant's skills in</u>	52901
<u>recognizing and understanding diseases and conditions;</u>	52902
<u>(5) Requiring the applicant to undergo a comprehensive</u>	52903
<u>physical examination, which may include an assessment of physical</u>	52904
<u>abilities, evaluation of sensory capabilities, or screening for</u>	52905
<u>the presence of neurological disorders;</u>	52906
<u>(6) Restricting or limiting the extent, scope, or type of</u>	52907

practice of the applicant. 52908

The board shall consider the moral background and the 52909
activities of the applicant during the period of suspension or 52910
inactivity. The board shall not issue or restore a license under 52911
this section unless the applicant complies with sections 4776.01 52912
to 4776.04 of the Revised Code. 52913

Sec. 4762.08. (A) A person who holds a ~~certificate~~ license to 52914
practice as an oriental medicine practitioner issued under this 52915
chapter may use the following titles, initials, or abbreviations, 52916
or the equivalent of such titles, initials, or abbreviations, to 52917
identify the person as an oriental medicine practitioner: 52918
"Oriental Medicine Practitioner," "Licensed Oriental Medicine 52919
Practitioner," "L.O.M.," "Diplomate in Oriental Medicine 52920
(NCCAOM)," "Dipl. O.M. (NCCAOM)," "National Board Certified in 52921
Oriental Medicine (NCCAOM)," "Acupuncturist," "Licensed 52922
Acupuncturist," "L.Ac. and L.C.H.," "Diplomate of Acupuncture and 52923
Chinese Herbology (NCCAOM)," "Dipl. Ac. and Dipl. C.H. (NCCAOM)," 52924
or "National Board Certified in Acupuncture and Chinese Herbology 52925
(NCCAOM)." The person shall not use other titles, initials, or 52926
abbreviations in conjunction with the person's practice of 52927
oriental medicine, including the title "doctor." 52928

(B) A person who holds a ~~certificate~~ license to practice as 52929
an acupuncturist issued under this chapter may use the following 52930
titles, initials, or abbreviations, or the equivalent of such 52931
titles, initials, or abbreviations, to identify the person as an 52932
acupuncturist: "Acupuncturist," "Licensed Acupuncturist," "L.Ac.," 52933
"Diplomate in Acupuncture (NCCAOM)," "Dipl. Ac. (NCCAOM)," or 52934
"National Board Certified in Acupuncture (NCCAOM)." The person 52935
shall not use other titles, initials, or abbreviations in 52936
conjunction with the person's practice of acupuncture, including 52937
the title "doctor." 52938

Sec. 4762.09. An individual who holds a ~~certificate~~ license 52939
to practice as an oriental medicine practitioner or ~~certificate~~ 52940
license to practice as an acupuncturist issued under this chapter 52941
shall conspicuously display at the individual's primary place of 52942
business both of the following: 52943

(A) The individual's ~~certificate~~ license, as evidence that 52944
the individual is authorized to practice in this state; 52945

(B) A notice specifying that the practice of oriental 52946
medicine or acupuncture, as applicable, under the ~~certificate~~ 52947
license is regulated by the state medical board and the address 52948
and telephone number of the board's office. 52949

Sec. 4762.10. The following, as applicable, apply to an 52950
individual who holds a ~~certificate~~ license to practice as an 52951
oriental medicine practitioner or ~~certificate~~ license to practice 52952
as an acupuncturist: 52953

(A) On receipt of an initial ~~certificate~~ license to practice, 52954
the practice of the oriental medicine practitioner or 52955
acupuncturist is subject to a supervisory period. The supervisory 52956
period shall begin on the date the initial ~~certificate~~ license is 52957
granted and end one year thereafter, except that if the oriental 52958
medicine practitioner or acupuncturist is subject during that year 52959
to disciplinary action taken by the state medical board pursuant 52960
to section 4762.13 of the Revised Code, the supervision shall 52961
continue until the practitioner or acupuncturist has not been 52962
subject to any disciplinary action for one year. 52963

(B) During the supervisory period, both of the following 52964
apply to an oriental medicine practitioner's or acupuncturist's 52965
practice in addition to the applicable requirements of divisions 52966
(D) and (E) of this section: 52967

(1) An oriental medicine practitioner shall perform oriental 52968

medicine or acupuncture for a patient only if the patient has 52969
received a written referral or prescription for oriental medicine 52970
or acupuncture from a physician or for acupuncture from a 52971
chiropractor. An acupuncturist shall perform acupuncture for a 52972
patient only if the patient has received a written referral or 52973
prescription for acupuncture from a physician or chiropractor. As 52974
specified in the referral or prescription, the oriental medicine 52975
practitioner or acupuncturist shall provide reports to the 52976
physician or chiropractor on the patient's condition or progress 52977
in treatment and comply with the conditions or restrictions on the 52978
practitioner's or acupuncturist's course of treatment. 52979

(2) The oriental medicine practitioner or acupuncturist shall 52980
perform oriental medicine or acupuncture under the general 52981
supervision of the patient's referring or prescribing physician or 52982
chiropractor, except that an oriental medicine practitioner using 52983
herbal therapy in the treatment of a patient shall not provide 52984
herbal therapy under the general supervision of a chiropractor. 52985
General supervision does not require that the oriental medicine 52986
practitioner or acupuncturist and supervising physician or 52987
chiropractor practice in the same office. 52988

(C) After the supervisory period has ended, both of the 52989
following apply to an oriental medicine practitioner's or 52990
acupuncturist's practice in addition to the applicable 52991
requirements of divisions (D) and (E) of this section: 52992

(1) Before treating a patient for a particular condition, an 52993
oriental medicine practitioner or acupuncturist shall confirm 52994
whether the patient has undergone within the past six months a 52995
diagnostic examination that was related to the condition for which 52996
the patient is seeking oriental medicine or acupuncture and was 52997
performed by a physician or chiropractor acting within the 52998
physician's or chiropractor's scope of practice. Confirmation that 52999
the diagnostic examination was performed may be made by obtaining 53000

from the patient a signed form stating that the patient has 53001
undergone the examination. 53002

(2) If the patient does not provide the signed form specified 53003
in division (C)(1) of this section or an oriental medicine 53004
practitioner or acupuncturist otherwise determines that the 53005
patient has not undergone the diagnostic examination specified in 53006
that division, the practitioner or acupuncturist shall provide to 53007
the patient a written recommendation to undergo a diagnostic 53008
examination by a physician or chiropractor. 53009

(D) In an individual's practice of oriental medicine or 53010
acupuncture pursuant to a ~~certificate~~ license to practice issued 53011
under this chapter, all of the following apply: 53012

(1) Prior to treating a patient, the individual shall advise 53013
the patient that oriental medicine or acupuncture, as applicable, 53014
is not a substitute for conventional medical diagnosis and 53015
treatment. 53016

(2) On initially meeting a patient in person, the individual 53017
shall provide in writing the individual's name, business address, 53018
and business telephone number, and information on oriental 53019
medicine or acupuncture, as applicable, including the techniques 53020
that are used. 53021

(3) While treating a patient, the individual shall not make a 53022
diagnosis. If a patient's condition is not improving or a patient 53023
requires emergency medical treatment, the individual shall consult 53024
promptly with a physician. 53025

(4) The individual shall maintain records for each patient 53026
treated. The records shall be confidential and shall be retained 53027
for not less than three years following termination of treatment. 53028
The individual shall include in a patient's records the written 53029
referral or prescription pursuant to which ~~the~~ the patient is 53030
treated during a supervisory period and any written referral or 53031

prescription for oriental medicine or acupuncture received for a 53032
patient being treated after the supervisory period. 53033

(E) In an individual's practice of oriental medicine by using 53034
herbal therapy in the treatment of a patient, all of the following 53035
apply: 53036

(1) The oriental medicine practitioner shall provide to the 53037
patient counseling and treatment instructions. The treatment 53038
instructions shall do all of the following: 53039

(a) Explain the need for herbal therapy; 53040

(b) Instruct the patient how to take the herbal therapy; 53041

(c) Explain possible contraindications to the herbal therapy 53042
and provide sources of care in case of an adverse reaction; 53043

(d) Instruct the patient to inform the patient's other health 53044
care providers, including the patient's pharmacist, of the herbal 53045
therapy that has been provided to the patient. 53046

(2) The oriental medicine practitioner shall document all of 53047
the following in the patient's record: 53048

(a) The type, amount, and strength of herbal therapy 53049
recommended for the patient's use; 53050

(b) The counseling and treatment instructions provided to the 53051
patient under division (E)(1) of this section; 53052

(c) Any adverse reaction reported by the patient in 53053
conjunction with the use of herbal therapy. 53054

(3) The oriental medicine practitioner shall report to the 53055
state medical board any adverse reactions reported by the patient 53056
under division (E)(2)(c) of this section. 53057

Sec. 4762.13. (A) The state medical board, by an affirmative 53058
vote of not fewer than six members, may revoke or may refuse to 53059
grant a ~~certificate~~ license to practice as an oriental medicine 53060

practitioner or ~~certificate~~ license to practice as an 53061
acupuncturist to a person found by the board to have committed 53062
fraud, misrepresentation, or deception in applying for or securing 53063
the ~~certificate~~ license. 53064

(B) The board, by an affirmative vote of not fewer than six 53065
members, shall, to the extent permitted by law, limit, revoke, or 53066
suspend an individual's ~~certificate~~ license to practice, refuse to 53067
issue a ~~certificate~~ license to an applicant, refuse to renew a 53068
~~certificate~~ license, refuse to reinstate a ~~certificate~~ license, or 53069
reprimand or place on probation the holder of a ~~certificate~~ 53070
license for any of the following reasons: 53071

(1) Permitting the holder's name or ~~certificate~~ license to be 53072
used by another person; 53073

(2) Failure to comply with the requirements of this chapter, 53074
Chapter 4731. of the Revised Code, or any rules adopted by the 53075
board; 53076

(3) Violating or attempting to violate, directly or 53077
indirectly, or assisting in or abetting the violation of, or 53078
conspiring to violate, any provision of this chapter, Chapter 53079
4731. of the Revised Code, or the rules adopted by the board; 53080

(4) A departure from, or failure to conform to, minimal 53081
standards of care of similar practitioners under the same or 53082
similar circumstances whether or not actual injury to the patient 53083
is established; 53084

(5) Inability to practice according to acceptable and 53085
prevailing standards of care by reason of mental illness or 53086
physical illness, including physical deterioration that adversely 53087
affects cognitive, motor, or perceptive skills; 53088

(6) Impairment of ability to practice according to acceptable 53089
and prevailing standards of care because of habitual or excessive 53090
use or abuse of drugs, alcohol, or other substances that impair 53091

ability to practice;	53092
(7) Willfully betraying a professional confidence;	53093
(8) Making a false, fraudulent, deceptive, or misleading statement in soliciting or advertising for patients or in securing or attempting to secure a certificate <u>license</u> to practice as an oriental medicine practitioner or certificate <u>license</u> to practice as an acupuncturist.	53094 53095 53096 53097 53098
As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.	53099 53100 53101 53102 53103 53104 53105 53106
(9) Representing, with the purpose of obtaining compensation or other advantage personally or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured;	53107 53108 53109 53110
(10) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice;	53111 53112 53113
(11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;	53114 53115 53116
(12) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	53117 53118 53119
(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of	53120 53121

conviction for, a misdemeanor committed in the course of practice;	53122
(14) A plea of guilty to, a judicial finding of guilt of, or	53123
a judicial finding of eligibility for intervention in lieu of	53124
conviction for, a misdemeanor involving moral turpitude;	53125
(15) Commission of an act in the course of practice that	53126
constitutes a misdemeanor in this state, regardless of the	53127
jurisdiction in which the act was committed;	53128
(16) Commission of an act involving moral turpitude that	53129
constitutes a misdemeanor in this state, regardless of the	53130
jurisdiction in which the act was committed;	53131
(17) A plea of guilty to, a judicial finding of guilt of, or	53132
a judicial finding of eligibility for intervention in lieu of	53133
conviction for violating any state or federal law regulating the	53134
possession, distribution, or use of any drug, including	53135
trafficking in drugs;	53136
(18) Any of the following actions taken by the state agency	53137
responsible for regulating the practice of oriental medicine or	53138
acupuncture in another jurisdiction, for any reason other than the	53139
nonpayment of fees: the limitation, revocation, or suspension of	53140
an individual's license to practice; acceptance of an individual's	53141
license surrender; denial of a license; refusal to renew or	53142
reinstate a license; imposition of probation; or issuance of an	53143
order of censure or other reprimand;	53144
(19) Violation of the conditions placed by the board on a	53145
certificate <u>license</u> to practice as an oriental medicine	53146
practitioner or certificate <u>license</u> to practice as an	53147
acupuncturist;	53148
(20) Failure to use universal blood and body fluid	53149
precautions established by rules adopted under section 4731.051 of	53150
the Revised Code;	53151

(21) Failure to cooperate in an investigation conducted by 53152
the board under section 4762.14 of the Revised Code, including 53153
failure to comply with a subpoena or order issued by the board or 53154
failure to answer truthfully a question presented by the board at 53155
a deposition or in written interrogatories, except that failure to 53156
cooperate with an investigation shall not constitute grounds for 53157
discipline under this section if a court of competent jurisdiction 53158
has issued an order that either quashes a subpoena or permits the 53159
individual to withhold the testimony or evidence in issue; 53160

(22) Failure to comply with the standards of the national 53161
certification commission for acupuncture and oriental medicine 53162
regarding professional ethics, commitment to patients, commitment 53163
to the profession, and commitment to the public; 53164

(23) Failure to have adequate professional liability 53165
insurance coverage in accordance with section 4762.22 of the 53166
Revised Code; 53167

(24) Failure to maintain a current and active designation as 53168
a diplomate in oriental medicine, diplomate of acupuncture and 53169
Chinese herbology, or diplomate in acupuncture, as applicable, 53170
from the national certification commission for acupuncture and 53171
oriental medicine, including revocation by the commission of the 53172
individual's designation, failure by the individual to meet the 53173
commission's requirements for redesignation, or failure to notify 53174
the board that the appropriate designation has not been 53175
maintained. 53176

(C) Disciplinary actions taken by the board under divisions 53177
(A) and (B) of this section shall be taken pursuant to an 53178
adjudication under Chapter 119. of the Revised Code, except that 53179
in lieu of an adjudication, the board may enter into a consent 53180
agreement with an oriental medicine practitioner or acupuncturist 53181
or applicant to resolve an allegation of a violation of this 53182
chapter or any rule adopted under it. A consent agreement, when 53183

ratified by an affirmative vote of not fewer than six members of 53184
the board, shall constitute the findings and order of the board 53185
with respect to the matter addressed in the agreement. If the 53186
board refuses to ratify a consent agreement, the admissions and 53187
findings contained in the consent agreement shall be of no force 53188
or effect. 53189

(D) For purposes of divisions (B)(12), (15), and (16) of this 53190
section, the commission of the act may be established by a finding 53191
by the board, pursuant to an adjudication under Chapter 119. of 53192
the Revised Code, that the applicant or ~~certificate~~ license holder 53193
committed the act in question. The board shall have no 53194
jurisdiction under these divisions in cases where the trial court 53195
renders a final judgment in the ~~certificate~~ license holder's favor 53196
and that judgment is based upon an adjudication on the merits. The 53197
board shall have jurisdiction under these divisions in cases where 53198
the trial court issues an order of dismissal upon technical or 53199
procedural grounds. 53200

(E) The sealing of conviction records by any court shall have 53201
no effect upon a prior board order entered under the provisions of 53202
this section or upon the board's jurisdiction to take action under 53203
the provisions of this section if, based upon a plea of guilty, a 53204
judicial finding of guilt, or a judicial finding of eligibility 53205
for intervention in lieu of conviction, the board issued a notice 53206
of opportunity for a hearing or entered into a consent agreement 53207
prior to the court's order to seal the records. The board shall 53208
not be required to seal, destroy, redact, or otherwise modify its 53209
records to reflect the court's sealing of conviction records. 53210

(F) For purposes of this division, any individual who holds a 53211
~~certificate~~ license to practice issued under this chapter, or 53212
applies for a ~~certificate~~ license to practice, shall be deemed to 53213
have given consent to submit to a mental or physical examination 53214
when directed to do so in writing by the board and to have waived 53215

all objections to the admissibility of testimony or examination 53216
reports that constitute a privileged communication. 53217

(1) In enforcing division (B)(5) of this section, the board, 53218
upon a showing of a possible violation, may compel any individual 53219
who holds a ~~certificate~~ license to practice issued under this 53220
chapter or who has applied for a ~~certificate~~ license pursuant to 53221
this chapter to submit to a mental examination, physical 53222
examination, including an HIV test, or both a mental and physical 53223
examination. The expense of the examination is the responsibility 53224
of the individual compelled to be examined. Failure to submit to a 53225
mental or physical examination or consent to an HIV test ordered 53226
by the board constitutes an admission of the allegations against 53227
the individual unless the failure is due to circumstances beyond 53228
the individual's control, and a default and final order may be 53229
entered without the taking of testimony or presentation of 53230
evidence. If the board finds an oriental medicine practitioner or 53231
acupuncturist unable to practice because of the reasons set forth 53232
in division (B)(5) of this section, the board shall require the 53233
individual to submit to care, counseling, or treatment by 53234
physicians approved or designated by the board, as a condition for 53235
an initial, continued, reinstated, or renewed ~~certificate~~ license 53236
to practice. An individual affected by this division shall be 53237
afforded an opportunity to demonstrate to the board the ability to 53238
resume practicing in compliance with acceptable and prevailing 53239
standards of care. 53240

(2) For purposes of division (B)(6) of this section, if the 53241
board has reason to believe that any individual who holds a 53242
~~certificate~~ license to practice issued under this chapter or any 53243
applicant for a ~~certificate~~ license suffers such impairment, the 53244
board may compel the individual to submit to a mental or physical 53245
examination, or both. The expense of the examination is the 53246
responsibility of the individual compelled to be examined. Any 53247

mental or physical examination required under this division shall 53248
be undertaken by a treatment provider or physician qualified to 53249
conduct such examination and chosen by the board. 53250

Failure to submit to a mental or physical examination ordered 53251
by the board constitutes an admission of the allegations against 53252
the individual unless the failure is due to circumstances beyond 53253
the individual's control, and a default and final order may be 53254
entered without the taking of testimony or presentation of 53255
evidence. If the board determines that the individual's ability to 53256
practice is impaired, the board shall suspend the individual's 53257
~~certificate~~ license or deny the individual's application and shall 53258
require the individual, as a condition for an initial, continued, 53259
reinstated, or renewed ~~certificate~~ license, to submit to 53260
treatment. 53261

Before being eligible to apply for reinstatement of a 53262
~~certificate~~ license suspended under this division, the oriental 53263
medicine practitioner or acupuncturist shall demonstrate to the 53264
board the ability to resume practice in compliance with acceptable 53265
and prevailing standards of care. The demonstration shall include 53266
the following: 53267

(a) Certification from a treatment provider approved under 53268
section 4731.25 of the Revised Code that the individual has 53269
successfully completed any required inpatient treatment; 53270

(b) Evidence of continuing full compliance with an aftercare 53271
contract or consent agreement; 53272

(c) Two written reports indicating that the individual's 53273
ability to practice has been assessed and that the individual has 53274
been found capable of practicing according to acceptable and 53275
prevailing standards of care. The reports shall be made by 53276
individuals or providers approved by the board for making such 53277
assessments and shall describe the basis for their determination. 53278

The board may reinstate a ~~certificate~~ license suspended under 53279
this division after such demonstration and after the individual 53280
has entered into a written consent agreement. 53281

When the impaired individual resumes practice, the board 53282
shall require continued monitoring of the individual. The 53283
monitoring shall include monitoring of compliance with the written 53284
consent agreement entered into before reinstatement or with 53285
conditions imposed by board order after a hearing, and, upon 53286
termination of the consent agreement, submission to the board for 53287
at least two years of annual written progress reports made under 53288
penalty of falsification stating whether the individual has 53289
maintained sobriety. 53290

(G) If the secretary and supervising member determine both of 53291
the following, they may recommend that the board suspend an 53292
individual's ~~certificate~~ license to practice without a prior 53293
hearing: 53294

(1) That there is clear and convincing evidence that an 53295
oriental medicine practitioner or acupuncturist has violated 53296
division (B) of this section; 53297

(2) That the individual's continued practice presents a 53298
danger of immediate and serious harm to the public. 53299

Written allegations shall be prepared for consideration by 53300
the board. The board, upon review of the allegations and by an 53301
affirmative vote of not fewer than six of its members, excluding 53302
the secretary and supervising member, may suspend a ~~certificate~~ 53303
license without a prior hearing. A telephone conference call may 53304
be utilized for reviewing the allegations and taking the vote on 53305
the summary suspension. 53306

The board shall issue a written order of suspension by 53307
certified mail or in person in accordance with section 119.07 of 53308
the Revised Code. The order shall not be subject to suspension by 53309

the court during pendency of any appeal filed under section 119.12 53310
of the Revised Code. If the oriental medicine practitioner or 53311
acupuncturist requests an adjudicatory hearing by the board, the 53312
date set for the hearing shall be within fifteen days, but not 53313
earlier than seven days, after the hearing is requested, unless 53314
otherwise agreed to by both the board and the ~~certificate~~ license 53315
holder. 53316

A summary suspension imposed under this division shall remain 53317
in effect, unless reversed on appeal, until a final adjudicative 53318
order issued by the board pursuant to this section and Chapter 53319
119. of the Revised Code becomes effective. The board shall issue 53320
its final adjudicative order within sixty days after completion of 53321
its hearing. Failure to issue the order within sixty days shall 53322
result in dissolution of the summary suspension order, but shall 53323
not invalidate any subsequent, final adjudicative order. 53324

(H) If the board takes action under division (B)(11), (13), 53325
or (14) of this section, and the judicial finding of guilt, guilty 53326
plea, or judicial finding of eligibility for intervention in lieu 53327
of conviction is overturned on appeal, upon exhaustion of the 53328
criminal appeal, a petition for reconsideration of the order may 53329
be filed with the board along with appropriate court documents. 53330
Upon receipt of a petition and supporting court documents, the 53331
board shall reinstate the ~~certificate to practice~~ license. The 53332
board may then hold an adjudication under Chapter 119. of the 53333
Revised Code to determine whether the individual committed the act 53334
in question. Notice of opportunity for hearing shall be given in 53335
accordance with Chapter 119. of the Revised Code. If the board 53336
finds, pursuant to an adjudication held under this division, that 53337
the individual committed the act, or if no hearing is requested, 53338
it may order any of the sanctions specified in division (B) of 53339
this section. 53340

(I) The ~~certificate~~ license to practice of an oriental 53341

medicine practitioner or acupuncturist and the practitioner's or 53342
acupuncturist's practice in this state are automatically suspended 53343
as of the date the practitioner or acupuncturist pleads guilty to, 53344
is found by a judge or jury to be guilty of, or is subject to a 53345
judicial finding of eligibility for intervention in lieu of 53346
conviction in this state or treatment or intervention in lieu of 53347
conviction in another jurisdiction for any of the following 53348
criminal offenses in this state or a substantially equivalent 53349
criminal offense in another jurisdiction: aggravated murder, 53350
murder, voluntary manslaughter, felonious assault, kidnapping, 53351
rape, sexual battery, gross sexual imposition, aggravated arson, 53352
aggravated robbery, or aggravated burglary. Continued practice 53353
after the suspension shall be considered practicing without a 53354
~~certificate~~ license. 53355

The board shall notify the individual subject to the 53356
suspension by certified mail or in person in accordance with 53357
section 119.07 of the Revised Code. If an individual whose 53358
~~certificate~~ license is suspended under this division fails to make 53359
a timely request for an adjudication under Chapter 119. of the 53360
Revised Code, the board shall enter a final order permanently 53361
revoking the individual's ~~certificate to practice~~ license. 53362

(J) In any instance in which the board is required by Chapter 53363
119. of the Revised Code to give notice of opportunity for hearing 53364
and the individual subject to the notice does not timely request a 53365
hearing in accordance with section 119.07 of the Revised Code, the 53366
board is not required to hold a hearing, but may adopt, by an 53367
affirmative vote of not fewer than six of its members, a final 53368
order that contains the board's findings. In the final order, the 53369
board may order any of the sanctions identified under division (A) 53370
or (B) of this section. 53371

(K) Any action taken by the board under division (B) of this 53372
section resulting in a suspension shall be accompanied by a 53373

written statement of the conditions under which the ~~certificate to~~ 53374
~~practice~~ license may be reinstated. The board shall adopt rules in 53375
accordance with Chapter 119. of the Revised Code governing 53376
conditions to be imposed for reinstatement. Reinstatement of a 53377
~~certificate~~ license suspended pursuant to division (B) of this 53378
section requires an affirmative vote of not fewer than six members 53379
of the board. 53380

(L) When the board refuses to grant or issue a ~~certificate to~~ 53381
~~practice~~ license to an applicant, revokes an individual's 53382
~~certificate~~ license, refuses to renew an individual's ~~certificate~~ 53383
license, or refuses to reinstate an individual's ~~certificate~~ 53384
license, the board may specify that its action is permanent. An 53385
individual subject to a permanent action taken by the board is 53386
forever thereafter ineligible to hold a ~~certificate~~ license to 53387
practice as an oriental medicine practitioner or ~~certificate~~ 53388
license to practice as an acupuncturist and the board shall not 53389
accept an application for reinstatement of the ~~certificate~~ license 53390
or for issuance of a new ~~certificate~~ license. 53391

(M) Notwithstanding any other provision of the Revised Code, 53392
all of the following apply: 53393

(1) The surrender of a ~~certificate~~ license to practice as an 53394
oriental medicine practitioner or ~~certificate~~ license to practice 53395
as an acupuncturist issued under this chapter is not effective 53396
unless or until accepted by the board. Reinstatement of a 53397
~~certificate~~ license surrendered to the board requires an 53398
affirmative vote of not fewer than six members of the board. 53399

(2) An application made under this chapter for a ~~certificate~~ 53400
license may not be withdrawn without approval of the board. 53401

(3) Failure by an individual to renew a ~~certificate~~ license 53402
in accordance with section 4762.06 of the Revised Code shall not 53403
remove or limit the board's jurisdiction to take disciplinary 53404

action under this section against the individual. 53405

Sec. 4762.131. On receipt of a notice pursuant to section 53406
3123.43 of the Revised Code, the state medical board shall comply 53407
with sections 3123.41 to 3123.50 of the Revised Code and any 53408
applicable rules adopted under section 3123.63 of the Revised Code 53409
with respect to a ~~certificate~~ license to practice as an oriental 53410
medicine practitioner or ~~certificate~~ license to practice as an 53411
acupuncturist issued pursuant to this chapter. 53412

Sec. 4762.132. If the state medical board has reason to 53413
believe that any person who has been granted under this chapter a 53414
~~certificate~~ license to practice as an oriental medicine 53415
practitioner or ~~certificate~~ license to practice as an 53416
acupuncturist is mentally ill or mentally incompetent, it may file 53417
in the probate court of the county in which the person has a legal 53418
residence an affidavit in the form prescribed in section 5122.11 53419
of the Revised Code and signed by the board secretary or a member 53420
of the board secretary's staff, whereupon the same proceedings 53421
shall be had as provided in Chapter 5122. of the Revised Code. The 53422
attorney general may represent the board in any proceeding 53423
commenced under this section. 53424

If any person who has been granted a ~~certificate~~ license is 53425
adjudged by a probate court to be mentally ill or mentally 53426
incompetent, the person's ~~certificate~~ license shall be 53427
automatically suspended until the person has filed with the state 53428
medical board a certified copy of an adjudication by a probate 53429
court of the person's subsequent restoration to competency or has 53430
submitted to the board proof, satisfactory to the board, that the 53431
person has been discharged as having a restoration to competency 53432
in the manner and form provided in section 5122.38 of the Revised 53433
Code. The judge of the probate court shall forthwith notify the 53434
state medical board of an adjudication of mental illness or mental 53435

incompetence, and shall note any suspension of a ~~certificate~~ 53436
license in the margin of the court's record of such ~~certificate~~ 53437
license. 53438

Sec. 4762.14. (A) The state medical board shall investigate 53439
evidence that appears to show that any person has violated this 53440
chapter or the rules adopted under it. Any person may report to 53441
the board in a signed writing any information the person has that 53442
appears to show a violation of any provision of this chapter or 53443
the rules adopted under it. In the absence of bad faith, a person 53444
who reports such information or testifies before the board in an 53445
adjudication conducted under Chapter 119. of the Revised Code 53446
shall not be liable for civil damages as a result of reporting the 53447
information or providing testimony. Each complaint or allegation 53448
of a violation received by the board shall be assigned a case 53449
number and be recorded by the board. 53450

(B) Investigations of alleged violations of this chapter or 53451
rules adopted under it shall be supervised by the supervising 53452
member elected by the board in accordance with section 4731.02 of 53453
the Revised Code and by the secretary as provided in section 53454
4762.17 of the Revised Code. The board's president may designate 53455
another member of the board to supervise the investigation in 53456
place of the supervising member. A member of the board who 53457
supervises the investigation of a case shall not participate in 53458
further adjudication of the case. 53459

(C) In investigating a possible violation of this chapter or 53460
the rules adopted under it, the board may administer oaths, order 53461
the taking of depositions, issue subpoenas, and compel the 53462
attendance of witnesses and production of books, accounts, papers, 53463
records, documents, and testimony, except that a subpoena for 53464
patient record information shall not be issued without 53465
consultation with the attorney general's office and approval of 53466

the secretary and supervising member of the board. Before issuance 53467
of a subpoena for patient record information, the secretary and 53468
supervising member shall determine whether there is probable cause 53469
to believe that the complaint filed alleges a violation of this 53470
chapter or the rules adopted under it and that the records sought 53471
are relevant to the alleged violation and material to the 53472
investigation. The subpoena may apply only to records that cover a 53473
reasonable period of time surrounding the alleged violation. 53474

On failure to comply with any subpoena issued by the board 53475
and after reasonable notice to the person being subpoenaed, the 53476
board may move for an order compelling the production of persons 53477
or records pursuant to the Rules of Civil Procedure. 53478

A subpoena issued by the board may be served by a sheriff, 53479
the sheriff's deputy, or a board employee designated by the board. 53480
Service of a subpoena issued by the board may be made by 53481
delivering a copy of the subpoena to the person named therein, 53482
reading it to the person, or leaving it at the person's usual 53483
place of residence. When the person being served is an oriental 53484
medicine practitioner or acupuncturist, service of the subpoena 53485
may be made by certified mail, restricted delivery, return receipt 53486
requested, and the subpoena shall be deemed served on the date 53487
delivery is made or the date the person refuses to accept 53488
delivery. 53489

A sheriff's deputy who serves a subpoena shall receive the 53490
same fees as a sheriff. Each witness who appears before the board 53491
in obedience to a subpoena shall receive the fees and mileage 53492
provided for under section 119.094 of the Revised Code. 53493

(D) All hearings and investigations of the board shall be 53494
considered civil actions for the purposes of section 2305.252 of 53495
the Revised Code. 53496

(E) Information received by the board pursuant to an 53497

investigation is confidential and not subject to discovery in any 53498
civil action. 53499

The board shall conduct all investigations and proceedings in 53500
a manner that protects the confidentiality of patients and persons 53501
who file complaints with the board. The board shall not make 53502
public the names or any other identifying information about 53503
patients or complainants unless proper consent is given. 53504

The board may share any information it receives pursuant to 53505
an investigation, including patient records and patient record 53506
information, with law enforcement agencies, other licensing 53507
boards, and other governmental agencies that are prosecuting, 53508
adjudicating, or investigating alleged violations of statutes or 53509
administrative rules. An agency or board that receives the 53510
information shall comply with the same requirements regarding 53511
confidentiality as those with which the state medical board must 53512
comply, notwithstanding any conflicting provision of the Revised 53513
Code or procedure of the agency or board that applies when it is 53514
dealing with other information in its possession. In a judicial 53515
proceeding, the information may be admitted into evidence only in 53516
accordance with the Rules of Evidence, but the court shall require 53517
that appropriate measures are taken to ensure that confidentiality 53518
is maintained with respect to any part of the information that 53519
contains names or other identifying information about patients or 53520
complainants whose confidentiality was protected by the state 53521
medical board when the information was in the board's possession. 53522
Measures to ensure confidentiality that may be taken by the court 53523
include sealing its records or deleting specific information from 53524
its records. 53525

(F) The state medical board shall develop requirements for 53526
and provide appropriate initial training and continuing education 53527
for investigators employed by the board to carry out its duties 53528
under this chapter. The training and continuing education may 53529

include enrollment in courses operated or approved by the Ohio
peace officer training commission that the board considers
appropriate under conditions set forth in section 109.79 of the
Revised Code.

(G) On a quarterly basis, the board shall prepare a report
that documents the disposition of all cases during the preceding
three months. The report shall contain the following information
for each case with which the board has completed its activities:

(1) The case number assigned to the complaint or alleged
violation;

(2) The type of ~~certificate to practice~~ license, if any, held
by the individual against whom the complaint is directed;

(3) A description of the allegations contained in the
complaint;

(4) The disposition of the case.

The report shall state how many cases are still pending, and
shall be prepared in a manner that protects the identity of each
person involved in each case. The report is a public record for
purposes of section 149.43 of the Revised Code.

Sec. 4762.15. (A) As used in this section, "prosecutor" has
the same meaning as in section 2935.01 of the Revised Code.

(B) Whenever any person holding a valid ~~certificate~~ license
to practice as an oriental medicine practitioner or valid
~~certificate~~ license to practice as an acupuncturist issued
pursuant to this chapter pleads guilty to, is subject to a
judicial finding of guilt of, or is subject to a judicial finding
of eligibility for intervention in lieu of conviction for a
violation of Chapter 2907., 2925., or 3719. of the Revised Code or
of any substantively comparable ordinance of a municipal
corporation in connection with the person's practice, the

prosecutor in the case, on forms prescribed and provided by the 53560
state medical board, shall promptly notify the board of the 53561
conviction. Within thirty days of receipt of that information, the 53562
board shall initiate action in accordance with Chapter 119. of the 53563
Revised Code to determine whether to suspend or revoke the 53564
~~certificate~~ license under section 4762.13 of the Revised Code. 53565

(C) The prosecutor in any case against any person holding a 53566
valid ~~certificate to practice~~ license issued pursuant to this 53567
chapter, on forms prescribed and provided by the state medical 53568
board, shall notify the board of any of the following: 53569

(1) A plea of guilty to, a finding of guilt by a jury or 53570
court of, or judicial finding of eligibility for intervention in 53571
lieu of conviction for a felony, or a case in which the trial 53572
court issues an order of dismissal upon technical or procedural 53573
grounds of a felony charge; 53574

(2) A plea of guilty to, a finding of guilt by a jury or 53575
court of, or judicial finding of eligibility for intervention in 53576
lieu of conviction for a misdemeanor committed in the course of 53577
practice, or a case in which the trial court issues an order of 53578
dismissal upon technical or procedural grounds of a charge of a 53579
misdemeanor, if the alleged act was committed in the course of 53580
practice; 53581

(3) A plea of guilty to, a finding of guilt by a jury or 53582
court of, or judicial finding of eligibility for intervention in 53583
lieu of conviction for a misdemeanor involving moral turpitude, or 53584
a case in which the trial court issues an order of dismissal upon 53585
technical or procedural grounds of a charge of a misdemeanor 53586
involving moral turpitude. 53587

The report shall include the name and address of the 53588
~~certificate~~ license holder, the nature of the offense for which 53589
the action was taken, and the certified court documents recording 53590

the action. 53591

Sec. 4762.16. (A) Within sixty days after the imposition of 53592
any formal disciplinary action taken by any health care facility, 53593
including a hospital, health care facility operated by a health 53594
insuring corporation, ambulatory surgical center, or similar 53595
facility, against any individual holding a valid ~~certificate~~ 53596
license to practice as an oriental medicine practitioner or valid 53597
~~certificate~~ license to practice as an acupuncturist, the chief 53598
administrator or executive officer of the facility shall report to 53599
the state medical board the name of the individual, the action 53600
taken by the facility, and a summary of the underlying facts 53601
leading to the action taken. Upon request, the board shall be 53602
provided certified copies of the patient records that were the 53603
basis for the facility's action. Prior to release to the board, 53604
the summary shall be approved by the peer review committee that 53605
reviewed the case or by the governing board of the facility. 53606

The filing of a report with the board or decision not to file 53607
a report, investigation by the board, or any disciplinary action 53608
taken by the board, does not preclude a health care facility from 53609
taking disciplinary action against an oriental medicine 53610
practitioner or acupuncturist. 53611

In the absence of fraud or bad faith, no individual or entity 53612
that provides patient records to the board shall be liable in 53613
damages to any person as a result of providing the records. 53614

(B)(1) Except as provided in division (B)(2) of this section, 53615
an oriental medicine practitioner or acupuncturist, professional 53616
association or society of oriental medicine practitioners or 53617
acupuncturists, physician, or professional association or society 53618
of physicians that believes a violation of any provision of this 53619
chapter, Chapter 4731. of the Revised Code, or rule of the board 53620
has occurred shall report to the board the information upon which 53621

the belief is based. 53622

(2) An oriental medicine practitioner or acupuncturist, 53623
professional association or society of oriental medicine 53624
practitioners or acupuncturists, physician, or professional 53625
association or society of physicians that believes a violation of 53626
division (B)(6) of section 4762.13 of the Revised Code has 53627
occurred shall report the information upon which the belief is 53628
based to the monitoring organization conducting the program 53629
established by the board under section 4731.251 of the Revised 53630
Code. If any such report is made to the board, it shall be 53631
referred to the monitoring organization unless the board is aware 53632
that the individual who is the subject of the report does not meet 53633
the program eligibility requirements of section 4731.252 of the 53634
Revised Code. 53635

(C) Any professional association or society composed 53636
primarily of oriental medicine practitioners or acupuncturists 53637
that suspends or revokes an individual's membership for violations 53638
of professional ethics, or for reasons of professional 53639
incompetence or professional malpractice, within sixty days after 53640
a final decision, shall report to the board, on forms prescribed 53641
and provided by the board, the name of the individual, the action 53642
taken by the professional organization, and a summary of the 53643
underlying facts leading to the action taken. 53644

The filing of a report with the board or decision not to file 53645
a report, investigation by the board, or any disciplinary action 53646
taken by the board, does not preclude a professional organization 53647
from taking disciplinary action against an individual. 53648

(D) Any insurer providing professional liability insurance to 53649
any person holding a valid ~~certificate~~ license to practice as an 53650
oriental medicine practitioner or valid ~~certificate~~ license to 53651
practice as an acupuncturist or any other entity that seeks to 53652
indemnify the professional liability of an oriental medicine 53653

practitioner or acupuncturist shall notify the board within thirty 53654
days after the final disposition of any written claim for damages 53655
where such disposition results in a payment exceeding twenty-five 53656
thousand dollars. The notice shall contain the following 53657
information: 53658

(1) The name and address of the person submitting the 53659
notification; 53660

(2) The name and address of the insured who is the subject of 53661
the claim; 53662

(3) The name of the person filing the written claim; 53663

(4) The date of final disposition; 53664

(5) If applicable, the identity of the court in which the 53665
final disposition of the claim took place. 53666

(E) The board may investigate possible violations of this 53667
chapter or the rules adopted under it that are brought to its 53668
attention as a result of the reporting requirements of this 53669
section, except that the board shall conduct an investigation if a 53670
possible violation involves repeated malpractice. As used in this 53671
division, "repeated malpractice" means three or more claims for 53672
malpractice within the previous five-year period, each resulting 53673
in a judgment or settlement in excess of twenty-five thousand 53674
dollars in favor of the claimant, and each involving negligent 53675
conduct by the oriental medicine practitioner or acupuncturist. 53676

(F) All summaries, reports, and records received and 53677
maintained by the board pursuant to this section shall be held in 53678
confidence and shall not be subject to discovery or introduction 53679
in evidence in any federal or state civil action involving an 53680
oriental medicine practitioner, acupuncturist, supervising 53681
physician, or health care facility arising out of matters that are 53682
the subject of the reporting required by this section. The board 53683
may use the information obtained only as the basis for an 53684

investigation, as evidence in a disciplinary hearing against an 53685
oriental medicine practitioner, acupuncturist, or supervising 53686
physician, or in any subsequent trial or appeal of a board action 53687
or order. 53688

The board may disclose the summaries and reports it receives 53689
under this section only to health care facility committees within 53690
or outside this state that are involved in credentialing or 53691
recredentialing an oriental medicine practitioner, acupuncturist, 53692
or supervising physician or reviewing their privilege to practice 53693
within a particular facility. The board shall indicate whether or 53694
not the information has been verified. Information transmitted by 53695
the board shall be subject to the same confidentiality provisions 53696
as when maintained by the board. 53697

(G) Except for reports filed by an individual pursuant to 53698
division (B) of this section, the board shall send a copy of any 53699
reports or summaries it receives pursuant to this section to the 53700
acupuncturist. The oriental medicine practitioner or acupuncturist 53701
shall have the right to file a statement with the board concerning 53702
the correctness or relevance of the information. The statement 53703
shall at all times accompany that part of the record in 53704
contention. 53705

(H) An individual or entity that reports to the board, 53706
reports to the monitoring organization described in section 53707
4731.251 of the Revised Code, or refers an impaired oriental 53708
medicine practitioner or impaired acupuncturist to a treatment 53709
provider approved by the board under section 4731.25 of the 53710
Revised Code shall not be subject to suit for civil damages as a 53711
result of the report, referral, or provision of the information. 53712

(I) In the absence of fraud or bad faith, a professional 53713
association or society of oriental medicine practitioners or 53714
acupuncturists that sponsors a committee or program to provide 53715
peer assistance to an oriental medicine practitioner or 53716

acupuncturist with substance abuse problems, a representative or 53717
agent of such a committee or program, a representative or agent of 53718
the monitoring organization described in section 4731.251 of the 53719
Revised Code, and a member of the state medical board shall not be 53720
held liable in damages to any person by reason of actions taken to 53721
refer an oriental medicine practitioner or acupuncturist to a 53722
treatment provider approved under section 4731.25 of the Revised 53723
Code for examination or treatment. 53724

Sec. 4762.18. (A) Subject to division (E) of this section, 53725
the attorney general, the prosecuting attorney of any county in 53726
which the offense was committed or the offender resides, the state 53727
medical board, or any other person having knowledge of a person 53728
engaged either directly or by complicity in the practice of 53729
oriental medicine or acupuncture without having first obtained a 53730
~~certificate~~ license to do so pursuant to this chapter, may, in 53731
accord with provisions of the Revised Code governing injunctions, 53732
maintain an action in the name of the state to enjoin any person 53733
from engaging either directly or by complicity in the unlawful 53734
practice of oriental medicine or acupuncture by applying for an 53735
injunction in any court of competent jurisdiction. 53736

(B) Prior to application for an injunction under division (A) 53737
of this section, the secretary of the state medical board shall 53738
notify the person allegedly engaged either directly or by 53739
complicity in the unlawful practice of oriental medicine or 53740
acupuncture by registered mail that the secretary has received 53741
information indicating that this person is so engaged. The person 53742
shall answer the secretary within thirty days showing that the 53743
person is either properly licensed for the stated activity or that 53744
the person is not in violation of this chapter. If the answer is 53745
not forthcoming within thirty days after notice by the secretary, 53746
the secretary shall request that the attorney general, the 53747
prosecuting attorney of the county in which the offense was 53748

committed or the offender resides, or the state medical board 53749
proceed as authorized in this section. 53750

(C) Upon the filing of a verified petition in court, the 53751
court shall conduct a hearing on the petition and shall give the 53752
same preference to this proceeding as is given all proceedings 53753
under Chapter 119. of the Revised Code, irrespective of the 53754
position of the proceeding on the calendar of the court. 53755

(D) Injunction proceedings as authorized by this section 53756
shall be in addition to, and not in lieu of, all penalties and 53757
other remedies provided in this chapter. 53758

(E) An injunction proceeding permitted by division (A) of 53759
this section may not be maintained against a person described in 53760
division (B) of section 4762.02 of the Revised Code or a 53761
chiropractor who holds a valid certificate to practice acupuncture 53762
issued under section 4734.283 of the Revised Code. 53763

Sec. 4762.22. An individual who holds a ~~certificate~~ license 53764
to practice as an oriental medicine practitioner or ~~certificate~~ 53765
license to practice as an acupuncturist issued under this chapter 53766
shall have professional liability insurance coverage in an amount 53767
that is not less than five hundred thousand dollars. 53768

Sec. 4763.16. (A) The real estate appraiser recovery fund is 53769
hereby created in the state treasury, to be administered by the 53770
superintendent of real estate. The treasurer of state shall credit 53771
to the fund amounts collected by the superintendent as prescribed 53772
in this section and interest earned on the assets of the fund. The 53773
superintendent shall ascertain the balance of the fund as of the 53774
first day of October of each year. If that balance is less than 53775
~~five~~ two hundred thousand dollars at any time, the director of 53776
budget and management, upon the request of the superintendent and 53777
approval of the controlling board, may transfer from the real 53778

estate appraiser operating fund to the real estate appraiser 53779
recovery fund a sum as will bring the real estate appraiser 53780
recovery fund to that amount. 53781

(B) When any person obtains a final judgment in any court of 53782
competent jurisdiction against a certificate holder, registrant, 53783
or licensee, based upon conduct that is in violation of this 53784
chapter or the rules adopted under it, which conduct occurred on 53785
or after the date of their certification, registration, or 53786
licensure, and that is associated with an act or transaction of a 53787
certificate holder, registrant, or licensee specified in this 53788
chapter, that person may file a verified complaint, as described 53789
in this division, in the Franklin county court of common pleas for 53790
an order directing payment out of the real estate appraiser 53791
recovery fund of the portion of the judgment that remains unpaid 53792
and that represents the actual and direct loss of the person for 53793
the act or transaction upon which the underlying judgment was 53794
based, and court costs, if awarded in the underlying judgment, 53795
provided that no person shall receive more than ten thousand 53796
dollars from the fund for any one judgment. A bonding or insurance 53797
company or any partnership, corporation, or association that uses 53798
any tool to develop a valuation of real property for purposes of a 53799
loan or that employs, retains, or engages as an independent 53800
contractor a person licensed, registered, or certified as a real 53801
estate appraiser in its usual or occasional operations may not 53802
seek an order directing, and is not eligible for, payment out of 53803
the fund. Punitive or exemplary damages are not recoverable from 53804
the fund. 53805

The complaint shall specify the nature of the act or 53806
transaction upon which the underlying judgment was based, the 53807
activities of the applicant in pursuit of remedies available under 53808
law for the collection of judgments, and the amount of the fee 53809
paid by the applicant to the certificate holder, registrant, or 53810

licensee. The applicant shall attach to the complaint a copy of 53811
each pleading and order in the underlying court action. 53812

The Franklin county court of common pleas shall order the 53813
superintendent to make payments out of the fund when the person 53814
seeking the order has shown all of the following: 53815

(1) The person has obtained a judgment, as provided in this 53816
division; 53817

(2) All appeals from the judgment have been exhausted and the 53818
person has given notice to the superintendent, as required by 53819
division (C) of this section; 53820

(3) The person is not a spouse of the certificate holder, 53821
registrant, or licensee, or the personal representative of the 53822
spouse; 53823

(4) The person has diligently pursued the person's remedies 53824
against all the certificate holders, registrants, licensees, and 53825
all other persons liable to the person in the transaction for 53826
which the person seeks recovery from the fund; 53827

(5) The person is making a complaint not more than one year 53828
after termination of all proceedings, including appeals, in 53829
connection with the judgment. 53830

(C) A person who applies to the Franklin county court of 53831
common pleas for an order directing payment out of the fund shall 53832
file notice of the complaint with the superintendent. The 53833
superintendent shall send notice to the affected certificate 53834
holder, registrant, or licensee, where possible. The 53835
superintendent may defend the action on behalf of the fund and 53836
shall have recourse to all appropriate means of defense and 53837
review, including examination of witnesses. The superintendent may 53838
move the court at any time to dismiss the complaint when it 53839
appears there are no triable issues and the complaint is without 53840
merit. The motion may be supported by affidavit of any person 53841

having knowledge of the facts and may be made on the basis that 53842
the complaint, including the judgment referred to in the 53843
complaint, does not form the basis for a meritorious recovery 53844
claim. The superintendent may, subject to court approval, 53845
compromise a claim based upon the complaint of an aggrieved party. 53846
The superintendent is not bound by any prior compromise or 53847
stipulation of the certificate holder, registrant, or licensee. 53848
Upon petition of the superintendent, the court may require all 53849
claimants and prospective claimants against one certificate 53850
holder, registrant, or licensee to be joined in one action, to the 53851
end that the respective rights of all such claimants to the fund 53852
may be equitably adjudicated and settled. 53853

(D) If the superintendent pays from the fund any amount in 53854
settlement of a claim or toward satisfaction of a judgment against 53855
a certificate holder, registrant, or licensee, the certificate, 53856
registration, or license of the certificate holder, registrant, or 53857
licensee automatically is suspended upon the date of payment from 53858
the fund. No certificate, registration, or license that has been 53859
suspended pursuant to this division shall be reinstated until the 53860
certificate holder, registrant, or licensee has repaid in full, 53861
plus interest per annum at the rate specified in division (A) of 53862
section 1343.03 of the Revised Code, the amount paid from the fund 53863
on the certificate holder's, registrant's, or licensee's account. 53864
A discharge in bankruptcy does not relieve a person from the 53865
suspension and requirements for reinstatement provided in this 53866
section. 53867

(E) If, at any time, the money deposited in the fund is 53868
insufficient to satisfy any duly authorized claim or portion of a 53869
claim, the superintendent shall, when sufficient money has been 53870
deposited in the fund, satisfy the unpaid claims or portions, in 53871
the order that the claims or portions were originally filed, plus 53872
accumulated interest per annum at the rate specified in division 53873

(A) of section 1343.03 of the Revised Code. 53874

(F) When, upon the order of the court, the superintendent has 53875
paid from the fund any sum to the judgment creditor, the 53876
superintendent is subrogated to all of the rights of the judgment 53877
creditor to the extent of the amount so paid, and the judgment 53878
creditor shall assign all of the judgment creditor's right, title, 53879
and interest in the judgment to the superintendent to the extent 53880
of the amount so paid. The superintendent shall deposit in the 53881
fund any amount and interest so recovered by the superintendent on 53882
the judgment. 53883

(G) Nothing contained in this section shall limit the 53884
authority of the real estate appraiser board to take disciplinary 53885
action against a certificate holder, registrant, or licensee under 53886
other provisions of this chapter. The repayment in full of all 53887
obligations to the fund by a certificate holder, registrant, or 53888
licensee does not nullify or modify the effect of any other 53889
disciplinary proceeding brought pursuant to this chapter, unless 53890
repayment is imposed as a condition in that proceeding. 53891

(H) The superintendent shall collect from the fund a service 53892
fee in an amount equivalent to the interest rate specified in 53893
division (A) of section 1343.03 of the Revised Code multiplied by 53894
the annual interest earned on the assets of the fund, to defray 53895
the expenses incurred in the administration of the fund. 53896

Sec. 4765.60. (A) As used in this section and sections 53897
4765.601 to 4765.609 of the Revised Code: 53898

(1) "Minor" means an individual under eighteen years of age 53899
who is not emancipated. 53900

For purposes of this section, an individual under eighteen 53901
years of age is emancipated only if the individual has married, 53902
has entered the armed services of the United States, has become 53903

employed and self-sustaining, or otherwise has become independent 53904
from the care and control of the individual's parent, guardian, or 53905
legal custodian. 53906

(2) "Prescriber" means any of the following: 53907

(a) An advanced practice registered nurse who holds a 53908
current, valid license issued under Chapter 4723. of the Revised 53909
Code and is designated as a clinical nurse specialist, certified 53910
nurse-midwife, or certified nurse practitioner; 53911

(b) A physician authorized under Chapter 4731. of the Revised 53912
Code to practice medicine and surgery or osteopathic medicine and 53913
surgery; 53914

(c) A physician assistant who is licensed under Chapter 4730. 53915
of the Revised Code, holds a valid prescriber number issued by the 53916
state medical board, and has been granted physician-delegated 53917
prescriptive authority. 53918

(3) "Opioid analgesic" has the same meaning as in section 53919
3719.01 of the Revised Code. 53920

(B) Not later than one year after the effective date of this 53921
section, the state board of emergency medical, fire, and 53922
transportation services shall develop a non-opioid directive form. 53923
The form shall specify that the patient who is the subject of the 53924
form desires not to be offered, prescribed, administered, 53925
personally furnished, or otherwise provided with an opioid 53926
analgesic. When developing the form, the board shall seek input on 53927
the form's content from all of the following: 53928

(1) Prescribers; 53929

(2) Pharmacists; 53930

(3) Emergency medical services personnel, firefighters, 53931
volunteer firefighters, and law enforcement officers; 53932

(4) Addiction treatment professionals; 53933

<u>(5) Nursing homes;</u>	53934
<u>(6) Hospitals;</u>	53935
<u>(7) Ambulatory surgical facilities;</u>	53936
<u>(8) Any other constituency that the board determines to be appropriate.</u>	53937 53938
<u>The board shall make the form available on its internet web site. The form shall be made available in a format that can be downloaded free of charge and reproduced.</u>	53939 53940 53941
<u>Sec. 4765.601. A patient's decision to sign a non-opioid directive form is voluntary. A form does not become effective until it is signed by the patient to whom it pertains, or that individual's representative, and is placed in the patient's paper or electronic medical record. In the case of a patient who is a minor, the patient's representative is the patient's parent, guardian, or legal custodian.</u>	53942 53943 53944 53945 53946 53947 53948
<u>An individual who places a signed non-opioid directive form in a patient's medical record, or that individual's delegate, shall notify the state board of pharmacy that the patient has signed a non-opioid directive form and where the form is maintained.</u>	53949 53950 53951 53952 53953
<u>Sec. 4765.602. (A) A non-opioid directive form shall be distributed to both of the following:</u>	53954 53955
<u>(1) Each individual who has completed treatment with a community addiction services provider, as defined in section 5119.01 of the Revised Code, at the time of discharge from such treatment;</u>	53956 53957 53958 53959
<u>(2) Each individual who served a prison term for a drug offense that is a violation of any provision of Chapter 2925., 3719., or 4729. of the Revised Code, at the time of release from</u>	53960 53961 53962

prison. 53963

(B) An individual who receives a non-opioid directive form as described in this section shall not be pressured to sign it. 53964
53965

Sec. 4765.603. The state board of emergency medical, fire, and transportation services shall adopt rules in accordance with Chapter 119. of the Revised Code to do all of the following: 53966
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(A) Specify procedures to ensure that a signed non-opioid directive form is properly filed in the medical record of the patient to whom it pertains and that a notification of its existence is sent to the state board of pharmacy; 53969
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(B) If the state board of pharmacy maintains a drug database pursuant to section 4729.75 of the Revised Code, specify a marker or other form of notification that shall be included in that database under the name and patient identifier of a patient who has signed a non-opioid directive form; 53973
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(C) Specify a procedure for the transmission, sharing, and distribution of a patient's non-opioid directive form between health care providers, health care facilities, emergency medical services personnel, firefighters, volunteer firefighters, and law enforcement officers that ensures that protected health information is disclosed only in a manner that is consistent with applicable state and federal laws regarding the use and disclosure of such information; 53978
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(D) Specify the circumstances under which a patient may authorize another individual, including an attorney in fact under a durable power of attorney for health care created pursuant to sections 1337.11 to 1337.17 of the Revised Code, to override a patient's non-opioid directive form, and a procedure to accomplish an override. 53986
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Sec. 4765.604. The patient who is the subject of a non-opioid 53992

directive form, the patient's representative, or, if the patient 53993
is under eighteen years of age, the patient's parent, guardian, or 53994
legal custodian, may revoke a non-opioid directive form at any 53995
time and in any manner that communicates the intent to revoke. 53996
53997

Sec. 4765.605. In an emergency situation, emergency medical 53998
services personnel, firefighters, volunteer firefighters, and law 53999
enforcement officers are not required to inquire about the 54000
existence of a non-opioid directive form for a patient or 54001
determine if the patient is the subject of a non-opioid directive 54002
form. If a patient is the subject of a non-opioid directive form, 54003
if any of the foregoing persons provide care to the patient in an 54004
emergency situation, and if, at that time, those persons do not 54005
know that the patient is the subject of a non-opioid directive 54006
form or if they believe based on their professional judgment that 54007
the patient's chances of recovery would be substantially improved 54008
through use of an opioid analgesic, the foregoing persons or 54009
emergency department personnel are not subject to any of the 54010
following associated with offering, prescribing, administering, 54011
personally furnishing, or otherwise providing an opioid analgesic 54012
to the patient if doing so is otherwise in accordance with 54013
applicable law: 54014

(A) Criminal prosecution; 54015

(B) Liability for damages in a tort or other civil action for 54016
injury, death, or loss to person or property; 54017

(C) Professional disciplinary action. 54018

Sec. 4765.606. (A) A pharmacist or pharmacy intern to whom a 54019
valid prescription for an opioid analgesic is presented for 54020
dispensing is neither required to inquire about the existence of a 54021
non-opioid directive form for the patient who is the subject of 54022

the prescription nor is required to determine if the patient is 54023
the subject of a non-opioid directive form. 54024

(B)(1) Except on evidence that a pharmacist or pharmacy 54025
intern knowingly failed to comply with a patient's non-opioid 54026
directive form, the pharmacist or pharmacy intern shall not be 54027
subject to criminal prosecution associated with dispensing the 54028
opioid analgesic. 54029

(2) Except on evidence that a pharmacist or pharmacy intern 54030
failed to comply with a patient's non-opioid directive form in a 54031
manner that constitutes willful or wanton misconduct, the 54032
pharmacist or pharmacy intern shall not be subject to either of 54033
the following associated with dispensing the opioid analgesic: 54034

(a) Liability for damages in tort or other civil action for 54035
injury, death, or loss to person or property; 54036

(b) Professional disciplinary action. 54037

Sec. 4765.607. (A) Except on evidence that a prescriber, 54038
employee or contractor of a prescriber, or delegate of a 54039
prescriber knowingly failed to comply with a non-opioid directive 54040
form signed by a patient or the patient's representative, that 54041
individual shall not be subject to criminal prosecution associated 54042
with offering, prescribing, administering, personally furnishing, 54043
or otherwise providing an opioid analgesic to a patient who has an 54044
effective non-opioid directive form. 54045

(B) Except on evidence that a prescriber, employee or 54046
contractor of a prescriber, or delegate of a prescriber failed to 54047
comply with a non-opioid directive form signed by a patient or the 54048
patient's representative in a manner that constitutes willful or 54049
wanton misconduct, that individual shall not be subject to 54050
liability for either of the following associated with offering, 54051
prescribing, administering, personally furnishing, or otherwise 54052

providing an opioid analgesic to a patient who has an effective 54053
non-opioid directive form: 54054

(1) Liability for damages in a tort or other civil action for 54055
injury, death, or loss to person or property; 54056

(2) Professional disciplinary action. 54057

Sec. 4765.608. The existence or nonexistence of a non-opioid 54058
directive form for a patient shall not do any of the following: 54059

(A) Affect in any manner the sale, procurement, issuance, or 54060
renewal of a policy of life insurance or annuity, notwithstanding 54061
any term of a policy or annuity to the contrary; 54062

(B) Modify in any manner or invalidate the terms of a policy 54063
of life insurance or annuity that is in effect on the effective 54064
date of this section; 54065

(C) Impair or invalidate a policy of life insurance or 54066
annuity or any health benefit plan. 54067

Sec. 4765.609. No prescriber, health care facility, or other 54068
health care provider, person authorized to engage in the business 54069
of insurance under this state under Title XXXIX of the Revised 54070
Code, health insuring corporation, other health care benefit plan, 54071
legal entity that is self-insured and provides benefits to its 54072
employees or members, government entity, or other person shall 54073
require that an individual be the subject of a non-opioid 54074
directive form, or shall require an individual to revoke or 54075
refrain from being the subject of a non-opioid directive form, as 54076
a condition of being insured or receiving health care benefits or 54077
services. 54078

Sec. 4766.17. An air medical service organization licensed 54079
under this chapter that uses a rotorcraft or fixed wing air 54080
ambulance shall do both of the following: 54081

(A) Use at a minimum a physician who holds a current, valid license issued under Chapter 4731. of the Revised Code or registered nurse who holds a current, valid license issued under Chapter 4723. of the Revised Code, and a paramedic or one other person, designated by the medical director of the air medical service organization, who holds a current, valid certificate or license to practice a health care profession in this state;

(B) Employ as a medical director an individual who holds a current, valid ~~certificate~~ license issued under Chapter 4731. of the Revised Code authorizing the practice of medicine and surgery or osteopathic medicine and surgery.

Sec. 4768.09. (A) ~~Except within the first thirty days after an appraiser is first added to the appraiser panel of an appraisal management company, an~~ An appraisal management company shall not remove the appraiser from its appraiser panel or otherwise refuse to assign requests for real estate appraisal services to the appraiser without first doing both of the following:

(1) Notifying the appraiser in writing of the reasons the appraiser is being removed from the appraiser panel or is refused assignment requests for appraisal services;

(2) Providing the appraiser with an opportunity to respond to that notification, in writing, within ten business days after the appraisal management company sends the removal notification.

(B) The notice described in division (A)(1) of this section shall be sent by a delivery system that delivers letters, packages, and other materials in its ordinary course of business with traceable delivery and signature receipt. An appraisal management company that sends such notice shall keep a copy of the notice for at least five years from the date the notice is sent to the appraiser.

(C) Nothing in this section prohibits an appraisal management company from suspending an appraiser from receiving assignment requests during the period described in division (A)(2) of this section.

Sec. 4773.01. As used in this chapter:

(A) "General x-ray machine operator" means an individual who performs standard, diagnostic, radiologic procedures; whose performance of radiologic procedures is limited to specific body sites; and who does not, to any significant degree, determine the site or dosage of radiation to which a patient is exposed.

(B) "Chiropractor" means an individual licensed under Chapter 4734. of the Revised Code to practice chiropractic.

(C) "Ionizing radiation" means any electromagnetic or particulate radiation that interacts with atoms to produce ionization in matter, including x-rays, gamma rays, alpha and beta particles, high speed electrons, neutrons, and other nuclear particles.

(D) "Physician" means an individual ~~who holds a certificate issued~~ authorized under Chapter 4731. of the Revised Code ~~authorizing the individual~~ to practice medicine and surgery or osteopathic medicine and surgery.

(E) "Podiatrist" means an individual ~~who holds a certificate issued~~ authorized under Chapter 4731. of the Revised Code ~~authorizing the individual~~ to practice ~~podiatry~~ podiatric medicine and surgery.

(F) "Nuclear medicine technologist" means an individual who prepares and administers radio-pharmaceuticals to human beings and conducts in vivo or in vitro detection and measurement of radioactivity for medical purposes.

(G) "Radiation therapy technologist" means an individual who

utilizes ionizing radiation-generating equipment for therapeutic 54142
purposes on human subjects. 54143

(H) "Radiographer" means an individual who performs a 54144
comprehensive scope of diagnostic radiologic procedures employing 54145
equipment that emits ionizing radiation, exposes radiographs, and 54146
performs other procedures that contribute significantly to 54147
determining the site or dosage of ionizing radiation to which a 54148
patient is exposed. 54149

(I) "Mechanotherapist" means an individual who holds a 54150
certificate issued under section 4731.15 of the Revised Code 54151
authorizing the individual to practice mechanotherapy. 54152

Sec. 4773.02. (A) Except as provided in division (B) of this 54153
section, no person shall practice or hold ~~himself~~ self out as a 54154
general x-ray machine operator, radiographer, radiation therapy 54155
technologist, or nuclear medicine technologist without a valid 54156
license issued under this chapter for ~~his~~ the person's area of 54157
practice. 54158

(B) Division (A) of this section does not apply to any of the 54159
following: 54160

(1) A physician, podiatrist, mechanotherapist, or 54161
chiropractor; 54162

(2) An individual licensed under Chapter 4715. of the Revised 54163
Code to practice dentistry, to practice as a dental hygienist, or 54164
to practice as a dental x-ray machine operator; 54165

(3) As specified in 42 C.F.R. 75, radiologic personnel 54166
employed by the federal government or serving in a branch of the 54167
armed forces of the United States; 54168

(4) Students engaging in any of the activities performed by 54169
basic x-ray machine operators, radiographers, radiation therapy 54170
technologists, and nuclear medicine technologists as an integral 54171

part of a program of study leading to receipt of a license issued 54172
under this chapter, or Chapter 4715., 4731., or Chapter 4734. of 54173
the Revised Code; ~~or a certificate issued under Chapter 4731. of~~ 54174
~~the Revised Code.~~ 54175

Sec. 4773.08. The director of health shall adopt rules to 54176
implement and administer this chapter. In adopting the rules, the 54177
director shall consider any recommendations made by the radiation 54178
advisory council created under section ~~3701.93~~ 3748.20 of the 54179
Revised Code. The rules shall be adopted in accordance with 54180
Chapter 119. of the Revised Code and shall not be less stringent 54181
than any applicable standards specified in 42 C.F.R. 75. The rules 54182
shall establish all of the following: 54183

(A) Standards for licensing general x-ray machine operators, 54184
radiographers, radiation therapy technologists, and nuclear 54185
medicine technologists; 54186

(B) Application, renewal, and reinstatement fees for licenses 54187
issued under this chapter that do not exceed the cost incurred in 54188
issuing, renewing, and reinstating the licenses; 54189

(C) Standards for accreditation of educational programs and 54190
approval of continuing education programs in general x-ray machine 54191
operation, radiography, radiation therapy technology, and nuclear 54192
medicine technology; 54193

(D) Fees for accrediting educational programs and approving 54194
continuing education programs in general x-ray machine operation, 54195
radiography, radiation therapy technology, and nuclear medicine 54196
technology that do not exceed the cost incurred in accrediting the 54197
educational programs; 54198

(E) Fees for issuing conditional licenses under section 54199
4773.05 of the Revised Code that do not exceed the cost incurred 54200
in issuing the licenses; 54201

(F) Continuing education requirements that must be met to have a license renewed or reinstated under section 4773.03 of the Revised Code; 54202
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(G) Continuing education requirements that the holder of a conditional license must meet to receive a license issued under section 4773.03 of the Revised Code; 54205
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(H) Any other rules necessary for the implementation or administration of this chapter. 54208
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Sec. 4774.02. (A)(1) Except as provided in division (B) of this section, no person shall practice as a radiologist assistant unless the person holds a current, valid ~~certificate~~ license to practice as a radiologist assistant issued under this chapter. 54210
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(2) No person shall use the title "radiologist assistant" or otherwise hold the person out as a radiologist assistant, unless the person holds a current, valid ~~certificate~~ license to practice as a radiologist assistant issued under this chapter. 54214
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(B) Division (A)(1) of this section does not apply to either of the following: 54218
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(1) A student participating in an advanced academic program that must be completed to receive a ~~certificate~~ license to practice as a radiologist assistant, as those programs are described in division (B)(3) of section 4774.03 of the Revised Code; 54220
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(2) A person who is otherwise authorized to perform any of the activities that a radiologist assistant is authorized to perform, either pursuant to another provision of the Revised Code or pursuant to the rules adopted by the state medical board under section 4731.053 of the Revised Code governing physician delegation of medical tasks. 54225
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Sec. 4774.03. (A) An individual seeking a ~~certificate~~ license 54231
to practice as a radiologist assistant shall file with the state 54232
medical board a written application on a form prescribed and 54233
supplied by the board. The application shall include all the 54234
information the board considers necessary to process the 54235
application, including evidence satisfactory to the board that the 54236
applicant meets the requirements specified in division (B) of this 54237
section. 54238

At the time an application is submitted, the applicant shall 54239
pay the board the application fee specified by the board in rules 54240
adopted under section 4774.11 of the Revised Code. No part of the 54241
fee shall be returned. 54242

(B) To be eligible to receive a ~~certificate~~ license to 54243
practice as a radiologist assistant, an applicant shall meet all 54244
of the following requirements: 54245

(1) Be at least eighteen years of age and of good moral 54246
character; 54247

(2) Hold a current, valid license as a radiographer under 54248
Chapter 4773. of the Revised Code; 54249

(3) Have attained a baccalaureate degree or postbaccalaureate 54250
certificate from an advanced academic program encompassing a 54251
nationally recognized radiologist assistant curriculum that 54252
includes a radiologist-directed clinical preceptorship; 54253

(4) Hold current certification as a registered radiologist 54254
assistant from the American registry of radiologic technologists 54255
and have attained the certification by meeting the standard 54256
certification requirements established by the registry, including 54257
the registry's requirements for documenting clinical education in 54258
the form of a clinical portfolio and passing an examination to 54259
determine competence to practice; 54260

(5) Hold current certification in advanced cardiac life support. 54261
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(C) The board shall review all applications received under this section. Not later than sixty days after receiving an application the board considers to be complete, the board shall determine whether the applicant meets the requirements to receive a certificate license to practice as a radiologist assistant. ~~The affirmative vote of not fewer than six members of the board is required to determine that the applicant meets the requirements for a certificate to practice as a radiologist assistant.~~ 54263
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Sec. 4774.031. In addition to any other eligibility requirement set forth in this chapter, each applicant for a certificate license to practice as a radiologist assistant shall comply with sections 4776.01 to 4776.04 of the Revised Code. The state medical board shall not grant to an applicant a certificate license to practice as a radiologist assistant unless the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a certificate license issued pursuant to section 4774.04 of the Revised Code. 54271
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Sec. 4774.04. If the state medical board determines under section 4774.03 of the Revised Code that an applicant meets the requirements for a certificate license to practice as a radiologist assistant, the secretary of the board shall register the applicant as a radiologist assistant and issue to the applicant a certificate license to practice as a radiologist assistant. The certificate license shall be valid for a two-year period unless revoked or suspended, shall expire biennially on the date that is two years after the date of issuance, and may be renewed for additional two-year periods in accordance with section 4774.06 of the Revised Code. 54281
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Sec. 4774.05. On application by the holder of a ~~certificate~~ license to practice as a radiologist assistant, the state medical board shall issue a duplicate ~~certificate~~ license to replace one that is missing or damaged, to reflect a name change, or for any other reasonable cause. The fee for a duplicate ~~certificate~~ license is thirty-five dollars.

Sec. 4774.06. (A) An individual seeking to renew a ~~certificate~~ license to practice as a radiologist assistant shall, on or before the ~~thirty first day of January of each even numbered year~~ license's expiration date, apply to the state medical board for renewal ~~of the certificate~~. The ~~state medical~~ board shall provide renewal notices to license holders at least one month prior to the expiration date.

Renewal applications shall be submitted to the board in a manner prescribed by the board. Each application shall be accompanied by a biennial renewal fee specified by the board in rules adopted under section 4774.11 of the Revised Code.

The applicant shall report any criminal offense that constitutes grounds for refusing to issue a ~~certificate~~ license under section 4774.13 of the Revised Code to which the applicant has pleaded guilty, of which the applicant has been found guilty, or for which the applicant has been found eligible for intervention in lieu of conviction, since last signing an application for a ~~certificate~~ license to practice as a radiologist assistant.

(B) To be eligible for renewal, a radiologist assistant shall certify to the board that the assistant has maintained both of the following:

(1) A license as a radiographer under Chapter 4773. of the Revised Code;

(2) Certification as a registered radiologist assistant from 54322
the American registry of radiologic technologists by meeting the 54323
registry's requirements for annual registration, including 54324
completion of the continuing education requirements established by 54325
the registry. 54326

(C) If an applicant submits a renewal application that the 54327
board considers to be complete and qualifies for renewal pursuant 54328
to division (B) of this section, the board shall issue to the 54329
applicant a renewed ~~certificate~~ license to practice as a 54330
radiologist assistant. 54331

(D) A ~~certificate to practice~~ license that is not renewed on 54332
or before its expiration date is automatically suspended on its 54333
expiration date, subject to the provisions of section 119.06 of 54334
the Revised Code specifying that an applicant who appropriately 54335
files a renewal application is not required to discontinue 54336
practicing merely because the board has failed to act on the 54337
application. ~~If~~ 54338

If a ~~certificate~~ license has been suspended pursuant to this 54339
division for two years or less, the board shall reinstate the 54340
~~certificate~~ license upon an applicant's submission of a renewal 54341
application, the biennial renewal fee, and the applicable monetary 54342
penalty. The penalty for reinstatement is twenty-five dollars. ~~If~~ 54343

If a ~~certificate~~ license has been suspended pursuant to this 54344
division for more than two years, it may be restored. Subject to 54345
section 4774.061 of the Revised Code, the board may restore the 54346
license upon an applicant's submission of a restoration 54347
application, the biennial renewal fee, and the applicable monetary 54348
penalty and compliance with sections 4776.01 to 4776.04 of the 54349
Revised Code. The board shall not restore a ~~certificate~~ license 54350
unless the board, in its discretion, decides that the results of 54351
the criminal records check do not make the applicant ineligible 54352
for a certificate issued pursuant to section 4774.04 of the 54353

Revised Code. The penalty for restoration is fifty dollars. 54354

Sec. 4774.061. (A) This section applies to both of the 54355
following: 54356

(1) An applicant seeking restoration of a license issued 54357
under this chapter that has been in a suspended or inactive state 54358
for any cause for more than two years; 54359

(2) An applicant seeking issuance of a license pursuant to 54360
this chapter who for more than two years has not been practicing 54361
as a radiologist assistant as either of the following: 54362

(a) An active practitioner; 54363

(b) A student in an academic program as described in section 54364
4774.03 of the Revised Code. 54365

(B) Before issuing a license to an applicant subject to this 54366
section or restoring a license to good standing for an applicant 54367
subject to this section, the state medical board may impose terms 54368
and conditions including any one or more of the following: 54369

(1) Requiring the applicant to pass an oral or written 54370
examination, or both, to determine the applicant's present fitness 54371
to resume practice; 54372

(2) Requiring the applicant to obtain additional training and 54373
to pass an examination upon completion of such training; 54374

(3) Requiring an assessment of the applicant's physical 54375
skills for purposes of determining whether the applicant's 54376
coordination, fine motor skills, and dexterity are sufficient for 54377
performing evaluations and procedures in a manner that meets the 54378
minimal standards of care; 54379

(4) Requiring an assessment of the applicant's skills in 54380
recognizing and understanding diseases and conditions; 54381

(5) Requiring the applicant to undergo a comprehensive 54382

physical examination, which may include an assessment of physical 54383
abilities, evaluation of sensory capabilities, or screening for 54384
the presence of neurological disorders; 54385

(6) Restricting or limiting the extent, scope, or type of 54386
practice of the applicant. 54387

The board shall consider the moral background and the 54388
activities of the applicant during the period of suspension or 54389
inactivity. The board shall not issue or restore a license under 54390
this section unless the applicant complies with sections 4776.01 54391
to 4776.04 of the Revised Code. 54392

Sec. 4774.09. At all times when an individual who is a 54393
radiologist assistant is providing direct patient care, the 54394
individual shall display in an appropriate manner the title 54395
"radiologist assistant" as a means of identifying the individual's 54396
authority to practice under this chapter. 54397

In the case of an individual who is a student participating 54398
in an advanced academic program that must be completed to receive 54399
a ~~certificate~~ license to practice as a radiologist assistant, as 54400
those programs are described in division (B)(3) of section 4774.03 54401
of the Revised Code, when the individual is providing direct 54402
patient care or is otherwise involved with direct patient care 54403
under the program, the individual shall display in an appropriate 54404
manner the title "student radiologist assistant" or another 54405
appropriate designation as a means of identifying the individual 54406
as a student participating in the program. 54407

Sec. 4774.11. (A) The state medical board shall adopt rules 54408
in accordance with Chapter 119. of the Revised Code to implement 54409
and administer this chapter. In adopting the rules, the board 54410
shall take into consideration the guidelines adopted by the 54411
American college of radiology, the American society of radiologic 54412

technologists, and the American registry of radiologic 54413
technologists. 54414

(B) The rules adopted under this section shall include all of 54415
the following: 54416

(1) Standards and procedures for issuing and renewing 54417
~~certificates~~ licenses to practice as a radiologist assistant; 54418

(2) Application fees for an initial or renewed ~~certificate to~~ 54419
~~practice~~ license; 54420

(3) Any additional radiologic procedures that radiologist 54421
assistants may perform pursuant to division (A)(5) of section 54422
4774.08 of the Revised Code and the level of supervision that the 54423
supervising radiologist is required to provide pursuant to section 54424
4774.10 of the Revised Code; 54425

(4) Definitions of "general anesthesia," "deep sedation," 54426
"moderate sedation," and "minimal sedation"; 54427

(5) Any other standards and procedures the board considers 54428
necessary to govern the practice of radiologist assistants, the 54429
supervisory relationship between radiologist assistants and 54430
supervising radiologists, and the administration and enforcement 54431
of this chapter. 54432

Sec. 4774.13. (A) The state medical board, by an affirmative 54433
vote of not fewer than six members, may revoke or may refuse to 54434
grant a ~~certificate~~ license to practice as a radiologist assistant 54435
to an individual found by the board to have committed fraud, 54436
misrepresentation, or deception in applying for or securing the 54437
~~certificate~~ license. 54438

(B) The board, by an affirmative vote of not fewer than six 54439
members, shall, to the extent permitted by law, limit, revoke, or 54440
suspend an individual's ~~certificate~~ license to practice as a 54441

radiologist assistant, refuse to issue a ~~certificate~~ license to an 54442
applicant, refuse to renew a ~~certificate~~ license, refuse to 54443
reinstate a ~~certificate~~ license, or reprimand or place on 54444
probation the holder of a ~~certificate~~ license for any of the 54445
following reasons: 54446

(1) Permitting the holder's name or ~~certificate~~ license to be 54447
used by another person; 54448

(2) Failure to comply with the requirements of this chapter, 54449
Chapter 4731. of the Revised Code, or any rules adopted by the 54450
board; 54451

(3) Violating or attempting to violate, directly or 54452
indirectly, or assisting in or abetting the violation of, or 54453
conspiring to violate, any provision of this chapter, Chapter 54454
4731. of the Revised Code, or the rules adopted by the board; 54455

(4) A departure from, or failure to conform to, minimal 54456
standards of care of similar practitioners under the same or 54457
similar circumstances whether or not actual injury to the patient 54458
is established; 54459

(5) Inability to practice according to acceptable and 54460
prevailing standards of care by reason of mental illness or 54461
physical illness, including physical deterioration that adversely 54462
affects cognitive, motor, or perceptive skills; 54463

(6) Impairment of ability to practice according to acceptable 54464
and prevailing standards of care because of habitual or excessive 54465
use or abuse of drugs, alcohol, or other substances that impair 54466
ability to practice; 54467

(7) Willfully betraying a professional confidence; 54468

(8) Making a false, fraudulent, deceptive, or misleading 54469
statement in securing or attempting to secure a ~~certificate~~ 54470
license to practice as a radiologist assistant. 54471

As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(9) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice;

(10) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;

(11) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;

(12) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;

(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;

(14) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(15) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(16) A plea of guilty to, a judicial finding of guilt of, or

a judicial finding of eligibility for intervention in lieu of 54502
conviction for violating any state or federal law regulating the 54503
possession, distribution, or use of any drug, including 54504
trafficking in drugs; 54505

(17) Any of the following actions taken by the state agency 54506
responsible for regulating the practice of radiologist assistants 54507
in another jurisdiction, for any reason other than the nonpayment 54508
of fees: the limitation, revocation, or suspension of an 54509
individual's license to practice; acceptance of an individual's 54510
license surrender; denial of a license; refusal to renew or 54511
reinstate a license; imposition of probation; or issuance of an 54512
order of censure or other reprimand; 54513

(18) Violation of the conditions placed by the board on a 54514
~~certificate~~ license to practice as a radiologist assistant; 54515

(19) Failure to use universal blood and body fluid 54516
precautions established by rules adopted under section 4731.051 of 54517
the Revised Code; 54518

(20) Failure to cooperate in an investigation conducted by 54519
the board under section 4774.14 of the Revised Code, including 54520
failure to comply with a subpoena or order issued by the board or 54521
failure to answer truthfully a question presented by the board at 54522
a deposition or in written interrogatories, except that failure to 54523
cooperate with an investigation shall not constitute grounds for 54524
discipline under this section if a court of competent jurisdiction 54525
has issued an order that either quashes a subpoena or permits the 54526
individual to withhold the testimony or evidence in issue; 54527

(21) Failure to maintain a license as a radiographer under 54528
Chapter 4773. of the Revised Code; 54529

(22) Failure to maintain certification as a registered 54530
radiologist assistant from the American registry of radiologic 54531
technologists, including revocation by the registry of the 54532

assistant's certification or failure by the assistant to meet the 54533
registry's requirements for annual registration, or failure to 54534
notify the board that the certification as a registered 54535
radiologist assistant has not been maintained; 54536

(23) Failure to comply with any of the rules of ethics 54537
included in the standards of ethics established by the American 54538
registry of radiologic technologists, as those rules apply to an 54539
individual who holds the registry's certification as a registered 54540
radiologist assistant. 54541

(C) Disciplinary actions taken by the board under divisions 54542
(A) and (B) of this section shall be taken pursuant to an 54543
adjudication under Chapter 119. of the Revised Code, except that 54544
in lieu of an adjudication, the board may enter into a consent 54545
agreement with a radiologist assistant or applicant to resolve an 54546
allegation of a violation of this chapter or any rule adopted 54547
under it. A consent agreement, when ratified by an affirmative 54548
vote of not fewer than six members of the board, shall constitute 54549
the findings and order of the board with respect to the matter 54550
addressed in the agreement. If the board refuses to ratify a 54551
consent agreement, the admissions and findings contained in the 54552
consent agreement shall be of no force or effect. 54553

(D) For purposes of divisions (B)(11), (14), and (15) of this 54554
section, the commission of the act may be established by a finding 54555
by the board, pursuant to an adjudication under Chapter 119. of 54556
the Revised Code, that the applicant or ~~certificate~~ license holder 54557
committed the act in question. The board shall have no 54558
jurisdiction under these divisions in cases where the trial court 54559
renders a final judgment in the ~~certificate~~ license holder's favor 54560
and that judgment is based upon an adjudication on the merits. The 54561
board shall have jurisdiction under these divisions in cases where 54562
the trial court issues an order of dismissal on technical or 54563
procedural grounds. 54564

(E) The sealing of conviction records by any court shall have 54565
no effect on a prior board order entered under the provisions of 54566
this section or on the board's jurisdiction to take action under 54567
the provisions of this section if, based upon a plea of guilty, a 54568
judicial finding of guilt, or a judicial finding of eligibility 54569
for intervention in lieu of conviction, the board issued a notice 54570
of opportunity for a hearing prior to the court's order to seal 54571
the records. The board shall not be required to seal, destroy, 54572
redact, or otherwise modify its records to reflect the court's 54573
sealing of conviction records. 54574

(F) For purposes of this division, any individual who holds a 54575
~~certificate~~ license to practice as a radiologist assistant issued 54576
under this chapter, or applies for a ~~certificate to practice~~ 54577
license, shall be deemed to have given consent to submit to a 54578
mental or physical examination when directed to do so in writing 54579
by the board and to have waived all objections to the 54580
admissibility of testimony or examination reports that constitute 54581
a privileged communication. 54582

(1) In enforcing division (B)(5) of this section, the board, 54583
on a showing of a possible violation, may compel any individual 54584
who holds a ~~certificate~~ license to practice as a radiologist 54585
assistant issued under this chapter or who has applied for a 54586
~~certificate to practice~~ license to submit to a mental or physical 54587
examination, or both. A physical examination may include an HIV 54588
test. The expense of the examination is the responsibility of the 54589
individual compelled to be examined. Failure to submit to a mental 54590
or physical examination or consent to an HIV test ordered by the 54591
board constitutes an admission of the allegations against the 54592
individual unless the failure is due to circumstances beyond the 54593
individual's control, and a default and final order may be entered 54594
without the taking of testimony or presentation of evidence. If 54595
the board finds a radiologist assistant unable to practice because 54596

of the reasons set forth in division (B)(5) of this section, the 54597
board shall require the radiologist assistant to submit to care, 54598
counseling, or treatment by physicians approved or designated by 54599
the board, as a condition for an initial, continued, reinstated, 54600
or renewed ~~certificate to practice~~ license. An individual affected 54601
by this division shall be afforded an opportunity to demonstrate 54602
to the board the ability to resume practicing in compliance with 54603
acceptable and prevailing standards of care. 54604

(2) For purposes of division (B)(6) of this section, if the 54605
board has reason to believe that any individual who holds a 54606
~~certificate~~ license to practice as a radiologist assistant issued 54607
under this chapter or any applicant for a ~~certificate to practice~~ 54608
license suffers such impairment, the board may compel the 54609
individual to submit to a mental or physical examination, or both. 54610
The expense of the examination is the responsibility of the 54611
individual compelled to be examined. Any mental or physical 54612
examination required under this division shall be undertaken by a 54613
treatment provider or physician qualified to conduct such 54614
examination and chosen by the board. 54615

Failure to submit to a mental or physical examination ordered 54616
by the board constitutes an admission of the allegations against 54617
the individual unless the failure is due to circumstances beyond 54618
the individual's control, and a default and final order may be 54619
entered without the taking of testimony or presentation of 54620
evidence. If the board determines that the individual's ability to 54621
practice is impaired, the board shall suspend the individual's 54622
~~certificate~~ license or deny the individual's application and shall 54623
require the individual, as a condition for an initial, continued, 54624
reinstated, or renewed ~~certificate~~ license to practice, to submit 54625
to treatment. 54626

Before being eligible to apply for reinstatement of a 54627
~~certificate~~ license suspended under this division, the radiologist 54628

assistant shall demonstrate to the board the ability to resume 54629
practice in compliance with acceptable and prevailing standards of 54630
care. The demonstration shall include the following: 54631

(a) Certification from a treatment provider approved under 54632
section 4731.25 of the Revised Code that the individual has 54633
successfully completed any required inpatient treatment; 54634

(b) Evidence of continuing full compliance with an aftercare 54635
contract or consent agreement; 54636

(c) Two written reports indicating that the individual's 54637
ability to practice has been assessed and that the individual has 54638
been found capable of practicing according to acceptable and 54639
prevailing standards of care. The reports shall be made by 54640
individuals or providers approved by the board for making such 54641
assessments and shall describe the basis for their determination. 54642

The board may reinstate a ~~certificate~~ license suspended under 54643
this division after such demonstration and after the individual 54644
has entered into a written consent agreement. 54645

When the impaired radiologist assistant resumes practice, the 54646
board shall require continued monitoring of the radiologist 54647
assistant. The monitoring shall include monitoring of compliance 54648
with the written consent agreement entered into before 54649
reinstatement or with conditions imposed by board order after a 54650
hearing, and, on termination of the consent agreement, submission 54651
to the board for at least two years of annual written progress 54652
reports made under penalty of falsification stating whether the 54653
radiologist assistant has maintained sobriety. 54654

(G) If the secretary and supervising member determine that 54655
there is clear and convincing evidence that a radiologist 54656
assistant has violated division (B) of this section and that the 54657
individual's continued practice presents a danger of immediate and 54658
serious harm to the public, they may recommend that the board 54659

suspend the individual's ~~certificate~~ license to practice without a 54660
prior hearing. Written allegations shall be prepared for 54661
consideration by the board. 54662

The board, on review of the allegations and by an affirmative 54663
vote of not fewer than six of its members, excluding the secretary 54664
and supervising member, may suspend a ~~certificate~~ license without 54665
a prior hearing. A telephone conference call may be utilized for 54666
reviewing the allegations and taking the vote on the summary 54667
suspension. 54668

The board shall issue a written order of suspension by 54669
certified mail or in person in accordance with section 119.07 of 54670
the Revised Code. The order shall not be subject to suspension by 54671
the court during pendency of any appeal filed under section 119.12 54672
of the Revised Code. If the radiologist assistant requests an 54673
adjudicatory hearing by the board, the date set for the hearing 54674
shall be within fifteen days, but not earlier than seven days, 54675
after the radiologist assistant requests the hearing, unless 54676
otherwise agreed to by both the board and the ~~certificate~~ license 54677
holder. 54678

A summary suspension imposed under this division shall remain 54679
in effect, unless reversed on appeal, until a final adjudicative 54680
order issued by the board pursuant to this section and Chapter 54681
119. of the Revised Code becomes effective. The board shall issue 54682
its final adjudicative order within sixty days after completion of 54683
its hearing. Failure to issue the order within sixty days shall 54684
result in dissolution of the summary suspension order, but shall 54685
not invalidate any subsequent, final adjudicative order. 54686

(H) If the board takes action under division (B)(10), (12), 54687
or (13) of this section, and the judicial finding of guilt, guilty 54688
plea, or judicial finding of eligibility for intervention in lieu 54689
of conviction is overturned on appeal, on exhaustion of the 54690
criminal appeal, a petition for reconsideration of the order may 54691

be filed with the board along with appropriate court documents. On 54692
receipt of a petition and supporting court documents, the board 54693
shall reinstate the ~~certificate~~ license to practice as a 54694
radiologist assistant. The board may then hold an adjudication 54695
under Chapter 119. of the Revised Code to determine whether the 54696
individual committed the act in question. Notice of opportunity 54697
for hearing shall be given in accordance with Chapter 119. of the 54698
Revised Code. If the board finds, pursuant to an adjudication held 54699
under this division, that the individual committed the act, or if 54700
no hearing is requested, it may order any of the sanctions 54701
specified in division (B) of this section. 54702

(I) The ~~certificate~~ license to practice of a radiologist 54703
assistant and the assistant's practice in this state are 54704
automatically suspended as of the date the radiologist assistant 54705
pleads guilty to, is found by a judge or jury to be guilty of, or 54706
is subject to a judicial finding of eligibility for intervention 54707
in lieu of conviction in this state or treatment of intervention 54708
in lieu of conviction in another jurisdiction for any of the 54709
following criminal offenses in this state or a substantially 54710
equivalent criminal offense in another jurisdiction: aggravated 54711
murder, murder, voluntary manslaughter, felonious assault, 54712
kidnapping, rape, sexual battery, gross sexual imposition, 54713
aggravated arson, aggravated robbery, or aggravated burglary. 54714
Continued practice after the suspension shall be considered 54715
practicing without a ~~certificate~~ license. 54716

The board shall notify the individual subject to the 54717
suspension by certified mail or in person in accordance with 54718
section 119.07 of the Revised Code. If an individual whose 54719
~~certificate~~ license is suspended under this division fails to make 54720
a timely request for an adjudication under Chapter 119. of the 54721
Revised Code, the board shall enter a final order permanently 54722
revoking the individual's ~~certificate to practice~~ license. 54723

(J) In any instance in which the board is required by Chapter 54724
119. of the Revised Code to give notice of opportunity for hearing 54725
and the individual subject to the notice does not timely request a 54726
hearing in accordance with section 119.07 of the Revised Code, the 54727
board is not required to hold a hearing, but may adopt, by an 54728
affirmative vote of not fewer than six of its members, a final 54729
order that contains the board's findings. In the final order, the 54730
board may order any of the sanctions identified under division (A) 54731
or (B) of this section. 54732

(K) Any action taken by the board under division (B) of this 54733
section resulting in a suspension shall be accompanied by a 54734
written statement of the conditions under which the radiologist 54735
assistant's ~~certificate~~ license may be reinstated. The board shall 54736
adopt rules in accordance with Chapter 119. of the Revised Code 54737
governing conditions to be imposed for reinstatement. 54738
Reinstatement of a ~~certificate~~ license suspended pursuant to 54739
division (B) of this section requires an affirmative vote of not 54740
fewer than six members of the board. 54741

(L) When the board refuses to grant or issue a ~~certificate~~ 54742
license to practice as a radiologist assistant to an applicant, 54743
revokes an individual's ~~certificate~~ license, refuses to renew an 54744
individual's ~~certificate~~ license, or refuses to reinstate an 54745
individual's ~~certificate~~ license, the board may specify that its 54746
action is permanent. An individual subject to a permanent action 54747
taken by the board is forever thereafter ineligible to hold a 54748
~~certificate~~ license to practice as a radiologist assistant and the 54749
board shall not accept an application for reinstatement of the 54750
~~certificate~~ license or for issuance of a new ~~certificate~~ license. 54751

(M) Notwithstanding any other provision of the Revised Code, 54752
all of the following apply: 54753

(1) The surrender of a ~~certificate~~ license to practice as a 54754
radiologist assistant issued under this chapter is not effective 54755

unless or until accepted by the board. Reinstatement of a 54756
~~eertificate~~ license surrendered to the board requires an 54757
affirmative vote of not fewer than six members of the board. 54758

(2) An application made under this chapter for a ~~certificate~~ 54759
license to practice may not be withdrawn without approval of the 54760
board. 54761

(3) Failure by an individual to renew a ~~certificate~~ license 54762
to practice in accordance with section 4774.06 of the Revised Code 54763
shall not remove or limit the board's jurisdiction to take 54764
disciplinary action under this section against the individual. 54765

Sec. 4774.131. On receipt of a notice pursuant to section 54766
3123.43 of the Revised Code, the state medical board shall comply 54767
with sections 3123.41 to 3123.50 of the Revised Code and any 54768
applicable rules adopted under section 3123.63 of the Revised Code 54769
with respect to a ~~certificate~~ license to practice as a radiologist 54770
assistant issued under this chapter. 54771

Sec. 4774.132. If the state medical board has reason to 54772
believe that any person who has been granted a ~~certificate~~ license 54773
to practice as a radiologist assistant under this chapter is 54774
mentally ill or mentally incompetent, it may file in the probate 54775
court of the county in which the person has a legal residence an 54776
affidavit in the form prescribed in section 5122.11 of the Revised 54777
Code and signed by the board secretary or a member of the board 54778
secretary's staff, whereupon the same proceedings shall be had as 54779
provided in Chapter 5122. of the Revised Code. The attorney 54780
general may represent the board in any proceeding commenced under 54781
this section. 54782

If any person who has been granted a ~~certificate to practice~~ 54783
license is adjudged by a probate court to be mentally ill or 54784
mentally incompetent, the person's ~~certificate~~ license shall be 54785

automatically suspended until the person has filed with the state 54786
medical board a certified copy of an adjudication by a probate 54787
court of the person's subsequent restoration to competency or has 54788
submitted to the board proof, satisfactory to the board, that the 54789
person has been discharged as having a restoration to competency 54790
in the manner and form provided in section 5122.38 of the Revised 54791
Code. The judge of the probate court shall forthwith notify the 54792
state medical board of an adjudication of mental illness or mental 54793
incompetence, and shall note any suspension of a ~~certificate~~ 54794
license in the margin of the court's record of such ~~certificate~~ 54795
license. 54796

Sec. 4774.14. (A) The state medical board shall investigate 54797
evidence that appears to show that any person has violated this 54798
chapter or the rules adopted under it. Any person may report to 54799
the board in a signed writing any information the person has that 54800
appears to show a violation of any provision of this chapter or 54801
the rules adopted under it. In the absence of bad faith, a person 54802
who reports such information or testifies before the board in an 54803
adjudication conducted under Chapter 119. of the Revised Code 54804
shall not be liable for civil damages as a result of reporting the 54805
information or providing testimony. Each complaint or allegation 54806
of a violation received by the board shall be assigned a case 54807
number and be recorded by the board. 54808

(B) Investigations of alleged violations of this chapter or 54809
rules adopted under it shall be supervised by the supervising 54810
member elected by the board in accordance with section 4731.02 of 54811
the Revised Code and by the secretary as provided in section 54812
4774.17 of the Revised Code. The board's president may designate 54813
another member of the board to supervise the investigation in 54814
place of the supervising member. A member of the board who 54815
supervises the investigation of a case shall not participate in 54816
further adjudication of the case. 54817

(C) In investigating a possible violation of this chapter or 54818
the rules adopted under it, the board may administer oaths, order 54819
the taking of depositions, issue subpoenas, and compel the 54820
attendance of witnesses and production of books, accounts, papers, 54821
records, documents, and testimony, except that a subpoena for 54822
patient record information shall not be issued without 54823
consultation with the attorney general's office and approval of 54824
the secretary and supervising member of the board. Before issuance 54825
of a subpoena for patient record information, the secretary and 54826
supervising member shall determine whether there is probable cause 54827
to believe that the complaint filed alleges a violation of this 54828
chapter or the rules adopted under it and that the records sought 54829
are relevant to the alleged violation and material to the 54830
investigation. The subpoena may apply only to records that cover a 54831
reasonable period of time surrounding the alleged violation. 54832

On failure to comply with any subpoena issued by the board 54833
and after reasonable notice to the person being subpoenaed, the 54834
board may move for an order compelling the production of persons 54835
or records pursuant to the Rules of Civil Procedure. 54836

A subpoena issued by the board may be served by a sheriff, 54837
the sheriff's deputy, or a board employee designated by the board. 54838
Service of a subpoena issued by the board may be made by 54839
delivering a copy of the subpoena to the person named therein, 54840
reading it to the person, or leaving it at the person's usual 54841
place of residence. When the person being served is a radiologist 54842
assistant, service of the subpoena may be made by certified mail, 54843
restricted delivery, return receipt requested, and the subpoena 54844
shall be deemed served on the date delivery is made or the date 54845
the person refuses to accept delivery. 54846

A sheriff's deputy who serves a subpoena shall receive the 54847
same fees as a sheriff. Each witness who appears before the board 54848
in obedience to a subpoena shall receive the fees and mileage 54849

provided for witnesses in civil cases in the courts of common 54850
pleas. 54851

(D) All hearings and investigations of the board shall be 54852
considered civil actions for the purposes of section 2305.252 of 54853
the Revised Code. 54854

(E) Information received by the board pursuant to an 54855
investigation is confidential and not subject to discovery in any 54856
civil action. 54857

The board shall conduct all investigations and proceedings in 54858
a manner that protects the confidentiality of patients and persons 54859
who file complaints with the board. The board shall not make 54860
public the names or any other identifying information about 54861
patients or complainants unless proper consent is given. 54862

The board may share any information it receives pursuant to 54863
an investigation, including patient records and patient record 54864
information, with law enforcement agencies, other licensing 54865
boards, and other governmental agencies that are prosecuting, 54866
adjudicating, or investigating alleged violations of statutes or 54867
administrative rules. An agency or board that receives the 54868
information shall comply with the same requirements regarding 54869
confidentiality as those with which the state medical board must 54870
comply, notwithstanding any conflicting provision of the Revised 54871
Code or procedure of the agency or board that applies when it is 54872
dealing with other information in its possession. In a judicial 54873
proceeding, the information may be admitted into evidence only in 54874
accordance with the Rules of Evidence, but the court shall require 54875
that appropriate measures are taken to ensure that confidentiality 54876
is maintained with respect to any part of the information that 54877
contains names or other identifying information about patients or 54878
complainants whose confidentiality was protected by the state 54879
medical board when the information was in the board's possession. 54880
Measures to ensure confidentiality that may be taken by the court 54881

include sealing its records or deleting specific information from 54882
its records. 54883

(F) The state medical board shall develop requirements for 54884
and provide appropriate initial training and continuing education 54885
for investigators employed by the board to carry out its duties 54886
under this chapter. The training and continuing education may 54887
include enrollment in courses operated or approved by the Ohio 54888
peace officer training commission that the board considers 54889
appropriate under conditions set forth in section 109.79 of the 54890
Revised Code. 54891

(G) On a quarterly basis, the board shall prepare a report 54892
that documents the disposition of all cases during the preceding 54893
three months. The report shall contain the following information 54894
for each case with which the board has completed its activities: 54895

(1) The case number assigned to the complaint or alleged 54896
violation; 54897

(2) The type of ~~certificate~~ license, if any, held by the 54898
individual against whom the complaint is directed; 54899

(3) A description of the allegations contained in the 54900
complaint; 54901

(4) The disposition of the case. 54902

The report shall state how many cases are still pending, and 54903
shall be prepared in a manner that protects the identity of each 54904
person involved in each case. The report is a public record for 54905
purposes of section 149.43 of the Revised Code. 54906

Sec. 4774.15. (A) As used in this section, "prosecutor" has 54907
the same meaning as in section 2935.01 of the Revised Code. 54908

(B) Whenever any person holding a valid ~~certificate~~ license 54909
to practice as a radiologist assistant issued under this chapter 54910
pleads guilty to, is subject to a judicial finding of guilt of, or 54911

is subject to a judicial finding of eligibility for intervention 54912
in lieu of conviction for a violation of Chapter 2907., 2925., or 54913
3719. of the Revised Code or of any substantively comparable 54914
ordinance of a municipal corporation in connection with the 54915
person's practice, the prosecutor in the case, on forms prescribed 54916
and provided by the state medical board, shall promptly notify the 54917
board of the conviction. Within thirty days of receipt of that 54918
information, the board shall initiate action in accordance with 54919
Chapter 119. of the Revised Code to determine whether to suspend 54920
or revoke the ~~certificate~~ license under section 4774.13 of the 54921
Revised Code. 54922

(C) The prosecutor in any case against any person holding a 54923
valid ~~certificate to practice~~ license issued under this chapter, 54924
on forms prescribed and provided by the state medical board, shall 54925
notify the board of any of the following: 54926

(1) A plea of guilty to, a finding of guilt by a jury or 54927
court of, or judicial finding of eligibility for intervention in 54928
lieu of conviction for a felony, or a case in which the trial 54929
court issues an order of dismissal upon technical or procedural 54930
grounds of a felony charge; 54931

(2) A plea of guilty to, a finding of guilt by a jury or 54932
court of, or judicial finding of eligibility for intervention in 54933
lieu of conviction for a misdemeanor committed in the course of 54934
practice, or a case in which the trial court issues an order of 54935
dismissal upon technical or procedural grounds of a charge of a 54936
misdemeanor, if the alleged act was committed in the course of 54937
practice; 54938

(3) A plea of guilty to, a finding of guilt by a jury or 54939
court of, or judicial finding of eligibility for intervention in 54940
lieu of conviction for a misdemeanor involving moral turpitude, or 54941
a case in which the trial court issues an order of dismissal upon 54942
technical or procedural grounds of a charge of a misdemeanor 54943

involving moral turpitude. 54944

The report shall include the name and address of the 54945
~~certificate~~ license holder, the nature of the offense for which 54946
the action was taken, and the certified court documents recording 54947
the action. 54948

Sec. 4774.16. (A) Within sixty days after the imposition of 54949
any formal disciplinary action taken by any health care facility, 54950
including a hospital, health care facility operated by a health 54951
insuring corporation, ambulatory surgical facility, or similar 54952
facility, against any individual holding a valid ~~certificate~~ 54953
license to practice as a radiologist assistant, the chief 54954
administrator or executive officer of the facility shall report to 54955
the state medical board the name of the individual, the action 54956
taken by the facility, and a summary of the underlying facts 54957
leading to the action taken. On request, the board shall be 54958
provided certified copies of the patient records that were the 54959
basis for the facility's action. Prior to release to the board, 54960
the summary shall be approved by the peer review committee that 54961
reviewed the case or by the governing board of the facility. 54962

The filing of a report with the board or decision not to file 54963
a report, investigation by the board, or any disciplinary action 54964
taken by the board, does not preclude a health care facility from 54965
taking disciplinary action against a radiologist assistant. 54966

In the absence of fraud or bad faith, no individual or entity 54967
that provides patient records to the board shall be liable in 54968
damages to any person as a result of providing the records. 54969

(B)(1) Except as provided in division (B)(2) of this section, 54970
a radiologist assistant, professional association or society of 54971
radiologist assistants, physician, or professional association or 54972
society of physicians that believes a violation of any provision 54973
of this chapter, Chapter 4731. of the Revised Code, or rule of the 54974

board has occurred shall report to the board the information on 54975
which the belief is based. 54976

(2) A radiologist assistant, professional association or 54977
society of radiologist assistants, physician, or professional 54978
association or society of physicians that believes a violation of 54979
division (B)(6) of section 4774.13 of the Revised Code has 54980
occurred shall report the information upon which the belief is 54981
based to the monitoring organization conducting the program 54982
established by the board under section 4731.251 of the Revised 54983
Code. If any such report is made to the board, it shall be 54984
referred to the monitoring organization unless the board is aware 54985
that the individual who is the subject of the report does not meet 54986
the program eligibility requirements of section 4731.252 of the 54987
Revised Code. 54988

(C) Any professional association or society composed 54989
primarily of radiologist assistants that suspends or revokes an 54990
individual's membership for violations of professional ethics, or 54991
for reasons of professional incompetence or professional 54992
malpractice, within sixty days after a final decision, shall 54993
report to the board, on forms prescribed and provided by the 54994
board, the name of the individual, the action taken by the 54995
professional organization, and a summary of the underlying facts 54996
leading to the action taken. 54997

The filing of a report with the board or decision not to file 54998
a report, investigation by the board, or any disciplinary action 54999
taken by the board, does not preclude a professional organization 55000
from taking disciplinary action against a radiologist assistant. 55001

(D) Any insurer providing professional liability insurance to 55002
any person holding a valid ~~certificate~~ license to practice as a 55003
radiologist assistant or any other entity that seeks to indemnify 55004
the professional liability of a radiologist assistant shall notify 55005
the board within thirty days after the final disposition of any 55006

written claim for damages where such disposition results in a payment exceeding twenty-five thousand dollars. The notice shall contain the following information:

(1) The name and address of the person submitting the notification;

(2) The name and address of the insured who is the subject of the claim;

(3) The name of the person filing the written claim;

(4) The date of final disposition;

(5) If applicable, the identity of the court in which the final disposition of the claim took place.

(E) The board may investigate possible violations of this chapter or the rules adopted under it that are brought to its attention as a result of the reporting requirements of this section, except that the board shall conduct an investigation if a possible violation involves repeated malpractice. As used in this division, "repeated malpractice" means three or more claims for malpractice within the previous five-year period, each resulting in a judgment or settlement in excess of twenty-five thousand dollars in favor of the claimant, and each involving negligent conduct by the radiologist assistant.

(F) All summaries, reports, and records received and maintained by the board pursuant to this section shall be held in confidence and shall not be subject to discovery or introduction in evidence in any federal or state civil action involving a radiologist assistant, supervising physician, or health care facility arising out of matters that are the subject of the reporting required by this section. The board may use the information obtained only as the basis for an investigation, as evidence in a disciplinary hearing against a radiologist assistant or supervising radiologist, or in any subsequent trial or appeal

of a board action or order. 55038

The board may disclose the summaries and reports it receives 55039
under this section only to health care facility committees within 55040
or outside this state that are involved in credentialing or 55041
recredentialing a radiologist assistant or supervising radiologist 55042
or reviewing their privilege to practice within a particular 55043
facility. The board shall indicate whether or not the information 55044
has been verified. Information transmitted by the board shall be 55045
subject to the same confidentiality provisions as when maintained 55046
by the board. 55047

(G) Except for reports filed by an individual pursuant to 55048
division (B) of this section, the board shall send a copy of any 55049
reports or summaries it receives pursuant to this section to the 55050
radiologist assistant. The radiologist assistant shall have the 55051
right to file a statement with the board concerning the 55052
correctness or relevance of the information. The statement shall 55053
at all times accompany that part of the record in contention. 55054

(H) An individual or entity that reports to the board, 55055
reports to the monitoring organization described in section 55056
4731.251 of the Revised Code, or refers an impaired radiologist 55057
assistant to a treatment provider approved by the board under 55058
section 4731.25 of the Revised Code shall not be subject to suit 55059
for civil damages as a result of the report, referral, or 55060
provision of the information. 55061

(I) In the absence of fraud or bad faith, a professional 55062
association or society of radiologist assistants that sponsors a 55063
committee or program to provide peer assistance to a radiologist 55064
assistant with substance abuse problems, a representative or agent 55065
of such a committee or program, a representative or agent of the 55066
monitoring organization described in section 4731.251 of the 55067
Revised Code, and a member of the state medical board shall not be 55068
held liable in damages to any person by reason of actions taken to 55069

refer a radiologist assistant to a treatment provider approved 55070
under section 4731.25 of the Revised Code for examination or 55071
treatment. 55072

Sec. 4774.18. The attorney general, the prosecuting attorney 55073
of any county in which the offense was committed or the offender 55074
resides, the state medical board, or any other person having 55075
knowledge of a person engaged either directly or by complicity in 55076
practicing as a radiologist assistant without having first 55077
obtained under this chapter a ~~certificate~~ license to practice as a 55078
radiologist assistant, may, in accordance with provisions of the 55079
Revised Code governing injunctions, maintain an action in the name 55080
of the state to enjoin any person from engaging either directly or 55081
by complicity in unlawfully practicing as a radiologist assistant 55082
by applying for an injunction in any court of competent 55083
jurisdiction. 55084

Prior to application for an injunction, the secretary of the 55085
state medical board shall notify the person allegedly engaged 55086
either directly or by complicity in the unlawful practice by 55087
registered mail that the secretary has received information 55088
indicating that this person is so engaged. The person shall answer 55089
the secretary within thirty days showing that the person is either 55090
properly licensed for the stated activity or that the person is 55091
not in violation of this chapter. If the answer is not forthcoming 55092
within thirty days after notice by the secretary, the secretary 55093
shall request that the attorney general, the prosecuting attorney 55094
of the county in which the offense was committed or the offender 55095
resides, or the state medical board proceed as authorized in this 55096
section. 55097

Upon the filing of a verified petition in court, the court 55098
shall conduct a hearing on the petition and shall give the same 55099
preference to this proceeding as is given all proceedings under 55100

Chapter 119. of the Revised Code, irrespective of the position of 55101
the proceeding on the calendar of the court. 55102

Injunction proceedings shall be in addition to, and not in 55103
lieu of, all penalties and other remedies provided in this 55104
chapter. 55105

Sec. 4776.01. As used in this chapter: 55106

(A) "License" means an authorization evidenced by a license, 55107
certificate, registration, permit, card, or other authority that 55108
is issued or conferred by a licensing agency to a licensee or to 55109
an applicant for an initial license by which the licensee or 55110
initial license applicant has or claims the privilege to engage in 55111
a profession, occupation, or occupational activity, or, except in 55112
the case of the state dental board, to have control of and operate 55113
certain specific equipment, machinery, or premises, over which the 55114
licensing agency has jurisdiction. 55115

(B) Except as provided in section 4776.20 of the Revised 55116
Code, "licensee" means the person to whom the license is issued by 55117
a licensing agency. "Licensee" includes a person who, for purposes 55118
of section 3796.13 of the Revised Code, has complied with sections 55119
4776.01 to 4776.04 of the Revised Code and has been determined by 55120
the department of commerce or state board of pharmacy, as the 55121
applicable licensing agency, to meet the requirements for 55122
employment. 55123

(C) Except as provided in section 4776.20 of the Revised 55124
Code, "licensing agency" means any of the following: 55125

(1) The board authorized by Chapters 4701., 4717., 4725., 55126
4729., 4730., 4731., 4732., 4734., 4740., 4741., 4747., 4751., 55127
4753., 4755., 4757., 4759., 4760., 4761., 4762., 4774., 4778., 55128
4779., and 4783. of the Revised Code to issue a license to engage 55129
in a specific profession, occupation, or occupational activity, or 55130

to have charge of and operate certain specific equipment, 55131
machinery, or premises. 55132

(2) The state dental board, relative to its authority to 55133
issue a license pursuant to section 4715.12, 4715.16, 4715.21, or 55134
4715.27 of the Revised Code; 55135

(3) The department of commerce or state board of pharmacy, 55136
relative to its authority under Chapter 3796. of the Revised Code 55137
and any rules adopted under that chapter with respect to a person 55138
who is subject to section 3796.13 of the Revised Code. 55139

(D) "Applicant for an initial license" includes persons 55140
seeking a license for the first time and persons seeking a license 55141
by reciprocity, endorsement, or similar manner of a license issued 55142
in another state. "Applicant for an initial license" also includes 55143
a person who, for purposes of section 3796.13 of the Revised Code, 55144
is required to comply with sections 4776.01 to 4776.04 of the 55145
Revised Code. 55146

(E) "Applicant for a restored license" includes persons 55147
seeking restoration of a license under section 4730.14, 4730.28, 55148
4731.222, 4731.281, 4759.062, 4759.063, 4760.06, ~~or~~ 4760.061, 55149
4761.06, 4761.061, 4762.06, 4762.061, 4774.06, 4774.061, 4778.07, 55150
or 4778.071 of the Revised Code. "Applicant for a restored 55151
license" does not include a person seeking restoration of a 55152
license under section 4751.33 of the Revised Code. 55153

(F) "Criminal records check" has the same meaning as in 55154
section 109.572 of the Revised Code. 55155

Sec. 4776.20. (A) As used in this section: 55156

(1) "Licensing agency" means, in addition to each board 55157
identified in division (C) of section 4776.01 of the Revised Code, 55158
the board or other government entity authorized to issue a license 55159
under Chapters 4703., 4707., 4709., 4712., 4713., 4719., 4723., 55160

4727., 4728., 4733., 4735., 4736., 4737., 4738., 4740., 4742., 55161
4747., 4749., ~~4751.~~, 4752., 4753., 4758., 4759., 4763., 4764., 55162
4765., 4766., 4771., 4773., and 4781. of the Revised Code. 55163
"Licensing agency" includes an administrative officer that has 55164
authority to issue a license. 55165

(2) "Licensee" means, in addition to a licensee as described 55166
in division (B) of section 4776.01 of the Revised Code, the person 55167
to whom a license is issued by the board or other government 55168
entity authorized to issue a license under Chapters 4703., 4707., 55169
4709., 4712., 4713., 4719., 4723., 4727., 4728., 4733., 4735., 55170
4736., 4737., 4738., 4740., 4742., 4747., 4749., 4751., 4752., 55171
4753., 4758., 4759., 4763., 4764., 4765., 4766., 4771., 4773., and 55172
4781. of the Revised Code. 55173

(3) "Prosecutor" has the same meaning as in section 2935.01 55174
of the Revised Code. 55175

(B) On a licensee's conviction of, plea of guilty to, 55176
judicial finding of guilt of, or judicial finding of guilt 55177
resulting from a plea of no contest to the offense of trafficking 55178
in persons in violation of section 2905.32 of the Revised Code, 55179
the prosecutor in the case shall promptly notify the licensing 55180
agency of the conviction, plea, or finding and provide the 55181
licensee's name and residential address. On receipt of this 55182
notification, the licensing agency shall immediately suspend the 55183
licensee's license. 55184

(C) If there is a conviction of, plea of guilty to, judicial 55185
finding of guilt of, or judicial finding of guilt resulting from a 55186
plea of no contest to the offense of trafficking in persons in 55187
violation of section 2905.32 of the Revised Code and all or part 55188
of the violation occurred on the premises of a facility that is 55189
licensed by a licensing agency, the prosecutor in the case shall 55190
promptly notify the licensing agency of the conviction, plea, or 55191
finding and provide the facility's name and address and the 55192

offender's name and residential address. On receipt of this 55193
notification, the licensing agency shall immediately suspend the 55194
facility's license. 55195

(D) Notwithstanding any provision of the Revised Code to the 55196
contrary, the suspension of a license under division (B) or (C) of 55197
this section shall be implemented by a licensing agency without a 55198
prior hearing. After the suspension, the licensing agency shall 55199
give written notice to the subject of the suspension of the right 55200
to request a hearing under Chapter 119. of the Revised Code. After 55201
a hearing is held, the licensing agency shall either revoke or 55202
permanently revoke the license of the subject of the suspension, 55203
unless it determines that the license holder has not been 55204
convicted of, pleaded guilty to, been found guilty of, or been 55205
found guilty based on a plea of no contest to the offense of 55206
trafficking in persons in violation of section 2905.32 of the 55207
Revised Code. 55208

Sec. 4778.03. (A) An individual seeking a license to practice 55209
as a genetic counselor shall file with the state medical board an 55210
application in a manner prescribed by the board. The application 55211
shall include all the information the board considers necessary to 55212
process the application, including evidence satisfactory to the 55213
board that the applicant meets the requirements specified in 55214
division (B) of this section. 55215

At the time an application is submitted, the applicant shall 55216
pay the board an application fee of two hundred dollars. No part 55217
of the fee shall be returned to the applicant or transferred for 55218
purposes of another application. 55219

(B)(1) To be eligible to receive a license to practice as a 55220
genetic counselor, an applicant shall demonstrate to the board 55221
that the applicant meets all of the following requirements: 55222

(a) Is at least eighteen years of age and of good moral 55223

character; 55224

(b) Except as provided in division (B)(2) of this section, 55225
has attained a master's degree or higher degree from a genetic 55226
counseling graduate program accredited by the American board of 55227
genetic counseling, inc.; 55228

(c) Is a certified genetic counselor; 55229

(d) Has satisfied any other requirements established by the 55230
board in rules adopted under section 4778.12 of the Revised Code. 55231

(2) In the case of an applicant who files an application not 55232
later than December 31, 2013, and meets all eligibility 55233
requirements other than the requirement specified in division 55234
(B)(1)(b) of this section, the applicant is eligible for a license 55235
to practice as a genetic counselor if the applicant has attained a 55236
master's or higher degree in education or in a field that the 55237
state medical board considers to be closely related to genetic 55238
counseling. 55239

(C) The board shall review all applications received under 55240
this section. Not later than sixty days after receiving an 55241
application it considers complete, the board shall determine 55242
whether the applicant meets the requirements for a license to 55243
practice as a genetic counselor. ~~The affirmative vote of not fewer 55244
than six members of the board is required to determine that the 55245
applicant meets the requirements for the license.~~ 55246

Sec. 4778.05. If the state medical board determines under 55247
section 4778.03 of the Revised Code that an applicant meets the 55248
requirements for a license to practice as a genetic counselor, the 55249
secretary of the board shall issue the license to the applicant. 55250
The license shall be valid for a two-year period unless revoked or 55251
suspended, shall expire biennially on the date that is two years 55252
after the date of issuance, and may be renewed for additional 55253

two-year periods in accordance with section 4778.06 of the Revised Code. 55254
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Sec. 4778.06. (A) An individual seeking to renew a license to practice as a genetic counselor shall, on or before the thirty first day of January of each even numbered year license's expiration date, apply to the state medical board for renewal of the license. The ~~state medical~~ board shall provide renewal notices to license holders at least one month prior to the expiration date. 55256
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Renewal applications shall be submitted to the board in a manner prescribed by the board. Each application shall be accompanied by a biennial renewal fee of one hundred fifty dollars. 55263
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The applicant shall report any criminal offense to which the applicant has pleaded guilty, of which the applicant has been found guilty, or for which the applicant has been found eligible for intervention in lieu of conviction, since last signing an application for a license to practice as a genetic counselor. 55267
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(B) To be eligible for renewal, a genetic counselor shall certify to the board that the counselor has done both of the following: 55272
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(1) Maintained the counselor's status as a certified genetic counselor; 55275
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(2) Completed at least thirty hours of continuing education in genetic counseling that has been approved by the national society of genetic counselors or American board of genetic counseling. 55277
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(C) If an applicant submits a renewal application that the board considers to be complete and qualifies for renewal pursuant to division (B) of this section, the board shall issue to the 55281
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applicant a renewed license to practice as a genetic counselor. 55284

(D) The board may require a random sample of genetic 55285
counselors to submit materials documenting that their status as 55286
certified genetic counselors has been maintained and that the 55287
number of hours of continuing education required under division 55288
(B)(2) of this section has been completed. This division does not 55289
limit the board's authority to conduct investigations pursuant to 55290
section 4778.14 of the Revised Code. 55291

(E)(1) If, through a random sample conducted under division 55292
(D) of this section or any other means, the board finds that an 55293
individual who certified completion of the number of hours and 55294
type of continuing education required to renew, reinstate, or 55295
restore a license to practice did not complete the requisite 55296
continuing education, the board may do either of the following: 55297

(a) Take disciplinary action against the individual under 55298
section 4778.14 of the Revised Code, impose a civil penalty, or 55299
both; 55300

(b) Permit the individual to agree in writing to complete the 55301
continuing education and pay a civil penalty. 55302

(2) The board's finding in any disciplinary action taken 55303
under division (E)(1)(a) of this section shall be made pursuant to 55304
an adjudication under Chapter 119. of the Revised Code and by an 55305
affirmative vote of not fewer than six of its members. 55306

(3) A civil penalty imposed under division (E)(1)(a) of this 55307
section or paid under division (E)(1)(b) of this section shall be 55308
in an amount specified by the board of not more than five thousand 55309
dollars. The board shall deposit civil penalties in accordance 55310
with section 4731.24 of the Revised Code. 55311

~~If a genetic counselor certifies that the genetic counselor~~ 55312
~~has completed the number of hours and type of continuing education~~ 55313
~~required for renewal of a license, and the board finds through the~~ 55314

~~random sample or any other means that the genetic counselor did 55315
not complete the requisite continuing education, the board may 55316
impose a civil penalty of not more than five thousand dollars. If 55317
a civil penalty is imposed in addition to any other action the 55318
board takes under section 4778.14 of the Revised Code, the board's 55319
finding shall be made pursuant to an adjudication under Chapter 55320
119. of the Revised Code and by an affirmative vote of not fewer 55321
than six members. A civil penalty imposed under this division may 55322
be in addition to or in lieu of any other action the board may 55323
take under section 4778.14 of the Revised Code. The board shall 55324
deposit civil penalties in accordance with section 4731.24 of the 55325
Revised Code. 55326~~

Sec. 4778.07. (A) A license to practice as a genetic 55327
counselor issued under section 4778.05 of the Revised Code that is 55328
not renewed on or before its expiration date is automatically 55329
suspended on its expiration date. Continued practice after 55330
suspension shall be considered as practicing in violation of 55331
section 4778.02 of the Revised Code. 55332

(B) If a license has been suspended pursuant to this section 55333
for two years or less, ~~the board shall reinstate the license it~~ 55334
may be reinstated upon an applicant's submission of a complete 55335
renewal application, the biennial renewal fee, and a monetary 55336
penalty of twenty-five dollars. 55337

(C)~~(1)~~ If a license has been suspended pursuant to this 55338
section for more than two years, it may be restored. Subject to 55339
section 4778.071 of the Revised Code, the board may restore the 55340
license upon an applicant's submission of a complete restoration 55341
application, the biennial renewal fee, and a monetary penalty of 55342
fifty dollars and compliance with sections 4776.01 to 4776.04 of 55343
the Revised Code. The board shall not restore a license unless the 55344
board, in its discretion, decides that the results of the criminal 55345

records check do not make the applicant ineligible for a license 55346
issued pursuant to section 4778.05 of the Revised Code. 55347

~~(2) The board may impose terms and conditions for the 55348
restoration, including the following: 55349~~

~~(a) Requiring the applicant to pass an oral or written 55350
examination, or both, to determine the applicant's present fitness 55351
to resume practice; 55352~~

~~(b) Requiring the applicant to obtain additional training and 55353
to pass an examination upon completion of such training; 55354~~

~~(c) Restricting or limiting the extent, scope, or type of 55355
practice of the applicant. 55356~~

Sec. 4778.071. (A) This section applies to both of the 55357
following: 55358

(1) An applicant seeking restoration of a license issued 55359
under this chapter that has been in a suspended or inactive state 55360
for any cause for more than two years; 55361

(2) An applicant seeking issuance of a license pursuant to 55362
this chapter who for more than two years has not been practicing 55363
as a genetic counselor as either of the following: 55364

(a) An active practitioner; 55365

(b) A student in a graduate program as described in section 55366
4778.03 of the Revised Code. 55367

(B) Before issuing a license to an applicant subject to this 55368
section or restoring a license to good standing for an applicant 55369
subject to this section, the state medical board may impose terms 55370
and conditions including any one or more of the following: 55371

(1) Requiring the applicant to pass an oral or written 55372
examination, or both, to determine the applicant's present fitness 55373
to resume practice; 55374

(2) Requiring the applicant to obtain additional training and to pass an examination upon completion of such training; 55375
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(3) Requiring an assessment of the applicant's physical skills for purposes of determining whether the applicant's coordination, fine motor skills, and dexterity are sufficient for performing evaluations and procedures in a manner that meets the minimal standards of care; 55377
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(4) Requiring an assessment of the applicant's skills in recognizing and understanding diseases and conditions; 55382
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(5) Requiring the applicant to undergo a comprehensive physical examination, which may include an assessment of physical abilities, evaluation of sensory capabilities, or screening for the presence of neurological disorders; 55384
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(6) Restricting or limiting the extent, scope, or type of practice of the applicant. 55388
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The board shall consider the moral background and the activities of the applicant during the period of suspension or inactivity. The board shall not issue or restore a license under this section unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code. 55390
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Sec. 4928.02. It is the policy of this state to do the following throughout this state: 55395
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(A) Ensure the availability to consumers of adequate, reliable, safe, efficient, nondiscriminatory, and reasonably priced retail electric service; 55397
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(B) Ensure the availability of unbundled and comparable retail electric service that provides consumers with the supplier, price, terms, conditions, and quality options they elect to meet their respective needs; 55400
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(C) Ensure diversity of electricity supplies and suppliers, 55404

by giving consumers effective choices over the selection of those 55405
supplies and suppliers and by encouraging the development of 55406
distributed and small generation facilities; 55407

(D) Encourage innovation and market access for cost-effective 55408
supply- and demand-side retail electric service including, but not 55409
limited to, demand-side management, time-differentiated pricing, 55410
waste energy recovery systems, smart grid programs, and 55411
implementation of advanced metering infrastructure; 55412

(E) Encourage cost-effective and efficient access to 55413
information regarding the operation of the transmission and 55414
distribution systems of electric utilities in order to promote 55415
both effective customer choice of retail electric service and the 55416
development of performance standards and targets for service 55417
quality for all consumers, including annual achievement reports 55418
written in plain language; 55419

(F) Ensure that an electric utility's transmission and 55420
distribution systems are available to a customer-generator or 55421
owner of distributed generation, so that the customer-generator or 55422
owner can market and deliver the electricity it produces; 55423

(G) Recognize the continuing emergence of competitive 55424
electricity markets through the development and implementation of 55425
flexible regulatory treatment; 55426

(H) Ensure effective competition in the provision of retail 55427
electric service by avoiding anticompetitive subsidies flowing 55428
from a noncompetitive retail electric service to a competitive 55429
retail electric service or to a product or service other than 55430
retail electric service, and vice versa, including by prohibiting 55431
the recovery of any generation-related costs through distribution 55432
or transmission rates; 55433

(I) Ensure retail electric service consumers protection 55434
against unreasonable sales practices, market deficiencies, and 55435

market power;	55436
(J) Provide coherent, transparent means of giving appropriate incentives to technologies that can adapt successfully to potential environmental mandates;	55437 55438 55439
(K) Encourage implementation of distributed generation across customer classes through regular review and updating of administrative rules governing critical issues such as, but not limited to, interconnection standards, standby charges, and net metering;	55440 55441 55442 55443 55444
(L) Protect at-risk populations, including, but not limited to, when considering the implementation of any new advanced energy or renewable energy resource;	55445 55446 55447
(M) Encourage the education of small business owners in this state regarding the use of, and encourage the use of, energy efficiency programs and alternative energy resources in their businesses;	55448 55449 55450 55451
(N) Facilitate the state's effectiveness in the global economy.	55452 55453
<u>(O) Encourage cost-effective, timely, and efficient access to and sharing of customer usage data with customers and competitive suppliers to promote customer choice and grid modernization.</u>	55454 55455 55456
<u>(P) Ensure that a customer's data is provided in a standard format and provided to third parties in as close to real time as is economically justifiable in order to spur economic investment and improve the energy options of individual customers.</u>	55457 55458 55459 55460
In carrying out this policy, the commission shall consider rules as they apply to the costs of electric distribution infrastructure, including, but not limited to, line extensions, for the purpose of development in this state.	55461 55462 55463 55464
Sec. 4928.143. (A) For the purpose of complying with section	55465

4928.141 of the Revised Code, an electric distribution utility may 55466
file an application for public utilities commission approval of an 55467
electric security plan as prescribed under division (B) of this 55468
section. The utility may file that application prior to the 55469
effective date of any rules the commission may adopt for the 55470
purpose of this section, and, as the commission determines 55471
necessary, the utility immediately shall conform its filing to 55472
those rules upon their taking effect. 55473

(B) Notwithstanding any other provision of Title XLIX of the 55474
Revised Code to the contrary except division (D) of this section, 55475
divisions (I), (J), and (K) of section 4928.20, division (E) of 55476
section 4928.64, and section 4928.69 of the Revised Code: 55477

(1) An electric security plan shall include provisions 55478
relating to the supply and pricing of electric generation service. 55479
In addition, if the proposed electric security plan has a term 55480
longer than three years, it may include provisions in the plan to 55481
permit the commission to test the plan pursuant to division (E) of 55482
this section and any transitional conditions that should be 55483
adopted by the commission if the commission terminates the plan as 55484
authorized under that division. 55485

(2) The plan may provide for or include, without limitation, 55486
any of the following: 55487

(a) Automatic recovery of any of the following costs of the 55488
electric distribution utility, provided the cost is prudently 55489
incurred: the cost of fuel used to generate the electricity 55490
supplied under the offer; the cost of purchased power supplied 55491
under the offer, including the cost of energy and capacity, and 55492
including purchased power acquired from an affiliate; the cost of 55493
emission allowances; and the cost of federally mandated carbon or 55494
energy taxes; 55495

(b) A reasonable allowance for construction work in progress 55496

for any of the electric distribution utility's cost of 55497
constructing an electric generating facility or for an 55498
environmental expenditure for any electric generating facility of 55499
the electric distribution utility, provided the cost is incurred 55500
or the expenditure occurs on or after January 1, 2009. Any such 55501
allowance shall be subject to the construction work in progress 55502
allowance limitations of division (A) of section 4909.15 of the 55503
Revised Code, except that the commission may authorize such an 55504
allowance upon the incurrence of the cost or occurrence of the 55505
expenditure. No such allowance for generating facility 55506
construction shall be authorized, however, unless the commission 55507
first determines in the proceeding that there is need for the 55508
facility based on resource planning projections submitted by the 55509
electric distribution utility. Further, no such allowance shall be 55510
authorized unless the facility's construction was sourced through 55511
a competitive bid process, regarding which process the commission 55512
may adopt rules. An allowance approved under division (B)(2)(b) of 55513
this section shall be established as a nonbypassable surcharge for 55514
the life of the facility. 55515

(c) The establishment of a nonbypassable surcharge for the 55516
life of an electric generating facility that is owned or operated 55517
by the electric distribution utility, was sourced through a 55518
competitive bid process subject to any such rules as the 55519
commission adopts under division (B)(2)(b) of this section, and is 55520
newly used and useful on or after January 1, 2009, which surcharge 55521
shall cover all costs of the utility specified in the application, 55522
excluding costs recovered through a surcharge under division 55523
(B)(2)(b) of this section. However, no surcharge shall be 55524
authorized unless the commission first determines in the 55525
proceeding that there is need for the facility based on resource 55526
planning projections submitted by the electric distribution 55527
utility. Additionally, if a surcharge is authorized for a facility 55528
pursuant to plan approval under division (C) of this section and 55529

as a condition of the continuation of the surcharge, the electric 55530
distribution utility shall dedicate to Ohio consumers the capacity 55531
and energy and the rate associated with the cost of that facility. 55532
Before the commission authorizes any surcharge pursuant to this 55533
division, it may consider, as applicable, the effects of any 55534
decommissioning, deratings, and retirements. 55535

(d) Terms, conditions, or charges relating to limitations on 55536
customer shopping for retail electric generation service, 55537
bypassability, standby, back-up, or supplemental power service, 55538
default service, carrying costs, amortization periods, and 55539
accounting or deferrals, including future recovery of such 55540
deferrals, as would have the effect of stabilizing or providing 55541
certainty regarding retail electric service; 55542

(e) Automatic increases or decreases in any component of the 55543
standard service offer price; 55544

(f) Consistent with sections 4928.23 to 4928.2318 of the 55545
Revised Code, both of the following: 55546

(i) Provisions for the electric distribution utility to 55547
securitize any phase-in, inclusive of carrying charges, of the 55548
utility's standard service offer price, which phase-in is 55549
authorized in accordance with section 4928.144 of the Revised 55550
Code; 55551

(ii) Provisions for the recovery of the utility's cost of 55552
securitization. 55553

(g) Provisions relating to transmission, ancillary, 55554
congestion, or any related service required for the standard 55555
service offer, including provisions for the recovery of any cost 55556
of such service that the electric distribution utility incurs on 55557
or after that date pursuant to the standard service offer; 55558

(h) Provisions regarding the utility's distribution service, 55559
including, without limitation and notwithstanding any provision of 55560

Title XLIX of the Revised Code to the contrary, provisions 55561
regarding single issue ratemaking, a revenue decoupling mechanism 55562
or any other incentive ratemaking, and provisions regarding 55563
distribution infrastructure and modernization incentives for the 55564
electric distribution utility. The latter may include a long-term 55565
energy delivery infrastructure modernization plan for that utility 55566
or any plan providing for the utility's recovery of costs, 55567
including lost revenue, shared savings, and avoided costs, and a 55568
just and reasonable rate of return on such infrastructure 55569
modernization. As part of its determination as to whether to allow 55570
in an electric distribution utility's electric security plan 55571
inclusion of any provision described in division (B)(2)(h) of this 55572
section, the commission shall examine the reliability of the 55573
electric distribution utility's distribution system and ensure 55574
that customers' and the electric distribution utility's 55575
expectations are aligned and that the electric distribution 55576
utility is placing sufficient emphasis on and dedicating 55577
sufficient resources to the reliability of its distribution 55578
system. 55579

(i) Provisions under which the electric distribution utility 55580
may implement economic development, job retention, and energy 55581
efficiency programs, which provisions may allocate program costs 55582
across all classes of customers of the utility and those of 55583
electric distribution utilities in the same holding company 55584
system. 55585

(C)(1) The burden of proof in the proceeding shall be on the 55586
electric distribution utility. The commission shall issue an order 55587
under this division for an initial application under this section 55588
not later than one hundred fifty days after the application's 55589
filing date and, for any subsequent application by the utility 55590
under this section, not later than two hundred seventy-five days 55591
after the application's filing date. Subject to division (D) of 55592

this section, the commission by order shall approve or modify and 55593
approve an application filed under division (A) of this section if 55594
it finds that the electric security plan so approved, including 55595
its pricing and all other terms and conditions, including any 55596
deferrals and any future recovery of deferrals, is more favorable 55597
in the aggregate as compared to the expected results that would 55598
otherwise apply under section 4928.142 of the Revised Code. 55599
Additionally, if the commission so approves an application that 55600
contains a surcharge under division (B)(2)(b) or (c) of this 55601
section, the commission shall ensure that the benefits derived for 55602
any purpose for which the surcharge is established are reserved 55603
and made available to those that bear the surcharge. Otherwise, 55604
the commission by order shall disapprove the application. 55605

(2)(a) If the commission modifies and approves an application 55606
under division (C)(1) of this section, the electric distribution 55607
utility may withdraw the application, thereby terminating it, and 55608
may file a new standard service offer under this section or a 55609
standard service offer under section 4928.142 of the Revised Code. 55610

(b) If the utility terminates an application pursuant to 55611
division (C)(2)(a) of this section or if the commission 55612
disapproves an application under division (C)(1) of this section, 55613
the commission shall issue such order as is necessary to continue 55614
the provisions, terms, and conditions of the utility's most recent 55615
standard service offer, along with any expected increases or 55616
decreases in fuel costs from those contained in that offer, until 55617
a subsequent offer is authorized pursuant to this section or 55618
section 4928.142 of the Revised Code, respectively. 55619

(D) Regarding the rate plan requirement of division (A) of 55620
section 4928.141 of the Revised Code, if an electric distribution 55621
utility that has a rate plan that extends beyond December 31, 55622
2008, files an application under this section for the purpose of 55623
its compliance with division (A) of section 4928.141 of the 55624

Revised Code, that rate plan and its terms and conditions are 55625
hereby incorporated into its proposed electric security plan and 55626
shall continue in effect until the date scheduled under the rate 55627
plan for its expiration, and that portion of the electric security 55628
plan shall not be subject to commission approval or disapproval 55629
under division (C) of this section, and the earnings test provided 55630
for in division (F) of this section shall not apply until after 55631
the expiration of the rate plan. However, that utility may include 55632
in its electric security plan under this section, and the 55633
commission may approve, modify and approve, or disapprove subject 55634
to division (C) of this section, provisions for the incremental 55635
recovery or the deferral of any costs that are not being recovered 55636
under the rate plan and that the utility incurs during that 55637
continuation period to comply with section 4928.141, division (B) 55638
of section 4928.64, or division (A) of section 4928.66 of the 55639
Revised Code. 55640

(E) If an electric security plan approved under division (C) 55641
of this section, except one withdrawn by the utility as authorized 55642
under that division, has a term, exclusive of phase-ins or 55643
deferrals, that exceeds three years from the effective date of the 55644
plan, the commission shall test the plan in the fourth year, and 55645
if applicable, every fourth year thereafter, to determine whether 55646
the plan, including its then-existing pricing and all other terms 55647
and conditions, including any deferrals and any future recovery of 55648
deferrals, continues to be more favorable in the aggregate and 55649
during the remaining term of the plan as compared to the expected 55650
results that would otherwise apply under section 4928.142 of the 55651
Revised Code. The commission shall also determine the prospective 55652
effect of the electric security plan to determine if that effect 55653
is substantially likely to provide the electric distribution 55654
utility with a return on common equity that is significantly in 55655
excess of the return on common equity that is likely to be earned 55656
by publicly traded companies, including utilities, that face 55657

comparable business and financial risk, with such adjustments for 55658
capital structure as may be appropriate. The burden of proof for 55659
demonstrating that significantly excessive earnings will not occur 55660
shall be on the electric distribution utility. For affiliated Ohio 55661
electric distribution utilities that operate under a joint 55662
electric security plan, their total earned return on common equity 55663
shall be used for purposes of assessing significantly excessive 55664
earnings. If the test results are in the negative or the 55665
commission finds that continuation of the electric security plan 55666
will result in a return on equity that is significantly in excess 55667
of the return on common equity that is likely to be earned by 55668
publicly traded companies, including utilities, that will face 55669
comparable business and financial risk, with such adjustments for 55670
capital structure as may be appropriate, during the balance of the 55671
plan, the commission may terminate the electric security plan, but 55672
not until it shall have provided interested parties with notice 55673
and an opportunity to be heard. The commission may impose such 55674
conditions on the plan's termination as it considers reasonable 55675
and necessary to accommodate the transition from an approved plan 55676
to the more advantageous alternative. In the event of an electric 55677
security plan's termination pursuant to this division, the 55678
commission shall permit the continued deferral and phase-in of any 55679
amounts that occurred prior to that termination and the recovery 55680
of those amounts as contemplated under that electric security 55681
plan. 55682

(F) With regard to the provisions that are included in an 55683
electric security plan under this section, the commission shall 55684
consider, following the end of each annual period of the plan, if 55685
any such adjustments resulted in excessive earnings as measured by 55686
whether the earned return on common equity of the electric 55687
distribution utility is significantly in excess of the return on 55688
common equity that was earned during the same period by publicly 55689
traded companies, including utilities, that face comparable 55690

business and financial risk, with such adjustments for capital 55691
structure as may be appropriate. In making its determination of 55692
significantly excessive earnings under this division, the 55693
commission shall, for affiliated Ohio electric distribution 55694
utilities that operate under a joint electric security plan, use 55695
the total of the utilities' earned return on common equity. 55696
Consideration also shall be given to the capital requirements of 55697
future committed investments in this state. The burden of proof 55698
for demonstrating that significantly excessive earnings did not 55699
occur shall be on the electric distribution utility. If the 55700
commission finds that such adjustments, in the aggregate, did 55701
result insignificantly excessive earnings, it shall require the 55702
electric distribution utility to return to consumers the amount of 55703
the excess by prospective adjustments; provided that, upon making 55704
such prospective adjustments, the electric distribution utility 55705
shall have the right to terminate the plan and immediately file an 55706
application pursuant to section 4928.142 of the Revised Code. Upon 55707
termination of a plan under this division, rates shall be set on 55708
the same basis as specified in division (C)(2)(b) of this section, 55709
and the commission shall permit the continued deferral and 55710
phase-in of any amounts that occurred prior to that termination 55711
and the recovery of those amounts as contemplated under that 55712
electric security plan. In making its determination of 55713
significantly excessive earnings under this division, the 55714
commission shall not consider, directly or indirectly, the 55715
revenue, expenses, or earnings of any affiliate that is not an 55716
Ohio electric distribution utility or parent company. 55717

Sec. 4937.01. As used in sections 4937.01 to 4937.05 of the 55718
Revised Code: 55719

(A) "Hazard" has the same meaning as in section 5502.21 of 55720
the Revised Code. 55721

(B) "Member agency" means the state agency of which a member of the utility radiological safety board is an officer. 55722
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(C) "Nuclear electric facility" means any facility operated by a nuclear electric utility using nuclear energy to produce electricity and any facility for the storage of spent nuclear fuel arising from such production. 55724
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(D) "Nuclear electric facility incident" means any hazard within the state which is associated with a nuclear electric facility and requires, pursuant to sections 5502.21 to 5502.51 of the Revised Code, emergency management to mitigate its effects. 55728
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(E) "Nuclear electric utility" includes every person, their agents, assignees, or trustees, within this state engaged in the business of producing electricity using nuclear energy, or in the storage of spent nuclear fuel arising from such production. 55732
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(F) "Nuclear electric utility holding company" means any company that holds an equity interest in a nuclear electric utility and is part of an electric utility holding company system exempt under section 3(a)(1) or (2) of the "Public Utility Holding Company Act of 1935," 49 Stat. 810, 15 U.S.C.A. 79c, and the regulations adopted under the act. 55736
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Sec. 4937.05. (A) Subject to division (B) of this section, the utility radiological safety board may apportion among and assess against each nuclear electric utility in this state against which an assessment may be made under section 4905.10 of the Revised Code an amount no greater than the maximums specified in the applicable main operating appropriations act. The assessment shall be made in proportion to the intrastate gross receipts of the utility, excluding receipts from sales to other public utilities for resale, for the calendar year next preceding that in which the assessments are made, or be made based upon the utility's decommissioning budget for the year of the assessment, 55742
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if the utility is not engaged in the business of producing 55753
electricity using nuclear energy. On or before the first day of 55754
October in each year, the board shall notify each such utility of 55755
the sum assessed against it, whereupon payment shall be made to 55756
the board. The board shall deposit the payment into any nuclear 55757
safety fund for which a maximum is specified, for the purposes of 55758
this section, in the applicable main operating appropriations act. 55759
Any assessments so deposited which are not expended shall be 55760
credited ratably to each nuclear electric utility that paid them, 55761
according to the respective portions of the amount assessable 55762
against the utility for the ensuing calendar year. The assessments 55763
for such calendar year shall be adjusted accordingly. 55764

(B) The board shall assess an amount against the nuclear 55765
electric utilities pursuant to division (A) of this section only 55766
in accordance with this division and subject to the conditions it 55767
specifies. 55768

(1) Nuclear electric utilities and, separately, the 55769
environmental protection agency, the department of health, the 55770
department of agriculture, and the emergency management agency of 55771
the department of public safety, as member agencies of the board, 55772
shall negotiate, in good faith, amounts to be given as grants by 55773
the nuclear electric utilities pursuant to this division for 55774
funding the member agency for a fiscal biennium. Any such grant 55775
shall cover all costs related to the statutory requirements or 55776
agreements specified in division (B)(4) of this section, but shall 55777
not be required to cover any costs of activities not directly 55778
related to those statutory requirements or agreements. 55779

(2)(a) If any of the member agencies specified in division 55780
(B)(1) of this section disagrees, before the first day of 55781
September of the first year of a fiscal biennium, with the nuclear 55782
electric utilities on a grant amount under that division for the 55783
agency's funding for that biennium and the agency is requesting a 55784

specified amount not exceeding seventy-five per cent of the 55785
maximum specified in the applicable main operating appropriations 55786
act, the agency shall make a written directive to the board for an 55787
assessment against the nuclear electric utilities for that 55788
specified amount and shall notify the controlling board, the 55789
director of budget and management, and the nuclear electric 55790
utilities in writing of that directive. Upon receipt of the 55791
directive, the utility radiological safety board shall assess the 55792
specified amount against the nuclear electric utilities as 55793
provided in division (A) of this section, notwithstanding any 55794
provision of that division to the contrary, provided the amount 55795
assessed does not exceed the maximum specified in the applicable 55796
main operating appropriations act. 55797

(b) If any of the member agencies specified in division 55798
(B)(1) of this section disagrees, before the first day of 55799
September of the first year of a fiscal biennium, with the nuclear 55800
electric utilities on a grant amount under that division for the 55801
agency's funding for that biennium and the agency is requesting a 55802
specified amount that exceeds seventy-five per cent of the maximum 55803
specified for that agency in the applicable main operating 55804
appropriations act, the agency may request that the controlling 55805
board approve an assessment against the electric utilities in the 55806
specified amount. The controlling board shall not approve an 55807
assessment so requested if it exceeds that maximum or will not be 55808
used for the purposes specified in division (B)(4) of this 55809
section. If the controlling board approves the request, the 55810
utility radiological safety board shall impose an assessment in 55811
the approved amount against the nuclear electric utilities as 55812
provided in division (A) of this section, notwithstanding any 55813
provision of that division to the contrary. 55814

(c) The board shall not assess against the nuclear electric 55815
utilities pursuant to division (A) of this section in any fiscal 55816

biennium for which each member agency and the nuclear electric 55817
utilities agree on grant amounts pursuant to division (B)(1) of 55818
this section. 55819

(3) Revenues received pursuant to grants or assessments under 55820
division (B)(1) or (2) of this section shall be deposited into the 55821
requesting agency's nuclear safety fund, as such fund is specified 55822
in the applicable main operating appropriations act. 55823

(4) Funding provided under this division to a member agency 55824
shall be for the purpose of enabling a member agency to fulfill 55825
its authority and duties under the statutes related to nuclear 55826
safety or the utility safety radiological board, or under 55827
agreements with the nuclear regulatory commission. 55828

(5) If a nuclear electric utility makes any recommendation to 55829
render the nuclear safety programs of member agencies of the 55830
utility radiological safety board more cost effective, the member 55831
agencies shall implement the recommendation or provide to the 55832
utility a written statement explaining why the recommendation will 55833
not be implemented or will be implemented with substantial 55834
modification. 55835

Sec. 5101.061. (A) There is hereby established in the 55836
department of job and family services the office of human services 55837
innovation. The office shall develop recommendations, as described 55838
in division (B) of this section, regarding the coordination and 55839
reform of state programs to assist the residents of this state in 55840
preparing for life and the dignity of work and to promote 55841
individual responsibility and work opportunity. 55842

The director of job and family services shall establish the 55843
office's organizational structure, may reassign the department's 55844
staff and resources as necessary to support the office's 55845
activities, and is responsible for the office's operations. The 55846
superintendent of public instruction, chancellor of ~~the Ohio board~~ 55847

~~of regents higher education, and~~ director of the governor's office 55848
of workforce transformation,~~and director of the governor's office~~ 55849
~~of health transformation~~ shall assist the director of job and 55850
family services with leadership and organizational support for the 55851
office. 55852

(B) Not later than January 1, 2015, the office shall submit 55853
to the governor recommendations for all of the following: 55854

(1) Coordinating services across all public assistance 55855
programs to help individuals find employment, succeed at work, and 55856
stay out of poverty; 55857

(2) Revising incentives for public assistance programs to 55858
foster person-centered case management; 55859

(3) Standardizing and automating eligibility determination 55860
policies and processes for public assistance programs; 55861

(4) Other matters the office considers appropriate. 55862

(C) Not later than three months after ~~the effective date of~~ 55863
~~this section~~ September 15, 2014, the office shall establish clear 55864
principles to guide the development of its recommendations, shall 55865
identify in detail the problems to be addressed in the 55866
recommendations, and shall make an inventory of all state and 55867
other resources that the office considers relevant to the 55868
recommendations. 55869

(D) The office shall convene the directors and staff of the 55870
departments, agencies, offices, boards, commissions, and 55871
institutions of the executive branch of the state as necessary to 55872
develop the office's recommendations. The departments, agencies, 55873
offices, boards, commissions, and institutions shall comply with 55874
all requests and directives that the office makes, subject to the 55875
supervision of the directors of the departments, agencies, 55876
offices, boards, commissions, and institutions. The office also 55877
shall convene other individuals interested in the issues that the 55878

office addresses in the development of the recommendations to 55879
obtain their input on, and support for, the recommendations. 55880

Sec. 5101.14. (A) As used in this section and section 55881
5101.144 of the Revised Code, "children services" means services 55882
provided to children pursuant to Chapter 5153. of the Revised 55883
Code. 55884

(B) Within available funds, the department of job and family 55885
services shall distribute funds to the counties within thirty days 55886
after the beginning of each calendar quarter for a part of the 55887
counties' costs for children services. 55888

Funds provided to the county under this section shall be 55889
deposited into the children services fund created pursuant to 55890
section 5101.144 of the Revised Code. 55891

(C) In each fiscal year, the amount of funds available for 55892
distribution under this section shall be allocated to counties as 55893
follows: 55894

(1) If the amount is less than the amount initially 55895
appropriated for the immediately preceding fiscal year, each 55896
county shall receive an amount equal to the percentage of the 55897
funding it received in the immediately preceding fiscal year, 55898
exclusive of any releases from or additions to the allocation or 55899
any sanctions imposed under this section; 55900

(2) If the amount is equal to the amount initially 55901
appropriated for the immediately preceding fiscal year, each 55902
county shall receive an amount equal to the amount it received in 55903
the preceding fiscal year, exclusive of any releases from or 55904
additions to the allocation or any sanctions imposed under this 55905
section; 55906

(3) If the amount is greater than the amount initially 55907
appropriated for the immediately preceding fiscal year, each 55908

county shall receive the amount determined under division (C)(2) 55909
of this section as a base allocation, plus a percentage of the 55910
amount that exceeds the amount initially appropriated for the 55911
immediately preceding fiscal year. The amount exceeding the amount 55912
initially appropriated in the immediately preceding fiscal year 55913
shall be allocated to the counties as follows: 55914

(a) Twelve per cent divided equally among all counties; 55915

(b) Forty-eight per cent in the ratio that the number of 55916
residents of the county under the age of eighteen bears to the 55917
total number of such persons residing in this state; 55918

(c) Forty per cent in the ratio that the number of residents 55919
of the county with incomes under the federal poverty guideline 55920
bears to the total number of such persons in this state. 55921

As used in division (C)(3)(c) of this section, "federal 55922
poverty guideline" means the poverty guideline as defined by the 55923
United States office of management and budget and revised by the 55924
United States secretary of health and human services in accordance 55925
with section 673 of the "Community Services Block Grant Act," 95 55926
Stat. 511 (1981), 42 U.S.C.A. 9902, as amended. 55927

(D) Within ninety days after the end of each state fiscal 55928
biennium, each county shall return any unspent funds to the 55929
department. 55930

(E) Each county shall contribute local funds in accordance 55931
with division (F)(2) of this section to the county children 55932
services fund described in section 5101.144 of the Revised Code. 55933

(F)(1) The director of job and family services may adopt the 55934
following rules in accordance with section 111.15 of the Revised 55935
Code: 55936

(1)(a) Rules that are necessary for the allocation of funds 55937
under this section; 55938

~~(2)(b)~~ Rules prescribing reports on expenditures to be submitted by the counties as necessary for the implementation of this section. 55939
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(2) The director shall adopt rules that determine the amount of local funds to be contributed by each county under division (E) of this section in accordance with section 111.15 of the Revised Code. 55942
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Sec. 5101.141. (A) As used in sections 5101.141 to 5101.1414 of the Revised Code: 55946
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(1) "Adopted young adult" means a person: 55948

(a) Who was in the temporary or permanent custody of a public children services agency; 55949
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(b) Who was adopted at the age of sixteen or seventeen and attained the age of sixteen before a Title IV-E adoption assistance agreement became effective; 55951
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(c) Who has attained the age of eighteen; and 55954

(d) Who has not yet attained the age of twenty-one. 55955

(2) "Child" ~~includes a~~ means any of the following: 55956

(a) A person who meets the requirements of division ~~(A)(1)~~ (B)(3) of section ~~5101.1411~~ 5153.01 of the Revised Code ~~or an adopted person who meets the requirements applicable to such a person under division (B)(1) of section 5101.1411 of the Revised Code.~~ 55957
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~~(2) "Designee" means a person with whom the department of job and family services has entered into a contract, pursuant to division (B)(2) of this section;~~ 55962
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(b) An adopted young adult; 55965

(c) An emancipated young adult. 55966

(3) <u>"Emancipated young adult" means a person:</u>	55967
<u>(a) Who was in the temporary or permanent custody of a public children services agency, a planned permanent living arrangement, or in the Title-IV-E-eligible care and placement responsibility of a juvenile court or other governmental agency that provides Title IV-E reimbursable placement services;</u>	55968 55969 55970 55971 55972
<u>(b) Whose custody, arrangement, or care and placement was terminated on or after the person's eighteenth birthday; and</u>	55973 55974
<u>(c) Who has not yet attained the age of twenty-one.</u>	55975
<u>(4) "Representative" means a person with whom the department of job and family services has entered into a contract, pursuant to division (B)(2)(b) of this section.</u>	55976 55977 55978
<u>(5) "Title IV-E" means Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C. 670 (1980), as amended.</u>	55979 55980
(B)(1) Except as provided in division (B)(2) of this section, the department of job and family services shall act as the single state agency to administer federal payments for foster care and adoption assistance made pursuant to Title IV-E. The director of job and family services shall adopt rules to implement this authority. Rules governing financial and administrative requirements applicable to public children services agencies and government entities that provide Title IV-E reimbursable placement services to children shall be adopted in accordance with section 111.15 of the Revised Code, as if they were internal management rules. Rules governing requirements applicable to private child placing agencies and private noncustodial agencies and rules establishing eligibility, program participation, and other requirements concerning Title IV-E shall be adopted in accordance with Chapter 119. of the Revised Code. A public children services agency to which the department distributes Title IV-E funds shall administer the funds in accordance with those rules.	55981 55982 55983 55984 55985 55986 55987 55988 55989 55990 55991 55992 55993 55994 55995 55996 55997

(2) If the state plan is amended under divisions (A) and (B) 55998
of section 5101.1411 of the Revised Code, both of the following 55999
shall apply: 56000

(a) Implementation of the amendments to the plan shall begin 56001
fifteen months after September 13, 2016, the effective date of 56002
H.B. 50 of the 131st general assembly, if both of the following 56003
apply: 56004

(i) The plan as amended is approved by the secretary of 56005
health and human services; 56006

(ii) The general assembly has appropriated sufficient funds 56007
to operate the program required under the plan as amended. 56008

(b) The department shall have, exercise, and perform all new 56009
duties required under the plan as amended. In doing so, the 56010
department may contract with another person to carry out those new 56011
duties, to the extent permitted under Title IV-E. 56012

(C)(1) The Except with regard to the new duties imposed on 56013
the department or its contractor under division (B)(2)(b) of this 56014
section that are not imposed on the county, the county, on behalf 56015
of each child eligible for foster care maintenance payments under 56016
Title IV-E, shall make payments to cover the cost of providing all 56017
of the following: 56018

(a) The child's food, clothing, shelter, daily supervision, 56019
and school supplies; 56020

(b) The child's personal incidentals; 56021

(c) Reasonable travel to the child's home for visitation. 56022

(2) In addition to payments made under division (C)(1) of 56023
this section, the county may, on behalf of each child eligible for 56024
foster care maintenance payments under Title IV-E, make payments 56025
to cover the cost of providing the following: 56026

(a) Liability insurance with respect to the child; 56027

(b) If the county is participating in the demonstration project established under division (A) of section 5101.142 of the Revised Code, services provided under the project.

(3) With respect to a child who is in a child-care institution, including any type of group home designed for the care of children or any privately operated program consisting of two or more certified foster homes operated by a common administrative unit, the foster care maintenance payments made by the county on behalf of the child shall include the reasonable cost of the administration and operation of the institution, group home, or program, as necessary to provide the items described in divisions (C)(1) and (2) of this section.

(D) To the extent that either foster care maintenance payments under division (C) of this section or Title IV-E adoption assistance payments for maintenance costs require the expenditure of county funds, the board of county commissioners shall report the nature and amount of each expenditure of county funds to the department.

(E) The department shall distribute to public children services agencies that incur and report expenditures of the type described in division (D) of this section federal financial participation received for administrative and training costs incurred in the operation of foster care maintenance and adoption assistance programs. The department may withhold not more than three per cent of the federal financial participation received. The funds withheld may be used only to fund the following:

(1) The Ohio child welfare training program established under section 5103.30 of the Revised Code;

(2) The university partnership program for college and university students majoring in social work who have committed to work for a public children services agency upon graduation;

(3) Efforts supporting organizational excellence, including 56059
voluntary activities to be accredited by a nationally recognized 56060
accreditation organization. 56061

The funds withheld shall be in addition to any administration 56062
and training cost for which the department is reimbursed through 56063
its own cost allocation plan. 56064

(F) All federal financial participation funds received by a 56065
county pursuant to this section shall be deposited into the 56066
county's children services fund created pursuant to section 56067
5101.144 of the Revised Code. 56068

(G) The department shall periodically publish and distribute 56069
the maximum amounts that the department will reimburse public 56070
children services agencies for making payments on behalf of 56071
children eligible for foster care maintenance payments. 56072

(H) The department, by and through its director, is hereby 56073
authorized to develop, participate in the development of, 56074
negotiate, and enter into one or more interstate compacts on 56075
behalf of this state with agencies of any other states, for the 56076
provision of social services to children in relation to whom all 56077
of the following apply: 56078

(1) They have special needs. 56079

(2) This state or another state that is a party to the 56080
interstate compact is providing adoption assistance on their 56081
behalf. 56082

(3) They move into this state from another state or move out 56083
of this state to another state. 56084

Sec. 5101.1411. (A)(1) The director of job and family 56085
services shall, not later than nine months after September 13, 56086
2016, the effective date of H.B. 50 of the 131st general assembly, 56087
submit an amendment to the state plan required by 42 U.S.C. 671 to 56088

the United States secretary of health and human services to 56089
implement 42 U.S.C. 675(8) to make federal payments for foster 56090
care under Title IV-E directly to, or on behalf of, any ~~person~~ 56091
emancipated young adult who meets the following requirements: 56092

~~(a) The person has attained the age of eighteen but not 56093
attained the age of twenty one. 56094~~

~~(b) The person was in the custody of a public children 56095
services agency upon attaining the age of eighteen. 56096~~

~~(c) The person emancipated young adult signs a voluntary 56097
participation agreement. 56098~~

~~(d)(b) The person emancipated young adult satisfies division 56099
(C) of this section. 56100~~

(2) Any ~~person~~ emancipated young adult who meets the 56101
requirements of division (A)(1) of this section may apply for 56102
foster care payments and make the appropriate application at any 56103
time. 56104

(B)(1) The director of job and family services shall, not 56105
later than nine months after September 13, 2016, the effective 56106
date of H.B. 50 of the 131st general assembly, submit an amendment 56107
to the state plan required by 42 U.S.C. 671 to the United States 56108
secretary of health and human services to implement 42 U.S.C. 56109
675(8) to make federal payments for adoption assistance under 56110
Title IV-E available to any parent who meets all of the following 56111
requirements: 56112

(a) The parent adopted a person ~~while the adopted person was 56113
sixteen or seventeen and had been in the custody of a public 56114
children services agency, or who is an adopted young adult and the 56115
parent enters entered into an adoption assistance agreement under 56116
42 U.S.C. 673+ while the adopted person was age sixteen or 56117
seventeen. 56118~~

(b) ~~The adopted person has attained the age of eighteen but~~ 56119
~~has not attained the age of twenty one;~~ 56120

~~(e)~~ The parent maintains parental responsibility ~~to that~~ for 56121
the adopted person; young adult. 56122

~~(d)~~(c) The adopted ~~person~~ young adult satisfies division (C) 56123
of this section. 56124

(2) Any parent who meets the requirements of division (B)(1) 56125
of this section that are applicable to a parent may request an 56126
extension of adoption assistance payments at any time before the 56127
adopted ~~person~~ young adult reaches age twenty-one. 56128

(3) An adopted young adult who is eligible to receive 56129
adoption assistance payments is not considered an emancipated 56130
young adult and is therefore not eligible to receive payment under 56131
division (A) of this section. 56132

(C) In addition to other requirements, ~~a person who is in~~ 56133
~~foster care or has been adopted~~ an adopted or emancipated young 56134
adult must meet at least one of the following criteria: 56135

(1) Is completing secondary education or a program leading to 56136
an equivalent credential; 56137

(2) Is enrolled in an institution that provides 56138
post-secondary or vocational education; 56139

(3) Is participating in a program or activity designed to 56140
promote, or remove barriers to, employment; 56141

(4) Is employed for at least eighty hours per month; 56142

(5) Is incapable of doing any of the activities described in 56143
~~division~~ divisions (C)(1) to (4) of this section due to a ~~medical~~ 56144
physical or mental condition, which incapacity is supported by 56145
regularly updated information in the person's case record or plan. 56146

(D) Any ~~person~~ emancipated young adult described in division 56147
(A)(1) of this section who is directly receiving foster care 56148

payments, or on whose behalf such foster care payments are 56149
received, or any parent receiving adoption assistance payments, 56150
~~pursuant to this section~~ may refuse the payments at any time. ~~If~~ 56151
~~the person or parent refuses payments and seeks payments at a~~ 56152
~~later date, the person or parent must reapply for the payments in~~ 56153
~~accordance with this section.~~ 56154

(E)(1) ~~A person~~ An emancipated young adult described in 56155
division (A)(1) of this section who is directly receiving foster 56156
care payments, or on whose behalf such foster care payments are 56157
received, or a parent receiving adoption assistance payments and 56158
the adopted ~~person, pursuant to this section,~~ young adult shall be 56159
eligible for services set forth in the federal, "Fostering 56160
Connections to Success and Increasing Adoptions Act of 2008," P.L. 56161
110-351, 122 Stat. 3949. 56162

(2) ~~A person~~ An emancipated young adult described in division 56163
(A)(1) of this section who is directly receiving foster care 56164
payments, or on whose behalf such foster care payments are 56165
received, pursuant to this section, may be eligible to reside in a 56166
supervised independent living setting, including apartment living, 56167
room and board arrangements, college or university dormitories, 56168
host homes, and shared roommate settings. 56169

(F) Any determination by the department that denies or 56170
terminates foster care or adoption assistance payments shall be 56171
subject to a state hearing pursuant to section 5101.35 of the 56172
Revised Code. 56173

Sec. 5101.1412. (A) Without the approval of a court, ~~a child~~ 56174
an emancipated young adult who receives payments, or on whose 56175
behalf payments are received, under division (A) of section 56176
5101.1411 of the Revised Code, may enter into a voluntary 56177
participation agreement with the department of job and family 56178
services, or its designee representative, for the ~~child's~~ 56179

emancipated young adult's care and placement. The agreement shall 56180
expire within one hundred eighty days and may not be renewed 56181
without court approval stay in effect until one of the following 56182
occurs: 56183

(1) The emancipated young adult enrolled in the program 56184
notifies the department, or its representative, that they want to 56185
terminate the agreement. 56186

(2) The emancipated young adult becomes ineligible for the 56187
program. 56188

(B) Prior to the agreement's expiration During the 56189
one-hundred-eighty-day period after the voluntary participation 56190
agreement becomes effective, the department or its designee 56191
representative shall seek approval from the court that the child's 56192
emancipated young adult's best interest is served by extending 56193
continuing the care and placement with the department or its 56194
designee representative. 56195

(C) In order to maintain Title IV-E eligibility for the 56196
emancipated young adult, not later than twelve months after the 56197
effective date of the voluntary participation agreement, and at 56198
least once every twelve months thereafter, the department or its 56199
representative must petition the court for, and obtain, a judicial 56200
determination that the department or its representative has made 56201
reasonable efforts to finalize a permanency plan that addresses 56202
the department's or its representative's efforts to prepare the 56203
emancipated young adult for independence. 56204

Sec. 5101.1414. (A) Not later than nine months after 56205
September 13, 2016, the effective date of H.B. 50 of the 131st 56206
general assembly, the department of job and family services shall 56207
adopt rules necessary to carry out the purposes of sections 56208
5101.1411 to 5101.1413 of the Revised Code, including rules that 56209

do all of the following: 56210

(1) Allow ~~a person~~ an emancipated young adult described in 56211
division (A)(1) of section 5101.1411 of the Revised Code who is 56212
directly receiving foster care payments, or on whose behalf such 56213
foster care payments are received, or ~~a person~~ an adopted young 56214
adult whose adoptive parents are receiving adoption assistance 56215
payments, to maintain eligibility while transitioning into, or out 56216
of, qualified employment or educational activities; 56217

(2) Require that a thirty-day notice of termination be given 56218
by the department to ~~a person~~ an emancipated young adult described 56219
in division (A)(1) of section 5101.1411 of the Revised Code who is 56220
receiving foster care payments, or on whose behalf such foster 56221
care payments are received, or to a parent receiving adoption 56222
assistance payments for an adopted ~~person~~ young adult described in 56223
division (B)(1) of section 5101.1411 of the Revised Code, who is 56224
determined to be ineligible for payments; 56225

(3) Establish the scope of practice and training necessary 56226
for ~~foster care workers and foster care worker~~ case managers and 56227
supervisors who care for ~~persons~~ emancipated young adults 56228
described in division (A)(1) of section 5101.1411 of the Revised 56229
Code who are receiving foster care payments, or on whose behalf 56230
such foster care payments are received, under section 5101.1411 of 56231
the Revised Code. 56232

(B) The department of job and family services shall create an 56233
advisory council to evaluate and make recommendations for 56234
statewide implementation of sections 5101.1411 and 5101.1412 of 56235
the Revised Code not later than one month after September 13, 56236
2016, the effective date of H.B. 50 of the 131st general assembly. 56237

Sec. 5101.1415. The provisions of divisions (A) and (C) to 56238
(F) of section 5101.1411 of the Revised Code shall not apply if 56239

the person is eligible for temporary or permanent custody until 56240
age twenty-one pursuant to a dispositional order under sections 56241
2151.353, 2151.414, and 2151.415 of the Revised Code. 56242

Sec. 5101.56. (A) As used in this section, "physician" means 56243
a person who holds a valid ~~certificate~~ license to practice 56244
medicine and surgery or osteopathic medicine and surgery issued 56245
under Chapter 4731. of the Revised Code. 56246

(B) Unless required by the United States Constitution or by 56247
federal statute, regulation, or decisions of federal courts, state 56248
or local funds may not be used for payment or reimbursement for 56249
abortion services unless the certification required by division 56250
(C) of this section is made and one of the following circumstances 56251
exists: 56252

(1) The woman suffers from a physical disorder, physical 56253
injury, or physical illness, including a life-endangering physical 56254
condition caused by or arising from the pregnancy, that would, as 56255
certified by a physician, place the woman in danger of death 56256
unless an abortion is performed. 56257

(2) The pregnancy was the result of an act of rape and the 56258
patient, the patient's legal guardian, or the person who made the 56259
report to the law enforcement agency, certifies in writing that 56260
prior to the performance of the abortion a report was filed with a 56261
law enforcement agency having the requisite jurisdiction, unless 56262
the patient was physically unable to comply with the reporting 56263
requirement and that fact is certified by the physician performing 56264
the abortion. 56265

(3) The pregnancy was the result of an act of incest and the 56266
patient, the patient's legal guardian, or the person who made the 56267
report certifies in writing that prior to the performance of the 56268
abortion a report was filed with either a law enforcement agency 56269
having the requisite jurisdiction, or, in the case of a minor, 56270

with a county children services agency established under Chapter 56271
5153. of the Revised Code, unless the patient was physically 56272
unable to comply with the reporting requirement and that fact is 56273
certified by the physician performing the abortion. 56274

(C)(1) Before payment of or reimbursement for an abortion can 56275
be made with state or local funds, the physician performing the 56276
abortion shall certify that one of the three circumstances in 56277
division (B) of this section has occurred. The certification shall 56278
be made on a form created by the Ohio department of job and family 56279
services known as the "Abortion Certification Form." The 56280
physician's signature shall be in the physician's own handwriting. 56281
The certification shall list the name and address of the patient. 56282
The certification form shall be attached to the billing invoice. 56283

(2) The certification shall be as follows: 56284

I certify that, on the basis of my professional judgment, 56285
this service was necessary because: 56286

(a) The woman suffers from a physical disorder, physical 56287
injury, or physical illness, including a life-endangering physical 56288
condition caused by or arising from the pregnancy itself, that 56289
would place the woman in danger of death unless an abortion was 56290
performed; 56291

(b) The pregnancy was the result of an act of rape and the 56292
patient, the patient's legal guardian, or the person who made the 56293
report to the law enforcement agency certified in writing that 56294
prior to the performance of the abortion a report was filed with a 56295
law enforcement agency having the requisite jurisdiction; 56296

(c) The pregnancy was the result of an act of incest and the 56297
patient, the patient's legal guardian, or the person who made the 56298
report certified in writing that prior to the performance of the 56299
abortion a report was filed with either a law enforcement agency 56300
having the requisite jurisdiction or, in the case of a minor, with 56301

a county children services agency established under Chapter 5153. 56302
of the Revised Code; 56303

(d) The pregnancy was the result of an act of rape and in my 56304
professional opinion the recipient was physically unable to comply 56305
with the reporting requirement; or 56306

(e) The pregnancy was a result of an act of incest and in my 56307
professional opinion the recipient was physically unable to comply 56308
with the reporting requirement. 56309

(D) Payment or reimbursement for abortion services shall not 56310
be made with state or local funds for associated services such as 56311
anesthesia, laboratory tests, or hospital services if the abortion 56312
service itself cannot be paid or reimbursed with state or local 56313
funds. All abortion services for which a physician is seeking 56314
reimbursement or payment for the purposes of this division shall 56315
be submitted on a hard-copy billing invoice. 56316

(E) Documentation that supports the certification made by a 56317
physician shall be maintained by the physician in the recipient's 56318
medical record. When the physician certifies that circumstances 56319
described in division (C)(2)(b) or (c) of this section are the 56320
case, a copy of the statement signed by the patient, the patient's 56321
legal guardian, or the person who made the report shall be 56322
maintained in the patient's medical record. 56323

(F) Nothing in this section denies reimbursement for drugs or 56324
devices to prevent implantation of the fertilized ovum, or for 56325
medical procedures for the termination of an ectopic pregnancy. 56326
This section does not apply to treatments for incomplete, missed, 56327
or septic abortions. 56328

(G) If enforcement of this section will adversely affect 56329
eligibility of the state or a political subdivision of the state 56330
for participation in a federal program, this section shall be 56331
enforced to the extent permissible without preventing 56332

participation in that federal program. 56333

Sec. 5101.83. (A) As used in this section: 56334

(1) "Assistance group" has the same meaning as in section 56335
5107.02 of the Revised Code, except that it also means a group 56336
provided benefits and services under the prevention, retention, 56337
and contingency program or the comprehensive case management and 56338
employment program. 56339

(2) "Fraudulent assistance" means assistance and ~~service~~ 56340
services, including cash assistance, provided under the Ohio works 56341
first program established under Chapter 5107., or benefits and 56342
services provided under the prevention, retention, and contingency 56343
program established under Chapter 5108. of the Revised Code or 56344
under the comprehensive case management and employment program 56345
established under Chapter 5116. of the Revised Code, to or on 56346
behalf of an assistance group that is provided as a result of 56347
fraud by a member of the assistance group, including an 56348
intentional violation of the program's requirements. "Fraudulent 56349
assistance" does not include assistance or services to or on 56350
behalf of an assistance group that is provided as a result of an 56351
error that is the fault of a county department of job and family 56352
services or the ~~state~~ Ohio department of job and family services. 56353

(B) If a county director of job and family services 56354
determines that an assistance group has received fraudulent 56355
assistance, the assistance group is ineligible to participate in 56356
the Ohio works first program ~~or~~, the prevention, retention, and 56357
contingency program, or the comprehensive case management and 56358
employment program until a member of the assistance group repays 56359
the cost of the fraudulent assistance. If a member repays the cost 56360
of the fraudulent assistance and the assistance group otherwise 56361
meets the eligibility requirements for the Ohio works first 56362
program ~~or~~, the prevention, retention, and contingency program, or 56363

the comprehensive case management and employment program, the 56364
assistance group shall not be denied the opportunity to 56365
participate in the program. 56366

This section does not limit the ability of a county 56367
department of job and family services to recover erroneous 56368
payments under section 5107.76 of the Revised Code. 56369

The ~~state~~ Ohio department of job and family services shall 56370
adopt rules in accordance with Chapter 119. of the Revised Code to 56371
implement this section. 56372

Sec. 5103.02. As used in sections 5103.03 to ~~5103.17~~ 5103.181 56373
of the Revised Code: 56374

(A)(1) "Association" or "institution" includes all of the 56375
following: 56376

(a) Any incorporated or unincorporated organization, society, 56377
association, or agency, public or private, that receives or cares 56378
for children for two or more consecutive weeks; 56379

(b) Any individual, including the operator of a foster home, 56380
who, for hire, gain, or reward, receives or cares for children for 56381
two or more consecutive weeks, unless the individual is related to 56382
them by blood or marriage; 56383

(c) Any individual not in the regular employ of a court, or 56384
of an institution or association certified in accordance with 56385
section 5103.03 of the Revised Code, who in any manner becomes a 56386
party to the placing of children in foster homes, unless the 56387
individual is related to such children by blood or marriage or is 56388
the appointed guardian of such children. 56389

(2) "Association" or "institution" does not include any of 56390
the following: 56391

(a) Any organization, society, association, school, agency, 56392
child guidance center, detention or rehabilitation facility, or 56393

children's clinic licensed, regulated, approved, operated under 56394
the direction of, or otherwise certified by the department of 56395
education, a local board of education, the department of youth 56396
services, the department of mental health and addiction services, 56397
or the department of developmental disabilities; 56398

(b) Any individual who provides care for only a single-family 56399
group, placed there by their parents or other relative having 56400
custody; 56401

(c) A private, nonprofit therapeutic wilderness camp. 56402

(B) "Family foster home" means a foster home that is not a 56403
specialized foster home. 56404

(C) "Foster caregiver" means a person holding a valid foster 56405
home certificate issued under section 5103.03 of the Revised Code. 56406

(D) "Foster home" means a private residence in which children 56407
are received apart from their parents, guardian, or legal 56408
custodian, by an individual reimbursed for providing the children 56409
nonsecure care, supervision, or training twenty-four hours a day. 56410
"Foster home" does not include care provided for a child in the 56411
home of a person other than the child's parent, guardian, or legal 56412
custodian while the parent, guardian, or legal custodian is 56413
temporarily away. Family foster homes and specialized foster homes 56414
are types of foster homes. 56415

(E) "Medically fragile foster home" means a foster home that 56416
provides specialized medical services designed to meet the needs 56417
of children with intensive health care needs who meet all of the 56418
following criteria: 56419

(1) Under rules adopted by the medicaid director governing 56420
medicaid payments for long-term care services, the children 56421
require a skilled level of care. 56422

(2) The children require the services of a doctor of medicine 56423

or osteopathic medicine at least once a week due to the 56424
instability of their medical conditions. 56425

(3) The children require the services of a registered nurse 56426
on a daily basis. 56427

(4) The children are at risk of institutionalization in a 56428
hospital, skilled nursing facility, or intermediate care facility 56429
for individuals with intellectual disabilities. 56430

(F) "Private, nonprofit therapeutic wilderness camp" means a 56431
structured, alternative residential setting for children who are 56432
experiencing emotional, behavioral, moral, social, or learning 56433
difficulties at home or school in which all of the following are 56434
the case: 56435

(1) The children spend the majority of their time, including 56436
overnight, either outdoors or in a primitive structure. 56437

(2) The children have been placed there by their parents or 56438
another relative having custody. 56439

(3) The camp accepts no public funds for use in its 56440
operations. 56441

(G) "Recommending agency" means a public children services 56442
agency, private child placing agency, or private noncustodial 56443
agency that recommends that the department of job and family 56444
services take any of the following actions under section 5103.03 56445
of the Revised Code regarding a foster home: 56446

(1) Issue a certificate; 56447

(2) Deny a certificate; 56448

(3) Renew a certificate; 56449

(4) Deny renewal of a certificate; 56450

(5) Revoke a certificate. 56451

(H) "Specialized foster home" means a medically fragile 56452

foster home or a treatment foster home. 56453

(I) "Treatment foster home" means a foster home that 56454
incorporates special rehabilitative services designed to treat the 56455
specific needs of the children received in the foster home and 56456
that receives and cares for children who are emotionally or 56457
behaviorally disturbed, who are chemically dependent, who have 56458
developmental disabilities, or who otherwise have exceptional 56459
needs. 56460

Sec. 5103.037. (A) Prior to employing or appointing a person 56461
as board president, or as an administrator or officer, an 56462
institution or association shall do the following regarding the 56463
person: 56464

(1) Request a summary report of a search of the uniform 56465
statewide automated child welfare information system in accordance 56466
with divisions (A) and (B) of section 5103.18 of the Revised Code; 56467

(2) Request a certified search of the findings for recovery 56468
database; 56469

(3) Conduct a database review at the federal web site known 56470
as the system for award management; 56471

(4) Conduct a search of the United States department of 56472
justice national sex offender public web site. 56473

(B) The institution or association may refuse to hire or 56474
appoint a person as board president, or as an administrator or 56475
officer as follows: 56476

(1) Based solely on the findings of the summary report 56477
described in division (B)(1)(a) of section 5103.18 of the Revised 56478
Code or the results of the search described in division (A)(4) of 56479
this section; 56480

(2) Based on the results of a certified search or database 56481
review described in division (A)(2) or (3) of this section, when 56482

considered within the totality of circumstances. 56483

(C) The director of job and family services shall adopt rules 56484
in accordance with Chapter 119. of the Revised Code necessary for 56485
the implementation and execution of this section. 56486

Sec. 5103.0310. (A) Prior to employing a person, an 56487
institution or association, as defined in division (A)(1)(a) of 56488
section 5103.02 of the Revised Code, shall do the following 56489
regarding the person: 56490

(1) Conduct a search of the United States department of 56491
justice national sex offender public web site regarding the 56492
person; 56493

(2) Request a summary report of a search of the uniform 56494
statewide automated child welfare information system in accordance 56495
with divisions (A) and (B) of section 5103.18 of the Revised Code. 56496

(B) The institution or association may refuse to hire the 56497
person based solely on the results of the search described in 56498
division (A)(1) of this section or the findings of the summary 56499
report described in division (B)(1)(a) of section 5103.18 of the 56500
Revised Code. 56501

(C) The director of job and family services shall adopt rules 56502
in accordance with Chapter 119. of the Revised Code necessary for 56503
the implementation and execution of this section. 56504

Sec. 5103.0328. (A) Not later than ninety-six hours after 56505
receiving notice from the superintendent of the bureau of criminal 56506
identification and investigation pursuant to section 109.5721 of 56507
the Revised Code that a foster caregiver has been arrested for, 56508
convicted of, or pleaded guilty to any foster 56509
caregiver-disqualifying offense, and not later than ninety-six 56510
hours after learning in any other manner that a foster caregiver 56511
has been arrested for, convicted of, or pleaded guilty to any 56512

foster caregiver-disqualifying offense, the department of job and 56513
family services shall provide notice of that arrest, conviction, 56514
or guilty plea to both the recommending agency relative to the 56515
foster caregiver and the custodial agency of any child currently 56516
placed with that caregiver. 56517

(B) If a recommending agency receives notice from the 56518
department of job and family services pursuant to division (A) of 56519
this section that a foster caregiver has been convicted of or 56520
pleaded guilty to any foster caregiver-disqualifying offense, or 56521
if a recommending agency learns in any other manner that a foster 56522
caregiver has been convicted of or pleaded guilty to any foster 56523
caregiver-disqualifying offense, the recommending agency shall 56524
assess the foster caregiver's overall situation for safety 56525
concerns and forward any recommendations, if applicable, for 56526
revoking the foster caregiver's certificate to the department for 56527
the department's review for possible revocation. 56528

(C) As used in this section, "foster caregiver-disqualifying 56529
offense" means any offense or violation listed or described in 56530
division (C)(1)(a) ~~or (b)~~ of section 2151.86 of the Revised Code. 56531

Sec. 5103.13. (A) As used in this section and section 56532
5103.131 of the Revised Code: 56533

(1)(a) "Children's crisis care facility" means a facility 56534
that has as its primary purpose the provision of residential and 56535
other care to either or both of the following: 56536

(i) One or more preteens voluntarily placed in the facility 56537
by the preteen's parent or other caretaker who is facing a crisis 56538
that causes the parent or other caretaker to seek temporary care 56539
for the preteen and referral for support services; 56540

(ii) One or more preteens placed in the facility by a public 56541
children services agency or private child placing agency that has 56542

legal custody or permanent custody of the preteen and determines 56543
that an emergency situation exists necessitating the preteen's 56544
placement in the facility rather than an institution certified 56545
under section 5103.03 of the Revised Code or elsewhere. 56546

(b) "Children's crisis care facility" does not include either 56547
of the following: 56548

(i) Any organization, society, association, school, agency, 56549
child guidance center, detention or rehabilitation facility, or 56550
children's clinic licensed, regulated, approved, operated under 56551
the direction of, or otherwise certified by the department of 56552
education, a local board of education, the department of youth 56553
services, the department of mental health and addiction services, 56554
or the department of developmental disabilities; 56555

(ii) Any individual who provides care for only a 56556
single-family group, placed there by their parents or other 56557
relative having custody. 56558

(2) "Legal custody" and "permanent custody" have the same 56559
meanings as in section 2151.011 of the Revised Code. 56560

(3) "Preteen" means an individual under thirteen years of 56561
age. 56562

(B) No person shall operate a children's crisis care facility 56563
or hold a children's crisis care facility out as a certified 56564
children's crisis care facility unless there is a valid children's 56565
crisis care facility certificate issued under this section for the 56566
facility. 56567

(C) A person seeking to operate a children's crisis care 56568
facility shall apply to the director of job and family services to 56569
obtain a certificate for the facility. The director shall certify 56570
the person's children's crisis care facility if the facility meets 56571
all of the certification standards established in rules adopted 56572
under division (F) of this section and the person complies with 56573

all of the rules governing the certification of children's crisis 56574
care facilities adopted under that division. The issuance of a 56575
children's crisis care facility certificate does not exempt the 56576
facility from a requirement to obtain another certificate or 56577
license mandated by law. 56578

(D)(1) No certified children's crisis care facility shall do 56579
any of the following: 56580

(a) Provide residential care to a preteen for more than one 56581
hundred twenty days in a calendar year; 56582

(b) Subject to division (D)(1)(c) of this section and except 56583
as provided in division (D)(2) of this section, provide 56584
residential care to a preteen for more than sixty consecutive 56585
days; 56586

(c) ~~Except as provided in division (D)(3) of this section,~~ 56587
~~provide~~ Provide residential care to a preteen for more than 56588
~~seventy two~~ fourteen consecutive ~~hours~~ days if a public children 56589
services agency or private child placing agency placed the preteen 56590
in the facility; 56591

(d) Fail to comply with section 2151.86 of the Revised Code. 56592

(2) A certified children's crisis care facility may provide 56593
residential care to a preteen for up to ninety consecutive days, 56594
other than a preteen placed in the facility by a public children 56595
services agency or private child placing agency, if any of the 56596
following are the case: 56597

(a) The preteen's parent or other caretaker is enrolled in an 56598
alcohol and drug addiction service or a community mental health 56599
service certified under section 5119.36 of the Revised Code; 56600

(b) The preteen's parent or other caretaker is an inpatient 56601
in a hospital; 56602

(c) The preteen's parent or other caretaker is incarcerated; 56603

(d) A physician has diagnosed the preteen's parent or other caretaker as medically incapacitated. 56604
56605

~~(3) A certified children's crisis care facility may provide residential care to a preteen placed in the facility by a public children services agency or private child placing agency for more than seventy two consecutive hours if the director of job and family services or the director's designee issues the agency a waiver of the seventy two consecutive hour limitation. The waiver may authorize the certified children's crisis care facility to provide residential care to the preteen for up to fourteen consecutive days.~~ 56606
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(E) The director of job and family services may suspend or revoke a children's crisis care facility's certificate pursuant to Chapter 119. of the Revised Code if the facility violates division (D) of this section or ceases to meet any of the certification standards established in rules adopted under division (F) of this section or the facility's operator ceases to comply with any of the rules governing the certification of children's crisis care facilities adopted under that division. 56615
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(F) Not later than ninety days after September 21, 2006, the director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code for the certification of children's crisis care facilities. The rules shall specify that a certificate shall not be issued to an applicant if the conditions at the children's crisis care facility would jeopardize the health or safety of the preteens placed in the facility. 56623
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Sec. 5103.181. (A) Prior to certification or recertification of a foster home under section 5103.03 of the Revised Code, a recommending agency shall conduct a search of the United States department of justice national sex offender public web site regarding the prospective or current foster caregiver and all 56630
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persons eighteen years of age or older who reside with the 56635
prospective or current foster caregiver. Certification or 56636
recertification may be denied based solely on the results of the 56637
search. 56638

(B) The director of job and family services shall adopt rules 56639
in accordance with Chapter 119. of the Revised Code necessary for 56640
the implementation and execution of this section. 56641

Sec. 5103.30. The Ohio child welfare training program is 56642
hereby established in the department of job and family services as 56643
a statewide program. The program shall provide all of the 56644
following: 56645

(A) The training that section 3107.014 of the Revised Code 56646
requires an assessor to complete; 56647

(B) The preplacement training that sections 5103.031 and 56648
5103.033 of the Revised Code require a prospective foster 56649
caregiver to complete; 56650

(C) The continuing training that sections 5103.032 and 56651
5103.033 of the Revised Code require a foster caregiver to 56652
complete; 56653

(D) The training that section 5153.122 of the Revised Code 56654
requires a PCSA caseworker to complete; 56655

(E) The training that section 5153.123 of the Revised Code 56656
requires a PCSA caseworker supervisor to complete; 56657

(F) The training required under section 5101.1414 of the 56658
Revised Code for a ~~foster care worker or foster care worker~~ case 56659
manager and supervisor. 56660

Sec. 5104.01. As used in this chapter: 56661

(A) "Administrator" means the person responsible for the 56662

daily operation of a center, type A home, or ~~type B home~~ approved child day camp. The administrator and the owner may be the same person. 56663
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(B) "Approved child day camp" means a child day camp approved pursuant to section 5104.22 of the Revised Code. 56666
56667

(C) "Authorized representative" means an individual employed by a center, type A home, or approved child day camp that is owned by a person other than an individual and who is authorized by the owner to do all of the following: 56668
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(1) Communicate on the owner's behalf; 56672

(2) Submit on the owner's behalf applications for licensure or approval; 56673
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(3) Enter into on the owner's behalf provider agreements for publicly funded child care. 56675
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(D) "Border state child care provider" means a child care provider that is located in a state bordering Ohio and that is licensed, certified, or otherwise approved by that state to provide child care funded by the child care block grant act. 56677
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~~(D)~~(E) "Career pathways model" means an alternative pathway to meeting the requirements to be a child-care staff member or administrator that does both of the following: 56681
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(1) Uses a framework approved by the director of job and family services to document formal education, training, experience, and specialized credentials and certifications; 56684
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(2) Allows the child-care staff member or administrator to achieve a designation as an early childhood professional level one, two, three, four, five, or six. 56687
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~~(E)~~(F) "Caretaker parent" means the father or mother of a child whose presence in the home is needed as the caretaker of the child, a person who has legal custody of a child and whose 56690
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presence in the home is needed as the caretaker of the child, a 56693
guardian of a child whose presence in the home is needed as the 56694
caretaker of the child, and any other person who stands in loco 56695
parentis with respect to the child and whose presence in the home 56696
is needed as the caretaker of the child. 56697

~~(F)~~(G) "Chartered nonpublic school" means a school that meets 56698
standards for nonpublic schools prescribed by the state board of 56699
education for nonpublic schools pursuant to section 3301.07 of the 56700
Revised Code. 56701

~~(G)~~(H) "Child" includes an infant, toddler, preschool-age 56702
child, or school-age child. 56703

~~(H)~~(I) "Child care block grant act" means the "Child Care and 56704
Development Block Grant Act of 1990," ~~established in section 5082~~ 56705
~~of the "Omnibus Budget Reconciliation Act of 1990," 104 Stat.~~ 56706
~~1388-236 (1990)~~ 2014," 128 Stat. 1971 (2014), 42 U.S.C. 9858, as 56707
amended. 56708

~~(I)~~(J) "Child day camp" means a program in which only 56709
school-age children attend or participate, that operates for no 56710
more than ~~seven~~ twelve hours per day, ~~that operates only during~~ 56711
~~one or more public school district's regular vacation periods or~~ 56712
~~for~~ and no more than fifteen weeks during the summer, ~~and that~~ 56713
~~operates outdoor activities for each child who attends or~~ 56714
~~participates in the program for a minimum of fifty per cent of~~ 56715
~~each day that children attend or participate in the program,~~ 56716
~~except for any day when hazardous weather conditions prevent the~~ 56717
~~program from operating outdoor activities for a minimum of fifty~~ 56718
~~per cent of that day.~~ For purposes of this division, the maximum 56719
~~seven~~ twelve hours of operation time does not include 56720
transportation time from a child's home to a child day camp and 56721
from a child day camp to a child's home. 56722

~~(J)~~(K) "Child care" means all of the following: 56723

(1) Administering to the needs of infants, toddlers, 56724
preschool-age children, and school-age children outside of school 56725
hours; 56726

(2) By persons other than their parents, guardians, or 56727
custodians; 56728

(3) For ~~any~~ part of the twenty-four-hour day; 56729

(4) In a place other than a child's own home, except that an 56730
in-home aide provides child care in the child's own home; 56731

(5) By a provider required by this chapter to be licensed or 56732
approved by the department of job and family services, certified 56733
by a county department of job and family services, or under 56734
contract with the department to provide publicly funded child care 56735
as described in section 5104.32 of the Revised Code. 56736

~~(K)(L) "Child day-care center" and "center" mean any place in 56737
which child care or publicly funded child care is provided for 56738
thirteen or more children at one time or any place that is not the 56739
permanent residence of the licensee or administrator in which 56740
child care or publicly funded child care is provided for seven to 56741
twelve or more children at one time. In counting children for the 56742
purposes of this division, any children under six years of age who 56743
are related to a licensee, administrator, or employee and who are 56744
on the premises of the center shall be counted. "Child day-care 56745
center" and "center" do not include any of the following: 56746~~

(1) A place located in and operated by a hospital, as defined 56747
in section 3727.01 of the Revised Code, in which the needs of 56748
children are administered to, if all the children whose needs are 56749
being administered to are monitored under the on-site supervision 56750
of a physician licensed under Chapter 4731. of the Revised Code or 56751
a registered nurse licensed under Chapter 4723. of the Revised 56752
Code, and the services are provided only for children who, in the 56753
opinion of the child's parent, guardian, or custodian, are 56754

exhibiting symptoms of a communicable disease or other illness or 56755
are injured; 56756

(2) A child day camp; 56757

(3) A place that provides ~~child care, but not publicly funded~~ 56758
~~child~~ care, if all of the following apply: 56759

(a) An organized religious body provides the ~~child~~ care; 56760

(b) A parent, custodian, or guardian of at least one child 56761
receiving ~~child~~ care is on the premises and readily accessible at 56762
all times; 56763

(c) The ~~child~~ care is not provided for more than thirty days 56764
a year; 56765

(d) The ~~child~~ care is provided only for preschool-age and 56766
school-age children. 56767

~~(L)~~(M) "Child care resource and referral service 56768
organization" means a community-based nonprofit organization that 56769
provides child care resource and referral services but not child 56770
care. 56771

~~(M)~~(N) "Child care resource and referral services" means all 56772
of the following services: 56773

(1) Maintenance of a uniform data base of all child care 56774
providers in the community that are in compliance with this 56775
chapter, including current occupancy and vacancy data; 56776

(2) Provision of individualized consumer education to 56777
families seeking child care; 56778

(3) Provision of timely referrals of available child care 56779
providers to families seeking child care; 56780

(4) Recruitment of child care providers; 56781

(5) Assistance in ~~the development, conduct, and dissemination~~ 56782
~~of~~ developing, conducting, and disseminating training for child 56783

care ~~providers~~ professionals and provision of technical assistance 56784
to current and potential child care providers, employers, and the 56785
community; 56786

(6) Collection and analysis of data on the supply of and 56787
demand for child care in the community; 56788

(7) Technical assistance concerning locally, state, and 56789
federally funded child care and early childhood education 56790
programs; 56791

(8) Stimulation of employer involvement in making child care 56792
more affordable, more available, safer, and of higher quality for 56793
their employees and for the community; 56794

(9) Provision of written educational materials to caretaker 56795
parents and informational resources to child care providers; 56796

(10) Coordination of services among child care resource and 56797
referral service organizations to assist in developing and 56798
maintaining a statewide system of child care resource and referral 56799
services if required by the department of job and family services; 56800

(11) Cooperation with the county department of job and family 56801
services in encouraging the establishment of parent cooperative 56802
child care centers and parent cooperative type A family day-care 56803
homes. 56804

~~(N)~~(O) "Child-care staff member" means an employee of a child 56805
day-care center ~~or~~, type A family day-care home, licensed type B 56806
family day-care home, or approved child day camp who is primarily 56807
responsible for the care and supervision of children. The 56808
administrator, authorized representative, or owner may be a 56809
~~part-time~~ child-care staff member when not involved in other 56810
duties. 56811

~~(O)~~(P) "Drop-in child day-care center," "drop-in center," 56812
"drop-in type A family day-care home," and "drop-in type A home" 56813

mean a center or type A home that provides child care or publicly 56814
funded child care for children on a temporary, irregular basis. 56815

~~(P)~~(O) "Employee" means a person who either: 56816

(1) Receives compensation for duties performed in a child 56817
day-care center ~~or~~, type A family day-care home, licensed type B 56818
family day-care home, or approved child day camp; 56819

(2) Is assigned specific working hours or duties in a child 56820
day-care center ~~or~~, type A family day-care home, licensed type B 56821
family day-care home, or approved child day camp. 56822

~~(Q)~~(R) "Employer" means a person, firm, institution, 56823
organization, or agency that operates a child day-care center ~~or~~, 56824
type A family day-care home, licensed type B family day-care home, 56825
or approved child day camp subject to licensure or approval under 56826
this chapter. 56827

~~(R)~~(S) "Federal poverty line" means the official poverty 56828
guideline as revised annually in accordance with section 673(2) of 56829
the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 56830
U.S.C. 9902, as amended, for a family size equal to the size of 56831
the family of the person whose income is being determined. 56832

~~(S)~~(T) "Head start program" means a comprehensive child 56833
development program serving birth to three years old and 56834
preschool-age children that receives funds distributed under the 56835
"Head Start Act," 95 Stat. 499 (1981), 42 U.S.C.A. 9831, as 56836
amended, and is licensed as a child ~~day-care-center~~ care program. 56837

~~(T)~~(U) "Homeless child care" means child care provided to a 56838
child who satisfies any of the following: 56839

(1) Is homeless as defined in 42 U.S.C. 11302; 56840

(2) Is a homeless child or youth as defined in 42 U.S.C. 56841
11434a; 56842

(3) Resides temporarily with a caretaker in a facility 56843

providing emergency shelter for homeless families or is determined 56844
by a county department of job and family services to be homeless. 56845

(V) "Income" means gross income, as defined in section 56846
5107.10 of the Revised Code, less any amounts required by federal 56847
statutes or regulations to be disregarded. 56848

~~(U)~~(W) "Indicator checklist" means an inspection tool, used 56849
in conjunction with an instrument-based program monitoring 56850
information system, that contains selected licensing requirements 56851
that are statistically reliable indicators or predictors of a 56852
child day-care center's type A family day-care home's, or licensed 56853
type B family day-care home's compliance with licensing 56854
requirements. 56855

~~(V)~~(X) "Infant" means a child who is less than eighteen 56856
months of age. 56857

~~(W)~~(Y) "In-home aide" means a person who does not reside with 56858
the child but provides care in the child's home and is certified 56859
by a county director of job and family services pursuant to 56860
section 5104.12 of the Revised Code to provide publicly funded 56861
child care to a child in a child's own home pursuant to this 56862
chapter and any rules adopted under it. 56863

~~(X)~~(Z) "Instrument-based program monitoring information 56864
system" means a method to assess compliance with licensing 56865
requirements for child day-care centers, type A family day-care 56866
homes, and licensed type B family day-care homes in which each 56867
licensing requirement is assigned a weight indicative of the 56868
relative importance of the requirement to the health, growth, and 56869
safety of the children that is used to develop an indicator 56870
checklist. 56871

~~(Y)~~(AA) "License capacity" means the maximum number in each 56872
age category of children who may be cared for in a child day-care 56873
center ~~or~~, type A family day-care home, or licensed type B family 56874

day-care home at one time as determined by the director of job and family services considering building occupancy limits established by the department of commerce, amount of available indoor floor space and outdoor play space, and amount of available play equipment, materials, and supplies. ~~For the purposes of a provisional license issued under this chapter, the director shall also consider the number of available child care staff members when determining "license capacity" for the provisional license.~~

~~(Z)~~(BB) "Licensed child care program" means any of the following:

(1) A child day-care center licensed by the department of job and family services pursuant to this chapter;

(2) A type A family day-care home or type B family day-care home licensed by the department of job and family services pursuant to this chapter;

(3) A licensed preschool program or licensed school child program.

~~(AA)~~(CC) "Licensed preschool program" or "licensed school child program" means a preschool program or school child program, as defined in section 3301.52 of the Revised Code, that is licensed by the department of education pursuant to sections 3301.52 to 3301.59 of the Revised Code.

~~(BB)~~(DD) "Licensed type B family day-care home" and "licensed type B home" mean a type B family day-care home for which there is a valid license issued by the director of job and family services pursuant to section 5104.03 of the Revised Code.

~~(CC)~~(EE) "Licensee" means the owner of a child day-care center, type A family day-care home, or type B family day-care home that is licensed pursuant to this chapter and who is responsible for ensuring ~~its~~ compliance with this chapter and rules adopted pursuant to this chapter.

~~(DD)~~(FF) "Operate a child day camp" means to operate, 56906
establish, manage, conduct, or maintain a child day camp. 56907

~~(EE)~~(GG) "Owner" includes a person, as defined in section 56908
1.59 of the Revised Code, or government entity. 56909

~~(FF)~~(HH) "Parent cooperative child day-care center," "parent 56910
cooperative center," "parent cooperative type A family day-care 56911
home," and "parent cooperative type A home" mean a corporation or 56912
association organized for providing educational services to the 56913
children of members of the corporation or association, without 56914
gain to the corporation or association as an entity, in which the 56915
services of the corporation or association are provided only to 56916
children of the members of the corporation or association, 56917
ownership and control of the corporation or association rests 56918
solely with the members of the corporation or association, and at 56919
least one parent-member of the corporation or association is on 56920
the premises of the center or type A home during its hours of 56921
operation. 56922

~~(GG)~~(II) "Part-time child day-care center," "part-time 56923
center," "part-time type A family day-care home," and "part-time 56924
type A home" mean a center or type A home that provides child care 56925
or publicly funded child care for not more than four hours a day 56926
for any child or not more than fifteen consecutive weeks per year, 56927
regardless of the number of hours per day. 56928

~~(HH)~~(JJ) "Place of worship" means a building where activities 56929
of an organized religious group are conducted and includes the 56930
grounds and any other buildings on the grounds used for such 56931
activities. 56932

~~(II)~~(KK) "Preschool-age child" means a child who is three 56933
years old or older but is not a school-age child. 56934

~~(JJ)~~(LL) "Protective child care" means publicly funded child 56935
care for the direct care and protection of a child to whom either 56936

all of the following ~~applies~~ apply: 56937

(1) A case plan has been prepared and maintained for the 56938
child pursuant to section 2151.412 of the Revised Code. 56939

(2) The case plan indicates a need for protective care ~~and~~ 56940
~~the.~~ 56941

(3) The child resides with a parent, stepparent, guardian, or 56942
another person who stands in loco parentis as defined in rules 56943
adopted under section 5104.38 of the Revised Code. 56944

~~(2) The child and the child's caretaker either temporarily~~ 56945
~~reside in a facility providing emergency shelter for homeless~~ 56946
~~families or are determined by the county department of job and~~ 56947
~~family services to be homeless, and are otherwise ineligible for~~ 56948
~~publicly funded child care.~~ 56949

~~(KK)~~(MM) "Publicly funded child care" means administering to 56950
the needs of infants, toddlers, preschool-age children, and 56951
school-age children under age thirteen during any part of the 56952
twenty-four-hour day by persons other than their caretaker parents 56953
for remuneration wholly or in part with federal or state funds, 56954
including funds available under the child care block grant act, 56955
Title IV-A, and Title XX, distributed by the department of job and 56956
family services. 56957

~~(LL)~~(NN) "Religious activities" means any of the following: 56958
worship or other religious services; religious instruction; Sunday 56959
school classes or other religious classes conducted during or 56960
prior to worship or other religious services; youth or adult 56961
fellowship activities; choir or other musical group practices or 56962
programs; meals; festivals; or meetings conducted by an organized 56963
religious group. 56964

~~(MM)~~(OO) "School-age child" means a child who is enrolled in 56965
or is eligible to be enrolled in a grade of kindergarten or above 56966
but is less than fifteen years old or, in the case of a child who 56967

is receiving special needs child care, is less than eighteen years 56968
old. 56969

~~(NN) "School age child care center" and "school age child~~ 56970
~~type A home" mean a center or type A home that provides child care~~ 56971
~~for school age children only and that does either or both of the~~ 56972
~~following:~~ 56973

~~(1) Operates only during that part of the day that~~ 56974
~~immediately precedes or follows the public school day of the~~ 56975
~~school district in which the center or type A home is located;~~ 56976

~~(2) Operates only when the public schools in the school~~ 56977
~~district in which the center or type A home is located are not~~ 56978
~~open for instruction with pupils in attendance.~~ 56979

~~(OO)(PP) "Serious risk noncompliance" means a licensure or~~ 56980
~~certification rule violation that leads to a great risk of harm~~ 56981
~~to, or death of, a child, and is observable, not inferable.~~ 56982

~~(PP) "State median income" means the state median income~~ 56983
~~calculated by the department of development pursuant to division~~ 56984
~~(A)(1)(g) of section 5709.61 of the Revised Code~~ 56985

(OO) "Special needs child care" means child care provided to 56986
a child who is less than eighteen years of age and either has one 56987
or more chronic health conditions or does not meet age appropriate 56988
expectations in one or more areas of development, including 56989
social, emotional, cognitive, communicative, perceptual, motor, 56990
physical, and behavioral development and that may include on a 56991
regular basis such services, adaptations, modifications, or 56992
adjustments needed to assist in the child's function or 56993
development. 56994

~~(OO)(RR) "Title IV-A" means Title IV-A of the "Social~~ 56995
~~Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended.~~ 56996

~~(RR)(SS) "Title XX" means Title XX of the "Social Security~~ 56997

Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 56998

~~(SS)~~(TT) "Toddler" means a child who is at least eighteen 56999
months of age but less than three years of age. 57000

~~(TT)~~(UU) "Type A family day-care home" and "type A home" mean 57001
a the permanent residence of the administrator in which child care 57002
or publicly funded child care is provided for seven to twelve 57003
children at one time or a permanent residence of the administrator 57004
in which child care is provided for four to twelve children at one 57005
time if four or more children at one time are under two years of 57006
age. In counting children for the purposes of this division, any 57007
children under six years of age who are related to a licensee, 57008
administrator, or employee and who are on the premises of the type 57009
A home shall be counted. "Type A family day-care home" and "type A 57010
home" do not include any child day camp. 57011

~~(UU)~~(VV) "Type B family day-care home" and "type B home" mean 57012
a permanent residence of the provider in which ~~child~~ care is 57013
provided for one to six children at one time and in which no more 57014
than three children are under two years of age at one time. In 57015
counting children for the purposes of this division, any children 57016
under six years of age who are related to the provider and who are 57017
on the premises of the type B home shall be counted. "Type B 57018
family day-care home" and "type B home" do not include any child 57019
day camp. 57020

Sec. 5104.013. ~~(A)(1) At the times specified in division 57021
(A)(3) of this section, the director of job and family services, 57022
as part of the process of licensure of child day care centers, 57023
type A family day care homes, and type B family day care homes 57024
shall request the superintendent of the bureau of criminal 57025
identification and investigation to conduct a criminal records 57026
check with respect to the following persons: 57027~~

~~(a) Any owner, licensee, or administrator of a center; 57028~~

~~(b) Any owner, licensee, or administrator of a type A home or type B home and any person eighteen years of age or older who resides in a type A home or type B home.~~ 57029
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~~(2) At the time specified in division (A)(3) of this section, the director of a county department of job and family services, as part of the process of certification of in-home aides, shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check with respect to any in-home aide.~~ 57032
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~~(3) The director of job and family services shall request a criminal records check pursuant to division (A)(1) of this section at the time of the initial application for licensure and every five years thereafter. The director of a county department of job and family services shall request a criminal records check pursuant to division (A)(2) of this section at the time of the initial application for certification and every five years thereafter. When the director of job and family services or the director of a county department of job and family services requests pursuant to division (A)(1) or (2) of this section a criminal records check for a person at the time of the person's initial application for licensure or certification, the director shall request that the superintendent of the bureau of criminal identification and investigation obtain information from the federal bureau of investigation as a part of the criminal records check for the person, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 for the person subject to the criminal records check. In all other cases in which the director of job and family services or the director of a county department of job and family services requests a criminal records check for an applicant pursuant to division (A)(1) or (2) of this section, the director may request that the superintendent include information from the federal~~ 57038
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~~bureau of investigation in the criminal records check, including 57061
fingerprint based checks of national crime information databases 57062
as described in 42 U.S.C. 671. 57063~~

~~(4) The director of job and family services shall review the 57064
results of a criminal records check subsequent to a request made 57065
pursuant to divisions (A)(1) and (3) of this section prior to 57066
approval of a license. The director of a county department of job 57067
and family services shall review the results of a criminal records 57068
check subsequent to a request made pursuant to divisions (A)(2) 57069
and (3) of this section prior to approval of certification. 57070~~

~~(B) The director of job and family services or the director 57071
of a county department of job and family services shall provide to 57072
each person for whom a criminal records check is required under 57073
this section a copy of the form prescribed pursuant to division 57074
(C)(1) of section 109.572 of the Revised Code and a standard 57075
impression sheet to obtain fingerprint impressions prescribed 57076
pursuant to division (C)(2) of that section, obtain the completed 57077
form and impression sheet from that person, and forward the 57078
completed form and impression sheet to the superintendent of the 57079
bureau of criminal identification and investigation. 57080~~

~~(C) A person who receives pursuant to division (B) of this 57081
section a copy of the form and standard impression sheet described 57082
in that division and who is requested to complete the form and 57083
provide a set of fingerprint impressions shall complete the form 57084
or provide all the information necessary to complete the form and 57085
shall provide the impression sheet with the impressions of the 57086
person's fingerprints. If the person, upon request, fails to 57087
provide the information necessary to complete the form or fails to 57088
provide impressions of the person's fingerprints, the director may 57089
consider the failure as a reason to deny licensure or 57090
certification. 57091~~

~~(D) Except as provided in rules adopted under division (N) of 57092~~

~~this section:~~ 57093

~~(1) The director of job and family services shall not grant a license to a center, type A home, or type B home and a county director of job and family services shall not certify an in-home aide if a person for whom a criminal records check was required in connection with the center or home previously has been convicted of or pleaded guilty to any of the violations described in division (A)(5) of section 109.572 of the Revised Code.~~ 57094
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~~(2) The director of job and family services shall not grant a license to a type A home or type B home if a resident of the type A home or type B home is under eighteen years of age and has been adjudicated a delinquent child for committing a violation of any section listed in division (A)(5) of section 109.572 of the Revised Code.~~ 57101
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~~(E) Each center, type A home, and type B home shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted in accordance with that section upon a request made pursuant to division (A) of this section.~~ 57107
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~~(F)(1) At the times specified in division (F)(2) of this section, the administrator of a center, type A home or licensed type B home shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check with respect to any applicant who has applied to the center, type A home, or licensed type B home for employment.~~ 57113
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~~(2) The administrator shall request a criminal records check pursuant to division (F)(1) of this section at the time of the applicant's initial application for employment and every five years thereafter. When the administrator requests pursuant to division (F)(1) of this section a criminal records check for an~~ 57119
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~~applicant at the time of the applicant's initial application for 57124
employment, the administrator shall request that the 57125
superintendent obtain information from the federal bureau of 57126
investigation as a part of the criminal records check for the 57127
applicant, including fingerprint based checks of national crime 57128
information databases as described in 42 U.S.C. 671, for the 57129
person subject to the criminal records check. In all other cases 57130
in which the administrator requests a criminal records check for 57131
an applicant pursuant to division (F)(1) of this section, the 57132
administrator may request that the superintendent include 57133
information from the federal bureau of investigation in the 57134
criminal records check, including fingerprint based checks of 57135
national crime information databases as described in 42 U.S.C.
671. 57136
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~~(G) Any person required by division (F) of this section to 57138
request a criminal records check shall inform each person, at the 57139
time of the person's initial application for employment, that the 57140
person is required to provide a set of impressions of the person's 57141
fingerprints and that a criminal records check is required to be 57142
conducted and satisfactorily completed in accordance with section 57143
109.572 of the Revised Code if the person comes under final 57144
consideration for appointment or employment as a precondition to 57145
employment for that position. 57146~~

~~(H) A person required by division (F) of this section to 57147
request a criminal records check shall provide to each applicant a 57148
copy of the form prescribed pursuant to division (C)(1) of section 57149
109.572 of the Revised Code, provide to each applicant a standard 57150
impression sheet to obtain fingerprint impressions prescribed 57151
pursuant to division (C)(2) of section 109.572 of the Revised 57152
Code, obtain the completed form and impression sheet from each 57153
applicant, and forward the completed form and impression sheet to 57154
the superintendent of the bureau of criminal identification and 57155~~

~~investigation at the time the person requests a criminal records check pursuant to division (F) of this section.~~ 57156
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~~(I) An applicant who receives pursuant to division (H) of this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a copy of an impression sheet prescribed pursuant to division (C)(2) of that section and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide all the information necessary to complete the form and shall provide the impression sheet with the impressions of the applicant's fingerprints. If an applicant, upon request, fails to provide the information necessary to complete the form or fails to provide impressions of the applicant's fingerprints, the center or type A home shall not employ that applicant for any position for which a criminal records check is required by division (F) of this section.~~ 57158
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~~(J)(1) Except as provided in rules adopted under division (N) of this section, no center, type A home, or licensed type B home shall employ or contract with another entity for the services of a person if the person previously has been convicted of or pleaded guilty to any of the violations described in division (A)(5) of section 109.572 of the Revised Code.~~ 57172
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~~(2) A center, type A home, or licensed type B home may employ an applicant conditionally until the criminal records check required by this section is completed and the center or home receives the results of the criminal records check. If the results of the criminal records check indicate that, pursuant to division (J)(1) of this section, the applicant does not qualify for employment, the center, type A home, or licensed type B home shall release the applicant from employment.~~ 57178
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~~(3) The administrator of a center, type A home, or licensed type B home shall review the results of the criminal records check~~ 57186
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~~before an applicant has sole responsibility for the care, custody, or control of any child.~~ 57188
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~~(K)(1) Each center, type A home, and licensed type B home shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted in accordance with that section upon the request pursuant to division (F) of this section of the administrator of the center, type A home, or licensed type B home.~~ 57190
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~~(2) A center, type A home, or licensed type B home may charge an applicant a fee for the costs it incurs in obtaining a criminal records check under this section. A fee charged under this division shall not exceed the amount of fees the center, type A home, or licensed type B home pays under division (K)(1) of this section. If a fee is charged under this division, the center, type A home, or licensed type B home shall notify the applicant at the time of the applicant's initial application for employment of the amount of the fee and that, unless the fee is paid, the center, type A home, or licensed type B home will not consider the applicant for employment.~~ 57197
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~~(L) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request made under division (A) or (F) of this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the person who is the subject of the criminal records check or the person's representative, the director of job and family services, the director of a county department of job and family services, the center, type A home, or type B home involved, and any court, hearing officer, or other necessary individual involved in a case dealing with a denial of licensure or certification related to the~~ 57208
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~~criminal records check. 57220~~

~~(M)(1) Each of the following persons shall sign a statement 57221
on forms prescribed by the director of job and family services 57222
attesting to the fact that the person has not been convicted of or 57223
pleaded guilty to any offense set forth in division (A)(5) of 57224
section 109.572 of the Revised Code and that no child has been 57225
removed from the person's home pursuant to section 2151.353 of the 57226
Revised Code: 57227~~

~~(a) An employee of a center, type A home, or licensed type B 57228
home: 57229~~

~~(b) A person eighteen years of age or older who resides in a 57230
type A home or licensed type B home: 57231~~

~~(c) An in-home aide: 57232~~

~~(d) An owner, licensee, or administrator of a center, type A 57233
home, or licensed type B home. 57234~~

~~(2) Each licensee of a type A home or type B home shall sign 57235
a statement on a form prescribed by the director of job and family 57236
services attesting to the fact that no person who resides at the 57237
type A home or licensed type B home and is under eighteen years of 57238
age has been adjudicated a delinquent child for committing a 57239
violation of any section listed in division (A)(5) of section 57240
109.572 of the Revised Code. 57241~~

~~(3) The statements required under divisions (M)(1) and (2) of 57242
this section shall be kept on file as follows: 57243~~

~~(a) With respect to an owner, licensee, administrator, or 57244
employee of a center, type A home, or licensed type B home, or a 57245
person eighteen years of age or older residing in a type A home or 57246
licensed type B home, at the center, type A home, or licensed type 57247
B home: 57248~~

~~(b) With respect to in-home aides, at the county department 57249~~

~~of job and family services.~~ 57250

~~(4) No owner, administrator, licensee, or employee of a center, type A home, or licensed type B home, and no person eighteen years of age or older residing in a type A home or licensed type B home, shall withhold information from, or falsify information on, any statement required pursuant to division (M)(1) or (2) of this section.~~ 57251
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~~(N) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section, including rules specifying exceptions to the prohibitions in divisions (D) and (J) of this section for persons who have been convicted of an offense listed in division (A)(5) of section 109.572 of the Revised Code but who meet standards in regard to rehabilitation set by the director.~~ 57257
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~~(O) As used in this section:~~ 57264

~~(1) "Applicant" means a person who is under final consideration for appointment to or employment in a position with a center, a type A home, or licensed type B home or any person who would serve in any position with a center, type A home, or licensed type B home pursuant to a contract with another entity.~~ 57265
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~~(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.~~ 57270
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(A) As used in this section: 57272

(1) "Applicant" means either of the following: 57273

(a) A person who is under final consideration for appointment to or employment in a position with a licensed preschool program or licensed school child program that provides publicly funded child care, child day-care center, type A family day-care home, licensed type B family day-care home, or child day camp; 57274
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(b) A person who would serve in any position with a licensed 57279

preschool program or licensed school child program that provides 57280
publicly funded child care, child day-care center, type A family 57281
day-care home, licensed type B family day-care home, or child day 57282
camp pursuant to a contract with another entity. 57283

(2) "Criminal records check" has the same meaning as in 57284
section 109.572 of the Revised Code. 57285

(B)(1) At the times specified in division (B)(2)(a) of this 57286
section, the director of job and family services shall request the 57287
superintendent of the bureau of criminal identification and 57288
investigation to conduct a criminal records check for each of the 57289
following persons: 57290

(a) Any owner or licensee of a child day-care center; 57291

(b) Any owner or licensee of a type A family day-care home or 57292
licensed type B family day-care home and any person eighteen years 57293
of age or older who resides in the home; 57294

(c) Any owner of an approved child day camp; 57295

(d) Any director of a licensed preschool program or licensed 57296
school child program that provides publicly funded child care; 57297

(e) Any in-home aide; 57298

(f) Any applicant or employee, including an administrator, of 57299
a child day-care center, type A family day-care home, licensed 57300
type B family day-care home, approved child day camp, or licensed 57301
preschool program or licensed school child program that provides 57302
publicly funded child care. 57303

(2)(a) The director shall request a criminal records check at 57304
the following times: 57305

(i) In the case of an owner or licensee of child day-care 57306
center or an owner or licensee of a type A family day-care home or 57307
licensed type B family day-care home or a resident of such a home, 57308
at the time of initial application for licensure and every five 57309

years thereafter; 57310

(ii) In the case of an owner of an approved child day camp, at the time of initial application for approval and every five years thereafter; 57311
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(iii) In the case of a director of a licensed child care program or licensed school child program, at the time of initial application to provide publicly funded child care and every five years thereafter; 57314
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(iv) In the case of an in-home aide, at the time of initial application for certification and every five years thereafter; 57318
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(v) Except as provided in division (B)(2)(a)(vi) of this section, in the case of an applicant or employee, at the time of initial application for employment and every five years thereafter; 57320
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(vi) In the case of an applicant who has been determined eligible for employment after a review of a criminal records check within the past five years and who has been employed by a licensed preschool program or licensed school child program that provides publicly funded child care, child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp within the past one hundred eighty consecutive days, every five years after the date of the initial determination. 57324
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(b) A criminal records check requested at the time of initial application shall include a request that the superintendent of the bureau of criminal identification and investigation obtain information from the federal bureau of investigation as part of the criminal records check for the person, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 for the person subject to the criminal records check. 57333
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(c) A criminal records check requested at any time other than the time of initial application may include a request that the superintendent of the bureau of criminal identification and investigation obtain information from the federal bureau of investigation as part of the criminal records check for the person, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 for the person subject to the criminal records check. 57341
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(3) With respect to a criminal records check requested for a person described in division (B)(1) of this section, the director of job and family services shall do all of the following: 57349
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(a) Provide to the person a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard impression sheet to obtain fingerprint impressions prescribed pursuant to division (C)(2) of that section; 57352
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(b) Obtain the completed form and impression sheet from the person; 57356
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(c) Forward the completed form and impression sheet to the superintendent of the bureau of criminal identification and investigation; 57358
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(d) Review the results of the criminal records check. 57361

(4) A person who receives from the director a copy of the form and standard impression sheet and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide all of the information necessary to complete the form and shall provide the impression sheet with the impressions of the person's fingerprints. If the person, upon request, fails to provide the information necessary to complete the form or fails to provide impressions of the person's fingerprints, the director or a county director of job and family services may consider the failure a reason to deny 57362
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licensure, approval, or certification or to determine an employee 57372
ineligible for employment. 57373

(5) Except as provided in rules adopted under division (F) of 57374
this section: 57375

(a) The director of job and family services shall refuse to 57376
issue a license to or approve a center, type A home, type B home, 57377
child day camp, preschool program, or school child program, and 57378
shall revoke a license or approval, and a county director of job 57379
and family services shall not certify an in-home aide and shall 57380
revoke a certification, if a person for whom a criminal records 57381
check was required under division (B)(1)(a) to (B)(1)(e) of this 57382
section has been convicted of or pleaded guilty to any of the 57383
violations described in division (A)(5) of section 109.572 of the 57384
Revised Code. 57385

(b) The director of job and family services shall not issue a 57386
license to a type A home or type B home if a resident of the type 57387
A home or type B home is under eighteen years of age and has been 57388
adjudicated a delinquent child for committing either a violation 57389
of any section listed in division (A)(5) of section 109.572 of the 57390
Revised Code or an offense of another state or the United States 57391
that is substantially equivalent to an offense listed in division 57392
(A)(5) of section 109.572 of the Revised Code. 57393

(c) The director shall determine an applicant or employee 57394
ineligible for employment if the person has been convicted of or 57395
pleaded guilty to any of the violations described in division 57396
(A)(5) of section 109.572 of the Revised Code. 57397

(6) Each child day-care center, type A home, type B home, 57398
approved child day camp, licensed child care program, licensed 57399
school child program, and in-home aide shall pay to the bureau of 57400
criminal identification and investigation the fee prescribed 57401
pursuant to division (C)(3) of section 109.572 of the Revised Code 57402

for each criminal records check conducted in accordance with that 57403
section upon a request made pursuant to division (B) of this 57404
section. 57405

A center, home, camp, preschool program, or school child 57406
program may charge an applicant a fee for the costs it incurs in 57407
obtaining a criminal records check under this section. A fee 57408
charged under this division shall not exceed the amount the 57409
center, home, camp, or program pays under this section. If a fee 57410
is charged, the center, home, camp, or program shall notify the 57411
applicant at the time of the applicant's initial application for 57412
employment of the amount of the fee and that, unless the fee is 57413
paid, the center, home, camp, or program will not consider the 57414
applicant for employment. 57415

(7) The report of any criminal records check conducted by the 57416
bureau of criminal identification and investigation in accordance 57417
with section 109.572 of the Revised Code and pursuant to a request 57418
made under division (B) of this section is confidential and not a 57419
public record for the purposes of section 149.43 of the Revised 57420
Code. The report shall not be made available to any person other 57421
than the person who is the subject of the criminal records check 57422
or the person's representative, the director of job and family 57423
services, the director of a county department of job and family 57424
services, and any court, hearing officer, or other necessary 57425
individual involved in a case dealing with a denial or revocation 57426
of licensure, approval, or certification related to the criminal 57427
records check. 57428

(C)(1) At the times specified in division (C)(2) of this 57429
section, the director of job and family services shall search the 57430
uniform statewide automated child welfare information system for 57431
information concerning any abuse or neglect report made pursuant 57432
to section 2151.421 of the Revised Code of which any of the 57433
following persons is a subject: 57434

<u>(a) Any owner or licensee of a child day-care center;</u>	57435
<u>(b) Any owner or licensee of a type A family day-care home or licensed type B family day-care home and any person eighteen years of age or older who resides in the home;</u>	57436 57437 57438
<u>(c) Any owner of an approved child day camp;</u>	57439
<u>(d) Any director of a licensed preschool program or licensed school child program that provides publicly funded child care;</u>	57440 57441
<u>(e) Any in-home aide;</u>	57442
<u>(f) Any applicant or employee, including an administrator, of a child day-care center, type A family day-care home, licensed type B family day-care home, approved child day camp, or licensed preschool program or licensed school child program that provides publicly funded child care.</u>	57443 57444 57445 57446 57447
<u>(2) The director shall search the information system at the following times:</u>	57448 57449
<u>(i) In the case of an owner or licensee of child day-care center or an owner or licensee of a type A family day-care home or licensed type B family day-care home or a resident of such a home, at the time of initial application for licensure and every five years thereafter;</u>	57450 57451 57452 57453 57454
<u>(ii) In the case of an owner of an approved child day camp, at the time of initial application for approval and every five years thereafter;</u>	57455 57456 57457
<u>(iii) In the case of a director of a licensed child care program or licensed school child program, at the time of initial application to provide publicly funded child care and every five years thereafter;</u>	57458 57459 57460 57461
<u>(iv) In the case of an in-home aide, at the time of initial application for certification and every five years thereafter;</u>	57462 57463
<u>(v) Except as provided in division (C)(2)(a)(vi) of this</u>	57464

section, in the case of an applicant or employee, at the time of 57465
initial application for employment and every five years 57466
thereafter; 57467

(vi) In the case of an applicant who has been determined 57468
eligible for employment after a search of the uniform statewide 57469
automated child welfare information system within the past five 57470
years and who has been employed by a licensed preschool program or 57471
licensed school child program that provides publicly funded child 57472
care, child day-care center, type A family day-care home, licensed 57473
type B family day-care home, or approved child day camp within the 57474
past one hundred eighty consecutive days, every five years after 57475
the date of the initial determination. 57476

(3) The director shall consider any information discovered 57477
pursuant to division (C)(1) of this section or that is provided by 57478
a public children services agency pursuant to section 5153.175 of 57479
the Revised Code. If the director determines that the information, 57480
when viewed within the totality of the circumstances, reasonably 57481
leads to the conclusion that the person may directly or indirectly 57482
endanger the health, safety, or welfare of children, the director 57483
or county director of job and family services shall do any of the 57484
following: 57485

(a) Refuse to issue a license to or approve a center, type A 57486
home, type B home, child day camp, preschool program, or school 57487
child program; 57488

(b) Revoke a license or approval; 57489

(c) Refuse to certify an in-home aide or revoke a 57490
certification; 57491

(d) Determine an applicant or employee ineligible for 57492
employment with the center, type A home, licensed type B home, 57493
child day camp, preschool program, or school child program. 57494

(4) Any information obtained under division (C) of this 57495

section is confidential and not a public record for the purposes 57496
of section 149.43 of the Revised Code. The information shall not 57497
be made available to any person other than the person who is the 57498
subject of the search or the person's representative, the director 57499
of job and family services, the director of a county department of 57500
job and family services, and any court, hearing officer, or other 57501
necessary individual involved in a case dealing with a denial or 57502
revocation of licensure, approval, or certification related to the 57503
search. 57504

(D)(1) At the times specified in division (D)(2) of this 57505
section, the director of job and family services shall inspect the 57506
state registry of sex offenders and child-victim offenders 57507
established under section 2950.13 of the Revised Code and the 57508
national sex offender registry as described in 42 U.S.C. 16901 to 57509
determine if any of the following persons is registered or 57510
required to be registered as an offender: 57511

(a) Any owner or licensee of a child day-care center; 57512

(b) Any owner or licensee of a type A family day-care home or 57513
licensed type B family day-care home and any person eighteen years 57514
of age or older who resides in the home; 57515

(c) Any owner of an approved child day camp; 57516

(d) Any director of a licensed preschool program or licensed 57517
school child program that provides publicly funded child care; 57518

(e) Any in-home aide; 57519

(f) Any applicant or employee, including an administrator, of 57520
a child day-care center, type A family day-care home, licensed 57521
type B family day-care home, approved child day camp, or licensed 57522
preschool program or licensed school child program that provides 57523
publicly funded child care. 57524

(2) The director shall inspect each registry at the following 57525

<u>times:</u>	57526
<u>(i) In the case of an owner or licensee of child day-care center or an owner or licensee of a type A family day-care home or type B family day-care home or a resident of such a home, at the time of initial application for licensure and every five years thereafter;</u>	57527 57528 57529 57530 57531
<u>(ii) In the case of an owner of an approved child day camp, at the time of initial application for approval and every five years thereafter;</u>	57532 57533 57534
<u>(iii) In the case of a director of a licensed child care program or licensed school child program, at the time of initial application to provide publicly funded child care;</u>	57535 57536 57537
<u>(iv) In the case of an in-home aide, at the time of initial application for certification and every five years thereafter;</u>	57538 57539
<u>(v) Except as provided in division (D)(2)(a)(vi) of this section, in the case of an applicant or employee, at the time of initial application for employment and every five years thereafter;</u>	57540 57541 57542 57543
<u>(vi) In the case of an applicant who has been determined eligible for employment after an inspection of the state registry of sex offenders and child-victim offenders established under section 2950.13 of the Revised Code and the national sex offender registry as described in 42 U.S.C. 16901 within the past five years and who has been employed by a licensed preschool program or licensed school child program that provides publicly funded child care, child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp within the past one hundred eighty consecutive days, every five years after the date of the initial determination.</u>	57544 57545 57546 57547 57548 57549 57550 57551 57552 57553 57554
<u>(3) If the director determines that the person is registered or required to be registered on either registry, the director or</u>	57555 57556

county director of job and family services shall do any of the 57557
following: 57558

(a) Refuse to issue a license to or approve a center, type A 57559
home, type B home, child day camp, preschool program, or school 57560
child program; 57561

(b) Revoke a license or approval; 57562

(c) Refuse to certify an in-home aide or revoke a 57563
certification; 57564

(d) Determine an applicant or employee ineligible for 57565
employment with the center, type A home, licensed type B home, 57566
child day camp, preschool program, or school child program. 57567

(4) Any information obtained under division (D) of this 57568
section is confidential and not a public record for the purposes 57569
of section 149.43 of the Revised Code. The information shall not 57570
be made available to any person other than the person who is the 57571
subject of the inspection or the person's representative, the 57572
director of job and family services, the director of a county 57573
department of job and family services, and any court, hearing 57574
officer, or other necessary individual involved in a case dealing 57575
with a denial or revocation of licensure, approval, or 57576
certification related to the search. 57577

(E) Whenever the director of job and family services 57578
determines a person ineligible for employment under division (B), 57579
(C), or (D) of this section, the director shall as soon as 57580
practicable notify the following of that determination: the 57581
licensed preschool program or licensed school child program that 57582
provides publicly funded child care, child day-care center, type A 57583
family day-care home, licensed type B family day-care home, or 57584
approved child day camp that is considering the person for 57585
appointment or employment. A licensed preschool program or 57586
licensed school child program that provides publicly funded child 57587

care, child day-center, type A family day-care home, licensed type 57588
B family day-care home, or approved child day camp shall not 57589
employ a person who is determined under this section to be 57590
ineligible for employment. 57591

(F)(1) An administrator of a child day camp, other than an 57592
approved child day camp shall request the superintendent of the 57593
bureau of criminal identification and investigation to conduct a 57594
criminal records check for any applicant or employee, including an 57595
administrator, of the child day camp. The request shall be made at 57596
the time of initial application for employment and every five 57597
years thereafter. 57598

(2) A criminal records check requested at the time of initial 57599
application shall include a request that the superintendent of the 57600
bureau of criminal identification and investigation obtain 57601
information from the federal bureau of investigation as part of 57602
the criminal records check for the person, including 57603
fingerprint-based checks of national crime information databases 57604
as described in 42 U.S.C. 671 for the person subject to the 57605
criminal records check. 57606

(3) A criminal records check requested at any time other than 57607
the time of initial application may include a request that the 57608
superintendent of the bureau of criminal identification and 57609
investigation obtain information from the federal bureau of 57610
investigation as part of the criminal records check for the 57611
person, including fingerprint-based checks of national crime 57612
information databases as described in 42 U.S.C. 671 for the person 57613
subject to the criminal records check. 57614

(4) With respect to a criminal records check requested under 57615
division (F) of this section, the administrator shall do all of 57616
the following: 57617

(a) Provide to the applicant or employee a copy of the form 57618

prescribed pursuant to division (C)(1) of section 109.572 of the 57619
Revised Code and a standard impression sheet to obtain fingerprint 57620
impressions prescribed pursuant to division (C)(2) of that 57621
section; 57622

(b) Obtain the completed form and impression sheet from the 57623
applicant or employee; 57624

(c) Forward the completed form and impression sheet to the 57625
superintendent of the bureau of criminal identification and 57626
investigation; 57627

(d) Review the results of the criminal records check. 57628

(5) An applicant or employee who receives from the 57629
administrator a copy of the form and standard impression sheet and 57630
who is requested to complete the form and provide a set of 57631
fingerprint impressions shall complete the form or provide all of 57632
the information necessary to complete the form and shall provide 57633
the impression sheet with the impressions of the person's 57634
fingerprints. If the applicant or employee, upon request, fails to 57635
provide the information necessary to complete the form or fails to 57636
provide impressions of the person's fingerprints, the 57637
administrator may consider the failure a reason to determine an 57638
applicant or employee ineligible for employment. 57639

(6) A child day camp, other than an approved child day camp, 57640
may employ an applicant or continue to employ an employee until 57641
the criminal records check required by this section is completed 57642
and the camp receives the results of the check. Until the 57643
administrator has reviewed the results of the criminal records 57644
check and determines that the applicant or employee is eligible 57645
for employment, the camp shall not grant the applicant or employee 57646
sole responsibility for the care, custody, or control of a child. 57647
If the results indicate that the applicant or employee is 57648
ineligible for employment, the camp shall immediately release the 57649

applicant or employee from employment. 57650

(7) Except as provided in rules adopted under this section, 57651
the administrator shall determine an applicant or employee 57652
ineligible for employment if the person has been convicted of or 57653
pleaded guilty to any of the violations described in division 57654
(A)(5) of section 109.572 of the Revised Code. If the applicant or 57655
employee is determined ineligible, the child day camp shall not 57656
employ the applicant or employee or contract with another entity 57657
for the services of the applicant or employee. 57658

(8) Each child day camp shall pay to the bureau of criminal 57659
identification and investigation the fee prescribed pursuant to 57660
division (C)(3) of section 109.572 of the Revised Code for each 57661
criminal records check conducted in accordance with that section 57662
upon a request made pursuant to division (F) of this section. A 57663
camp may charge an applicant or employee a fee for the costs it 57664
incurs in obtaining a criminal records check under division (F) of 57665
this section. A fee charged under this division shall not exceed 57666
the fees the camp pays under this section. If a fee is charged, 57667
the camp shall notify the applicant at the time of the applicant's 57668
initial application for employment of the amount of the fee and 57669
that, unless the fee is paid, the camp will not consider the 57670
applicant for employment. 57671

(9) The report of any criminal records check conducted by the 57672
bureau of criminal identification and investigation in accordance 57673
with section 109.572 of the Revised Code and pursuant to a request 57674
made under division (F) of this section is confidential and not a 57675
public record for the purposes of section 149.43 of the Revised 57676
Code. The report shall not be made available to any person other 57677
than the person who is the subject of the criminal records check 57678
or the person's representative, the director of job and family 57679
services, the administrator, and any court, hearing officer, or 57680
other necessary individual involved in a case dealing with a 57681

denial or revocation of registration related to the criminal records check. 57682
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(G) The director of job and family services shall adopt rules as necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. The rules shall specify exceptions to the prohibitions in division (B), (E), and (F) of this section for a person who has been convicted of or pleaded guilty to a criminal offense listed in division (A)(5) of section 109.572 of the Revised Code but who meets standards in regard to rehabilitation set by the director. 57684
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(H)(1) Whenever the director of job and family services requests a criminal records check, searches the uniform statewide automated child welfare information system, or inspects the state registry of sex offenders and child-victim offenders and national sex offender registry as required by this section and finds that a person who is subject to the requirements of division (B), (C), or (D) of this section resided in another state during the previous five years, the director shall request the following from the other state: a criminal records check and information from the uniform statewide automated child welfare information system or state registry of sex offenders. 57692
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(2) Whenever the director receives from an agency of another state a request for a criminal records check or for information from the uniform statewide automated child welfare information system or state registry of sex offenders that is related to a child care license or the provision of publicly funded child care, the director shall provide to that other state's agency the results of the records check and information from the system and registry. 57703
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Sec. 5104.015. The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code 57711
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governing the operation of child day-care centers, including 57713
parent cooperative centers, part-time centers, and drop-in 57714
centers, ~~and school-age child care centers~~. The rules shall 57715
reflect the various forms of child care and the needs of children 57716
receiving child care or publicly funded child care and shall 57717
include specific rules for school-age child care centers that are 57718
developed in consultation with the department of education. ~~The~~ 57719
~~rules shall not require an existing school facility that is in~~ 57720
~~compliance with applicable building codes to undergo an additional~~ 57721
~~building code inspection or to have structural modifications.~~ The 57722
rules shall include the following: 57723

(A) Submission of a site plan and descriptive plan of 57724
operation to demonstrate how the center proposes to meet the 57725
requirements of this chapter and rules adopted pursuant to this 57726
chapter for the initial license application; 57727

(B) Standards for ensuring that the physical surroundings of 57728
the center are safe and sanitary including the physical 57729
environment, the physical plant, and the equipment of the center; 57730

(C) Standards for the supervision, care, and discipline of 57731
children receiving child care or publicly funded child care in the 57732
center; 57733

(D) Standards for a program of activities, and for play 57734
equipment, materials, and supplies, to enhance the development of 57735
each child; however, any educational curricula, philosophies, and 57736
methodologies that are developmentally appropriate and that 57737
enhance the social, emotional, intellectual, and physical 57738
development of each child shall be permissible. As used in this 57739
division, "program" does not include instruction in religious or 57740
moral doctrines, beliefs, or values that is conducted at child 57741
day-care centers owned and operated by churches and does include 57742
methods of disciplining children at child day-care centers. 57743

(E) Admissions policies and procedures;	57744
(F) Health care policies and procedures, including procedures for the isolation of children with communicable diseases;	57745 57746
(G) First aid and emergency procedures;	57747
(H) Procedures for discipline and supervision of children;	57748
(I) Standards for the provision of nutritious meals and snacks;	57749 57750
(J) Procedures for screening children that may include any necessary physical examinations and shall include immunizations in accordance with section 5104.014 of the Revised Code;	57751 57752 57753
(K) Procedures for screening employees that may include any necessary physical examinations and immunizations;	57754 57755
(L) Methods for encouraging parental participation in the center and methods for ensuring that the rights of children, parents, and employees are protected and that responsibilities of parents and employees are met;	57756 57757 57758 57759
(M) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the center while under the care of a center employee;	57760 57761 57762
(N) Procedures for record keeping, organization, and administration;	57763 57764
(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	57765 57766 57767
(P) Inspection procedures;	57768
(Q) Procedures and standards for setting initial license application fees;	57769 57770
(R) Procedures for receiving, recording, and responding to complaints about centers;	57771 57772

(S) Procedures for enforcing section 5104.04 of the Revised Code;	57773 57774
(T) A standard requiring the inclusion of a current department of job and family services toll free telephone number on each center provisional license or license which any person may use to report a suspected violation by the center of this chapter or rules adopted pursuant to this chapter <u>Minimum qualifications for employment as an administrator or child-care staff member;</u>	57775 57776 57777 57778 57779 57780
(U) Requirements for the training of administrators and child-care staff members, including training in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention;	57781 57782 57783 57784
(V) Standards providing for the special needs of children who are handicapped or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the center;	57785 57786 57787 57788
(W) A procedure for reporting of injuries of children that occur at the center;	57789 57790
(X) Standards for licensing child day-care centers for children with short-term illnesses and other temporary medical conditions;	57791 57792 57793
(Y) Minimum requirements for instructional time for child day-care centers rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code;	57794 57795 57796
(Z) Any other procedures and standards necessary to carry out the provisions of this chapter regarding child day-care centers.	57797 57798
Sec. 5104.016. The director of job and family services, in addition to the rules adopted under section 5104.015 of the Revised Code, shall adopt rules establishing minimum requirements for child day-care centers. The rules shall include the	57799 57800 57801 57802

requirements set forth in sections 5104.032 to ~~5104.036~~ 5104.034 57803
of the Revised Code. Except as provided in section 5104.07 of the 57804
Revised Code, the rules shall not change the square footage 57805
requirements of section 5104.032 of the Revised Code; or the 57806
maximum number of children per child-care staff member and maximum 57807
group size requirements of section 5104.033 of the Revised Code; ~~the educational and experience requirements of section 5104.035 of~~ 57808
~~the Revised Code; the age, educational, and experience~~ 57809
~~requirements of section 5104.036 of the Revised Code; however.~~ 57810
However, the rules shall provide procedures for determining 57811
compliance with those requirements. 57812
57813

Sec. 5104.02. (A) The director of job and family services is 57814
responsible for ~~the~~ licensing ~~of~~ child day-care centers ~~and~~, type 57815
A family day-care homes, and type B family day-care homes. Each 57816
entity operating a head start program shall meet the criteria for, 57817
and be licensed as, a child day-care center. The director is 57818
responsible for the enforcement of this chapter and of rules 57819
promulgated pursuant to this chapter. 57820

No person, firm, organization, institution, or agency shall 57821
operate, establish, manage, conduct, or maintain a child day-care 57822
center or type A family day-care home without a license issued 57823
under section 5104.03 of the Revised Code. The current license 57824
shall be posted ~~in a conspicuous place~~ in the center or ~~type A~~ 57825
home in a conspicuous place that is accessible to parents, 57826
custodians, or guardians and employees of the center or ~~type A~~ 57827
home at all times when the center or ~~type A~~ home is in operation. 57828

(B) A person, firm, institution, organization, or agency 57829
operating any of the following programs is exempt from the 57830
requirements of this chapter: 57831

(1) A program ~~of child care~~ caring for children that operates 57832

for two ~~or less~~ consecutive weeks or less and not more than six 57833
weeks total in each calendar year; 57834

(2) ~~Child care~~ Caring for children in places of worship 57835
during religious activities ~~during which children are cared for~~ 57836
while at least one parent, guardian, or custodian of each child is 57837
participating in such activities and is readily available; 57838

(3) ~~Religious activities which do not provide child care;~~ 57839

~~(4)~~ Supervised training, instruction, or activities of 57840
children in specific areas, including, but not limited to: art; 57841
drama; dance; music; ~~gymnastics, swimming, or another~~ athletic 57842
~~skill or sport~~ skills or sports; computers; or an educational 57843
subject conducted on an organized or periodic basis ~~no more than~~ 57844
~~one day a week and for no more than six hours duration~~ that a 57845
child does not attend for more than eight total hours per week; 57846

~~(5)~~(4) Programs in which the director determines that at 57847
least one parent, custodian, or guardian of each child who is not 57848
an employee of the facility engaged in employment duties is on the 57849
premises of the facility ~~offering child~~ that offers care and is 57850
readily accessible at all times, ~~except that child care provided~~ 57851
~~on the premises at which a parent, custodian, or guardian is~~ 57852
~~employed more than two and one half hours a day shall be licensed~~ 57853
~~in accordance with division (A) of this section;~~ 57854

~~(6)(a)~~(5) Programs that provide child care ~~funded and~~ 57855
~~regulated or operated~~ and are regulated by state departments other 57856
than the department of job and family services or the state board 57857
of education ~~when the director of job and family services has~~ 57858
~~determined that the rules governing the program are equivalent to~~ 57859
~~or exceed the rules promulgated pursuant to this chapter.~~ 57860

~~Notwithstanding any exemption from regulation under this~~ 57861
~~chapter, each state department shall submit to the director of job~~ 57862
~~and family services a copy of the rules that govern programs that~~ 57863

~~provide child care and are regulated or operated and regulated by~~ 57864
~~the department. Annually, each state department shall submit to~~ 57865
~~the director a report for each such program it regulates or~~ 57866
~~operates and regulates that includes the following information:~~ 57867

~~(i) The site location of the program;~~ 57868

~~(ii) The maximum number of infants, toddlers, preschool age~~ 57869
~~children, or school age children served by the program at one~~ 57870
~~time;~~ 57871

~~(iii) The number of adults providing child care for the~~ 57872
~~number of infants, toddlers, preschool age children, or school age~~ 57873
~~children;~~ 57874

~~(iv) Any changes in the rules made subsequent to the time~~ 57875
~~when the rules were initially submitted to the director.~~ 57876

~~The director shall maintain a record of the child care~~ 57877
~~information submitted by other state departments and shall provide~~ 57878
~~this information upon request to the general assembly or the~~ 57879
~~public.~~ 57880

~~(b) Child care programs conducted by boards of education or~~ 57881
~~by chartered nonpublic schools that are conducted in school~~ 57882
~~buildings and that provide child care to school age children only~~ 57883
~~shall be exempt from meeting or exceeding rules promulgated~~ 57884
~~pursuant to this chapter.~~ 57885

~~(7)(6)~~ Any preschool program or school child program, except 57886
a head start program, that is subject to licensure by the 57887
department of education under sections 3301.52 to 3301.59 of the 57888
Revised Code. 57889

~~(8)(7)~~ Any program providing child care that meets all of the 57890
following requirements and, on October 20, 1987, was being 57891
operated by a nonpublic school that holds a charter issued by the 57892
state board of education for kindergarten only: 57893

(a) The nonpublic school has given the notice to the state board and the director of job and family services required by Section 4 of Substitute House Bill No. 253 of the 117th general assembly; 57894
57895
57896
57897

(b) The nonpublic school continues to be chartered by the state board for kindergarten, or receives and continues to hold a charter from the state board for kindergarten through grade five; 57898
57899
57900

(c) The program is conducted in a school building; 57901

(d) The program is operated in accordance with rules promulgated by the state board under ~~sections 3301.52 to 3301.57~~ section 3301.53 of the Revised Code. 57902
57903
57904

~~(9)~~(8) A youth development program operated outside of school hours ~~by a community based center~~ to which all of the following apply: 57905
57906
57907

(a) The children enrolled in the program are under nineteen years of age and enrolled in or eligible to be enrolled in a grade of kindergarten or above. 57908
57909
57910

(b) The program provides informal ~~child~~ care, which is ~~child~~ care that does not require parental signature, permission, or notice for the child receiving the care to enter or leave the program. 57911
57912
57913
57914

(c) The program provides any of the following supervised activities: educational, recreational, culturally enriching, social, and personal development activities. 57915
57916
57917

~~(d) The program is eligible for participation in the child and adult care food program as an outside school hours care center pursuant to standards established under section 3313.813 of the Revised Code.~~ 57918
57919
57920
57921

~~(e)~~ The ~~community based center~~ entity operating the program is exempt from federal income taxation pursuant to 26 U.S.C. 57922
57923

501(a) and (c)(3). 57924

~~(10)(9)~~ A preschool program operated by a nonchartered, 57925
nontax-supported school if the preschool program meets all of the 57926
following conditions: 57927

(a) The program complies with state and local health, fire, 57928
and safety laws. 57929

(b) The program annually certifies in a report to the parents 57930
of its pupils that the school is in compliance with division 57931
(B)~~(10)(9)~~(a) of this section and files a copy of the report with 57932
the department of job and family services on or before the 57933
thirtieth day of September of each year. 57934

(c) The program complies with all applicable reporting 57935
requirements in the same manner as required by the state board of 57936
education for nonchartered, nonpublic primary and secondary 57937
schools. 57938

(d) The program is associated with a nonchartered, 57939
nontax-supported primary or secondary school. 57940

(10) A program that provides activities for children who are 57941
five years of age or older and is operated by a county, township, 57942
municipal corporation, township park district created under 57943
section 511.18 of the Revised Code, park district created under 57944
section 1545.04 of the Revised Code, or joint recreation district 57945
established under section 755.14 of the Revised Code. 57946

Sec. 5104.021. The director of job and family services may 57947
issue a child day-care center or type A family day-care home 57948
license to a youth development program that is exempted by 57949
division (B)~~(9)(8)~~ of section 5104.02 of the Revised Code from the 57950
requirements of this chapter if the youth development program 57951
applies for and meets all of the requirements for the license. 57952

Sec. 5104.03. (A) As used in this section, "owner" has the 57953
same meaning as in section 5104.01 of the Revised Code, except 57954
that "owner" also includes a firm, organization, institution, or 57955
agency, as well as any individual governing board members, 57956
partners, or authorized representatives of the owner. 57957

(B) Any person, firm, organization, institution, or agency 57958
seeking to establish a child day-care center, type A family 57959
day-care home, or licensed type B family day-care home shall apply 57960
for a license to the director of job and family services on such 57961
form as the director prescribes. The director shall provide at no 57962
charge to each applicant for licensure a copy of the child care 57963
license requirements in this chapter and a copy of the rules 57964
adopted pursuant to this chapter. The copies may be provided in 57965
paper or electronic form. 57966

Fees shall be set by the director pursuant to sections 57967
5104.015, 5104.017, and 5104.018 of the Revised Code and shall be 57968
paid at the time of application for a license to operate a center, 57969
type A home, or type B home. Fees collected under this section 57970
shall be paid into the state treasury to the credit of the general 57971
revenue fund. 57972

(C)(1) Upon filing of the application for a license, the 57973
director shall investigate and inspect the center, type A home, or 57974
type B home to determine the license capacity for each age 57975
category of children of the center, type A home, or type B home 57976
and to determine whether the center, type A home, or type B home 57977
complies with this chapter and rules adopted pursuant to this 57978
chapter. When, after investigation and inspection, the director is 57979
satisfied that this chapter and rules adopted pursuant to it are 57980
complied with, subject to division ~~(F)~~(G) of this section, a 57981
license shall be issued as soon as practicable in such form and 57982
manner as prescribed by the director. The license shall be 57983

designated as provisional and shall be valid for at least twelve 57984
months from the date of issuance ~~unless and until the continuous~~ 57985
~~license is issued or until the provisional license is revoked or~~ 57986
~~suspended pursuant to section 5104.042 of the Revised Code.~~ 57987

(2) The director may contract with a government entity or a 57988
private nonprofit entity for the entity to inspect type A or type 57989
B family day-care homes pursuant to this section. If the director 57990
contracts with a government entity or private nonprofit entity for 57991
that purpose, the entity may contract with another government 57992
entity or private nonprofit entity for the other entity to inspect 57993
type A or type B homes pursuant to this section. The director, 57994
government entity, or private nonprofit entity shall conduct an 57995
inspection prior to the issuance of a license for a type A or type 57996
B home and, as part of that inspection, ensure that the home is 57997
safe and sanitary. 57998

~~(D)(1) On receipt of an application for licensure as a type B 57999
family day care home to provide publicly funded child care, the 58000
director shall search the uniform statewide automated child 58001
welfare information system for information concerning any abuse or 58002
neglect report made pursuant to section 2151.421 of the Revised 58003
Code of which the applicant, any other adult residing in the 58004
applicant's home, or a person designated by the applicant to be an 58005
emergency or substitute caregiver for the applicant is the 58006
subject.~~ 58007

~~(2) The director shall consider any information discovered 58008
pursuant to division (D)(1) of this section or that is provided by 58009
a public children services agency pursuant to section 5153.175 of 58010
the Revised Code. If the director determines that the information, 58011
when viewed within the totality of the circumstances, reasonably 58012
leads to the conclusion that the applicant may directly or 58013
indirectly endanger the health, safety, or welfare of children, 58014
the director shall deny the application for licensure or revoke 58015~~

~~the license of a type B family day care home.~~ 58016

~~(E)~~ The director shall investigate and inspect the center, 58017
type A home, or type B home at least once during operation under a 58018
license designated as provisional. If after the investigation and 58019
inspection the director determines that the requirements of this 58020
chapter and rules adopted pursuant to this chapter are met, 58021
subject to division ~~(I)~~(G) of this section, the director shall 58022
issue a ~~new~~ continuous license to the center or home. 58023

~~(F)~~(E) Each license shall state the name of the licensee, the 58024
name of the administrator, the address of the center, type A home, 58025
or licensed type B home, and the license capacity for each age 58026
category of children. The license shall include thereon, in 58027
accordance with sections 5104.015, 5104.017, and 5104.018 of the 58028
Revised Code, the toll-free telephone number to be used by persons 58029
suspecting that the center, type A home, or licensed type B home 58030
has violated a provision of this chapter or rules adopted pursuant 58031
to this chapter. A license is valid only for the licensee, 58032
administrator, address, and license capacity for each age category 58033
of children designated on the license. The license capacity 58034
specified on the license is the maximum number of children in each 58035
age category that may be cared for in the center, type A home, or 58036
licensed type B home at one time. 58037

~~The A~~ center or ~~type A~~ home licensee shall notify the 58038
director in writing when the administrator, address, or license 58039
capacity of the center or home changes. The director shall amend 58040
the current license to reflect a change in ~~an~~ any of the 58041
following: 58042

(1) An administrator, if the administrator meets the 58043
requirements of this chapter and rules adopted pursuant to this 58044
chapter, ~~or a change in license;~~ 58045

(2) Address, if the new address meets the requirements of 58046

this chapter and rules adopted pursuant to this chapter; 58047

(3) License capacity for any age category of children as 58048
determined by the director of job and family services. 58049

~~(G)~~(F) If the director revokes the license of a center, a 58050
type A home, or a type B home, the director shall not issue 58051
another license to the owner of the center, type A home, or type B 58052
home until five years have elapsed from the date the license is 58053
revoked. 58054

If the director denies an application for a license, the 58055
director shall not consider another application from the applicant 58056
until five years have elapsed from the date the application is 58057
denied. 58058

~~(H) If during the application for licensure process the 58059
director determines that the license of the owner has been 58060
revoked, the investigation of the center, type A home, or type B 58061
home shall cease. This action does not constitute denial of the 58062
application and may not be appealed under division (I) of this 58063
section. 58064~~

~~(I)~~(G)(1) Except as provided in division ~~(I)~~(G)(2) of this 58065
section, all actions of the director with respect to licensing 58066
centers, type A homes, or type B homes, refusal to license, and 58067
revocation of a license shall be in accordance with Chapter 119. 58068
of the Revised Code. Except as provided in division ~~(I)~~(G)(2) of 58069
this section, any applicant who is denied a license or any owner 58070
whose license is revoked may appeal in accordance with section 58071
119.12 of the Revised Code. 58072

(2) The following actions by the director are not subject to 58073
Chapter 119. of the Revised Code: 58074

(a) The director ~~does not issue a license to~~ ceases its 58075
review of an application because the owner of a center, type A 58076
home, or type B home ~~because the owner~~ sought a license before 58077

five years had elapsed from the date the previous license was 58078
revoked and the director does not issue the license. 58079

(b) The director ~~does not issue a license~~ ceases its review 58080
of an application because the applicant applied for licensure 58081
before five years had elapsed from the date the previous 58082
application was denied and the director does not issue the 58083
license. 58084

(c) The director closes a license because the director has 58085
determined that the center, type A home, or type B home is no 58086
longer operating at the address stated on the license and did not 58087
notify the director of the address change as described in division 58088
(E) of this section. 58089

~~(J)~~(H) In no case shall the director issue a license under 58090
this section for a center, type A home, or type B home if the 58091
director, based on documentation provided by the appropriate 58092
county department of job and family services, determines that the 58093
applicant had been certified as a ~~type B family day care home when~~ 58094
~~such certifications were issued by county departments prior to~~ 58095
~~January 1, 2014~~ an in-home aide, that the county department 58096
revoked that certification within the immediately preceding five 58097
years, that the revocation was based on the applicant's refusal or 58098
inability to comply with the criteria for certification, and that 58099
the refusal or inability resulted in a risk to the health or 58100
safety of children. 58101

~~(K)(1) Except as provided in division (K)(2) of this section,~~ 58102
~~an administrator~~ (I) An owner of a type B family day-care home 58103
that receives a license pursuant to this section ~~to provide~~ 58104
~~publicly funded child care~~ is an independent contractor and is not 58105
an employee of the department of job and family services. 58106

~~(2) For purposes of Chapter 4141. of the Revised Code,~~ 58107
~~determinations concerning the employment of an administrator of a~~ 58108

~~type B family day care home that receives a license pursuant to 58109
this section shall be determined under Chapter 4141. of the 58110
Revised Code. 58111~~

Sec. 5104.04. (A) The department of job and family services 58112
shall establish procedures to be followed in investigating, 58113
inspecting, and licensing child day-care centers, type A family 58114
day-care homes, and licensed type B family day-care homes. 58115

(B)(1)(a) The department shall, at least once during every 58116
twelve-month period of operation of a center, type A home, or 58117
licensed type B home, inspect the center, type A home, or licensed 58118
type B home. The department shall inspect a part-time center or 58119
part-time type A home at least once during every twelve-month 58120
period of operation. The department shall provide a written 58121
inspection report to the licensee within a reasonable time after 58122
each inspection. ~~The licensee shall display its most recent 58123
inspection report in a conspicuous place in the center, type A 58124
home, or licensed type B home. 58125~~

Inspections may be unannounced. No person, firm, 58126
organization, institution, or agency shall interfere with the 58127
inspection of a center, type A home, or licensed type B home by 58128
any state or local official engaged in performing duties required 58129
of the state or local official by this chapter or rules adopted 58130
pursuant to this chapter, including inspecting the center, type A 58131
home, or licensed type B home, reviewing records, or interviewing 58132
licensees, employees, children, or parents. 58133

(b) Upon receipt of any complaint that a center, type A home 58134
or licensed type B home is out of compliance with the requirements 58135
of this chapter or rules adopted pursuant to this chapter, the 58136
department shall investigate the center or home, and both of the 58137
following apply: 58138

(i) If the complaint alleges that a child suffered physical 58139

harm while receiving child care at the center or home or that the 58140
noncompliance alleged in the complaint involved, resulted in, or 58141
poses a substantial risk of physical harm to a child receiving 58142
child care at the center or home, the department shall inspect the 58143
center or home. 58144

(ii) If division (B)(1)(b)(i) of this section does not apply 58145
regarding the complaint, the department may inspect the center or 58146
home. 58147

(c) Division (B)(1)(b) of this section does not limit, 58148
restrict, or negate any duty of the department to inspect a 58149
center, type A home, or licensed type B home that otherwise is 58150
imposed under this section, or any authority of the department to 58151
inspect a center, type A home, or licensed type B home that 58152
otherwise is granted under this section ~~when the department~~ 58153
~~believes the inspection is necessary and it is permitted under the~~ 58154
~~grant.~~ 58155

(2) If the department implements an instrument-based program 58156
monitoring information system, it may use an indicator checklist 58157
to comply with division (B)(1) of this section. 58158

~~(3) The department shall contract with a third party by the 58159
first day of October in each even numbered year to collect 58160
information concerning the amounts charged by the center or home 58161
for providing child care services for use in establishing 58162
reimbursement ceilings and payment pursuant to section 5104.30 of 58163
the Revised Code. The third party shall compile the information 58164
and report the results of the survey to the department not later 58165
than the first day of December in each even numbered year. 58166~~

(C) The department may deny an application or revoke a 58167
license of a center, type A home, or licensed type B home, if the 58168
applicant knowingly ~~makes a false statement on the application,~~ 58169
submits falsified information to the department or if the center 58170

or home does not comply with the requirements of this chapter or 58171
rules adopted pursuant to this chapter, ~~or the applicant or owner~~ 58172
~~has pleaded guilty to or been convicted of an offense described in~~ 58173
~~division (A)(5) of section 109.572 of the Revised Code.~~ 58174

(D) If the department finds, after notice and hearing 58175
pursuant to Chapter 119. of the Revised Code, that any applicant, 58176
person, firm, organization, institution, or agency applying for 58177
licensure or licensed under section 5104.03 of the Revised Code is 58178
in violation of any provision of this chapter or rules adopted 58179
pursuant to this chapter, the department may issue an order of 58180
denial to the applicant or an order of revocation to the center, 58181
type A home, or licensed type B home revoking the license 58182
previously issued by the department. Upon the issuance of such an 58183
order, the person whose application is denied or whose license is 58184
revoked may appeal in accordance with section 119.12 of the 58185
Revised Code. 58186

(E) The surrender of a center, type A home, or licensed type 58187
B home license to the department or the withdrawal of an 58188
application for licensure by the owner or administrator of the 58189
center, type A home, or licensed type B home shall not prohibit 58190
the department from instituting any of the actions set forth in 58191
this section. 58192

(F) Whenever the department receives a complaint, is advised, 58193
or otherwise has any reason to believe that a center or type A 58194
home is providing child care without a license issued pursuant to 58195
section 5104.03 and is not exempt from licensing pursuant to 58196
section 5104.02 of the Revised Code, the department shall 58197
investigate the center or type A home and may inspect the areas 58198
children have access to or areas necessary for the care of 58199
children in the center or type A home during suspected hours of 58200
operation to determine whether the center or type A home is 58201
subject to the requirements of this chapter or rules adopted 58202

pursuant to this chapter. 58203

(G) The department, upon determining that the center or type 58204
A home is operating without a license, shall notify the attorney 58205
general, the prosecuting attorney of the county in which the 58206
center or type A home is located, or the city attorney, village 58207
solicitor, or other chief legal officer of the municipal 58208
corporation in which the center or type A home is located, that 58209
the center or type A home is operating without a license. Upon 58210
receipt of the notification, the attorney general, prosecuting 58211
attorney, city attorney, village solicitor, or other chief legal 58212
officer of a municipal corporation shall file a complaint in the 58213
court of common pleas of the county in which the center or type A 58214
home is located requesting that the court grant an order enjoining 58215
the owner from operating the center or type A home in violation of 58216
section 5104.02 of the Revised Code. The court shall grant such 58217
injunctive relief upon a showing that the respondent named in the 58218
complaint is operating a center or type A home and is doing so 58219
without a license. 58220

(H) The department shall prepare an annual report on 58221
inspections conducted under this section. The report shall include 58222
the number of inspections conducted, the number and types of 58223
violations found, and the steps taken to address the violations. 58224
The department shall file the report with the governor, the 58225
president and minority leader of the senate, and the speaker and 58226
minority leader of the house of representatives on or before the 58227
first day of January of each year, beginning in 1999. 58228

Sec. 5104.042. (A) The department of job and family services 58229
may suspend, without a prior hearing, the license of a child 58230
day-care center, type A family day-care home, or licensed type B 58231
family day-care home if any of the following occur: 58232

(1) A child dies or suffers a serious injury while receiving 58233

child care in the center, type A home, or licensed type B home. 58234

(2) A public children services agency receives a report 58235
pursuant to section 2151.421 of the Revised Code, and the person 58236
alleged to have inflicted abuse or neglect on the child who is the 58237
subject of the report is any of the following: 58238

(a) The owner, licensee, or administrator of the center, type 58239
A home, or licensed type B home; 58240

(b) An employee of the center, type A home, or licensed type 58241
B home who has not immediately been placed on administrative leave 58242
or released from employment; 58243

(c) Any person who resides in the type A home or licensed 58244
type B home. 58245

(3) An owner, licensee, administrator, or employee of the 58246
center, type A home, or licensed type B home, or a resident of the 58247
type A home or licensed type B home is charged by an indictment, 58248
information, or complaint with an offense relating to the abuse or 58249
neglect of a child. 58250

(4) The department or a county department of job and family 58251
services determines that the center, type A home, or licensed type 58252
B home created a serious risk to the health or safety of a child 58253
receiving child care in the center, type A home, or licensed type 58254
B home that resulted in or could have resulted in a child's death 58255
or injury. 58256

(5) The department determines that the owner, or licensee, or 58257
administrator of the center, type A home, or licensed type B home 58258
is charged by indictment, information, or complaint with fraud 58259
does not meet the requirements of section 5104.013 of the Revised 58260
Code. 58261

(B) The department shall issue a written order of suspension 58262
and furnish a copy to the licensee either by certified mail or in 58263

person as described in section 119.07 of the Revised Code. The 58264
licensee may appeal the suspension in accordance with section 58265
request an adjudicatory hearing before the department pursuant to 58266
sections 119.06 to 119.12 of the Revised Code. 58267

~~(C) Except as provided in division (D) of this section, any~~ 58268
Any summary suspension imposed under this section shall remain in 58269
~~effect, unless reversed on appeal,~~ until any of the following 58270
occurs: 58271

(1) The public children services agency completes its 58272
investigation of the report pursuant to section 2151.421 of the 58273
Revised Code and determines that all of the allegations are 58274
unsubstantiated. 58275

(2) All criminal charges are disposed of through dismissal, 58276
or a finding of not guilty, ~~conviction, or a plea of guilty.~~ 58277

(3) ~~A final order is issued by the~~ The department issues 58278
pursuant to Chapter 119. of the Revised Code ~~becomes effective a~~ 58279
final order terminating the suspension. 58280

~~(D) If the department initiates the revocation of a license~~ 58281
~~that has been suspended pursuant to this section, the suspension~~ 58282
~~shall continue until the revocation process is completed.~~ 58283

~~(E)~~ The center, type A home, or licensed type B home shall 58284
not provide child care while the summary suspension remains in 58285
effect. Upon issuance of the order of suspension, the licensee 58286
shall inform the caretaker parent of each child receiving child 58287
care in the center, type A home, or licensed type B home of the 58288
suspension. 58289

~~(F)~~(E) The director of job and family services may adopt 58290
rules in accordance with Chapter 119. of the Revised Code 58291
establishing standards and procedures for the summary suspension 58292
of licenses. 58293

(F) This section does not limit the authority of the 58294
department to revoke a license pursuant to section 5104.04 of the 58295
Revised Code. 58296

Sec. 5104.09. No administrator, employee, licensee, or 58297
child-care staff member shall discriminate in the enrollment of 58298
children in a child day-care center, type A home, licensed type B 58299
home, or approved child day camp upon the basis of race, color, 58300
religion, sex, disability, or national origin. 58301

Sec. 5104.12. (A) ~~The~~(1) A county director of job and family 58302
services may certify in-home aides to provide publicly funded 58303
child care pursuant to this chapter and any rules adopted under 58304
it. Any in-home aide who receives a certificate pursuant to this 58305
section to provide publicly funded child care is an independent 58306
contractor and is not an employee of the county department of job 58307
and family services that issues the certificate. 58308

~~(B)~~(2) Every person desiring to receive certification as an 58309
in-home aide shall apply for certification to ~~the~~ a county 58310
director of job and family services on such forms as the director 58311
of job and family services prescribes. ~~The~~ A county director shall 58312
provide at no charge to each applicant a copy of rules for 58313
certifying in-home aides adopted pursuant to this chapter. 58314

(B) To be eligible for certification as an in-home aide, a 58315
person shall not be either of the following: 58316

(1) The owner of a center or home whose license was revoked 58317
pursuant to section 5104.04 of the Revised Code within the 58318
previous five years; 58319

(2) An in-home aide whose certificate was revoked under 58320
division (C)(2) of this section within the previous five years. 58321

(C)(1) If the county director of job and family services 58322
determines that ~~public funds are available and that the person~~ 58323

applicant complies with this chapter and any rules adopted under 58324
it, the county director shall certify the person as an in-home 58325
aide and issue the person a certificate to provide publicly funded 58326
child care for ~~twelve~~ twenty-four months. The county director 58327
shall furnish a copy of the certificate to the parent, custodian, 58328
or guardian. The certificate shall state the name and address of 58329
the in-home aide, the expiration date of the certification, and 58330
the name and telephone number of the county director who issued 58331
the certificate. 58332

(2) The county director may revoke the certificate in either 58333
of the following circumstances: 58334

(a) The county director determines, pursuant to rules adopted 58335
under Chapter 119. of the Revised Code, that revocation is 58336
necessary; 58337

(b) The in-home aide does not comply with division ~~(D)~~(C)(2) 58338
of section 5104.32 of the Revised Code. 58339

(D)(1) The county director of job and family services shall 58340
inspect every home of a child who is receiving publicly funded 58341
child care in the child's own home while the in-home aide is 58342
providing the services. Inspections may be unannounced. Upon 58343
receipt of a complaint, the county director shall investigate the 58344
in-home aide, shall investigate the home of a child who is 58345
receiving publicly funded child care in the child's own home, and 58346
division (D)(2) of this section applies regarding the complaint. 58347
The caretaker parent shall permit the county director to inspect 58348
any part of the child's home. The county director shall prepare a 58349
written inspection report and furnish one copy each to the in-home 58350
aide and the caretaker parent within a reasonable time after the 58351
inspection. 58352

(2) Upon receipt of a complaint as described in division 58353
(D)(1) of this section, in addition to the investigations that are 58354

required under that division, both of the following apply: 58355

(a) If the complaint alleges that a child suffered physical 58356
harm while receiving publicly funded child care in the child's own 58357
home from an in-home aide or that the noncompliance with law or 58358
act alleged in the complaint involved, resulted in, or poses a 58359
substantial risk of physical harm to a child receiving publicly 58360
funded child care in the child's own home from an in-home aide, 58361
the county director shall inspect the home of the child. 58362

(b) If division (D)(2)(a) of this section does not apply 58363
regarding the complaint, the county director may inspect the home 58364
of the child. 58365

(3) Division (D)(2) of this section does not limit, restrict, 58366
or negate any duty of the county director to inspect a home of a 58367
child who is receiving publicly funded child care from an in-home 58368
aide that otherwise is imposed under this section, or any 58369
authority of the county director to inspect such a home that 58370
otherwise is granted under this section when the county director 58371
believes the inspection is necessary and it is permitted under the 58372
grant. 58373

Sec. 5104.21. (A) The department of job and family services 58374
shall register child day camps and enforce this section and 58375
~~section~~ sections 5104.211 and 5104.22 of the Revised Code and the 58376
rules adopted pursuant to those sections. No person, firm, 58377
organization, institution, or agency shall operate a child day 58378
camp without annually registering with the department. 58379

(B) A person, firm, institution, organization, or agency 58380
operating any of the following programs is exempt from the 58381
provisions of this section and ~~section~~ sections 5104.211 and 58382
5104.22 of the Revised Code: 58383

(1) A child day camp that operates for two ~~or less~~ 58384

consecutive weeks or less and for no more than a total of two 58385
weeks during each calendar year; 58386

(2) Supervised training, instruction, or activities of 58387
children that is conducted on an organized or periodic basis ~~no~~ 58388
~~more than one day a week and for no more than six hours' duration~~ 58389
~~and that is conducted~~ in specific areas or in a combination of 58390
areas for a maximum of eight hours each week, including, ~~but not~~ 58391
~~limited to,~~ art+, drama+, dance+, music; ~~gymnastics, swimming, or~~ 58392
~~another,~~ athletic skill or sport+, computers+, or an educational 58393
subject; 58394

(3) Programs in which the department determines that at least 58395
one parent, custodian, or guardian of each child attending or 58396
participating in the child day camp is on the child day camp 58397
activity site and is readily accessible at all times, except that 58398
a child day camp on the premises of a parent's, custodian's, or 58399
guardian's place of employment shall be registered in accordance 58400
with division (A) of this section; 58401

(4) Child day camps ~~funded and regulated or operated and~~ 58402
~~regulated by any state department,~~ other than the department of 58403
job and family services, ~~when the department of job and family~~ 58404
~~services has determined that the rules governing the child day~~ 58405
~~camp are equivalent to or exceed the rules adopted pursuant to~~ 58406
~~this section and section 5104.22;~~ 58407

(5) A program that provides activities for children who are 58408
five years of age or older and is operated by any county, 58409
township, municipal corporation, township park district created 58410
under section 511.18 of the Revised Code, park district created 58411
under section 1545.04 of the Revised Code, or joint recreation 58412
district established under section 755.04 of the Revised Code. 58413

(C) A person, firm, organization, institution, or agency 58414
operating a child day camp that is exempt under division (B) of 58415

this section from registering under division (A) of this section 58416
may elect to register itself under division (A) of this section. 58417
All requirements of this section and the rules adopted pursuant to 58418
this section shall apply to any exempt child day camp that so 58419
elects to register. 58420

(D) The director of job and family services shall adopt 58421
pursuant to Chapter 119. of the Revised Code rules prescribing the 58422
registration form and establishing the procedure for the child day 58423
camps to register. The form shall ~~not be longer than one~~ 58424
~~typewritten page and shall~~ state both of the following: 58425

(1) That the child day camp administrator or the 58426
administrator's representative agrees to provide the parents of 58427
each school-age child who attends or participates in that child 58428
day camp with the telephone number of the county department of 58429
health and the public children services agency of the county in 58430
which the child day camp is located; 58431

(2) That the child day camp administrator or the 58432
administrator's representative agrees to permit a public children 58433
services agency or the county department of health to review or 58434
inspect the child day camp if a complaint is made to that 58435
department or any other state department or public children 58436
services agency against that child day camp. 58437

(E) The department may charge a fee to register a child day 58438
camp. The fee for each child day camp shall be twenty-five 58439
dollars. No organization that operates, or owner of, child day 58440
camps shall pay a fee that exceeds two hundred fifty dollars for 58441
all of its child day camps. 58442

(F) If a child day camp that is required to register under 58443
this section fails to register with the department in accordance 58444
with this section or the rules adopted pursuant to it or if a 58445
child day camp that files a registration form under this section 58446

knowingly provides false or misleading information on the 58447
registration form, the department shall require the child day camp 58448
to register or register correctly and to pay a registration fee 58449
that equals three times the registration fee as set forth in 58450
division (E) of this section. 58451

(G) A child day camp administrator or the administrator's 58452
representative shall provide the parents of each school-age child 58453
who attends or participates in that child day camp with both of 58454
the ~~telephone~~ following: 58455

(1) Telephone numbers of the county department of health and 58456
the county public children services agency of the county in which 58457
the child day camp is located ~~and a;~~ 58458

(2) A statement that the parents may ~~use these telephone~~ 58459
~~numbers to contact or otherwise contact the departments~~ county 58460
department or agency to make a complaint regarding the child day 58461
camp. 58462

Sec. 5104.211. (A) The director of job and family services 58463
may periodically conduct a random sampling of child day camps to 58464
determine compliance with section 5104.013 of the Revised Code. 58465

(B)(1) No child day camp shall fail to comply with section 58466
5104.013 of the Revised Code in regards to a person it appoints or 58467
employs. 58468

(2) If the director determines that a camp has violated 58469
division (B)(1) of this section, the director shall do both of the 58470
following: 58471

(a) Consider imposing a civil penalty on the camp in an 58472
amount that shall not exceed ten per cent of the camp's gross 58473
revenues for the full month immediately preceding the month in 58474
which the violation occurred. If the camp was not operating for 58475
the entire calendar month preceding the month in which the 58476

violation occurred, the penalty shall be five hundred dollars. 58477

(b) Order the camp to initiate a criminal records check of 58478
the person who is the subject of the violation within a specified 58479
period of time. 58480

(3) If, within the specified period of time, the camp fails 58481
to comply with an order to initiate a criminal records check of 58482
the person who is the subject of the violation or to release the 58483
person from the appointment or employment, the director shall do 58484
both of the following: 58485

(a) Impose a civil penalty in an amount that is not less than 58486
the amount previously imposed and that does not exceed twice the 58487
amount permitted by division (B)(2)(a) of this section; 58488

(b) Order the camp to initiate a criminal records check of 58489
the person who is the subject of the violation within a specified 58490
period of time. 58491

(C) If the director determines that a child day camp has 58492
violated division (B)(1) of this section, the director may post a 58493
notice at a prominent place at the camp that states that the camp 58494
has failed to conduct criminal records checks of its appointees or 58495
employees as required by section 5104.013 of the Revised Code. 58496
Once the camp demonstrates to the department that the camp is in 58497
compliance with that section, the director shall permit the camp 58498
to remove the notice. 58499

(D) The director may include on the web site of the 58500
department of job and family services a list of child day camps 58501
that the director has determined to not be in compliance with the 58502
criminal records check requirements of section 5104.013 of the 58503
Revised Code. The director shall remove a camp's name from the 58504
list when the camp demonstrates to the director that the camp is 58505
in compliance with that section. 58506

(E) For the purposes of divisions (C) and (D) of this 58507

section, a child day camp will be considered to be in compliance 58508
with section 5104.013 of the Revised Code by doing any of the 58509
following: 58510

(1) Requesting that the bureau of criminal identification and 58511
investigation conduct a criminal records check regarding the 58512
person who is the subject of the violation of division (B)(1) of 58513
this section and, if the person does not qualify for the 58514
appointment or employment, releasing the person from the 58515
appointment or employment; 58516

(2) Releasing the person who is the subject of the violation 58517
from the appointment or employment. 58518

(F) The attorney general shall commence and prosecute to 58519
judgment a civil action in a court of competent jurisdiction to 58520
collect any civil penalty imposed under this section that remains 58521
unpaid. 58522

(G) This section does not apply to a child day camp that is 58523
an approved child day camp. 58524

Sec. 5104.22. (A) The director of job and family services, no 58525
later than September 1, 1993, and pursuant to Chapter 119. of the 58526
Revised Code, shall adopt rules establishing a procedure and 58527
standards for the approval of child day camps that will enable an 58528
approved child day camp to receive public moneys pursuant to 58529
sections 5104.30 to 5104.39 of the Revised Code. ~~The procedure and~~ 58530
~~standards shall be similar and comparable to the procedure and~~ 58531
~~standards for accrediting child day camps used by the American~~ 58532
~~camping association.~~ The department of job and family services may 58533
charge a reasonable fee to inspect a child day camp to determine 58534
whether that child day camp meets the standards set forth in this 58535
section or in the rules adopted under this section. The department 58536
shall approve any child day camp that ~~the~~ meets both of the 58537
following: 58538

(1) The department inspects and approves, that the camp and 58539
determines that it meets the standards established in rules 58540
adopted under this section; 58541

(2) The camp is accredited by the American camping camp 58542
association inspects and accredits, or that is inspected and 58543
accredited by any a nationally recognized organization that 58544
accredits child day camps by using standards that the department 58545
has determined are substantially similar and comparable to those 58546
of the American camping camp association. The department shall 58547
approve a child day camp for no longer than two years a period of 58548
one year and shall inspect an approved child day camp no less than 58549
biennially on an annual basis. 58550

(B) An approved child day camp shall comply with this section 58551
and section 5104.21 of the Revised Code and the rules adopted 58552
pursuant to those sections. If an approved child day camp is not 58553
in substantial compliance with those sections or rules at any 58554
time, the department shall terminate the child day camp's approval 58555
until the child day camp complies with those sections and rules or 58556
for a period of two years, whichever period is longer. 58557

Sec. 5104.29. (A) As used in this section, "early learning 58558
and development program" has the same meaning as "licensed child 58559
care program" as defined in section 5104.01 of the Revised Code. 58560

(B) There is hereby created in the department of job and 58561
family services the step up to quality program, under which the 58562
department of job and family services, in cooperation with the 58563
department of education, shall develop a tiered quality rating and 58564
improvement system for all early learning and development programs 58565
in this state. The step up to quality program shall include all of 58566
the following components: 58567

(1) Quality program standards for early learning and 58568
development programs; 58569

(2) Accountability measures that include tiered ratings representing each program's level of quality;	58570 58571
(3) Program and provider outreach and support to help programs meet higher standards and promote participation in the step up to quality program;	58572 58573 58574
(4) Financial incentives for early learning and development programs that provide publicly funded child care and are linked to achieving and maintaining quality standards;	58575 58576 58577
(5) Parent and consumer education to help parents learn about program quality and ratings so they can make informed choices on behalf of their children.	58578 58579 58580
(C) The step up to quality program shall have the following goals:	58581 58582
(1) Increasing the number of low-income children, special needs children, and children with limited English proficiency participating in quality early learning and development programs;	58583 58584 58585
(2) Providing families with an easy-to-use tool for evaluating the quality of early learning and development programs;	58586 58587
(3) Recognizing and supporting early learning and development programs that achieve higher levels of quality;	58588 58589
(4) Providing incentives and supports to help early learning and development programs implement continuous quality improvement systems.	58590 58591 58592
(D) Under the step up to quality program, participating early learning and development programs may be eligible for grants, technical assistance, training, and other assistance. Programs that maintain a quality rating may be eligible for unrestricted monetary awards.	58593 58594 58595 58596 58597
(E) The tiered ratings developed pursuant to this section shall be based on an early learning and development program's	58598 58599

performance in meeting program standards in the following four 58600
domains: 58601

- (1) Learning and development; 58602
- (2) Administration and leadership practices; 58603
- (3) Staff quality and professional development; 58604
- (4) Family and community partnerships. 58605

(F) The director of job and family services, in collaboration 58606
with the superintendent of public instruction, shall adopt rules 58607
in accordance with Chapter 119. of the Revised Code to implement 58608
the step up to quality program described in this section. 58609

(G)(1) The department of job and family services shall ensure 58610
that the following percentages of early learning and development 58611
~~programs that are not type B family day care homes and that~~ 58612
provide publicly funded child care are rated in the third highest 58613
tier or above in the step up to quality program: 58614

- (a) By June 30, 2017, twenty-five per cent; 58615
- (b) By June 30, 2019, forty per cent; 58616
- (c) By June 30, 2021, sixty per cent; 58617
- (d) By June 30, 2023, eighty per cent; 58618
- (e) By June 30, 2025, one hundred per cent. 58619

(2) ~~The department of job and family services and the~~ 58620
~~department of education shall identify ways to accelerate early~~ 58621
~~learning and development programs moving to higher tiers in the~~ 58622
~~step up to quality program and identify strategies for appropriate~~ 58623
~~ratings of type B homes. The departments may consult with the~~ 58624
~~early childhood advisory council established pursuant to section~~ 58625
~~3301.90 of the Revised Code to facilitate their efforts and shall~~ 58626
~~include owners and administrators of early learning and~~ 58627
~~development programs in the identification process. The~~ 58628

~~departments shall report their recommendations to the general assembly not later than October 31, 2016. This division does not apply to early learning and development programs that are either of the following:~~ 58629
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(a) Licensed type B family day-care homes; 58633

(b) Providers described in division (C)(2) of section 5104.31 of the Revised Code. 58634
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Sec. 5104.30. (A) The department of job and family services is hereby designated as the state agency responsible for administration and coordination of federal and state funding for publicly funded child care in this state. Publicly funded child care shall be provided to the following: 58636
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(1) Recipients of transitional child care as provided under section 5104.34 of the Revised Code; 58641
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(2) Participants in the Ohio works first program established under Chapter 5107. of the Revised Code; 58643
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(3) Individuals who would be participating in the Ohio works first program if not for a sanction under section 5107.16 of the Revised Code and who continue to participate in a work activity, developmental activity, or alternative work activity pursuant to an assignment under section 5107.42 of the Revised Code; 58645
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(4) A family receiving publicly funded child care on October 1, 1997, until the family's income reaches one hundred fifty per cent of the federal poverty line; 58650
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(5) Subject to available funds, other individuals determined eligible in accordance with rules adopted under section 5104.38 of the Revised Code. 58653
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The department shall apply to the United States department of health and human services for authority to operate a coordinated program for publicly funded child care, if the director of job and 58656
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family services determines that the application is necessary. For 58659
purposes of this section, the department of job and family 58660
services may enter into agreements with other state agencies that 58661
are involved in regulation or funding of child care. The 58662
department shall consider the special needs of migrant workers 58663
when it administers and coordinates publicly funded child care and 58664
shall develop appropriate procedures for accommodating the needs 58665
of migrant workers for publicly funded child care. 58666

(B) The department of job and family services shall 58667
distribute state and federal funds for publicly funded child care, 58668
including appropriations of state funds for publicly funded child 58669
care and appropriations of federal funds available under the child 58670
care block grant act, Title IV-A, and Title XX. The department may 58671
use any state funds appropriated for publicly funded child care as 58672
the state share required to match any federal funds appropriated 58673
for publicly funded child care. 58674

(C) In the use of federal funds available under the child 58675
care block grant act, all of the following apply: 58676

(1) The department may use the federal funds to hire staff to 58677
prepare any rules required under this chapter and to administer 58678
and coordinate federal and state funding for publicly funded child 58679
care. 58680

(2) Not more than five per cent of the aggregate amount of 58681
the federal funds received for a fiscal year may be expended for 58682
administrative costs. 58683

(3) The department shall allocate and use at least four per 58684
cent of the federal funds for the following: 58685

(a) Activities designed to provide comprehensive consumer 58686
education to parents and the public; 58687

(b) Activities that increase parental choice; 58688

(c) Activities, including child care resource and referral services, designed to improve the quality, and increase the supply, of child care; 58689
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(d) Establishing the step up to quality program pursuant to section 5104.29 of the Revised Code. 58692
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(4) The department shall ensure that the federal funds will be used only to supplement, and will not be used to supplant, federal, state, and local funds available on the effective date of the child care block grant act for publicly funded child care and related programs. If authorized by rules adopted by the department pursuant to section 5104.42 of the Revised Code, county departments of job and family services may purchase child care from funds obtained through any other means. 58694
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(D) The department shall encourage the development of suitable child care throughout the state, especially in areas with high concentrations of recipients of public assistance and families with low incomes. The department shall encourage the development of suitable child care designed to accommodate the special needs of migrant workers. On request, the department, through its employees or contracts with state or community child care resource and referral service organizations, shall provide consultation to groups and individuals interested in developing child care. The department of job and family services may enter into interagency agreements with the department of education, the chancellor of higher education, the department of development, and other state agencies and entities whenever the cooperative efforts of the other state agencies and entities are necessary for the department of job and family services to fulfill its duties and responsibilities under this chapter. 58702
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The department shall develop and maintain a registry of persons providing child care. The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing 58718
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procedures and requirements for the registry's administration. 58721

(E)(1) The director shall adopt rules in accordance with 58722
Chapter 119. of the Revised Code establishing both of the 58723
following: 58724

(a) Reimbursement ceilings for providers of publicly funded 58725
child care not later than the first day of July in each 58726
odd-numbered year; 58727

(b) A procedure for reimbursing and paying providers of 58728
publicly funded child care. 58729

(2) In establishing reimbursement ceilings under division 58730
(E)(1)(a) of this section, the director shall do all of the 58731
following: 58732

(a) Use the information obtained ~~under division (B)(3) of~~ 58733
~~section 5104.04 of the Revised Code~~ in accordance with 45 C.F.R. 58734
98.45; 58735

(b) Establish an enhanced reimbursement ceiling for providers 58736
who provide child care for caretaker parents who work 58737
nontraditional hours; 58738

~~(c) For an in-home aide, establish an hourly reimbursement~~ 58739
~~ceiling;~~ 58740

~~(d)~~(c) With regard to the step up to quality program 58741
established pursuant to section 5104.29 of the Revised Code, do 58742
both of the following: 58743

(i) Establish enhanced reimbursement ceilings for child 58744
day-care providers that participate in the program and maintain 58745
quality ratings; 58746

(ii) Weigh any reduction in reimbursement ceilings more 58747
heavily against providers that do not participate in the program 58748
or do not maintain quality ratings. 58749

(3) In establishing reimbursement ceilings under division 58750

(E)(1)(a) of this section, the director may establish different reimbursement ceilings based on any of the following:	58751 58752
(a) Geographic location of the provider;	58753
(b) Type of care provided;	58754
(c) Age of the child served;	58755
(d) Special needs of the child served;	58756
(e) Whether the expanded hours of service are provided;	58757
(f) Whether weekend service is provided;	58758
(g) Whether the provider has exceeded the minimum requirements of state statutes and rules governing child care;	58759 58760
(h) Any other factors the director considers appropriate.	58761
Sec. 5104.31. (A) Publicly funded child care may be provided only by the following:	58762 58763
(1) Any of the following licensed by the department of job and family services pursuant to section 5104.03 of the Revised Code or pursuant to rules adopted under section 5104.018 of the Revised Code:	58764 58765 58766 58767
(a) A child day-care center, including a parent cooperative child day-care center;	58768 58769
(b) A type A family day-care home, including a parent cooperative type A family day-care home;	58770 58771
(c) A licensed type B family day-care home.	58772
(2) An in-home aide who has been certified by the county department of job and family services pursuant to section 5104.12 of the Revised Code;	58773 58774 58775
(3) A child day camp approved pursuant to section 5104.22 of the Revised Code;	58776 58777

(4) A licensed preschool program;	58778
(5) A licensed school child program;	58779
(6) A border state child care provider, except that a border state child care provider may provide publicly funded child care only to an individual who resides in an Ohio county that borders the state in which the provider is located.	58780 58781 58782 58783
(B) Publicly funded child day-care may be provided in a child's own home only by an in-home aide.	58784 58785
(C)(1) Beginning July 1, 2020, <u>and except as provided in division (C)(2) of this section, a licensed child care program may provide</u> publicly funded child care may be provided only by a provider that <u>if the program</u> is rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code.	58786 58787 58788 58789 58790 58791
<u>(2) A licensed child care program that is any of the following may provide publicly funded child care without being rated through the step up to quality program:</u>	58792 58793 58794
<u>(a) A program that operates only during the summer and for not more than fifteen consecutive weeks;</u>	58795 58796
<u>(b) A program that operates only during school breaks;</u>	58797
<u>(c) A program that operates only on weekday evenings, weekends, or both;</u>	58798 58799
<u>(d) A program that holds a provisional license issued under section 5104.03 of the Revised Code;</u>	58800 58801
<u>(e) A program that had its step up to quality program rating removed by the department of job and family services within the previous twelve months;</u>	58802 58803 58804
<u>(f) A program that is the subject of a revocation action initiated by the department, but the license has not yet been revoked.</u>	58805 58806 58807

Sec. 5104.32. (A) ~~Except as provided in division (C) of this~~ 58808
~~section, all~~ All purchases of publicly funded child care shall be 58809
made under a contract entered into by a licensed child day-care 58810
center, licensed type A family day-care home, licensed type B 58811
family day-care home, certified in-home aide, approved child day 58812
camp, licensed preschool program, licensed school child program, 58813
or border state child care provider and the department of job and 58814
family services. All contracts for publicly funded child care 58815
shall be contingent upon the availability of state and federal 58816
funds. The department shall prescribe a standard form to be used 58817
for all contracts for the purchase of publicly funded child care, 58818
regardless of the source of public funds used to purchase the 58819
child care. To the extent permitted by federal law and 58820
notwithstanding any other provision of the Revised Code that 58821
regulates state contracts or contracts involving the expenditure 58822
of state or federal funds, all contracts for publicly funded child 58823
care shall be entered into in accordance with the provisions of 58824
this chapter and are exempt from any other provision of the 58825
Revised Code that regulates state contracts or contracts involving 58826
the expenditure of state or federal funds. 58827

(B) Each contract for publicly funded child care shall 58828
specify at least the following: 58829

(1) That the provider of publicly funded child care agrees to 58830
be paid for rendering services at the lower of the rate 58831
customarily charged by the provider for children enrolled for 58832
child care or the reimbursement ceiling or rate of payment 58833
established pursuant to section 5104.30 of the Revised Code; 58834

(2) That, if a provider provides child care to an individual 58835
potentially eligible for publicly funded child care who is 58836
subsequently determined to be eligible, the department agrees to 58837
pay for all child care provided between the date the county 58838

department of job and family services receives the individual's 58839
completed application and the date the individual's eligibility is 58840
determined; 58841

(3) Whether the county department of job and family services, 58842
the provider, or a child care resource and referral service 58843
organization will make eligibility determinations, whether the 58844
provider or a child care resource and referral service 58845
organization will be required to collect information to be used by 58846
the county department to make eligibility determinations, and the 58847
time period within which the provider or child care resource and 58848
referral service organization is required to complete required 58849
eligibility determinations or to transmit to the county department 58850
any information collected for the purpose of making eligibility 58851
determinations; 58852

(4) That the provider, other than a border state child care 58853
provider, shall continue to be licensed, approved, or certified 58854
pursuant to this chapter and shall comply with all standards and 58855
other requirements in this chapter and in rules adopted pursuant 58856
to this chapter for maintaining the provider's license, approval, 58857
or certification; 58858

(5) That, in the case of a border state child care provider, 58859
the provider shall continue to be licensed, certified, or 58860
otherwise approved by the state in which the provider is located 58861
and shall comply with all standards and other requirements 58862
established by that state for maintaining the provider's license, 58863
certificate, or other approval; 58864

(6) Whether the provider will be paid by the state department 58865
of job and family services or in some other manner as prescribed 58866
by rules adopted under section 5104.42 of the Revised Code; 58867

(7) That the contract is subject to the availability of state 58868
and federal funds. 58869

~~(C) Unless specifically prohibited by federal law or by rules adopted under section 5104.42 of the Revised Code, the county department of job and family services shall give individuals eligible for publicly funded child care the option of obtaining certificates that the individual may use to purchase services from any provider qualified to provide publicly funded child care under section 5104.31 of the Revised Code. Providers of publicly funded child care may present these certificates for payment in accordance with rules that the director of job and family services shall adopt. Only providers may receive payment for certificates. The value of the certificate shall be based on the lower of the rate customarily charged by the provider or the rate of payment established pursuant to section 5104.30 of the Revised Code. The county department may provide the certificates to the individuals or may contract with child care providers or child care resource and referral service organizations that make determinations of eligibility for publicly funded child care pursuant to contracts entered into under section 5104.34 of the Revised Code for the providers or resource and referral service organizations to provide the certificates to individuals whom they determine are eligible for publicly funded child care.~~

~~For each six month period a provider of publicly funded child care provides publicly funded child care to the child of an individual given certificates, the individual shall provide the provider certificates for days the provider would have provided publicly funded child care to the child had the child been present. The maximum number of days providers shall be provided certificates shall not exceed ten days in a six month period during which publicly funded child care is provided to the child regardless of the number of providers that provide publicly funded child care to the child during that period.~~

~~(D)(1) The department shall establish the Ohio electronic an~~

~~automated~~ child care system to track attendance and calculate 58902
payments for publicly funded child care. ~~The system shall include~~ 58903
~~issuing an electronic child care card to each caretaker parent to~~ 58904
~~swipe through a point of service device issued to an eligible~~ 58905
~~provider, as described in section 5104.31 of the Revised Code.~~ 58906

(2) Each eligible provider that provides publicly funded 58907
child care shall participate in the ~~Ohio electronic~~ automated 58908
child care system. A provider participating in the system shall 58909
not do any of the following: 58910

(a) Use or have possession of ~~an electronic child care card a~~ 58911
personal identification number or password issued to a caretaker 58912
parent under the automated child care system; 58913

(b) Falsify attendance records; 58914

(c) Knowingly seek or accept payment for publicly funded 58915
child care that was not provided or for which the provider was not 58916
eligible; 58917

(d) Knowingly ~~accept reimbursement for publicly funded child~~ 58918
~~care that was not provided~~ seek or accept payment for child care 58919
provided to a child who resides in the provider's own home. 58920

(D) The department may withhold any money due under this 58921
chapter and may recover through any appropriate method any money 58922
erroneously paid under this chapter if evidence demonstrates that 58923
a provider of publicly funded child care failed to comply with 58924
either of the following: 58925

(1) The terms of the contract entered into under this 58926
section; 58927

(2) This chapter or any rules adopted under it. 58928

(E) If the department has evidence that a provider has 58929
employed an individual who is ineligible for employment under 58930
section 5104.013 of the Revised Code and the provider has not 58931

released the individual from employment upon notice that the 58932
individual is ineligible, the department may terminate immediately 58933
the contract entered into under this section to provide publicly 58934
funded child care. 58935

(F) Any decision by the department concerning publicly funded 58936
child care, including the recovery of funds, overpayment 58937
determinations, and contract terminations is final and is not 58938
subject to appeal, hearing, or further review under Chapter 119. 58939
of the Revised Code. 58940

Sec. 5104.34. (A)(1) Each county department of job and family 58941
services shall implement procedures for making determinations of 58942
eligibility for publicly funded child care. Under those 58943
procedures, the eligibility determination for each applicant shall 58944
be made no later than thirty calendar days from the date the 58945
county department receives a completed application for publicly 58946
funded child care. Each applicant shall be notified promptly of 58947
the results of the eligibility determination. An applicant 58948
aggrieved by a decision or delay in making an eligibility 58949
determination may appeal the decision or delay to the department 58950
of job and family services in accordance with section 5101.35 of 58951
the Revised Code. The due process rights of applicants shall be 58952
protected. 58953

To the extent permitted by federal law, the county department 58954
may make all determinations of eligibility for publicly funded 58955
child care, may contract with child care providers or child care 58956
resource and referral service organizations for the providers or 58957
resource and referral service organizations to make all or any 58958
part of the determinations, and may contract with child care 58959
providers or child care resource and referral service 58960
organizations for the providers or resource and referral service 58961
organizations to collect specified information for use by the 58962

county department in making determinations. If a county department 58963
contracts with a child care provider or a child care resource and 58964
referral service organization for eligibility determinations or 58965
for the collection of information, the contract shall require the 58966
provider or resource and referral service organization to make 58967
each eligibility determination no later than thirty calendar days 58968
from the date the provider or resource and referral organization 58969
receives a completed application that is the basis of the 58970
determination and to collect and transmit all necessary 58971
information to the county department within a period of time that 58972
enables the county department to make each eligibility 58973
determination no later than thirty days after the filing of the 58974
application that is the basis of the determination. 58975

The county department may station employees of the department 58976
in various locations throughout the county to collect information 58977
relevant to applications for publicly funded child care and to 58978
make eligibility determinations. The county department, child care 58979
provider, and child care resource and referral service 58980
organization shall make each determination of eligibility for 58981
publicly funded child care no later than thirty days after the 58982
filing of the application that is the basis of the determination, 58983
shall make each determination in accordance with any relevant 58984
rules adopted pursuant to section 5104.38 of the Revised Code, and 58985
shall notify promptly each applicant for publicly funded child 58986
care of the results of the determination of the applicant's 58987
eligibility. 58988

The director of job and family services shall adopt rules in 58989
accordance with Chapter 119. of the Revised Code for monitoring 58990
the eligibility determination process. In accordance with those 58991
rules, the state department shall monitor eligibility 58992
determinations made by county departments of job and family 58993
services and shall direct any entity that is not in compliance 58994

with this division or any rule adopted under this division to 58995
implement corrective action specified by the department. 58996

(2)(a) All eligibility determinations for publicly funded 58997
child care shall be made in accordance with rules adopted pursuant 58998
to division (A) of section 5104.38 of the Revised Code. Except as 58999
otherwise provided in this section, both of the following apply: 59000

(i) Publicly funded child care may be provided only to 59001
eligible infants, toddlers, preschool-age children, ~~and~~ school-age 59002
children under age thirteen, or children receiving special needs 59003
child care. 59004

(ii) For an applicant to be eligible for publicly funded 59005
child care, the caretaker parent must be employed or participating 59006
in a program of education or training for an amount of time 59007
reasonably related to the time that the parent's children are 59008
receiving publicly funded child care. This restriction does not 59009
apply to families whose children are eligible for protective child 59010
care. 59011

(b) In accordance with rules adopted under division (B) of 59012
section 5104.38 of the Revised Code, an applicant may receive 59013
publicly funded child care while the county department determines 59014
eligibility. An applicant may receive publicly funded child care 59015
while a county department determines eligibility only once during 59016
a twelve-month period. If the county department determines that an 59017
applicant is not eligible for publicly funded child care, the 59018
~~licensed~~ child care ~~program~~ provider shall be paid for providing 59019
publicly funded child care for up to five days after that 59020
determination if the county department received a completed 59021
application with all required documentation. A program may appeal 59022
a denial of payment under this division. 59023

(c) If a caretaker parent who has been determined eligible to 59024
receive publicly funded child care no longer meets the 59025

requirements of division (A)(2)(a)(ii) of this section, the 59026
caretaker parent may continue to receive publicly funded child 59027
care for a period of up to thirteen weeks not to extend beyond the 59028
caretaker parent's twelve-month eligibility period. ~~Such~~ 59029
~~authorization may be given only once during a twelve-month period.~~ 59030

(d) If a child turns thirteen, or if a child receiving 59031
special needs child care turns eighteen, during the twelve-month 59032
eligibility period, the caretaker parent may continue to receive 59033
publicly funded child care until the end of that twelve-month 59034
period. 59035

Subject to available funds, the department of job and family 59036
services shall allow a family to receive publicly funded child 59037
care unless the family's income exceeds the maximum income 59038
eligibility limit. Initial and continued eligibility for publicly 59039
funded child care is subject to available funds unless the family 59040
is receiving child care pursuant to division (A)(1), (2), (3), or 59041
(4) of section 5104.30 of the Revised Code. If the department must 59042
limit eligibility due to lack of available funds, it shall give 59043
first priority for publicly funded child care to an assistance 59044
group whose income is not more than the maximum income eligibility 59045
limit that received transitional child care in the previous month 59046
but is no longer eligible because the twelve-month period has 59047
expired. Such an assistance group shall continue to receive 59048
priority for publicly funded child care until its income exceeds 59049
the maximum income eligibility limit. 59050

(3) An assistance group that ceases to participate in the 59051
Ohio works first program established under Chapter 5107. of the 59052
Revised Code is eligible for transitional child care at any time 59053
during the immediately following twelve-month period that both of 59054
the following apply: 59055

(a) The assistance group requires child care due to 59056
employment; 59057

(b) The assistance group's income is not more than one hundred fifty per cent of the federal poverty line.

An assistance group ineligible to participate in the Ohio works first program pursuant to section 5101.83 or section 5107.16 of the Revised Code is not eligible for transitional child care.

(B) To the extent permitted by federal law, the department of job and family services may require a caretaker parent determined to be eligible for publicly funded child care to pay a fee according to the schedule of fees established in rules adopted under section 5104.38 of the Revised Code. The department shall make protective child care services and homeless child care services available to children without regard to the income or assets of the caretaker parent of the child.

(C) A caretaker parent receiving publicly funded child care shall report to the entity that determined eligibility any changes in status with respect to employment or participation in a program of education or training not later than ten calendar days after the change occurs.

(D) If the department of job and family services determines that available resources are not sufficient to provide publicly funded child care to all eligible families who request it, the department may establish a waiting list. The department may establish separate waiting lists within the waiting list based on income.

(E) A caretaker parent shall not receive ~~full-time~~ publicly funded child care from more than one child care provider per child during a week, unless a county department grants the family an exemption for one of the following reasons:

~~(a)~~(1) The child needs additional care during non-traditional hours;

~~(b)~~(2) The child needs to change providers in the middle of

the week and the hours of care provided by the providers do not 59089
overlap; 59090

~~(e)~~(3) The child's provider is closed on scheduled school 59091
days off or on calamity days; 59092

~~(d)~~(4) The child is enrolled in a part-time program 59093
participating in the tiered quality rating and improvement system 59094
established under section ~~5104.30~~ 5104.29 of the Revised Code and 59095
needs care from an additional part-time provider. 59096

(F) As used in this section, "maximum income eligibility 59097
limit" means the amount of income specified in rules adopted under 59098
division (A) of section 5104.38 of the Revised Code. 59099

Sec. 5104.38. In addition to any other rules adopted under 59100
this chapter, the director of job and family services shall adopt 59101
rules in accordance with Chapter 119. of the Revised Code 59102
governing financial and administrative requirements for publicly 59103
funded child care and establishing all of the following: 59104

(A) Procedures and criteria to be used in making 59105
determinations of eligibility for publicly funded child care that 59106
give priority to children of families with lower incomes and 59107
procedures and criteria for eligibility for publicly funded 59108
protective child care or homeless child care. The rules shall 59109
specify the maximum amount of income a family may have for initial 59110
and continued eligibility. The maximum amount shall not exceed 59111
three hundred per cent of the federal poverty line. The rules may 59112
specify exceptions to the eligibility requirements in the case of 59113
a family that previously received publicly funded child care and 59114
is seeking to have the child care reinstated after the family's 59115
eligibility was terminated. 59116

(B) Procedures under which an applicant for publicly funded 59117
child care may receive publicly funded child care while the county 59118

department of job and family services determines eligibility and 59119
under which a ~~licensed~~ child care ~~program~~ provider may appeal a 59120
denial of payment under division (A)(2)(b) of section 5104.34 of 59121
the Revised Code; 59122

(C) A schedule of fees requiring all eligible caretaker 59123
parents to pay a fee for publicly funded child care according to 59124
income and family size, which shall be uniform for all types of 59125
publicly funded child care, except as authorized by rule, and, to 59126
the extent permitted by federal law, shall permit the use of state 59127
and federal funds to pay the customary deposits and other advance 59128
payments that a provider charges all children who receive child 59129
care from that provider. 59130

(D) A formula for determining the amount of state and federal 59131
funds appropriated for publicly funded child care that may be 59132
allocated to a county department to use for administrative 59133
purposes; 59134

(E) Procedures to be followed by the department and county 59135
departments in recruiting individuals and groups to become 59136
providers of child care; 59137

(F) Procedures to be followed in establishing state or local 59138
programs designed to assist individuals who are eligible for 59139
publicly funded child care in identifying the resources available 59140
to them and to refer the individuals to appropriate sources to 59141
obtain child care; 59142

(G) Procedures to deal with fraud and abuse committed by 59143
either recipients or providers of publicly funded child care; 59144

(H) Procedures for establishing a child care grant or loan 59145
program in accordance with the child care block grant act; 59146

(I) Standards and procedures for applicants to apply for 59147
grants and loans, and for the department to make grants and loans; 59148

(J) A definition of "person who stands in loco parentis" for 59149
the purposes of division ~~(JJ)(1)~~(LL)(3) of section 5104.01 of the 59150
Revised Code; 59151

(K) Procedures for a county department of job and family 59152
services to follow in making eligibility determinations and 59153
redeterminations for publicly funded child care available through 59154
telephone, computer, and other means at locations other than the 59155
county department; 59156

(L) If the director establishes a different reimbursement 59157
ceiling under division (E)(3)(d) of section 5104.30 of the Revised 59158
Code, standards and procedures for determining the amount of the 59159
higher payment that is to be issued to a child care provider based 59160
on the special needs of the child being served; 59161

(M) To the extent permitted by federal law, procedures for 59162
paying for up to thirty days of child care for a child whose 59163
caretaker parent is seeking employment, taking part in employment 59164
orientation activities, or taking part in activities in 59165
anticipation of enrolling in or attending an education or training 59166
program or activity, if the employment or the education or 59167
training program or activity is expected to begin within the 59168
thirty-day period; 59169

(N) Any other rules necessary to carry out sections 5104.30 59170
to 5104.43 of the Revised Code. 59171

Sec. 5104.41. A child and the child's caretaker ~~who either~~ 59172
~~temporarily reside in a facility providing emergency shelter for~~ 59173
~~homeless families or are determined by the county department of~~ 59174
~~job and family services to be homeless, and who are otherwise~~ 59175
ineligible for publicly funded child care, are eligible for 59176
~~protective~~ homeless child care for the lesser of the following: 59177

(A) ~~Ninety~~ Not more than ninety days; 59178

(B) The period of time they reside in ~~the~~ a facility 59179
providing emergency shelter, ~~if they qualified for protective~~ 59180
~~child care because they reside in the shelter,~~ for homeless 59181
families or the period of time in which the county department 59182
determines they are homeless. 59183

Sec. 5104.99. (A) Whoever violates section 5104.02 of the 59184
Revised Code shall be punished as follows: 59185

(1) For each offense, the offender shall be fined not less 59186
than one hundred dollars nor more than five hundred dollars 59187
multiplied by the number of children receiving child care at the 59188
child day-care center or type A family day-care home that either 59189
exceeds the number of children to which a type B family day-care 59190
home may provide child care or, if the offender is a licensed type 59191
A family day-care home that is operating as a child day-care 59192
center without being licensed as a center, exceeds the license 59193
capacity of the type A home. 59194

(2) In addition to the fine specified in division (A)(1) of 59195
this section, all of the following apply: 59196

(a) Except as provided in divisions (A)(2)(b), (c), and (d) 59197
of this section, the court shall order the offender to reduce the 59198
number of children to which it provides child care to a number 59199
that does not exceed either the number of children to which a type 59200
B family day-care home may provide child care or, if the offender 59201
is a licensed type A family day-care home that is operating as a 59202
child day-care center without being licensed as a center, the 59203
license capacity of the type A home. 59204

(b) If the offender previously has been convicted of or 59205
pleaded guilty to one violation of section 5104.02 of the Revised 59206
Code, the court shall order the offender to cease the provision of 59207
child care to any person until it obtains a child day-care center 59208
license or a type A family day-care home license, as appropriate, 59209

under section 5104.03 of the Revised Code. 59210

(c) If the offender previously has been convicted of or 59211
pleaded guilty to two violations of section 5104.02 of the Revised 59212
Code, the offender is guilty of a misdemeanor of the first degree, 59213
and the court shall order the offender to cease the provision of 59214
child care to any person until it obtains a child day-care center 59215
license or a type A family day-care home license, as appropriate, 59216
under section 5104.03 of the Revised Code. The court shall impose 59217
the fine specified in division (A)(1) of this section and may 59218
impose an additional fine provided that the total amount of the 59219
fines so imposed does not exceed the maximum fine authorized for a 59220
misdemeanor of the first degree under section 2929.28 of the 59221
Revised Code. 59222

(d) If the offender previously has been convicted of or 59223
pleaded guilty to three or more violations of section 5104.02 of 59224
the Revised Code, the offender is guilty of a felony of the fifth 59225
degree, and the court shall order the offender to cease the 59226
provision of child care to any person until it obtains a child 59227
day-care center license or a type A family day-care home license, 59228
as appropriate, under section 5104.03 of the Revised Code. The 59229
court shall impose the fine specified in division (A)(1) of this 59230
section and may impose an additional fine provided that the total 59231
amount of the fines so imposed does not exceed the maximum fine 59232
authorized for a felony of the fifth degree under section 2929.18 59233
of the Revised Code. 59234

~~(B) Whoever violates division (M)(4) of section 5104.013 of 59235
the Revised Code is guilty of a misdemeanor of the first degree. 59236
If the offender is a licensee of a center, type A home, or 59237
licensed type B home, the conviction shall constitute grounds for 59238
denial or revocation of an application for licensure pursuant to 59239
section 5104.04 of the Revised Code. Except as otherwise provided 59240
in this division, the offense established under division (M)(4) of 59241~~

~~section 5104.013 of the Revised Code is a strict liability offense, and section 2901.20 of the Revised Code does not apply. If the offender is a person eighteen years of age or older residing in a type A home or licensed type B home or is an employee of a center, type A home, or licensed type B home and if the licensee had knowledge of, and acquiesced in, the commission of the offense, the conviction shall constitute grounds for denial or revocation of an application for licensure pursuant to section 5104.04 of the Revised Code.~~

~~(C) Whoever violates section 5104.09 of the Revised Code is guilty of a misdemeanor of the third degree.~~

Sec. 5119.185. (A) As used in this section, "physician":

(1) "Advanced practice registered nurse" has the same meaning as in section 4723.01 of the Revised Code.

(2) "Clinician" means any of the following:

(a) An advanced practice registered nurse;

(b) A physician;

(c) A physician assistant.

(3) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(4) "Physician assistant" means an individual who holds a current, valid license to practice as a physician assistant issued under Chapter 4730. of the Revised Code.

(B) The department of mental health and addiction services may establish a ~~physician~~ clinician recruitment program under which the department agrees to repay all or part of the principal and interest of a government or other educational loan incurred by a ~~physician~~ clinician who agrees to provide services to inpatients

and outpatients of institutions under the department's 59271
administration. To be eligible to participate in the program, a 59272
~~physician~~ clinician must have attended the following: 59273

(1) In the case of a physician, a school that was, at the 59274
time of attendance, a medical school or osteopathic medical school 59275
in this country accredited by the liason committee on medical 59276
education or the American osteopathic association, or a medical 59277
school or osteopathic medical school located outside this country 59278
that was acknowledged by the world health organization and 59279
verified by a member state of that organization as operating 59280
within that state's jurisdiction; 59281

(2) In the case of a physician assistant, a school that was, 59282
at the time of attendance, accredited by the accreditation review 59283
commission on education for the physician assistant or a regional 59284
or specialized and professional accrediting agency recognized by 59285
the council for higher education accreditation; 59286

(3) In the case of an advanced practice registered nurse, a 59287
school that was, at the time of attendance, accredited by a 59288
national or regional accrediting organization. 59289

(C) The department shall enter into a contract with each 59290
~~physician~~ clinician it recruits under this section. Each contract 59291
shall include at least the following terms: 59292

(1) The ~~physician~~ clinician agrees to provide a specified 59293
scope of ~~medical or osteopathic medical~~ health care services for a 59294
specified number of hours per week and a specified number of years 59295
to patients of one or more specified institutions administered by 59296
the department. 59297

(2) The department agrees to repay all or a specified portion 59298
of the principal and interest of a government or other educational 59299
loan taken by the ~~physician~~ clinician for the following expenses 59300
if the ~~physician~~ clinician meets the service obligation agreed to 59301

and the expenses were incurred while the ~~physician~~ clinician was 59302
enrolled in, for up to a maximum of four years, a school that 59303
qualifies the ~~physician~~ clinician to participate in the program: 59304

(a) Tuition; 59305

(b) Other educational expenses for specific purposes, 59306
including fees, books, and laboratory expenses, in amounts 59307
determined to be reasonable in accordance with rules adopted under 59308
division (D) of this section; 59309

(c) Room and board, in an amount determined to be reasonable 59310
in accordance with rules adopted under division (D) of this 59311
section. 59312

(3) The ~~physician~~ clinician agrees to pay the department a 59313
specified amount, which shall be not less than the amount already 59314
paid by the department pursuant to its agreement, as damages if 59315
the ~~physician~~ clinician fails to complete the service obligation 59316
agreed to or fails to comply with other specified terms of the 59317
contract. The contract may vary the amount of damages based on the 59318
portion of the ~~physician's~~ clinician's service obligation that 59319
remains uncompleted as determined by the department. 59320

(4) Other terms agreed upon by the parties. 59321

(D) If the department elects to implement the ~~physician~~ 59322
clinician recruitment program, it shall adopt rules in accordance 59323
with Chapter 119. of the Revised Code that establish all of the 59324
following: 59325

(1) Criteria for designating institutions for which 59326
~~physicians~~ clinicians will be recruited; 59327

(2) Criteria for selecting ~~physicians~~ clinicians for 59328
participation in the program; 59329

(3) Criteria for determining the portion of a ~~physician's~~ 59330
clinician's loan that the department will agree to repay; 59331

(4) Criteria for determining reasonable amounts of the expenses described in divisions (C)(2)(b) and (c) of this section; 59332
59333

(5) Procedures for monitoring compliance by ~~physicians~~ clinicians with the terms of their contracts; 59334
59335

(6) Any other criteria or procedures necessary to implement the program. 59336
59337

Sec. 5119.19. (A)(1) As used in this section, ~~"psychotropic:~~ 59338

(a) "Prescribed drug" has the same meaning as in section 5164.01 of the Revised Code. 59339
59340

(b) "Psychotropic drug" means, except as provided in division (A)(2) of this section, a drug that has the capability of changing or controlling mental functioning or behavior through direct pharmacological action. "Psychotropic drug" includes all of the following: 59341
59342
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59344
59345

~~(a)~~(i) Antipsychotic medications, including those administered or dispensed in a long-acting injectable form; 59346
59347

~~(b)~~(ii) Antidepressant medications; 59348

~~(c)~~(iii) Anti-anxiety medications; 59349

~~(d)~~(iv) Mood stabilizing medications. 59350

(2) "Psychotropic drug" excludes a stimulant prescribed for the treatment of attention deficit hyperactivity disorder. 59351
59352

(B) There is hereby created the psychotropic drug reimbursement program. The program shall be administered by the department of mental health and addiction services. 59353
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59355

The purpose of the program is to provide state reimbursement to counties for the cost of psychotropic drugs that are dispensed to inmates of county jails in this state. The Each county shall ensure that inmates have access to all psychotropic drugs that are prescribed drugs covered by the fee-for-service component of the 59356
59357
59358
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59360

medicaid program. 59361

The department, based on factors it considers appropriate, 59362
shall allocate an amount to each county for reimbursement of such 59363
psychotropic drug costs incurred by the county. 59364

(C) The director of mental health and addiction services may 59365
adopt rules as necessary to implement this section. The rules, if 59366
adopted, shall be adopted in accordance with Chapter 119. of the 59367
Revised Code. 59368

Sec. 5119.39. (A) As used in this section, 59369
"medication-assisted treatment" has the same meaning as in section 59370
340.01 of the Revised Code. 59371

(B) There is hereby created in the department of mental 59372
health and addiction services the medication-assisted treatment 59373
drug reimbursement program. Under the program, the department 59374
shall reimburse counties for the costs of drugs that are both of 59375
the following: 59376

(1) Prescribed or furnished to inmates of county jails; 59377

(2) Approved by the United States food and drug 59378
administration for use in medication-assisted treatment, including 59379
full opioid agonists, partial opioid agonists, and injectable 59380
long-acting or extended-release opioid antagonists. 59381

The department, based on factors it considers appropriate, 59382
shall allocate an amount to each county for reimbursement of 59383
medication-assisted treatment drug costs incurred by the county. 59384

(C)(1) Subject to division (C)(2) of this section, to be 59385
eligible for reimbursement under the program, a county shall 59386
establish procedures to minimize the risk of inmates abusing or 59387
diverting full or partial opioid agonists. 59388

(2) When a full or partial opioid agonist is prescribed or 59389
furnished to one or more inmates as part of medication-assisted 59390

treatment, a county shall do all of the following: 59391

(a) Establish a baseline for the inmate's drug use by 59392
ordering for the inmate a urine drug test and evaluating the test 59393
results; 59394

(b) Monitor the inmate's adherence to treatment and determine 59395
if the inmate is using other drugs by ordering for the inmate on a 59396
periodic basis a urine drug test and evaluating the test results; 59397

(c) If necessary, order for the inmate more definitive drug 59398
testing and evaluate the test results. 59399

(D) The director of mental health and addiction services may 59400
adopt rules as necessary to implement this section. The rules 59401
shall be adopted in accordance with Chapter 119. of the Revised 59402
Code. 59403

Sec. 5119.44. As used in this section, "free clinic" has the 59404
same meaning as in section 2305.2341 of the Revised Code. 59405

(A) The department of mental health and addiction services 59406
may provide certain goods and services for the department of 59407
mental health and addiction services, the department of 59408
developmental disabilities, the department of rehabilitation and 59409
correction, the department of youth services, and other state, 59410
county, or municipal agencies requesting such goods and services 59411
when the department of mental health and addiction services 59412
determines that it is in the public interest, and considers it 59413
advisable, to provide these goods and services. The department of 59414
mental health and addiction services also may provide goods and 59415
services to agencies operated by the United States government and 59416
to public or private nonprofit agencies, other than free clinics, 59417
that are funded in whole or in part by the state if the public or 59418
private nonprofit agencies are designated for participation in 59419
this program by the director of mental health and addiction 59420

services for community addiction services providers and community 59421
mental health services providers, the director of developmental 59422
disabilities for community developmental disabilities agencies, 59423
the director of rehabilitation and correction for community 59424
rehabilitation and correction agencies, or the director of youth 59425
services for community youth services agencies. 59426

Designated community agencies or services providers shall 59427
receive goods and services through the department of mental health 59428
and addiction services only in those cases where the designating 59429
state agency certifies that providing such goods and services to 59430
the agency or services provider will conserve public resources to 59431
the benefit of the public and where the provision of such goods 59432
and services is considered feasible by the department of mental 59433
health and addiction services. 59434

(B) The department of mental health and addiction services 59435
may permit free clinics to purchase certain goods and services to 59436
the extent the purchases fall within the exemption to the 59437
Robinson-Patman Act, 15 U.S.C. 13 et seq., applicable to nonprofit 59438
institutions, in 15 U.S.C. 13c, as amended. 59439

(C) The goods and services that may be provided by the 59440
department of mental health and addiction services under divisions 59441
(A) and (B) of this section may include: 59442

(1) Procurement, storage, processing, and distribution of 59443
food and professional consultation on food operations; 59444

(2) Procurement, storage, and distribution of medical and 59445
laboratory supplies, dental supplies, medical records, forms, 59446
optical supplies, and sundries, ~~subject to section 5120.135 of the~~ 59447
~~Revised Code;~~ 59448

(3) Procurement, storage, repackaging, distribution, and 59449
dispensing of drugs, the provision of professional pharmacy 59450
consultation, and drug information services; 59451

(4) Other goods and services. 59452

(D) The department of mental health and addiction services 59453
may provide the goods and services designated in division (C) of 59454
this section to its institutions and to state-operated 59455
community-based mental health or addiction services providers. 59456

(E) After consultation with and advice from the director of 59457
developmental disabilities, the director of rehabilitation and 59458
correction, and the director of youth services, the department of 59459
mental health and addiction services may provide the goods and 59460
services designated in division (C) of this section to the 59461
department of developmental disabilities, the department of 59462
rehabilitation and correction, and the department of youth 59463
services. 59464

(F) The cost of administration of this section shall be 59465
determined by the department of mental health and addiction 59466
services and paid by the agencies, services providers, or free 59467
clinics receiving the goods and services to the department for 59468
deposit in the state treasury to the credit of the Ohio pharmacy 59469
services fund, which is hereby created. The fund shall be used to 59470
pay the cost of administration of this section to the department. 59471

(G) Whenever a state agency fails to make a payment for goods 59472
and services provided under this section within thirty-one days 59473
after the date the payment was due, the office of budget and 59474
management may transfer moneys from the state agency to the 59475
department of mental health and addiction services. The amount 59476
transferred shall not exceed the amount of overdue payments. Prior 59477
to making a transfer under this division, the office of budget and 59478
management shall apply any credits the state agency has 59479
accumulated in payments for goods and services provided under this 59480
section. 59481

(H) Purchases of goods and services under this section are 59482

not subject to section 307.86 of the Revised Code. 59483

Sec. 5120.10. (A)(1) The director of rehabilitation and 59484
correction, by rule, shall promulgate minimum standards for jails 59485
in Ohio, including minimum security jails dedicated under section 59486
341.34 or 753.21 of the Revised Code. Whenever the director files 59487
a rule or an amendment to a rule in final form with both the 59488
secretary of state and the director of the legislative service 59489
commission pursuant to section 111.15 of the Revised Code, the 59490
director of rehabilitation and correction promptly shall send a 59491
copy of the rule or amendment, if the rule or amendment pertains 59492
to minimum jail standards, by ordinary mail to the political 59493
subdivisions or affiliations of political subdivisions that 59494
operate jails to which the standards apply. 59495

(2) The rules promulgated in accordance with division (A)(1) 59496
of this section shall serve as criteria for the investigative and 59497
supervisory powers and duties vested by division (D) of this 59498
section in the division of parole and community services of the 59499
department of rehabilitation and correction or in another division 59500
of the department to which those powers and duties are assigned. 59501

(B) The director may initiate an action in the court of 59502
common pleas of the county in which a facility that is subject to 59503
the rules promulgated under division (A)(1) of this section is 59504
situated to enjoin compliance with the minimum standards for jails 59505
or with the minimum standards and minimum renovation, 59506
modification, and construction criteria for ~~minimum security~~ 59507
jails. 59508

(C) Upon the request of an administrator of a jail facility, 59509
the chief executive of a municipal corporation, or a board of 59510
county commissioners, the director of rehabilitation and 59511
correction or the director's designee shall grant a variance from 59512
the minimum standards for jails in Ohio for a facility that is 59513

subject to one of those minimum standards when the director 59514
determines that strict compliance with the minimum standards would 59515
cause unusual, practical difficulties or financial hardship, that 59516
existing or alternative practices meet the intent of the minimum 59517
standards, and that granting a variance would not seriously affect 59518
the security of the facility, the supervision of the inmates, or 59519
the safe, healthful operation of the facility. If the director or 59520
the director's designee denies a variance, the applicant may 59521
appeal the denial pursuant to section 119.12 of the Revised Code. 59522

(D) The following powers and duties shall be exercised by the 59523
division of parole and community services unless assigned to 59524
another division by the director: 59525

(1) The investigation and supervision of county and municipal 59526
jails, workhouses, minimum security jails, and other correctional 59527
institutions and agencies; 59528

(2) The review and approval of plans submitted to the 59529
department of rehabilitation and correction pursuant to division 59530
(E) of this section; 59531

(3) The management and supervision of the adult parole 59532
authority created by section 5149.02 of the Revised Code; 59533

(4) The review and approval of proposals for community-based 59534
correctional facilities and programs and district community-based 59535
correctional facilities and programs that are submitted pursuant 59536
to division (B) of section 2301.51 of the Revised Code; 59537

(5) The distribution of funds made available to the division 59538
for purposes of assisting in the renovation, maintenance, and 59539
operation of community-based correctional facilities and programs 59540
and district community-based correctional facilities and programs 59541
in accordance with section 5120.112 of the Revised Code; 59542

(6) The performance of the duty imposed upon the department 59543
of rehabilitation and correction in section 5149.31 of the Revised 59544

Code to establish and administer a program of subsidies to 59545
eligible municipal corporations, counties, and groups of 59546
contiguous counties for the development, implementation, and 59547
operation of community-based corrections programs; 59548

(7) Licensing halfway houses and community residential 59549
centers for the care and treatment of adult offenders in 59550
accordance with section 2967.14 of the Revised Code; 59551

(8) Contracting with a public or private agency or a 59552
department or political subdivision of the state that operates a 59553
licensed halfway house or community residential center for the 59554
provision of housing, supervision, and other services to parolees, 59555
releasees, persons placed under a residential sanction, persons 59556
under transitional control, and other eligible offenders in 59557
accordance with section 2967.14 of the Revised Code. 59558

Other powers and duties may be assigned by the director of 59559
rehabilitation and correction to the division of parole and 59560
community services. This section does not apply to the department 59561
of youth services or its institutions or employees. 59562

(E) No plan for any new jail, workhouse, or lockup, and no 59563
plan for a substantial addition or alteration to an existing jail, 59564
workhouse, or lockup, shall be adopted unless the officials 59565
responsible for adopting the plan have submitted the plan to the 59566
department of rehabilitation and correction for approval, and the 59567
department has approved the plan as provided in division (D)(2) of 59568
this section. 59569

Sec. 5120.112. (A) The division of parole and community 59570
services shall accept applications for state financial assistance 59571
for the renovation, maintenance, and operation of proposed and 59572
approved community-based correctional facilities and programs and 59573
district community-based correctional facilities and programs that 59574
are filed in accordance with section 2301.56 of the Revised Code. 59575

The division, upon receipt of an application for a particular facility and program, shall determine whether the application is in proper form, whether the applicant satisfies the standards of operation that are prescribed by the department of rehabilitation and correction under section 5120.111 of the Revised Code, whether the applicant has established the facility and program, and, if the applicant has not at that time established the facility and program, whether the proposal of the applicant sufficiently indicates that the standards will be satisfied upon the establishment of the facility and program. If the division determines that the application is in proper form and that the applicant has satisfied or will satisfy the standards of the department, the division shall notify the applicant that it is qualified to receive state financial assistance for the facility and program under this section from moneys made available to the division for purposes of providing assistance to community-based correctional facilities and programs and district community-based correctional facilities and programs.

(B) The amount of state financial assistance that is awarded to a qualified applicant under this section shall be determined by the division of parole and community services in accordance with this division. In determining the amount of state financial assistance to be awarded to a qualified applicant under this section, the division shall not calculate the cost of an offender incarcerated in a community-based correctional facility and program or district community-based correctional facility program to be greater than the average yearly cost of incarceration per inmate in all state correctional institutions, as defined in section 2967.01 of the Revised Code, as determined by the department of rehabilitation and correction.

The times and manner of distribution of state financial assistance to be awarded to a qualified applicant under this

section shall be determined by the division of parole and 59608
community services. 59609

(C) Upon approval of a proposal for a community-based 59610
correctional facility and program or a district community-based 59611
correctional facility and program by the division of parole and 59612
community services, the facility governing board, upon the advice 59613
of the judicial advisory board, shall enter into an award 59614
agreement with the department of rehabilitation and correction 59615
that outlines terms and conditions of the agreement ~~on an annual~~ 59616
~~basis. The agreement shall not be effective for longer than the~~ 59617
state fiscal biennium in which the financial assistance is to be 59618
awarded. In the award agreement, the facility governing board 59619
shall identify a fiscal agent responsible for the deposit of funds 59620
and compliance with sections 2301.55 and 2301.56 of the Revised 59621
Code. 59622

(D) No state financial assistance shall be distributed to a 59623
qualified applicant until an agreement concerning the assistance 59624
has been entered into by the director of rehabilitation and 59625
correction and the deputy director of the division of parole and 59626
community services on the part of the state, and by the 59627
chairperson of the facility governing board of the community-based 59628
correctional facility and program or district community-based 59629
correctional facility and program to receive the financial 59630
assistance, whichever is applicable. The agreement shall not be 59631
effective for ~~a period of one year from the date of the agreement~~ 59632
longer than the state fiscal biennium in which the financial 59633
assistance is to be awarded, and shall specify all terms and 59634
conditions that are applicable to the awarding of the assistance, 59635
including, but not limited to: 59636

(1) The total amount of assistance to be awarded for each 59637
community-based correctional facility and program or district 59638
community-based correctional facility and program, and the times 59639

and manner of the payment of the assistance; 59640

(2) How persons who will staff and operate the facility and 59641
program are to be utilized during the period for which the 59642
assistance is to be granted, including descriptions of their 59643
positions and duties, and their salaries and fringe benefits; 59644

(3) A statement that none of the persons who will staff and 59645
operate the facility and program, including those who are 59646
receiving some or all of their salaries out of funds received by 59647
the facility and program as state financial assistance, are 59648
employees or are to be considered as being employees of the 59649
department of rehabilitation and correction, and a statement that 59650
the employees who will staff and operate that facility and program 59651
are employees of the facility and program; 59652

(4) A list of the type of expenses, other than salaries of 59653
persons who will staff and operate the facility and program, for 59654
which the state financial assistance can be used, and a 59655
requirement that purchases made with funds received as state 59656
financial assistance follow established fiscal guidelines as 59657
determined by the division of parole and community services and 59658
any applicable sections of the Revised Code, including, but not 59659
limited to, sections 125.01 to 125.11 and Chapter 153. of the 59660
Revised Code; 59661

(5) The accounting procedures that are to be used by the 59662
facility and program in relation to the state financial 59663
assistance; 59664

(6) A requirement that the facility and program file reports, 59665
during the period that it receives state financial assistance, 59666
with the division of parole and community services, which reports 59667
shall be statistical in nature and shall contain that information 59668
required under a research design agreed upon by all parties to the 59669
agreement, for purposes of evaluating the facility and program; 59670

(7) A requirement that the facility and program comply with standards of operation as prescribed by the department under section 5120.111 of the Revised Code, and with all information submitted on its application;

(8) A statement that the facility and program will make a reasonable effort to augment the funding received from the state.

(E)(1) No state financial assistance shall be distributed to a qualified applicant until its proposal for a community-based correctional facility and program or district community-based correctional facility and program has been approved by the division of parole and community services.

(2) State financial assistance may be denied to any applicant if it fails to comply with the terms of any agreement entered into pursuant to division (D) of this section.

(F) The division of parole and community services may expend up to one-half per cent of the annual appropriation made for community-based correctional facility programs, for goods or services that benefit those programs.

Sec. 5122.43. (A) Costs, fees, and expenses of all proceedings held under this chapter shall be paid as follows:

(1) To police and health officers, other than sheriffs or their deputies, the same fees allowed to constables, to be paid upon the approval of the probate judge;

(2) To sheriffs or their deputies, the same fees allowed for similar services in the court of common pleas;

(3) To physicians or licensed clinical psychologists acting as expert witnesses and to other expert witnesses designated by the court, an amount determined by the court;

(4) To other witnesses, the same fees and mileage as for attendance at the court of common pleas, to be paid upon the

approval of the probate judge; 59701

(5) To a person, other than the sheriff or the sheriff's 59702
deputies, for taking a mentally ill person to a hospital or 59703
removing a mentally ill person from a hospital, the actual 59704
necessary expenses incurred, specifically itemized, and approved 59705
by the probate judge; 59706

(6) To assistants who convey mentally ill persons to the 59707
hospital when authorized by the probate judge, a fee set by the 59708
probate court, provided the assistants are not drawing a salary 59709
from the state or any political subdivision of the state, and 59710
their actual necessary expenses incurred, provided that the 59711
expenses are specifically itemized and approved by the probate 59712
judge; 59713

(7) To an attorney appointed by the probate division for an 59714
indigent who allegedly is a mentally ill person pursuant to any 59715
section of this chapter or a person suffering from alcohol and 59716
other drug abuse and who may be ordered under sections 5119.91 to 59717
5119.98 of the Revised Code to undergo treatment, the fees that 59718
are determined by the probate division. When those indigent 59719
persons are before the court, all filing and recording fees shall 59720
be waived. 59721

(8) To a referee who is appointed to conduct proceedings 59722
under this chapter that involve a respondent whose domicile is or, 59723
before the respondent's hospitalization, was not the county in 59724
which the proceedings are held, compensation as fixed by the 59725
probate division, but not more than the compensation paid for 59726
similar proceedings for respondents whose domicile is in the 59727
county in which the proceedings are held; 59728

(9) To a court reporter appointed to make a transcript of 59729
proceedings under this chapter, the compensation and fees allowed 59730
in other cases under section 2101.08 of the Revised Code. 59731

(B) A county shall pay for the costs, fees, and expenses 59732
described in division (A) of this section with money appropriated 59733
pursuant to section 2101.11 of the Revised Code. A county may seek 59734
reimbursement from the department of mental health and addiction 59735
services by submitting a request and certification by the county 59736
auditor of the costs, fees, and expenses to the department within 59737
two months of the date the costs, fees, and expenses are incurred 59738
by the county. 59739

Each fiscal year, based on past allocations, historical 59740
utilization, and other factors the department considers 59741
appropriate, the department shall allocate for each county an 59742
amount for reimbursements under this section. A county's 59743
allocation may be zero. The department shall set aside an amount 59744
in addition to the allocations to cover court costs associated 59745
with proceedings held under this chapter for counties that 59746
received an allocation of zero but that incurred expenditures 59747
authorized by the department. The total of all the allocations 59748
plus the additional amount set aside shall equal the amount 59749
appropriated for the fiscal year to the department specifically 59750
for the purposes of this section. 59751

On receipt, the department shall review each request for 59752
reimbursement and prepare a voucher for the amount of the costs, 59753
fees, and expenses incurred by the county, provided that the total 59754
amount of money paid to all counties in each fiscal year shall not 59755
exceed the total amount of moneys specifically appropriated to the 59756
department for these purposes. 59757

The department's total reimbursement to each county shall be 59758
the lesser of the full amount requested or either the amount 59759
allocated for the county under this division, or, for counties 59760
that received an allocation of zero, the amount approved by the 59761
department. In addition, the department shall distribute any 59762
surplus remaining from the money appropriated for the fiscal year 59763

to the department for the purposes of this section as follows to 59764
counties whose full requests exceed their allocations: 59765

(1) If the surplus is sufficient to reimburse such counties 59766
the full amount of their requests, each such county shall receive 59767
the full amount of its request; 59768

(2) If the surplus is insufficient, each such county shall 59769
receive a percentage of the surplus determined by dividing the 59770
difference between the county's full request and its allocation by 59771
the difference between the total of the full requests of all such 59772
counties and the total of the amounts allocated for all such 59773
counties. 59774

The department may adopt rules in accordance with Chapter 59775
119. of the Revised Code to implement the payment of costs, fees, 59776
and expenses under this section. 59777

Sec. 5123.01. As used in this chapter: 59778

(A) "Chief medical officer" means the licensed physician 59779
appointed by the managing officer of an institution for persons 59780
with intellectual disabilities with the approval of the director 59781
of developmental disabilities to provide medical treatment for 59782
residents of the institution. 59783

(B) "Chief program director" means a person with special 59784
training and experience in the diagnosis and management of persons 59785
with developmental disabilities, certified according to division 59786
(C) of this section in at least one of the designated fields, and 59787
appointed by the managing officer of an institution for persons 59788
with intellectual disabilities with the approval of the director 59789
to provide habilitation and care for residents of the institution. 59790

(C) "Comprehensive evaluation" means a study, including a 59791
sequence of observations and examinations, of a person leading to 59792
conclusions and recommendations formulated jointly, with 59793

dissenting opinions if any, by a group of persons with special 59794
training and experience in the diagnosis and management of persons 59795
with developmental disabilities, which group shall include 59796
individuals who are professionally qualified in the fields of 59797
medicine, psychology, and social work, together with such other 59798
specialists as the individual case may require. 59799

(D) "Education" means the process of formal training and 59800
instruction to facilitate the intellectual and emotional 59801
development of residents. 59802

(E) "Habilitation" means the process by which the staff of 59803
the institution assists the resident in acquiring and maintaining 59804
those life skills that enable the resident to cope more 59805
effectively with the demands of the resident's own person and of 59806
the resident's environment and in raising the level of the 59807
resident's physical, mental, social, and vocational efficiency. 59808
Habilitation includes but is not limited to programs of formal, 59809
structured education and training. 59810

(F) "Health officer" means any public health physician, 59811
public health nurse, or other person authorized or designated by a 59812
city or general health district. 59813

(G) "Home and community-based services" means medicaid-funded 59814
home and community-based services specified in division (A)(1) of 59815
section 5166.20 of the Revised Code provided under the medicaid 59816
waiver components the department of developmental disabilities 59817
administers pursuant to section 5166.21 of the Revised Code. 59818
Except as provided in section 5123.0412 of the Revised Code, home 59819
and community-based services provided under the medicaid waiver 59820
component known as the transitions developmental disabilities 59821
waiver are to be considered to be home and community-based 59822
services for the purposes of this chapter, and Chapters 5124. and 59823
5126. of the Revised Code, only to the extent, if any, provided by 59824
the contract required by section 5166.21 of the Revised Code 59825

regarding the waiver. 59826

(H) "ICF/IID" ~~has~~ and "ICF/IID services" have the same 59827
~~meaning~~ meanings as in section 5124.01 of the Revised Code. 59828

(I) "Indigent person" means a person who is unable, without 59829
substantial financial hardship, to provide for the payment of an 59830
attorney and for other necessary expenses of legal representation, 59831
including expert testimony. 59832

(J) "Institution" means a public or private facility, or a 59833
part of a public or private facility, that is licensed by the 59834
appropriate state department and is equipped to provide 59835
residential habilitation, care, and treatment for persons with 59836
intellectual disabilities. 59837

(K) "Licensed physician" means a person who holds a valid 59838
~~certificate~~ license issued under Chapter 4731. of the Revised Code 59839
authorizing the person to practice medicine and surgery or 59840
osteopathic medicine and surgery, or a medical officer of the 59841
government of the United States while in the performance of the 59842
officer's official duties. 59843

(L) "Managing officer" means a person who is appointed by the 59844
director of developmental disabilities to be in executive control 59845
of an institution under the jurisdiction of the department of 59846
developmental disabilities. 59847

(M) "Medicaid case management services" means case management 59848
services provided to an individual with a developmental disability 59849
that the state medicaid plan requires. 59850

(N) "Intellectual disability" means a disability 59851
characterized by having significantly subaverage general 59852
intellectual functioning existing concurrently with deficiencies 59853
in adaptive behavior, manifested during the developmental period. 59854

(O) "Person with an intellectual disability subject to 59855

institutionalization by court order" means a person eighteen years 59856
of age or older with at least a moderate level of intellectual 59857
disability and in relation to whom, because of the person's 59858
disability, either of the following conditions exists: 59859

(1) The person represents a very substantial risk of physical 59860
impairment or injury to self as manifested by evidence that the 59861
person is unable to provide for and is not providing for the 59862
person's most basic physical needs and that provision for those 59863
needs is not available in the community; 59864

(2) The person needs and is susceptible to significant 59865
habilitation in an institution. 59866

(P) "Moderate level of intellectual disability" means the 59867
condition in which a person, following a comprehensive evaluation, 59868
is found to have at least moderate deficits in overall 59869
intellectual functioning, as indicated by a full-scale 59870
intelligence quotient test score of fifty-five or below, and at 59871
least moderate deficits in adaptive behavior, as determined in 59872
accordance with the criteria established in the fifth edition of 59873
the diagnostic and statistical manual of mental disorders 59874
published by the American psychiatric association. 59875

(Q) "Developmental disability" means a severe, chronic 59876
disability that is characterized by all of the following: 59877

(1) It is attributable to a mental or physical impairment or 59878
a combination of mental and physical impairments, other than a 59879
mental or physical impairment solely caused by mental illness, as 59880
defined in division (A) of section 5122.01 of the Revised Code. 59881

(2) It is manifested before age twenty-two. 59882

(3) It is likely to continue indefinitely. 59883

(4) It results in one of the following: 59884

(a) In the case of a person under three years of age, at 59885

least one developmental delay, as defined in rules adopted under 59886
section 5123.011 of the Revised Code, or a diagnosed physical or 59887
mental condition that has a high probability of resulting in a 59888
developmental delay, as defined in those rules; 59889

(b) In the case of a person at least three years of age but 59890
under six years of age, at least two developmental delays, as 59891
defined in rules adopted under section 5123.011 of the Revised 59892
Code; 59893

(c) In the case of a person six years of age or older, a 59894
substantial functional limitation in at least three of the 59895
following areas of major life activity, as appropriate for the 59896
person's age: self-care, receptive and expressive language, 59897
learning, mobility, self-direction, capacity for independent 59898
living, and, if the person is at least sixteen years of age, 59899
capacity for economic self-sufficiency. 59900

(5) It causes the person to need a combination and sequence 59901
of special, interdisciplinary, or other type of care, treatment, 59902
or provision of services for an extended period of time that is 59903
individually planned and coordinated for the person. 59904

"Developmental disability" includes intellectual disability. 59905

(R) "State institution" means an institution that is 59906
tax-supported and under the jurisdiction of the department of 59907
developmental disabilities. 59908

(S) "Residence" and "legal residence" have the same meaning 59909
as "legal settlement," which is acquired by residing in Ohio for a 59910
period of one year without receiving general assistance prior to 59911
July 17, 1995, under former Chapter 5113. of the Revised Code, 59912
without receiving financial assistance prior to December 31, 2017, 59913
under former Chapter 5115. of the Revised Code, or assistance from 59914
a private agency that maintains records of assistance given. A 59915
person having a legal settlement in the state shall be considered 59916

as having legal settlement in the assistance area in which the 59917
person resides. No adult person coming into this state and having 59918
a spouse or minor children residing in another state shall obtain 59919
a legal settlement in this state as long as the spouse or minor 59920
children are receiving public assistance, care, or support at the 59921
expense of the other state or its subdivisions. For the purpose of 59922
determining the legal settlement of a person who is living in a 59923
public or private institution or in a home subject to licensing by 59924
the department of job and family services, the department of 59925
mental health and addiction services, or the department of 59926
developmental disabilities, the residence of the person shall be 59927
considered as though the person were residing in the county in 59928
which the person was living prior to the person's entrance into 59929
the institution or home. Settlement once acquired shall continue 59930
until a person has been continuously absent from Ohio for a period 59931
of one year or has acquired a legal residence in another state. A 59932
woman who marries a man with legal settlement in any county 59933
immediately acquires the settlement of her husband. The legal 59934
settlement of a minor is that of the parents, surviving parent, 59935
sole parent, parent who is designated the residential parent and 59936
legal custodian by a court, other adult having permanent custody 59937
awarded by a court, or guardian of the person of the minor, 59938
provided that: 59939

(1) A minor female who marries shall be considered to have 59940
the legal settlement of her husband and, in the case of death of 59941
her husband or divorce, she shall not thereby lose her legal 59942
settlement obtained by the marriage. 59943

(2) A minor male who marries, establishes a home, and who has 59944
resided in this state for one year without receiving general 59945
assistance prior to July 17, 1995, under former Chapter 5113. of 59946
the Revised Code or assistance from a private agency that 59947
maintains records of assistance given shall be considered to have 59948

obtained a legal settlement in this state. 59949

(3) The legal settlement of a child under eighteen years of 59950
age who is in the care or custody of a public or private child 59951
caring agency shall not change if the legal settlement of the 59952
parent changes until after the child has been in the home of the 59953
parent for a period of one year. 59954

No person, adult or minor, may establish a legal settlement 59955
in this state for the purpose of gaining admission to any state 59956
institution. 59957

(T)(1) "Resident" means, subject to division (T)(2) of this 59958
section, a person who is admitted either voluntarily or 59959
involuntarily to an institution or other facility pursuant to 59960
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 59961
Code subsequent to a finding of not guilty by reason of insanity 59962
or incompetence to stand trial or under this chapter who is under 59963
observation or receiving habilitation and care in an institution. 59964

(2) "Resident" does not include a person admitted to an 59965
institution or other facility under section 2945.39, 2945.40, 59966
2945.401, or 2945.402 of the Revised Code to the extent that the 59967
reference in this chapter to resident, or the context in which the 59968
reference occurs, is in conflict with any provision of sections 59969
2945.37 to 2945.402 of the Revised Code. 59970

(U) "Respondent" means the person whose detention, 59971
commitment, or continued commitment is being sought in any 59972
proceeding under this chapter. 59973

(V) "Working day" and "court day" mean Monday, Tuesday, 59974
Wednesday, Thursday, and Friday, except when such day is a legal 59975
holiday. 59976

(W) "Prosecutor" means the prosecuting attorney, village 59977
solicitor, city director of law, or similar chief legal officer 59978
who prosecuted a criminal case in which a person was found not 59979

guilty by reason of insanity, who would have had the authority to 59980
prosecute a criminal case against a person if the person had not 59981
been found incompetent to stand trial, or who prosecuted a case in 59982
which a person was found guilty. 59983

(X) "Court" means the probate division of the court of common 59984
pleas. 59985

(Y) "Supported living" and "residential services" have the 59986
same meanings as in section 5126.01 of the Revised Code. 59987

Sec. 5123.023. (A) The director of developmental disabilities 59988
~~may~~ shall establish an employment first task force consisting of 59989
the departments of developmental disabilities, education, 59990
medicaid, job and family services, and mental health and addiction 59991
services; and the opportunities for Ohioans with disabilities 59992
agency. The purpose of the task force shall be to improve the 59993
coordination of the state's efforts to address the needs of 59994
individuals with developmental disabilities who seek community 59995
employment as defined in section 5123.022 of the Revised Code. 59996

(B) The department of developmental disabilities may enter 59998
into interagency agreements with any of the government entities on 59999
the task force. The interagency agreements may specify either or 60000
both of the following: 60001

(1) The roles and responsibilities of the government entities 60002
that are members of the task force, including any money to be 60003
contributed by those entities; 60004

(2) The projects and activities of the task force. 60005

(C) There is hereby created in the state treasury the 60006
employment first taskforce fund. Any money received by the task 60007
force from its members shall be credited to the fund. The 60008
department of developmental disabilities shall use the fund to 60009

support the work of the task force. 60010

~~(D) The task force shall cease to exist on January 1, 2020. 60011
Any money, assets, or employees of the department of developmental 60012
disabilities that on that date are dedicated to the work of the 60013
task force shall be reallocated by the department for employment 60014
services for individuals with developmental disabilities. 60015~~

Sec. 5123.044. The department of developmental disabilities 60016
shall determine whether county boards of developmental 60017
disabilities violate the rights that individuals with 60018
developmental disabilities have under section 5126.046 of the 60019
Revised Code to obtain home and community-based services, ICF/IID 60020
services, nonmedicaid residential services, or nonmedicaid 60021
supported living from qualified and willing providers. The 60022
department shall provide assistance to an individual with a 60023
developmental disability who requests assistance with the 60024
individual's rights under that section if the department is 60025
notified of a county board's alleged violation of the individual's 60026
rights under that section. 60027

Sec. 5123.046. The department of developmental disabilities 60028
shall review each ~~component of the three calendar year~~ annual plan 60029
it receives from a county board of developmental disabilities 60030
under section 5126.054 of the Revised Code and, in consultation 60031
with the department of job and family services and office of 60032
budget and management, approve each ~~component~~ plan that includes 60033
all the information and conditions specified in that section. ~~The~~ 60034
~~third component of the plan shall be approved or disapproved not~~ 60035
~~later than forty five days after the third component is submitted~~ 60036
~~to the department. If the department approves all three components~~ 60037
~~of the plan, the plan is approved. Otherwise, the plan is~~ 60038
~~disapproved.~~ If the plan is disapproved, the department shall take 60039
action against the county board under division (B) of section 60040

5126.056 of the Revised Code. 60041

In approving plans under this section, the department shall 60042
ensure that the aggregate of all plans provide for the increased 60043
enrollment into home and community-based services during each 60044
state fiscal year of at least five hundred individuals who did not 60045
receive residential services, supported living, or home and 60046
community-based services the prior state fiscal year if the 60047
department has enough additional enrollment available for this 60048
purpose. 60049

The department shall establish protocols that the department 60050
shall use to determine whether a county board is complying with 60051
the programmatic and financial accountability mechanisms and 60052
achieving outcomes specified in its approved plan. If the 60053
department determines that a county board is not in compliance 60054
with the mechanisms or achieving the outcomes specified in its 60055
approved plan, the department may take action under division (F) 60056
of section 5126.055 of the Revised Code. 60057

Sec. 5123.0414. (A) When the director of developmental 60058
disabilities, ~~under section 119.07 of the Revised Code,~~ sends a 60059
party a notice by registered or certified mail, return receipt 60060
requested, that the director intends to take action against the 60061
party authorized by section 5123.166, 5123.168, 5123.19, 5123.45, 60062
5123.51, or 5126.25 of the Revised Code and the notice is returned 60063
to the director with an endorsement indicating that the notice was 60064
refused or unclaimed, the director shall resend the notice by 60065
ordinary mail to the party. 60066

(B) If the original notice was refused, the notice shall be 60067
deemed received as of the date the director resends the notice. 60068

(C) If the original notice was unclaimed, the notice shall be 60069
deemed received as of the date the director resends the notice 60070
unless, not later than thirty days after the date the director 60071

sent the original notice, the resent notice is returned to the 60072
director for failure of delivery. 60073

If the notice concerns taking action under section 5123.51 of 60074
the Revised Code and the resent notice is returned to the director 60075
for failure of delivery not later than thirty days after the date 60076
the director sent the original notice, the director shall cause 60077
the notice to be published in a newspaper of general circulation 60078
in the county of the party's last known residence or business and 60079
shall mail a dated copy of the published notice to the party at 60080
the last known address. The notice shall be deemed received as of 60081
the date of the publication. 60082

If the notice concerns taking action under section 5123.166, 60083
5123.168, 5123.19, 5123.45, or 5126.25 of the Revised Code and the 60084
resent notice is returned to the director for failure of delivery 60085
not later than thirty days after the date the director sent the 60086
original notice, the director shall resend the notice to the party 60087
a second time. The notice shall be deemed received as of the date 60088
the director resends the notice the second time. 60089

Sec. 5123.0419. (A) The director of developmental 60090
disabilities ~~may~~ shall establish an interagency workgroup on 60091
autism. The purpose of the workgroup shall be to improve the 60092
coordination of the state's efforts to address the service needs 60093
of individuals with autism spectrum disorders and the families of 60094
those individuals. In fulfilling this purpose, the director may 60095
enter into interagency agreements with the government entities 60096
represented by the members of the workgroup. The agreements may 60097
specify any or all of the following: 60098

(1) The roles and responsibilities of government entities 60099
that enter into the agreements; 60100

(2) Procedures regarding the receipt, transfer, and 60101
expenditure of funds necessary to achieve the goals of the 60102

workgroup; 60103

(3) The projects to be undertaken and activities to be 60104
performed by the government entities that enter into the 60105
agreements. 60106

(B) Money received from government entities represented by 60107
the members of the workgroup shall be deposited into the state 60108
treasury to the credit of the interagency workgroup on autism 60109
fund, which is hereby created in the state treasury. Money 60110
credited to the fund shall be used by the department of 60111
developmental disabilities solely to support the activities of the 60112
workgroup. 60113

Sec. 5123.0424. (A) As used in this section: 60114

(1) "Official member" means a member of an official workgroup 60115
who was appointed by the director of developmental disabilities. 60116

(2) "Official workgroup" means a workgroup, task force, 60117
council, committee, or similar entity that has been established by 60118
the director of developmental disabilities under the director's 60119
express or implied statutory authority. 60120

(B) Subject to division (C) of this section, the director of 60121
developmental disabilities may, at the director's discretion, 60122
provide for an official member of an official workgroup to be 60123
reimbursed for actual and necessary travel expenses the member 60124
incurs in the performance of the member's duties on the workgroup, 60125
including attending the workgroup's meetings, if all of the 60126
following apply: 60127

(1) The official member serves on the official workgroup as a 60128
representative of the families of, or advocates for, individuals 60129
with developmental disabilities; 60130

(2) The official member does not receive reimbursement for 60131
the travel expenses from any other source; 60132

(3) The official member does not receive wages or other compensation from any other source for performing the member's duties on the official workgroup; and 60133
60134
60135

(4) No statute prohibits official members of the official workgroup from being reimbursed for travel expenses. 60136
60137

(C) The amount the director provides for an official member of an official workgroup to be reimbursed under division (B) of this section shall not exceed the rates the director of budget and management establishes in rules adopted under division (B) of section 126.31 of the Revised Code. 60138
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Sec. 5123.081. (A) As used in this section: 60143

(1)(a) "Applicant" means any of the following: 60144

(i) A person who is under final consideration for appointment to or employment with the department of developmental disabilities or a county board of developmental disabilities; 60145
60146
60147

(ii) A person who is being transferred to the department or a county board; 60148
60149

(iii) An employee who is being recalled to or reemployed by the department or a county board after a layoff; 60150
60151

(iv) A person under final consideration for a direct services position with a provider or subcontractor. 60152
60153

(b) Neither of the following is an applicant: 60154

(i) A person who is employed by a responsible entity in a position for which a criminal records check is required by this section and either is being considered for a different position with the responsible entity or is returning after a leave of absence or seasonal break in employment, unless the responsible entity has reason to believe that the person has committed a disqualifying offense; 60155
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(ii) A person who is to provide only respite care under a family support services program established under section 5126.11 of the Revised Code if a family member of the individual with a developmental disability who is to receive the respite care selects the person.

(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

(3) "Direct services position" means an employment position in which the employee has the opportunity to be alone with or exercises supervision or control over one or more individuals with developmental disabilities.

(4) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.

(5)(a) "Employee" means either of the following:

(i) A person appointed to or employed by the department of developmental disabilities or a county board of developmental disabilities;

(ii) A person employed in a direct services position by a provider or subcontractor.

(b) "Employee" does not mean a person who provides only respite care under a family support services program established under section 5126.11 of the Revised Code if a family member of the individual with a developmental disability who receives the respite care selected the person.

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

(7) "Provider" means a person that provides specialized services to individuals with developmental disabilities and employs one or more persons in direct services positions.

(8) "Responsible entity" means the following:	60192
(a) The department of developmental disabilities in the case of either of the following:	60193 60194
(i) A person who is an applicant because the person is under final consideration for appointment to or employment with the department, being transferred to the department, or being recalled to or reemployed by the department after a layoff;	60195 60196 60197 60198
(ii) A person who is an employee because the person is appointed to or employed by the department.	60199 60200
(b) A county board of developmental disabilities in the case of either of the following:	60201 60202
(i) A person who is an applicant because the person is under final consideration for appointment to or employment with the county board, being transferred to the county board, or being recalled to or reemployed by the county board after a layoff;	60203 60204 60205 60206
(ii) A person who is an employee because the person is appointed to or employed by the county board.	60207 60208
(c) A provider in the case of either of the following:	60209
(i) A person who is an applicant because the person is under final consideration for a direct services position with the provider;	60210 60211 60212
(ii) A person who is an employee because the person is employed in a direct services position by the provider.	60213 60214
(d) A subcontractor in the case of either of the following:	60215
(i) A person who is an applicant because the person is under final consideration for a direct services position with the subcontractor;	60216 60217 60218
(ii) A person who is an employee because the person is employed in a direct services position by the subcontractor.	60219 60220

(9) "Specialized services" means any program or service 60221
designed and operated to serve primarily individuals with 60222
developmental disabilities, including a program or service 60223
provided by an entity licensed or certified by the department of 60224
developmental disabilities. If there is a question as to whether a 60225
provider or subcontractor is providing specialized services, the 60226
provider or subcontractor may request that the director of 60227
developmental disabilities make a determination. The director's 60228
determination is final. 60229

(10) "Subcontractor" means a person to which both of the 60230
following apply: 60231

(a) The person has either of the following: 60232

(i) A subcontract with a provider to provide specialized 60233
services included in the contract between the provider and the 60234
department of developmental disabilities or a county board of 60235
developmental disabilities; 60236

(ii) A subcontract with another subcontractor to provide 60237
specialized services included in a subcontract between the other 60238
subcontractor and a provider or other subcontractor. 60239

(b) The person employs one or more persons in direct services 60240
positions. 60241

(B) A responsible entity shall not employ an applicant or 60242
continue to employ an employee if either of the following applies: 60243

(1) The applicant or employee fails to comply with division 60244
(D)(3) of this section. 60245

(2) Except as provided in rules adopted under this section, 60246
the applicant or employee is found by a criminal records check 60247
required by this section to have been convicted of, pleaded guilty 60248
to, or been found eligible for intervention in lieu of conviction 60249
for a disqualifying offense. 60250

(C) Before employing an applicant in a position for which a criminal records check is required by this section, a responsible entity shall require the applicant to submit a statement with the applicant's signature attesting that the applicant has not been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense. The responsible entity also shall require the applicant to sign an agreement under which the applicant agrees to notify the responsible entity within fourteen calendar days if, while employed by the responsible entity, the applicant is formally charged with, is convicted of, pleads guilty to, or is found eligible for intervention in lieu of conviction for a disqualifying offense. The agreement shall provide that the applicant's failure to provide the notification may result in termination of the applicant's employment.

(D)(1) As a condition of employing any applicant in a position for which a criminal records check is required by this section, a responsible entity shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check of the applicant. If rules adopted under this section require an employee to undergo a criminal records check, a responsible entity shall request the superintendent to conduct a criminal records check of the employee at times specified in the rules as a condition of the responsible entity's continuing to employ the employee in a position for which a criminal records check is required by this section. If an applicant or employee does not present proof that the applicant or employee has been a resident of this state for the five-year period immediately prior to the date upon which the criminal records check is requested, the responsible entity shall request that the superintendent obtain information from the federal bureau of investigation as a part of the criminal records check. If the applicant or employee presents proof that the applicant or

employee has been a resident of this state for that five-year 60284
period, the responsible entity may request that the superintendent 60285
include information from the federal bureau of investigation in 60286
the criminal records check. For purposes of this division, an 60287
applicant or employee may provide proof of residency in this state 60288
by presenting, with a notarized statement asserting that the 60289
applicant or employee has been a resident of this state for that 60290
five-year period, a valid driver's license, notification of 60291
registration as an elector, a copy of an officially filed federal 60292
or state tax form identifying the applicant's or employee's 60293
permanent residence, or any other document the responsible entity 60294
considers acceptable. 60295

(2) A responsible entity shall do all of the following: 60296

(a) Provide to each applicant and employee for whom a 60297
criminal records check is required by this section a copy of the 60298
form prescribed pursuant to division (C)(1) of section 109.572 of 60299
the Revised Code and a standard impression sheet to obtain 60300
fingerprint impressions prescribed pursuant to division (C)(2) of 60301
section 109.572 of the Revised Code; 60302

(b) Obtain the completed form and standard impression sheet 60303
from the applicant or employee; 60304

(c) Forward the completed form and standard impression sheet 60305
to the superintendent at the time the criminal records check is 60306
requested. 60307

(3) Any applicant or employee who receives pursuant to this 60308
division a copy of the form prescribed pursuant to division (C)(1) 60309
of section 109.572 of the Revised Code and a copy of the standard 60310
impression sheet prescribed pursuant to division (C)(2) of that 60311
section and who is requested to complete the form and provide a 60312
set of the applicant's or employee's fingerprint impressions shall 60313
complete the form or provide all the information necessary to 60314

complete the form and shall provide the standard impression sheet 60315
with the impressions of the applicant's or employee's 60316
fingerprints. 60317

(4) A responsible entity shall pay to the bureau of criminal 60318
identification and investigation the fee prescribed pursuant to 60319
division (C)(3) of section 109.572 of the Revised Code for each 60320
criminal records check requested and conducted pursuant to this 60321
section. 60322

(E) A responsible entity may request any other state or 60323
federal agency to supply the responsible entity with a written 60324
report regarding the criminal record of an applicant or employee. 60325
If an employee holds an occupational or professional license or 60326
other credentials, the responsible entity may request that the 60327
state or federal agency that regulates the employee's occupation 60328
or profession supply the responsible entity with a written report 60329
of any information pertaining to the employee's criminal record 60330
that the agency obtains in the course of conducting an 60331
investigation or in the process of renewing the employee's license 60332
or other credentials. The responsible entity may consider the 60333
reports when determining whether to employ the applicant or to 60334
continue to employ the employee. 60335

(F) As a condition of employing an applicant in a position 60336
for which a criminal records check is required by this section and 60337
that involves transporting individuals with developmental 60338
disabilities or operating a responsible entity's vehicles for any 60339
purpose, the responsible entity shall obtain the applicant's 60340
driving record from the bureau of motor vehicles. If rules adopted 60341
under this section require a responsible entity to obtain an 60342
employee's driving record, the responsible entity shall obtain the 60343
employee's driving record from the bureau at times specified in 60344
the rules as a condition of continuing to employ the employee. The 60345
responsible entity may consider the applicant's or employee's 60346

driving record when determining whether to employ the applicant or 60347
to continue to employ the employee. 60348

(G) A responsible entity may employ an applicant 60349
conditionally pending receipt of a report regarding the applicant 60350
requested under this section. The responsible entity shall request 60351
the report before employing the applicant conditionally. The 60352
responsible entity shall terminate the applicant's employment if 60353
it is determined from a report that the applicant failed to inform 60354
the responsible entity that the applicant had been convicted of, 60355
pleaded guilty to, or been found eligible for intervention in lieu 60356
of conviction for a disqualifying offense. 60357

(H) A responsible entity may charge an applicant a fee for 60358
costs the responsible entity incurs in obtaining a report 60359
regarding the applicant under this section if the responsible 60360
entity notifies the applicant of the amount of the fee at the time 60361
of the applicant's initial application for employment and that, 60362
unless the fee is paid, the responsible entity will not consider 60363
the applicant for employment. The fee shall not exceed the amount 60364
of the fee, if any, the responsible entity pays for the report. 60365

(I)(1) Any report obtained pursuant to this section is not a 60366
public record for purposes of section 149.43 of the Revised Code 60367
and shall not be made available to any person, other than the 60368
following: 60369

(a) The applicant or employee who is the subject of the 60370
report or the applicant's or employee's representative; 60371

(b) The responsible entity that requested the report or its 60372
representative; 60373

(c) The department if a county board, provider, or 60374
subcontractor is the responsible entity that requested the report 60375
and the department requests the responsible entity to provide a 60376
copy of the report to the department; 60377

(d) A county board if a provider or subcontractor is the responsible entity that requested the report and the county board requests the responsible entity to provide a copy of the report to the county board;

(e) Any court, hearing officer, or other necessary individual involved in a case dealing with any of the following:

(i) The denial of employment to the applicant or employee;

(ii) The denial, suspension, or revocation of a certificate under section 5123.166 or 5123.45 of the Revised Code;

(iii) A civil or criminal action regarding the medicaid program or a program the department administers.

(2) An applicant or employee for whom the responsible entity has obtained reports under this section may submit a written request to the responsible entity to have copies of the reports sent to any state agency, entity of local government, or private entity. The applicant or employee shall specify in the request the agencies or entities to which the copies are to be sent. On receiving the request, the responsible entity shall send copies of the reports to the agencies or entities specified.

(3) A responsible entity may request that a state agency, entity of local government, or private entity send copies to the responsible entity of any report regarding a records check or criminal records check that the agency or entity possesses, if the responsible entity obtains the written consent of the individual who is the subject of the report.

(4) A responsible entity shall provide each applicant and employee with a copy of any report obtained about the applicant or employee under this section.

(J) The director of developmental disabilities shall adopt rules in accordance with Chapter 119. of the Revised Code to

implement this section. 60408

(1) The rules may do the following: 60409

(a) Require employees to undergo criminal records checks 60410
under this section; 60411

(b) Require responsible entities to obtain the driving 60412
records of employees under this section; 60413

(c) If the rules require employees to undergo criminal 60414
records checks, require responsible entities to obtain the driving 60415
records of employees, or both, exempt one or more classes of 60416
employees from the requirements. 60417

(2) The rules shall do ~~both~~ all of the following: 60418

(a) If the rules require employees to undergo criminal 60419
records checks, require responsible entities to obtain the driving 60420
records of employees, or both, specify the times at which the 60421
criminal records checks are to be conducted and the driving 60422
records are to be obtained; 60423

(b) Specify circumstances under which a responsible entity 60424
may employ an applicant or employee who is found by a criminal 60425
records check required by this section to have been convicted of, 60426
pleaded guilty to, or been found eligible for intervention in lieu 60427
of conviction for a disqualifying offense but meets standards in 60428
regard to rehabilitation set by the director; 60429

(c) Require a responsible entity to request a criminal 60430
records check under this section before employing an applicant 60431
conditionally as permitted under division (G) of this section. 60432

Sec. 5123.092. (A) There is hereby established at each 60433
institution and branch institution under the control of the 60434
department of developmental disabilities a citizen's advisory 60435
council ~~consisting~~. Each council shall consist of thirteen seven 60436
~~members. At least seven of the members shall be persons who are 60437~~

~~not providers of services for persons with developmental~~ 60438
~~disabilities. Each council shall include, including~~ parents or 60439
other relatives of residents of institutions under the control of 60440
the department, community leaders, professional persons in 60441
relevant fields, and persons who have an interest in or knowledge 60442
of developmental disabilities. The managing officer of the 60443
institution shall be a nonvoting member of the council. 60444

(B) The director of developmental disabilities shall be the 60445
appointing authority for the voting members of each citizen's 60446
advisory council. Each time the term of a voting member expires, 60447
the ~~remaining members of the council~~ managing officer of the 60448
institution with which the council is associated shall recommend 60449
to the director one or more persons to serve on the council. The 60450
director may accept a nominee of the ~~council~~ managing officer or 60451
reject the nominee or nominees. If the director rejects the 60452
nominee or nominees, the ~~remaining members of the advisory council~~ 60453
managing officer shall further recommend to the director one or 60454
more other persons to serve on the ~~advisory~~ council. This 60455
procedure shall continue until a member is appointed to the 60456
~~advisory~~ council. 60457

~~Each advisory council shall elect from its appointed members~~ 60458
~~a chairperson, vice chairperson, and a secretary to serve for~~ 60459
~~terms of one year. Advisory council officers shall not serve for~~ 60460
~~more than two consecutive terms in the same office. A majority of~~ 60461
~~the advisory council members constitutes a quorum.~~ 60462

~~(C)~~ Terms of office shall be for three years, each term 60463
ending on the same day of the same month of the year as did the 60464
term which it succeeds. No member shall serve more than two 60465
consecutive terms, except that any former member may be appointed 60466
if one year or longer has elapsed since the member served two 60467
consecutive terms. Each member shall hold office from the date of 60468

appointment until the end of the term for which the member was 60469
appointed. Any vacancy shall be filled in the same manner in which 60470
the original appointment was made, and the appointee to a vacancy 60471
in an unexpired term shall serve the balance of the term of the 60472
original appointee. Any member shall continue in office subsequent 60473
to the expiration date of the member's term until the member's 60474
successor takes office, or until a period of sixty days has 60475
elapsed, whichever occurs first. 60476

(C) Each citizen's advisory council shall elect from its 60477
appointed members a chairperson, vice-chairperson, and secretary. 60478
A person elected to an office may serve in that position until the 60479
person is no longer a member of the council. 60480

(D) Members of a citizen's advisory council shall be expected 60481
to attend all meetings of the advisory council. ~~Unexcused absence~~ 60482
~~from two successive regularly scheduled meetings shall be~~ 60483
~~considered prima facie evidence of intent not to continue as a~~ 60484
~~member. The chairperson of the board shall, after a member has~~ 60485
~~been absent for two successive regularly scheduled meetings,~~ 60486
~~direct a letter to the member asking if the member wishes to~~ 60487
~~remain in membership. If an affirmative reply is received, the~~ 60488
~~member shall be retained as a member except that, if, after having~~ 60489
~~expressed a desire to remain a member, the member then misses a~~ 60490
~~third successive regularly scheduled meeting without being~~ 60491
~~excused, the chairperson shall terminate the member's membership.~~ 60492
A majority of the members constitutes a quorum. 60493

~~(E)~~ A citizen's advisory council shall meet six times 60494
annually, or more frequently if three ~~council~~ members request the 60495
chairperson to call a meeting. The council shall keep minutes of 60496
each meeting and shall submit them to the managing officer of the 60497
institution with which the council is associated ~~and the~~ 60498
~~department of developmental disabilities. 60499~~

~~(F)~~(E) Members of citizen's advisory councils shall receive 60500

no compensation for their services, except that they shall be 60501
reimbursed for their actual and necessary expenses incurred in the 60502
performance of their official duties by the institution with which 60503
they are associated from funds allocated to it, provided that 60504
reimbursement for those expenses shall not exceed limits imposed 60505
upon the department of developmental disabilities by 60506
administrative rules regulating travel within this state. 60507

~~(G)~~(F) The councils shall have reasonable access to all 60508
patient treatment and living areas and records of the institution, 60509
except those records of a strictly personal or confidential 60510
nature. The councils shall have access to a patient's personal 60511
records with the consent of the patient or the patient's legal 60512
guardian or, if the patient is a minor, with the consent of the 60513
parent or legal guardian of the patient. 60514

~~(H)~~(G) As used in this section, "branch institution" means a 60515
facility that is located apart from an institution and is under 60516
the control of the managing officer of the institution. 60517

Sec. 5123.166. (A) If good cause exists as specified in 60518
division (B) of this section and determined in accordance with 60519
procedures established in rules adopted under section 5123.1611 of 60520
the Revised Code, the director of developmental disabilities may 60521
issue an adjudication order requiring that one or more of the 60522
following actions be taken against a person or government entity 60523
seeking or holding a supported living certificate: 60524

(1) Refusal to issue or renew a supported living certificate; 60525

(2) Revocation of a supported living certificate; 60526

(3) Suspension of a supported living certificate holder's 60527
authority to do ~~either or both~~ any of the following: 60528

(a) Continue to provide supported living to one or more 60529
individuals ~~from one or more counties~~ who receive supported living 60530

from the certificate holder at the time the director takes the 60531
action; 60532

(b) Begin to provide supported living to one or more 60533
individuals ~~from one or more counties~~ who do not receive supported 60534
living from the certificate holder at the time the director takes 60535
the action; 60536

(c) Expand or add supported living services to one or more 60537
individuals who receive supported living from the certificate 60538
holder at the time the director takes action. 60539

(B) The following constitute good cause for taking action 60540
under division (A) of this section against a person or government 60541
entity seeking or holding a supported living certificate: 60542

(1) The person or government entity's failure to meet or 60543
continue to meet the applicable certification standards 60544
established in rules adopted under section 5123.1611 of the 60545
Revised Code; 60546

(2) The person or government entity violates section 5123.165 60547
of the Revised Code; 60548

(3) The person or government entity's failure to satisfy the 60549
requirements of section 5123.081 or 5123.52 of the Revised Code; 60550

(4) Misfeasance; 60551

(5) Malfeasance; 60552

(6) Nonfeasance; 60553

(7) Confirmed abuse or neglect; 60554

(8) Financial irresponsibility; 60555

(9) Other conduct the director determines is or would be 60556
injurious to individuals who receive or would receive supported 60557
living from the person or government entity. 60558

(C) Except as provided in division (D) of this section, the 60559

director shall issue an adjudication order under division (A) of 60560
this section in accordance with Chapter 119. of the Revised Code. 60561

(D)(1) The director may issue an order requiring that action 60562
specified in division (A)(3)(b) or (c) of this section be taken 60563
before a provider is provided notice and an opportunity for a 60564
hearing if ~~all~~ both of the following are the case: 60565

(a) The director determines such action is warranted by the 60566
provider's failure to continue to meet the applicable 60567
certification standards; 60568

(b) The director determines that the failure either 60569
represents a pattern of serious noncompliance or creates a 60570
substantial risk to the health or safety of an individual who 60571
receives or would receive supported living from the provider; 60572

~~(c) If the order will suspend the provider's authority to 60573
continue to provide supported living to an individual who receives 60574
supported living from the provider at the time the director issues 60575
the order, both. 60576~~

(2) The director may issue an order requiring that the action 60577
specified in division (A)(3)(a) of this section be taken before a 60578
provider is provided notice and an opportunity for a hearing if 60579
either of the following ~~are~~ is the case: 60580

(a) The conditions identified in division (D)(1) of this 60581
section are met and all of the following apply: 60582

(i) The director makes the individual, or the individual's 60583
guardian, aware of the director's determination under division 60584
(D)(1)(b) of this section ~~and the~~. 60585

(ii) The individual or guardian does not select another 60586
provider. 60587

~~(ii)~~ (iii) A county board of developmental disabilities has 60588
filed a complaint with a probate court under section 5126.33 of 60589

the Revised Code that includes facts describing the nature of 60590
abuse or neglect that the individual has suffered due to the 60591
provider's actions that are the basis for the director making the 60592
determination under division (D)(1)(b) of this section and the 60593
probate court does not issue an order authorizing the county board 60594
to arrange services for the individual pursuant to an 60595
individualized service plan developed for the individual under 60596
section 5126.31 of the Revised Code. 60597

~~(2)~~(b) Both of the following apply: 60598

(i) There is clear and convincing evidence that the provider 60599
has violated division (B) of this section. 60600

(ii) Allowing the provider to continue to provide supported 60601
living would present a danger of immediate and serious harm. 60602

(E) If the director issues an order under division (D)(1) or 60603
(2) of this section, sections 119.091 to 119.13 of the Revised 60604
Code and all of the following apply: 60605

~~(a)~~(1) The director shall send the provider notice of the 60606
order by ~~registered~~ certified mail, return receipt requested, not 60607
later than twenty-four hours after issuing the order and shall 60608
include in the notice the reasons for the order, the citation to 60609
the law or rule directly involved, and a statement that the 60610
provider will be afforded a hearing if the provider requests it in 60611
writing within ten days of the time of receiving the notice. 60612

~~(b)~~(2) If the provider requests a hearing within the required 60613
time and the provider has provided the director the provider's 60614
current address, the date for the hearing shall be as follows: 60615

(a) In the case of an order issued under division (D)(1) of 60616
this section, the director shall immediately set, and notify the 60617
provider of, the date, time, and place for the hearing. If the 60618
provider's written request for a hearing includes a request that 60619
the hearing be held not later than thirty days after the director 60620

receives the provider's timely request for the hearing, the date 60621
set for the hearing by the director shall be within thirty days. 60622

(b) In the case of an order issued under division (D)(2) of 60623
this section, the date set for the hearing by the director shall 60624
be within fifteen days, but not earlier than seven days, after the 60625
director receives the provider's timely request for the hearing, 60626
unless otherwise agreed to by the director and the provider. 60627

~~(c) The date of the hearing shall be not later than thirty~~ 60628
~~days after the director receives the provider's timely request for~~ 60629
~~the hearing.~~ 60630

~~(d)(3)~~ The hearing shall be conducted in accordance with 60631
section 119.09 of the Revised Code, except for all of the 60632
following: 60633

(i) The hearing shall continue uninterrupted until its close, 60634
except for weekends, legal holidays, and other interruptions the 60635
provider and director agree to. 60636

(ii) If the director appoints a referee or examiner to 60637
conduct the hearing, the referee or examiner, not later than ten 60638
days after the date the referee or examiner receives a transcript 60639
of the testimony and evidence presented at the hearing or, if the 60640
referee or examiner does not receive the transcript or no such 60641
transcript is made, the date that the referee or examiner closes 60642
the record of the hearing, shall submit to the director a written 60643
report setting forth the referee or examiner's findings of fact 60644
and conclusions of law and a recommendation of the action the 60645
director should take. 60646

(iii) The provider may, not later than five days after the 60647
date the director, in accordance with section 119.09 of the 60648
Revised Code, sends the provider or the provider's attorney or 60649
other representative of record a copy of the referee or examiner's 60650
report and recommendation, file with the director written 60651

objections to the report and recommendation. 60652

(iv) The director shall approve, modify, or disapprove the 60653
referee or examiner's report and recommendation not earlier than 60654
six days, and not later than ~~fifteen~~ ten days, after the date the 60655
director, in accordance with section 119.09 of the Revised Code, 60656
sends a copy of the report and recommendation to the provider or 60657
the provider's attorney or other representative of record. 60658

~~(3)~~(F)(1) The director may lift an order issued under 60659
division (D)(1) of this section even though a hearing regarding 60660
the order is occurring or pending if the director determines that 60661
the provider has taken action eliminating the good cause for 60662
issuing the order. The hearing shall proceed unless the provider 60663
withdraws the request for the hearing in a written letter to the 60664
director. 60665

~~(4)~~(2) The director shall lift an order issued under division 60666
(D)(1) of this section if both of the following are the case: 60667

(a) The provider provides the director a plan of compliance 60668
the director determines is acceptable. 60669

(b) The director determines that the provider has implemented 60670
the plan of compliance correctly. 60671

(G) Any order issued under division (D)(2) of this section 60672
shall remain in effect, unless reversed on appeal, until a final 60673
adjudication order issued by the director pursuant to Chapter 119. 60674
of the Revised Code becomes effective. The director shall issue 60675
the final adjudication order within ten days after completion of 60676
the hearing. A failure to issue the order within ten days shall 60677
result in dissolution of the order issued under division (D)(2) of 60678
this section but shall not invalidate any subsequent final 60679
adjudication order. A final adjudication order shall not be 60680
subject to suspension by the court during pendency of any appeal 60681
filed under section 119.12 of the Revised Code. 60682

Sec. 5123.193. The director of developmental disabilities 60683
shall include on the internet web site maintained by the 60684
department of developmental disabilities a searchable database of 60685
vacancies in licensed residential facilities. Each person or 60686
government entity operating a licensed residential facility shall 60687
provide current and accurate vacancy information to the department 60688
in accordance with procedures that the director shall establish. 60689

Sec. 5123.603. Every two years, the president of the senate 60690
and speaker of the house of representative shall establish a joint 60691
committee to examine whether a new entity should be designated to 60692
serve as the state's protection and advocacy system and client 60693
assistance program. The joint committee shall consist of a number 60694
of members of the senate appointed by the president and an equal 60695
number of members of the house of representatives appointed by the 60696
speaker. The president and speaker shall determine the total 60697
number of members of the joint committee. The president and 60698
speaker also shall determine the dates on which members' terms on 60699
the joint committee are to begin and end. Vacancies shall be 60700
filled in the manner of the original appointments. 60701

Every two years, the president and speaker shall specify a 60702
deadline for the joint committee to complete a new report 60703
containing the joint committee's recommendations. The joint 60704
committee shall submit the report to the president, speaker, and 60705
governor by the deadline. 60706

Sec. 5123.691. (A) As used in this section, "mental illness" 60707
has the same meaning as in section 5122.01 of the Revised Code. 60708

(B) The managing officer of an institution, with the 60709
concurrence of the chief program director, may admit into a 60710
specialized treatment unit for minors a minor ages ten to 60711
seventeen who is in behavior crisis and has serious behavioral 60712

challenges if one of the following applies: 60713

(1) The minor has an intellectual disability. 60714

(2) The minor has autism spectrum disorder. 60715

(3) The minor has a dual diagnosis of an intellectual disability and mental illness. 60716
60717

(4) The minor has a dual diagnosis of autism spectrum disorder and mental illness. 60718
60719

(C)(1) The admission of a minor into a specialized treatment unit shall be based upon the availability of beds at the institution and the clinical treatment needs of the minor. 60720
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(2) The department of developmental disabilities may establish other criteria for admitting a minor into a specialized treatment unit. 60723
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(D) Before a minor may be admitted into a specialized treatment unit, the minor's parent or legal guardian, the county board of developmental disabilities, and the department shall enter into a memorandum of understanding setting forth the roles and responsibilities of each of the parties regarding the care and treatment of the minor and specifying the duration of admission in the specialized treatment unit. 60726
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(E)(1) The initial duration of admission for a minor in a specialized treatment unit shall not exceed one hundred eighty days. 60733
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(2) The parent or legal guardian of a minor may petition the department to extend the duration of a minor's admission in a specialized treatment unit at least thirty days before the expiration of the minor's term of admission in the specialized treatment unit. The department, in its discretion, may grant or deny a petition for extended admission, but may not extend a minor's duration of admission in a specialized treatment unit 60736
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beyond one year. 60743

(3) Upon the expiration of a minor's term of admission in a 60744
specialized treatment unit, the minor shall be returned to the 60745
care of the minor's parent or legal guardian. 60746

(F) The managing officer of an institution may discharge a 60747
minor from a specialized treatment unit in accordance with 60748
division (C) of section 5123.69 of the Revised Code. The uniform 60749
procedures of discharge established by rules adopted under 60750
division (G)(7) of section 5123.19 of the Revised Code shall not 60751
apply to the discharge of a minor from a specialized treatment 60752
unit. 60753

Sec. 5126.01. As used in this chapter: 60754

(A) As used in this division, "adult" means an individual who 60755
is eighteen years of age or over and not enrolled in a program or 60756
service under Chapter 3323. of the Revised Code and an individual 60757
sixteen or seventeen years of age who is eligible for adult 60758
services under rules adopted by the director of developmental 60759
disabilities pursuant to Chapter 119. of the Revised Code. 60760

(1) "Adult services" means services provided to an adult 60761
outside the home, except when they are provided within the home 60762
according to an individual's assessed needs and identified in an 60763
individual service plan, that support learning and assistance in 60764
the area of self-care, sensory and motor development, 60765
socialization, daily living skills, communication, community 60766
living, social skills, or vocational skills. 60767

(2) "Adult services" includes all of the following: 60768

(a) Adult day habilitation services; 60769

(b) Employment services; 60770

(c) Educational experiences and training obtained through 60771
entities and activities that are not expressly intended for 60772

individuals with developmental disabilities, including trade 60773
schools, vocational or technical schools, adult education, job 60774
exploration and sampling, unpaid work experience in the community, 60775
volunteer activities, and spectator sports. 60776

(B)(1) "Adult day habilitation services" means adult services 60777
that do the following: 60778

(a) Provide access to and participation in typical activities 60779
and functions of community life that are desired and chosen by the 60780
general population, including such activities and functions as 60781
opportunities to experience and participate in community 60782
exploration, companionship with friends and peers, leisure 60783
activities, hobbies, maintaining family contacts, community 60784
events, and activities where individuals without disabilities are 60785
involved; 60786

(b) Provide supports or a combination of training and 60787
supports that afford an individual a wide variety of opportunities 60788
to facilitate and build relationships and social supports in the 60789
community. 60790

(2) "Adult day habilitation services" includes all of the 60791
following: 60792

(a) Personal care services needed to ensure an individual's 60793
ability to experience and participate in vocational services, 60794
educational services, community activities, and any other adult 60795
day habilitation services; 60796

(b) Skilled services provided while receiving adult day 60797
habilitation services, including such skilled services as behavior 60798
management intervention, occupational therapy, speech and language 60799
therapy, physical therapy, and nursing services; 60800

(c) Training and education in self-determination designed to 60801
help the individual do one or more of the following: develop 60802
self-advocacy skills, exercise the individual's civil rights, 60803

acquire skills that enable the individual to exercise control and responsibility over the services received, and acquire skills that enable the individual to become more independent, integrated, or productive in the community;

(d) Recreational and leisure activities identified in the individual's service plan as therapeutic in nature or assistive in developing or maintaining social supports;

(e) Transportation necessary to access adult day habilitation services;

(f) Habilitation management, as described in section 5126.14 of the Revised Code.

(3) "Adult day habilitation services" does not include activities that are components of the provision of residential services, family support services, or supported living services.

(C) "Appointing authority" means the following:

(1) In the case of a member of a county board of developmental disabilities appointed by, or to be appointed by, a board of county commissioners, the board of county commissioners;

(2) In the case of a member of a county board appointed by, or to be appointed by, a senior probate judge, the senior probate judge.

(D) "Community employment," "competitive employment," and "integrated setting" have the same meanings as in section 5123.022 of the Revised Code.

(E) "Supported employment services" means vocational assessment, job training and coaching, job development and placement, worksite accessibility, and other services related to employment outside a sheltered workshop. "Supported employment services" includes both of the following:

(1) Job training resulting in the attainment of community

employment, supported work in a typical work environment, or 60834
self-employment; 60835

(2) Support for ongoing community employment, supported work 60836
at community-based sites, or self-employment. 60837

(F) "Developmental disability" means a severe, chronic 60838
disability that is characterized by all of the following: 60839

(1) It is attributable to a mental or physical impairment or 60840
a combination of mental and physical impairments, other than a 60841
mental or physical impairment solely caused by mental illness as 60842
defined in division (A) of section 5122.01 of the Revised Code; 60843

(2) It is manifested before age twenty-two; 60844

(3) It is likely to continue indefinitely; 60845

(4) It results in one of the following: 60846

(a) In the case of a person under age three, at least one 60847
developmental delay, as defined in rules adopted under section 60848
5123.011 of the Revised Code, or a diagnosed physical or mental 60849
condition that has a high probability of resulting in a 60850
developmental delay, as defined in those rules; 60851

(b) In the case of a person at least age three but under age 60852
six, at least two developmental delays, as defined in rules 60853
adopted under section 5123.011 of the Revised Code; 60854

(c) In the case of a person age six or older, a substantial 60855
functional limitation in at least three of the following areas of 60856
major life activity, as appropriate for the person's age: 60857
self-care, receptive and expressive language, learning, mobility, 60858
self-direction, capacity for independent living, and, if the 60859
person is at least age sixteen, capacity for economic 60860
self-sufficiency. 60861

(5) It causes the person to need a combination and sequence 60862
of special, interdisciplinary, or other type of care, treatment, 60863

or provision of services for an extended period of time that is 60864
individually planned and coordinated for the person. 60865

"Developmental disability" includes intellectual disability. 60866

(G) "Early childhood services" means a planned program of 60867
habilitation designed to meet the needs of individuals with 60868
developmental disabilities who have not attained compulsory school 60869
age. 60870

(H) "Employment services" means prevocational services or 60871
supported employment services. 60872

(I)(1) "Environmental modifications" means the physical 60873
adaptations to an individual's home, specified in the individual's 60874
service plan, that are necessary to ensure the individual's 60875
health, safety, and welfare or that enable the individual to 60876
function with greater independence in the home, and without which 60877
the individual would require institutionalization. 60878

(2) "Environmental modifications" includes such adaptations 60879
as installation of ramps and grab-bars, widening of doorways, 60880
modification of bathroom facilities, and installation of 60881
specialized electric and plumbing systems necessary to accommodate 60882
the individual's medical equipment and supplies. 60883

(3) "Environmental modifications" does not include physical 60884
adaptations or improvements to the home that are of general 60885
utility or not of direct medical or remedial benefit to the 60886
individual, including such adaptations or improvements as 60887
carpeting, roof repair, and central air conditioning. 60888

(J) "Family support services" means the services provided 60889
under a family support services program operated under section 60890
5126.11 of the Revised Code. 60891

(K) "Habilitation" means the process by which the staff of 60892
the facility or agency assists an individual with a developmental 60893

disability in acquiring and maintaining those life skills that 60894
enable the individual to cope more effectively with the demands of 60895
the individual's own person and environment, and in raising the 60896
level of the individual's personal, physical, mental, social, and 60897
vocational efficiency. Habilitation includes, but is not limited 60898
to, programs of formal, structured education and training. 60899

(L) "Home and community-based services" has the same meaning 60900
as in section 5123.01 of the Revised Code. 60901

(M) "ICF/IID" ~~has~~ and "ICF/IID services" have the same 60902
~~meaning~~ meanings as in section 5124.01 of the Revised Code. 60903

(N) "Immediate family" means parents, grandparents, brothers, 60904
sisters, spouses, sons, daughters, aunts, uncles, mothers-in-law, 60905
fathers-in-law, brothers-in-law, sisters-in-law, sons-in-law, and 60906
daughters-in-law. 60907

(O) "Intellectual disability" means a mental impairment 60908
manifested during the developmental period characterized by 60909
significantly subaverage general intellectual functioning existing 60910
concurrently with deficiencies in the effectiveness or degree with 60911
which an individual meets the standards of personal independence 60912
and social responsibility expected of the individual's age and 60913
cultural group. 60914

(P) "Medicaid case management services" means case management 60915
services provided to an individual with a developmental disability 60916
that the state medicaid plan requires. 60917

(Q) "Prevocational services" means services that provide 60918
learning and work experiences, including volunteer work 60919
experiences, from which an individual can develop general 60920
strengths and skills that are not specific to a particular task or 60921
job but contribute to employability in community employment, 60922
supported work at community-based sites, or self-employment. 60923

(R) "Residential services" means services to individuals with 60924

developmental disabilities to provide housing, food, clothing, 60925
habilitation, staff support, and related support services 60926
necessary for the health, safety, and welfare of the individuals 60927
and the advancement of their quality of life. "Residential 60928
services" includes program management, as described in section 60929
5126.14 of the Revised Code. 60930

(S) "Resources" means available capital and other assets, 60931
including moneys received from the federal, state, and local 60932
governments, private grants, and donations; appropriately 60933
qualified personnel; and appropriate capital facilities and 60934
equipment. 60935

(T) "Senior probate judge" means the current probate judge of 60936
a county who has served as probate judge of that county longer 60937
than any of the other current probate judges of that county. If a 60938
county has only one probate judge, "senior probate judge" means 60939
that probate judge. 60940

(U) "Service and support administration" means the duties 60941
performed by a service and support administrator pursuant to 60942
section 5126.15 of the Revised Code. 60943

(V)(1) "Specialized medical, adaptive, and assistive 60944
equipment, supplies, and supports" means equipment, supplies, and 60945
supports that enable an individual to increase the ability to 60946
perform activities of daily living or to perceive, control, or 60947
communicate within the environment. 60948

(2) "Specialized medical, adaptive, and assistive equipment, 60949
supplies, and supports" includes the following: 60950

(a) Eating utensils, adaptive feeding dishes, plate guards, 60951
mylatex straps, hand splints, reaches, feeder seats, adjustable 60952
pointer sticks, interpreter services, telecommunication devices 60953
for the deaf, computerized communications boards, other 60954
communication devices, support animals, veterinary care for 60955

support animals, adaptive beds, supine boards, prone boards, 60956
wedges, sand bags, sidelayers, bolsters, adaptive electrical 60957
switches, hand-held shower heads, air conditioners, humidifiers, 60958
emergency response systems, folding shopping carts, vehicle lifts, 60959
vehicle hand controls, other adaptations of vehicles for 60960
accessibility, and repair of the equipment received. 60961

(b) Nondisposable items not covered by medicaid that are 60962
intended to assist an individual in activities of daily living or 60963
instrumental activities of daily living. 60964

(W) "Supportive home services" means a range of services to 60965
families of individuals with developmental disabilities to develop 60966
and maintain increased acceptance and understanding of such 60967
persons, increased ability of family members to teach the person, 60968
better coordination between school and home, skills in performing 60969
specific therapeutic and management techniques, and ability to 60970
cope with specific situations. 60971

(X)(1) "Supported living" means services provided for as long 60972
as twenty-four hours a day to an individual with a developmental 60973
disability through any public or private resources, including 60974
moneys from the individual, that enhance the individual's 60975
reputation in community life and advance the individual's quality 60976
of life by doing the following: 60977

(a) Providing the support necessary to enable an individual 60978
to live in a residence of the individual's choice, with any number 60979
of individuals who are not disabled, or with not more than three 60980
individuals with developmental disabilities unless the individuals 60981
are related by blood or marriage; 60982

(b) Encouraging the individual's participation in the 60983
community; 60984

(c) Promoting the individual's rights and autonomy; 60985

(d) Assisting the individual in acquiring, retaining, and 60986

improving the skills and competence necessary to live successfully 60987
in the individual's residence. 60988

(2) "Supported living" includes the provision of all of the 60989
following: 60990

(a) Housing, food, clothing, habilitation, staff support, 60991
professional services, and any related support services necessary 60992
to ensure the health, safety, and welfare of the individual 60993
receiving the services; 60994

(b) A combination of lifelong or extended-duration 60995
supervision, training, and other services essential to daily 60996
living, including assessment and evaluation and assistance with 60997
the cost of training materials, transportation, fees, and 60998
supplies; 60999

(c) Personal care services and homemaker services; 61000

(d) Household maintenance that does not include modifications 61001
to the physical structure of the residence; 61002

(e) Respite care services; 61003

(f) Program management, as described in section 5126.14 of 61004
the Revised Code. 61005

Sec. 5126.042. (A) As used in this section₇: 61006

(1) "Alternative services" means the various programs, 61007
funding mechanisms, and services and supports, other than home and 61008
community-based services, that exist as part of the developmental 61009
service system and other service systems. "Alternative services" 61010
include services offered through the medicaid state plan, such as 61011
home health services and ICF/IID services. 61012

(2) "Department department of developmental 61013
disabilities-administered medicaid waiver component" means a 61014
medicaid waiver component administered by the department of 61015

developmental disabilities pursuant to section 5166.21 of the Revised Code. 61016
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(B) If a county board of developmental disabilities determines that available resources are not sufficient to meet the needs of all individuals who request non-medicaid programs or services, it shall establish one or more waiting lists for the non-medicaid programs or services in accordance with its plan developed under section 5126.04 of the Revised Code. The board may establish priorities for making placements on its waiting lists established under this division. Any such priorities shall be consistent with the board's plan and applicable law. 61018
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(C) If a county board determines that available resources are insufficient to enroll in department of developmental disabilities-administered medicaid waiver components all individuals who are assessed as needing home and community-based services and have requested those services, it shall establish a waiting list for the services in accordance with rules adopted under this section. Before placing an individual on a waiting list established under this division, the board shall inform the individual of available alternative services. The board also shall inform the individual of the list of providers maintained on the department's internet web site pursuant to section 5123.193 of the Revised Code. 61027
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(D) The director of developmental disabilities shall adopt rules in accordance with Chapter 119. of the Revised Code governing a county board's waiting list established under division (C) of this section, including rules that establish all of the following: 61039
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(1) Procedures a county board is to follow to transition individuals from a waiting list the county board established under division (C) of this section before ~~the effective date of this amendment~~ September 29, 2017, to the waiting list the county board 61044
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establishes under that division after that date; 61048

(2) Procedures by which a county board is to ensure that the 61049
due process rights of individuals placed on the county board's 61050
waiting list are observed; 61051

(3) Criteria a county board is to use to determine all of the 61052
following: 61053

(a) An individual's eligibility to be placed on the county 61054
board's waiting list; 61055

(b) The date an individual was assessed as needing home and 61056
community-based services; 61057

(c) The order in which individuals on the county board's 61058
waiting list are to be offered enrollment in a department of 61059
developmental disabilities-administered medicaid waiver component; 61060

(d) The department of developmental disabilities-administered 61061
medicaid waiver component in which an individual on the county 61062
board's waiting list is to be offered enrollment. 61063

(4) Grounds for removing an individual from the county 61064
board's waiting list. 61065

(E) The director shall consult with all of the following when 61066
adopting rules under division (D) of this section: 61067

(1) Individuals with developmental disabilities; 61068

(2) Associations representing individuals with developmental 61069
disabilities and the families of such individuals; 61070

(3) Associations representing providers of services to 61071
individuals with developmental disabilities; 61072

(4) The Ohio association of county boards serving people with 61073
developmental disabilities. 61074

(F) The following shall take precedence over the applicable 61075
provisions of this section: 61076

(1) Medicaid rules and regulations;	61077
(2) Any specific requirements that may be contained within a medicaid state plan amendment or department of disabilities-administered medicaid waiver component with respect to which a county board has authority to provide services, programs, or supports.	61078 61079 61080 61081 61082
Sec. 5126.046. (A) Except as otherwise provided by 42 C.F.R. 431.51, an individual with a developmental disability who is eligible for home and community-based services has the right to obtain the services from any provider of the services that is qualified to furnish the services and is willing to furnish the services to the individual. A county board of developmental disabilities that has medicaid local administrative authority under division (A) of section 5126.055 of the Revised Code for home and community-based services and refuses to permit an individual to obtain home and community-based services from a qualified and willing provider shall provide the individual timely notice that the individual may appeal under section 5160.31 of the Revised Code.	61083 61084 61085 61086 61087 61088 61089 61090 61091 61092 61093 61094 61095
(B) <u>Except as otherwise provided by 42 C.F.R. 431.51, an individual with a developmental disability who is eligible for ICF/IID services has the right to obtain the services from any provider that is qualified to furnish the services and is willing to furnish the services to the individual.</u>	61096 61097 61098 61099 61100
(C) <u>An individual with a developmental disability who is eligible for both home and community-based services and ICF/IID services has the right to choose whether to receive home and community-based services or ICF/IID services.</u>	61101 61102 61103 61104
(D) <u>An individual with a developmental disability who is eligible for nonmedicaid residential services or nonmedicaid supported living has the right to obtain the services from any</u>	61105 61106 61107

provider of the residential services or supported living that is 61108
qualified to furnish the residential services or supported living 61109
and is willing to furnish the residential services or supported 61110
living to the individual. 61111

~~(C) The department of developmental disabilities shall make 61112
available to the public on its internet web site an up to date 61113
list of all providers of home and community based services, 61114
nonmedicaid residential services, and nonmedicaid supported 61115
living. County boards shall assist individuals with developmental 61116
disabilities and the families of such individuals access the list 61117
on the department's internet web site. 61118~~

~~(D)~~(E) The director of developmental disabilities shall adopt 61119
rules in accordance with Chapter 119. of the Revised Code 61120
governing the implementation of this section. The rules shall 61121
include procedures for individuals to choose their providers. 61122

Sec. 5126.047. (A) When an individual with a developmental 61123
disability or a person acting on such an individual's behalf 61124
contacts a county board of developmental disabilities about 61125
residential services, the county board shall inform the individual 61126
or person about the different types of residential services, 61127
including ICF/IID services, nonmedicaid residential services, and 61128
home and community-based services. When informing the individual 61129
or person about residential services, the county board shall do 61130
both of the following: 61131

(1) Provide the individual or person a written explanation of 61132
residential services, including ICF/IID services, developed by the 61133
department of developmental disabilities; 61134

(2) Inform the individual or person of the list of providers 61135
that the department of developmental disabilities maintains on its 61136
internet web site pursuant to section 5123.193 of the Revised 61137
Code. 61138

Sec. 5126.053. (A) Beginning April 1, 2020, and then annually 61139
thereafter on or before the first day of April each year, each 61140
county board of developmental disabilities shall submit to the 61141
department of developmental disabilities, in the format 61142
established pursuant to division (B) of this section, a five-year 61143
projection of revenues and expenditures. Each five-year projection 61144
shall be approved by the superintendent of the county board. 61145

The department shall review each five-year projection and may 61146
require a county board to do any of the following within the time 61147
frame specified by the department: 61148

(1) Submit additional information; 61149

(2) Permit employees or agents of the department to visit the 61150
county board to review documents and other records that are 61151
relevant to the department's review of the five-year projection; 61152

(3) Submit a revised five-year projection; 61153

(4) Complete any other action the director of developmental 61154
disabilities considers necessary in order to obtain an accurate 61155
five-year projection. 61156

(B) The department, in consultation with the Ohio association 61157
of county boards of developmental disabilities, shall establish 61158
guidelines for completing and formatting the five-year projection 61159
required by division (A) of this section. 61160

(C) In addition to reviewing a five-year projection submitted 61161
pursuant to division (A) of this section, the department, or an 61162
entity designated by or working under contract with the 61163
department, may conduct additional reviews as the department 61164
considers necessary to assess any county board's fiscal condition. 61165
The department shall provide prior notice to a county board of any 61166
planned review. 61167

The department may issue recommendations to discontinue or 61168

correct fiscal practices or budgetary conditions that prompted, or 61169
were discovered by, an additional review under this division. The 61170
superintendent of a county board shall respond in writing to any 61171
such recommendations within the time frame specified by the 61172
department. 61173

(D) If a county board fails to submit a five-year projection 61174
to the department on or before the date specified in division (A) 61175
of this section, the department may do any or all of the 61176
following: 61177

(1) Withhold any funds that it otherwise would distribute to 61178
the county board; 61179

(2) Conduct further reviews as necessary to complete the 61180
five-year projections at full cost to the county board; 61181

(3) Revoke the certification of the superintendent or the 61182
accreditation of the county board. 61183

(E) If the department determines that a county board 61184
willfully provided erroneous, inaccurate, or incomplete data as 61185
part of its five-year projection submitted pursuant to division 61186
(A) of this section, the department may take action as provided 61187
under division (D)(2) or (3) of this section. 61188

Sec. 5126.054. ~~(A) Each~~ Annually, on or before the 61189
thirty-first day of December each year, each county board of 61190
developmental disabilities shall, by resolution, develop a 61191
~~three-calendar year~~ and submit to the department of developmental 61192
disabilities an annual plan that includes the following ~~three~~ 61193
components: 61194

~~(1) An assessment component that includes all of the~~ 61195
~~following:~~ 61196

~~(a)(A)~~ (A) The number of individuals with developmental 61197
disabilities residing in the county who ~~need the level of care~~ 61198

~~provided by an ICF/IID, may seek home and community based services, and are placed on the county board's waiting list established for the services pursuant to section 5126.042 of the Revised Code; the service needs of those individuals; and the projected annualized cost for services;~~

~~(b) The source of funds available to the county board to pay the nonfederal share of medicaid expenditures that the county board is required by sections 5126.059 and 5126.0510 of the Revised Code to pay;~~

~~(e)(B) The projected number of individuals to whom the board intends to provide home and community-based services based on available funding as projected in the board's annual five-year projection report submitted pursuant to section 5126.053 of the Revised Code;~~

~~(C) How the services are to be phased in over the period the plan covers, including how the county board will serve the individuals identified in divisions (A)(1) and (2) of this section;~~

~~(D) Any other applicable information or conditions that the department of developmental disabilities requires as a condition of approving the component plan under section 5123.046 of the Revised Code.~~

~~(2) A preliminary implementation component that specifies the number of individuals to be provided, during the first year that the plan is in effect, home and community-based services pursuant to their placement on the county board's waiting list established for the services pursuant to section 5126.042 of the Revised Code and the types of home and community based services the individuals are to receive;~~

~~(3) A component that provides for the implementation of medicaid case management services and home and community based~~

~~services for individuals who begin to receive the services on or 61230
after the date the plan is approved under section 5123.046 of the 61231
Revised Code. A county board shall include all of the following in 61232
the component: 61233~~

~~(a) If the department of developmental disabilities or 61234
department of medicaid requires, an agreement to pay the 61235
nonfederal share of medicaid expenditures that the county board is 61236
required by sections 5126.059 and 5126.0510 of the Revised Code to 61237
pay: 61238~~

~~(b) How the services are to be phased in over the period the 61239
plan covers, including how the county board will serve individuals 61240
placed on the county board's waiting list established for the 61241
services pursuant to section 5126.042 of the Revised Code: 61242~~

~~(c) Any agreement or commitment regarding the county board's 61243
funding of home and community based services that the county board 61244
has with the department at the time the county board develops the 61245
component: 61246~~

~~(d) Assurances adequate to the department that the county 61247
board will comply with all of the following requirements: 61248~~

~~(i) To provide the types of home and community based services 61249
specified in the preliminary implementation component required by 61250
division (A)(2) of this section to at least the number of 61251
individuals specified in that component: 61252~~

~~(ii) To use any additional funds the county board receives 61253
for the services to improve the county board's resource 61254
capabilities for supporting such services available in the county 61255
at the time the component is developed and to expand the services 61256
to accommodate the unmet need for those services in the county: 61257~~

~~(iii) To employ or contract with a business manager or enter 61258
into an agreement with another county board of developmental 61259
disabilities that employs or contracts with a business manager to 61260~~

~~have the business manager serve both county boards. No 61261
superintendent of a county board may serve as the county board's 61262
business manager. 61263~~

~~(iv) To employ or contract with a medicaid services manager 61264
or enter into an agreement with another county board of 61265
developmental disabilities that employs or contracts with a 61266
medicaid services manager to have the medicaid services manager 61267
serve both county boards. No superintendent of a county board may 61268
serve as the county board's medicaid services manager. 61269~~

~~(e) Programmatic and financial accountability measures and 61270
projected outcomes expected from the implementation of the plan; 61271~~

~~(f) Any other applicable information or conditions that the 61272
department requires as a condition of approving the component 61273
under section 5123.046 of the Revised Code. 61274~~

~~(B) A county board whose plan developed under division (A) of 61275
this section is approved by the department under section 5123.046 61276
of the Revised Code shall update and renew the plan in accordance 61277
with a schedule the department shall develop. 61278~~

Sec. 5126.055. (A) Except as provided in section 5126.056 of 61280
the Revised Code, a county board of developmental disabilities has 61281
medicaid local administrative authority to, and shall, do all of 61282
the following for an individual with a developmental disability 61283
who resides in the county that the county board serves and seeks 61284
or receives home and community-based services: 61285

(1) Perform assessments and evaluations of the individual. As 61286
part of the assessment and evaluation process, all of the 61287
following apply: 61288

(a) The county board shall make a recommendation to the 61289
department of developmental disabilities on whether the department 61290
should approve or deny the individual's application for the 61291

services, including on the basis of whether the individual needs 61292
the level of care an ICF/IID provides. 61293

(b) If the individual's application is denied because of the 61294
county board's recommendation and the individual appeals pursuant 61295
to section 5160.31 of the Revised Code, the county board shall 61296
present, with the department of developmental disabilities or 61297
department of medicaid, whichever denies the application, the 61298
reasons for the recommendation and denial at the hearing. 61299

(c) If the individual's application is approved, the county 61300
board shall recommend to the departments of developmental 61301
disabilities and medicaid the services that should be included in 61302
the individual service plan. If either department under section 61303
5166.21 of the Revised Code approves, reduces, denies, or 61304
terminates a service included in the plan because of the county 61305
board's recommendation, the board shall present, with the 61306
department that made the approval, reduction, denial, or 61307
termination, the reasons for the recommendation and approval, 61308
reduction, denial, or termination at a hearing held pursuant to an 61309
appeal made under section 5160.31 of the Revised Code. 61310

(2) Perform any duties assigned to the county board in rules 61311
adopted under section 5126.046 of the Revised Code regarding the 61312
individual's right to choose a qualified and willing provider of 61313
the services and, at a hearing held pursuant to an appeal made 61314
under section 5160.31 of the Revised Code, present evidence of the 61315
process for appropriate assistance in choosing providers; 61316

(3) If the county board is certified under section 5123.161 61317
of the Revised Code to provide the services and agrees to provide 61318
the services to the individual and the individual chooses the 61319
county board to provide the services, furnish, in accordance with 61320
the county board's medicaid provider agreement and for the 61321
authorized reimbursement rate, the services the individual 61322
requires; 61323

(4) Monitor the services provided to the individual and ensure the individual's health, safety, and welfare. The monitoring shall include quality assurance activities. If the county board provides the services, the department of developmental disabilities shall also monitor the services.

(5) Develop, with the individual and the provider of the individual's services, an effective individual service plan that includes coordination of services, recommend that the departments of developmental disabilities and medicaid approve the plan, and implement the plan unless either department disapproves it. The plan shall include a summary page, agreed to by the county board, provider, and individual receiving services, that clearly outlines the amount, duration, and scope of services to be provided under the plan.

(6) Have an investigative agent conduct investigations under section 5126.313 of the Revised Code that concern the individual;

(7) Have a service and support administrator perform the duties under division (B)~~(9)~~(8) of section 5126.15 of the Revised Code that concern the individual.

(B) A county board shall perform its medicaid local administrative authority under this section in accordance with all of the following:

(1) The county board's plan that the department of developmental disabilities approves under section 5123.046 of the Revised Code;

(2) All applicable federal and state laws;

(3) All applicable policies of the departments of developmental disabilities and medicaid and the United States department of health and human services;

(4) The department of medicaid's supervision under its

authority as the single state medicaid agency; 61354

(5) The department of developmental disabilities' oversight. 61355

(C) The departments of developmental disabilities and 61356
medicaid shall communicate with and provide training to county 61357
boards regarding medicaid local administrative authority granted 61358
by this section. The communication and training shall include 61359
issues regarding audit protocols and other standards established 61360
by the United States department of health and human services that 61361
the departments determine appropriate for communication and 61362
training. County boards shall participate in the training. The 61363
departments shall assess the county board's compliance against 61364
uniform standards that the departments shall establish. 61365

(D) A county board may not delegate its medicaid local 61366
administrative authority granted under this section but may 61367
contract with a person or government entity, including a council 61368
of governments, for assistance with its medicaid local 61369
administrative authority. A county board that enters into such a 61370
contract shall notify the director of developmental disabilities. 61371
The notice shall include the tasks and responsibilities that the 61372
contract gives to the person or government entity. The person or 61373
government entity shall comply in full with all requirements to 61374
which the county board is subject regarding the person or 61375
government entity's tasks and responsibilities under the contract. 61376
The county board remains ultimately responsible for the tasks and 61377
responsibilities. 61378

(E) A county board that has medicaid local administrative 61379
authority under this section shall, through the departments of 61380
developmental disabilities and medicaid, reply to, and cooperate 61381
in arranging compliance with, a program or fiscal audit or program 61382
violation exception that a state or federal audit or review 61383
discovers. The department of medicaid shall timely notify the 61384
department of developmental disabilities and the county board of 61385

any adverse findings. After receiving the notice, the county board, in conjunction with the department of developmental disabilities, shall cooperate fully with the department of medicaid and timely prepare and send to the department a written plan of correction or response to the adverse findings. The county board is liable for any adverse findings that result from an action it takes or fails to take in its implementation of medicaid local administrative authority.

(F) If the department of developmental disabilities or department of medicaid determines that a county board's implementation of its medicaid local administrative authority under this section is deficient, the department that makes the determination shall require that county board do the following:

(1) If the deficiency affects the health, safety, or welfare of an individual with a developmental disability, correct the deficiency within twenty-four hours;

(2) If the deficiency does not affect the health, safety, or welfare of an individual with a developmental disability, receive technical assistance from the department or submit a plan of correction to the department that is acceptable to the department within sixty days and correct the deficiency within the time required by the plan of correction.

Sec. 5126.056. (A) The department of developmental disabilities shall take action under division (B) of this section against a county board of developmental disabilities if any of the following are the case:

(1) The county board fails to submit to the department all the components of its ~~three-year~~ annual plan required by section 5126.054 of the Revised Code.

(2) The department disapproves the county board's ~~three-year~~

annual plan under section 5123.046 of the Revised Code. 61416

~~(3) The county board fails, as required by division (B) of section 5126.054 of the Revised Code, to update and renew its three year plan in accordance with a schedule the department develops under that section.~~ 61417
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~~(4)~~ The county board fails to implement its ~~initial or renewed three year~~ annual plan approved by the department. 61421
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~~(5)~~(4) The county board fails to correct a deficiency within the time required by division (F) of section 5126.055 of the Revised Code to the satisfaction of the department. 61423
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~~(6)~~(5) The county board fails to submit an acceptable plan of correction to the department within the time required by division (F)(2) of section 5126.055 of the Revised Code. 61426
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(B) If required by division (A) of this section to take action against a county board, the department shall issue an order terminating the county board's medicaid local administrative authority over all or part of home and community-based services, medicaid case management services, or all or part of both of those services. The department shall provide a copy of the order to the board of county commissioners, senior probate judge, county auditor, and president and superintendent of the county board. The department shall specify in the order the medicaid local administrative authority that the department is terminating, the reason for the termination, and the county board's option and responsibilities under this division. 61429
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A county board whose medicaid local administrative authority is terminated may, not later than thirty days after the department issues the termination order, recommend to the department that another county board that has not had any of its medicaid local administrative authority terminated or another entity the department approves administer the services for which the county 61441
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board's medicaid local administrative authority is terminated. The 61447
department may contract with the other county board or entity to 61448
administer the services. If the department enters into such a 61449
contract, the county board shall adopt a resolution giving the 61450
other county board or entity full medicaid local administrative 61451
authority over the services that the other county board or entity 61452
is to administer. The other county board or entity shall be known 61453
as the contracting authority. 61454

If the department rejects the county board's recommendation 61455
regarding a contracting authority, the county board may appeal the 61456
rejection under section 5123.043 of the Revised Code. 61457

If the county board does not submit a recommendation to the 61458
department regarding a contracting authority within the required 61459
time or the department rejects the county board's recommendation 61460
and the rejection is upheld pursuant to an appeal, if any, under 61461
section 5123.043 of the Revised Code, the department shall appoint 61462
an administrative receiver to administer the services for which 61463
the county board's medicaid local administrative authority is 61464
terminated. To the extent necessary for the department to appoint 61465
an administrative receiver, the department may utilize employees 61466
of the department, management personnel from another county board, 61467
or other individuals who are not employed by or affiliated with in 61468
any manner a person that provides home and community-based 61469
services or medicaid case management services pursuant to a 61470
contract with any county board. The administrative receiver shall 61471
assume full administrative responsibility for the county board's 61472
services for which the county board's medicaid local 61473
administrative authority is terminated. 61474

The contracting authority or administrative receiver shall 61475
develop and submit to the department a plan of correction to 61476
remediate the problems that caused the department to issue the 61477
termination order. If, after reviewing the plan, the department 61478

approves it, the contracting authority or administrative receiver 61479
shall implement the plan. 61480

The county board shall transfer control of state and federal 61481
funds it is otherwise eligible to receive for the services for 61482
which the county board's medicaid local administrative authority 61483
is terminated and funds the county board may use under division 61484
(A) of section 5126.0511 of the Revised Code to pay the nonfederal 61485
share of the services that the county board is required by 61486
sections 5126.059 and 5126.0510 of the Revised Code to pay. The 61487
county board shall transfer control of the funds to the 61488
contracting authority or administrative receiver administering the 61489
services. The amount the county board shall transfer shall be the 61490
amount necessary for the contracting authority or administrative 61491
receiver to fulfill its duties in administering the services, 61492
including its duties to pay its personnel for time worked, travel, 61493
and related matters. If the county board fails to make the 61494
transfer, the department may withhold the state and federal funds 61495
from the county board and bring a mandamus action against the 61496
county board in the court of common pleas of the county served by 61497
the county board or in the Franklin county court of common pleas. 61498
The mandamus action may not require that the county board transfer 61499
any funds other than the funds the county board is required by 61500
division (B) of this section to transfer. 61501

The contracting authority or administrative receiver has the 61502
right to authorize the payment of bills in the same manner that 61503
the county board may authorize payment of bills under this chapter 61504
and section 319.16 of the Revised Code. 61505

Sec. 5126.15. (A) A county board of developmental 61506
disabilities shall provide service and support administration to 61507
each individual three years of age or older who is eligible for 61508
service and support administration if the individual requests, or 61509

a person on the individual's behalf requests, service and support 61510
administration. A board shall provide service and support 61511
administration to each individual receiving home and 61512
community-based services. A board may provide, in accordance with 61513
the service coordination requirements of 34 C.F.R. 303.23, service 61514
and support administration to an individual under three years of 61515
age eligible for early intervention services under 34 C.F.R. part 61516
303. A board may provide service and support administration to an 61517
individual who is not eligible for other services of the board. 61518
Service and support administration shall be provided in accordance 61519
with rules adopted under section 5126.08 of the Revised Code. 61520

A board may provide service and support administration by 61521
directly employing service and support administrators or by 61522
contracting with entities for the performance of service and 61523
support administration. Individuals employed or under contract as 61524
service and support administrators shall not be in the same 61525
collective bargaining unit as employees who perform duties that 61526
are not administrative. 61527

A service and support administrator shall perform only the 61528
duties specified in division (B) of this section. While employed 61529
by or under contract with a board, a service and support 61530
administrator shall neither be employed by or serve in a 61531
decision-making or policy-making capacity for any other entity 61532
that provides programs or services to individuals with 61533
developmental disabilities nor provide programs or services to 61534
individuals with ~~mental retardation or~~ developmental disabilities 61535
through self-employment. 61536

(B) A service and support administrator shall do all of the 61537
following: 61538

(1) Establish an individual's eligibility for the services of 61539
the county board of developmental disabilities; 61540

(2) Assess individual needs for services;	61541
(3) Develop individual service plans with the active participation of the individual to be served, other persons selected by the individual, and, when applicable, the provider selected by the individual, and recommend the plans for approval by the department of developmental disabilities when services included in the plans are funded through medicaid;	61542 61543 61544 61545 61546 61547
(4) Establish budgets for services based on the individual's assessed needs and preferred ways of meeting those needs;	61548 61549
(5) Assist individuals in making selections from among the providers they have chosen;	61550 61551
(6) Ensure that services are effectively coordinated and provided by appropriate providers;	61552 61553
(7) Establish and implement an ongoing system of monitoring the implementation of individual service plans to achieve consistent implementation and the desired outcomes for the individual;	61554 61555 61556 61557
(8) Perform quality assurance reviews as a distinct function of service and support administration;	61558 61559
(9) Incorporate the results of quality assurance reviews and identified trends and patterns of unusual incidents and major unusual incidents into amendments of an individual's service plan for the purpose of improving and enhancing the quality and appropriateness of services rendered to the individual.	61560 61561 61562 61563 61564
Sec. 5139.87. (A) The department of youth services shall serve as the state agent for the administration of all federal juvenile justice grants awarded to the state.	61565 61566 61567
(B) There are <u>is</u> hereby created in the state treasury the federal juvenile justice programs funds <u>and delinquency prevention fund</u> . A separate fund shall be established each federal fiscal	61568 61569 61570

~~year.~~ All federal grants and other moneys received for federal 61571
juvenile programs shall be deposited into the ~~funds~~ fund. All 61572
receipts deposited into the ~~funds~~ fund shall be used for federal 61573
juvenile programs. All investment earnings on the cash balance in 61574
~~a federal juvenile program~~ the fund shall be credited to ~~that~~ the 61575
fund for the appropriate federal fiscal year. The department of 61576
youth services shall maintain a financial activity report of each 61577
individual grant within the fund, including any expenses or 61578
revenues credited to those individual grants. 61579

~~(C) All rules, orders, and determinations of the office of~~ 61580
~~criminal justice services regarding the administration of federal~~ 61581
~~juvenile justice grants that are in effect on the effective date~~ 61582
~~of this amendment shall continue in effect as rules, orders, and~~ 61583
~~determinations of the department of youth services.~~ 61584

Sec. 5145.162. (A) There is hereby created the office of 61585
enterprise development advisory board to advise and assist the 61586
department of rehabilitation and correction with the creation of 61587
training programs and jobs for inmates and releasees through 61588
partnerships with private sector businesses. The board shall 61589
consist of at least five appointed members and the staff 61590
representative assigned by the correctional institution inspection 61591
committee, who shall serve as an ex officio member. Each member 61592
shall have experience in labor relations, marketing, business 61593
management, or business. The members and chairperson shall be 61594
appointed by the director of the department of rehabilitation and 61595
correction. 61596

(B) Each member of the advisory board shall receive no 61597
compensation but may be reimbursed for expenses actually and 61598
necessarily incurred in the performance of official duties of the 61599
board. Members of the board who are state employees shall be 61600
reimbursed for expenses pursuant to travel rules promulgated by 61601

the office of budget and management. 61602

(C) The advisory board shall adopt procedures for the conduct 61603
of the board's meetings. The board shall meet at least once every 61604
quarter, and otherwise shall meet at the call of the chairperson 61605
or the director of the department of rehabilitation and 61606
correction. Sixty per cent of the members shall constitute a 61607
quorum. No transaction of the board's business shall be taken 61608
without the concurrence of a quorum of the members. The board may 61609
have committees with persons who are not members of the board but 61610
whose experience and expertise is relevant and useful to the work 61611
of the committee. 61612

(D) The advisory board shall have the following duties: 61613

(1) Solicit business proposals offering job training, 61614
apprenticeship, education programs, and employment opportunities 61615
for inmates and, releasees, and Ohio penal industries; 61616

(2) Provide information and input to the office of enterprise 61617
development to support the job training and employment program of 61618
inmates and releasees and any additional, related duties as 61619
requested by the director of the department of rehabilitation and 61620
correction; 61621

(3) Recommend to the office of enterprise development any 61622
legislation, administrative rule, or department policy change that 61623
the board believes is necessary to implement the department's 61624
program; 61625

(4) Promote public awareness of the office of enterprise 61626
development and the office's employment program; 61627

(5) Familiarize itself and the public with avenues to access 61628
the office of enterprise development on employment program 61629
concerns; 61630

(6) Advocate for the needs and concerns of the office of 61631

enterprise development in local communities, counties, and the 61632
state; 61633

(7) Play an active role in the office of enterprise 61634
development's efforts to reduce recidivism in the state by doing 61635
all of the following: 61636

(a) Providing input and making recommendations for the 61637
office's consideration in monitoring employment program compliance 61638
and effectiveness; 61639

(b) Making suggestions on the appropriate priorities for the 61640
office's grant award criteria; 61641

(c) Being a liaison between the office and constituents of 61642
the board's members; 61643

(d) Working to develop constituent groups interested in 61644
employment program issues; 61645

(8) Aid in the employment program development process by 61646
playing a leadership role in professional associations by 61647
discussing employment program issues. 61648

(E) The department of rehabilitation and correction shall 61649
initially screen each proposal obtained under division (D)(1) of 61650
this section to ensure that the proposal is a viable venture to 61651
pursue. If the department determines that a proposal is a viable 61652
venture to pursue, the department shall submit the proposal to the 61653
board for objective review against established guidelines. The 61654
board shall determine whether to recommend the implementation of 61655
the program to the department. 61656

Sec. 5149.38. (A) In each ~~target county and in each~~ voluntary 61657
county, subject to division (B) of this section and not later than 61658
~~thirty days after the effective date of this section~~ October 29, 61659
2017, a county commissioner representing the board of county 61660
commissioners of the county, the administrative judge of the 61661

general division of the court of common pleas of the county, the 61662
sheriff of the county, and an official from any municipality 61663
operating a local correctional facility in the county to which 61664
courts of the county sentence offenders shall agree to, sign, and 61665
submit to the department of rehabilitation and correction for its 61666
approval a memorandum of understanding that does both of the 61667
following: 61668

(1) Sets forth the plans by which the county will use grant 61669
money provided to the county in state fiscal year 2018 and 61670
succeeding state fiscal years under the targeting community 61671
alternatives to prison (T-CAP) program. ~~i~~ 61672

(2) Specifies the manner in which the county will address a 61673
per diem reimbursement of local correctional facilities for 61674
prisoners who serve a prison term in the facility pursuant to 61675
division (B)(3)(c) of section 2929.34 of the Revised Code. The per 61676
diem reimbursement rate shall be the rate determined in division 61677
(F)(1) of this section and shall be specified in the memorandum. 61678

(B) Two or more ~~target counties or~~ voluntary counties may 61679
join together to jointly establish a memorandum of understanding 61680
of the type described in division (A) of this section. Not later 61681
than ~~thirty days after the effective date of this section~~ October 61682
29, 2017, a county commissioner from each of the affiliating 61683
~~target counties or~~ voluntary counties representing the county's 61684
board of county commissioners, the administrative judge of the 61685
general division of the court of common pleas of each affiliating 61686
~~target county or~~ voluntary county, the sheriff of each affiliating 61687
~~target county or~~ voluntary county, and an official from any 61688
municipality operating a local correctional facility in the 61689
affiliating ~~target counties and~~ voluntary counties to which courts 61690
of the counties sentence offenders shall agree to, sign, and 61691
submit to the department of rehabilitation and correction for its 61692

approval the memorandum of understanding. The memorandum of 61693
understanding shall set forth the plans by which, and specify the 61694
manner in which, the affiliating counties will complete the tasks 61695
identified in divisions (A)(1) and (2) of this section. 61696

(C) The department of rehabilitation and correction shall 61697
adopt rules establishing standards for approval of memorandums of 61698
understanding submitted to it under division (A) or (B) of this 61699
section. The department shall review the memorandums of 61700
understanding submitted to it and may require the county or 61701
counties that submit a memorandum to modify the memorandum. The 61702
director of rehabilitation and correction shall approve 61703
memorandums of understanding submitted to it under division (A) or 61704
(B) of this section that the director determines satisfy the 61705
standards adopted by the department within thirty days after 61706
receiving each memorandum submitted. 61707

(D) Any person responsible for agreeing to, signing, and 61708
submitting a memorandum of understanding under division (A) or (B) 61709
of this section may delegate the person's authority to do so to an 61710
employee of the agency, entity, or office served by the person. 61711

(E) The persons signing a memorandum of understanding under 61712
division (A) or (B) of this section, or their successors in 61713
office, may revise the memorandum as they determine necessary. Any 61714
revision of the memorandum shall be signed by the parties 61715
specified in division (A) or (B) of this section and submitted to 61716
the department of rehabilitation and correction for its approval 61717
under division (C) of this section within thirty days after the 61718
beginning of the state fiscal year. 61719

(F)(1) In each county, ~~the sheriff shall determine the per~~ 61720
~~diem costs for local correctional facilities in the county for the~~ 61721
~~housing of prisoners who serve a term in the facility pursuant to~~ 61722
~~division (B)(3)(c) of section 2929.34 of the Revised Code, as~~ 61723
follows: 61724

~~(a) In calendar year 2017, not later than the date on which the appropriate representatives of the county enter into a contract with the department of rehabilitation and correction under the targeting community alternatives to prison (T-CAP) program, the sheriff shall determine the per diem costs for each of the facilities for the housing in the facility of prisoners serving a prison term for a felony in calendar year 2016. The per diem cost so determined shall apply in calendar year 2017.~~

~~(b) Commencing commencing in calendar year 2018, on or before the first day of February of each calendar year the sheriff shall determine the per diem costs for the preceding calendar year for each of the local correctional facilities for the housing in the facility of prisoners who serve a term in it pursuant to division (B)(3)(c) of section 2929.34 of the Revised Code. The per diem cost so determined shall apply in the calendar year in which the determination is made.~~

(2) For each county, the per diem cost determined under division (F)(1) of this section that applies with respect to a facility in a specified calendar year shall be the per diem rate of reimbursement in that calendar year, under the targeting community alternatives to prison (T-CAP) program, for prisoners who serve a term in the facility pursuant to division (B)(3)(c) of section 2929.34 of the Revised Code.

(3) The per diem costs of housing determined under division (F)(1) of this section for a facility shall be the actual costs of housing the specified prisoners in the facility, on a per diem basis.

(G) As used in this section:

(1) "Local correctional facility" means a facility of a type described in division (C) or (D) of section 2929.34 of the Revised Code.

(2) ~~"Target county" and "voluntary "~~Voluntary county" have 61756
has the same meanings as in section 2929.34 of the Revised Code. 61757

Sec. 5160.01. As used in this chapter: 61758

(A) "Assisted living program" has the same meaning as in 61759
section 173.51 of the Revised Code. 61760

(B) "Dual eligible individual" has the same meaning as in the 61761
"Social Security Act," section 1915(h)(2)(B), 42 U.S.C. 61762
1396n(h)(2)(B). A dual eligible individual is a medicare-medicaid 61763
enrollee (MME). 61764

~~(B)~~(C) "Exchange" has the same meaning as in 45 C.F.R. 61765
155.20. 61766

~~(C)~~(D) "Federal financial participation" means the federal 61767
government's share of expenditures made by an entity in 61768
implementing a medical assistance program. 61769

~~(D)~~(E) "Medical assistance program" means all of the 61770
following: 61771

(1) The medicaid program; 61772

(2) The children's health insurance program; 61773

(3) The refugee medical assistance program; 61774

(4) Any other program that provides medical assistance and 61775
state statutes authorize the department of medicaid to administer. 61776

~~(E)~~(F) "Medical assistance recipient" means a recipient of a 61777
medical assistance program. To the extent appropriate in the 61778
context, "medical assistance recipient" includes an individual 61779
applying for a medical assistance program, a former medical 61780
assistance recipient, or both. 61781

~~(F)~~(G) "Medicaid managed care organization" has the same 61782
meaning as in section 5167.01 of the Revised Code. 61783

(H) "Nursing facility" has the same meaning as in section 5165.01 of the Revised Code. 61784
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~~(G)~~(I) "Refugee medical assistance program" means the program that the department of medicaid administers pursuant to section 5160.50 of the Revised Code. 61786
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(J) "Residential care facility" has the same meaning as in section 3721.01 of the Revised Code. 61789
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Sec. 5160.48. (A)(1) The medicaid director shall adopt rules under section 5160.02 of the Revised Code implementing sections 5160.45 to 5160.481 of the Revised Code and governing the custody, use, disclosure, and preservation of the information generated or received by the department of medicaid, county departments of job and family services, other state and county entities, contractors, grantees, private entities, or officials participating in the administration of medical assistance programs. ~~The~~ 61791
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Subject to division (A)(2) of this section, the rules shall be adopted in accordance with Chapter 119. of the Revised Code. The rules may define who is an "authorized representative" for purposes of sections 5160.45 and 5160.46 of the Revised Code. The rules shall specify conditions and procedures for the release of information, which may include both of the following: 61799
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~~(1)~~(a) Permitting a provider of a service under a medical assistance program limited access to information that is essential for the provider to render the service or to bill for the service rendered; 61805
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~~(2)~~(b) Permitting a contractor, grantee, or other state or county entity limited access to information that is essential for the contractor, grantee, or entity to perform administrative or other duties on behalf of the department or a county department. 61809
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(2) In the case of a medical assistance recipient who is a 61813

resident of a nursing facility or residential care facility, and 61814
the facility participates in the assisted living program, a county 61815
department of job and family services shall automatically 61816
designate the nursing facility or residential care facility as the 61817
recipient's primary authorized representative at the time of the 61818
application for medical assistance. Both of the following apply to 61819
a facility that is automatically designated as an authorized 61820
representative pursuant to this division: 61821

(a) The facility shall be considered an authorized 61822
representative for purposes of sections 5160.45 and 5160.46 of the 61823
Revised Code and shall be subject to all rules regarding 61824
authorized representatives that are adopted under division (A)(1) 61825
of this section; 61826

(b) The facility may resign as an authorized representative. 61827

A medical assistance recipient may designate additional 61828
authorized representatives in the manner provided for in rules. 61829

(B) The department of aging, when investigating a complaint 61830
under section 173.20 of the Revised Code, shall be granted any 61831
limited access permitted in the rules authorized by division 61832
(A)(1)(a) of this section. 61833

A contractor, grantee, or entity given access to information 61834
pursuant to the rules authorized by division (A)~~(2)~~(1)(b) of this 61835
section is bound by the director's rules. Disclosure of the 61836
information by the contractor, grantee, or entity in a manner not 61837
authorized by the rules is a violation of section 5160.45 of the 61838
Revised Code. 61839

Sec. 5162.01. (A) As used in the Revised Code: 61840

(1) "Medicaid" and "medicaid program" mean the program of 61841
medical assistance established by Title XIX of the "Social 61842
Security Act," 42 U.S.C. 1396 et seq., including any medical 61843

assistance provided under the medicaid state plan or a federal
medicaid waiver granted by the United States secretary of health
and human services.

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(2) "Medicare" and "medicare program" mean the federal health
insurance program established by Title XVIII of the "Social
Security Act," 42 U.S.C. 1395 et seq.

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(B) As used in this chapter:

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~~(1) "Dual eligible individual" has the same meaning as in
section 5160.01 of the Revised Code.~~

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~~(2) "Exchange" has the same meaning as in 45 C.F.R. 155.20.~~

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~~(3)(2) "Federal financial participation" has the same meaning
as in section 5160.01 of the Revised Code.~~

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~~(4)(3) "Federal poverty line" means the official poverty line
defined by the United States office of management and budget based
on the most recent data available from the United States bureau of
the census and revised by the United States secretary of health
and human services pursuant to the "Omnibus Budget Reconciliation
Act of 1981," section 673(2), 42 U.S.C. 9902(2).~~

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~~(5)(4) "Healthcheck" has the same meaning as in section
5164.01 of the Revised Code.~~

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~~(6)(5) "Healthy start component" means the component of the
medicaid program that covers pregnant women and children and is
identified in rules adopted under section 5162.02 of the Revised
Code as the healthy start component.~~

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~~(7)(6) "Home and community-based services" means services
provided under a home and community-based services medicaid waiver
component.~~

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~~(8)(7) "Home and community-based services medicaid waiver
component" has the same meaning as in section 5166.01 of the
Revised Code.~~

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(9) (8) "ICF/IID" has the same meaning as in section 5124.01 of the Revised Code.	61874 61875
(10) (9) "Individualized education program" has the same meaning as in section 3323.011 of the Revised Code.	61876 61877
(11) (10) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code.	61878 61879
(12) (11) "Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code.	61880 61881
(13) (12) "Medicaid services" has the same meaning as in section 5164.01 of the Revised Code.	61882 61883
(14) (13) "Medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code;	61884 61885
(15) (14) "Nursing facility" and "nursing facility services" have the same meanings as in section 5165.01 of the Revised Code.	61886 61887
(16) (15) "Ordering or referring only provider" means a medicaid provider who orders, prescribes, refers, or certifies a service or item reported on a claim for medicaid payment but does not bill for medicaid services.	61888 61889 61890 61891
(17) (16) "Political subdivision" means a municipal corporation, township, county, school district, or other body corporate and politic responsible for governmental activities only in a geographical area smaller than that of the state.	61892 61893 61894 61895
(18) (17) "Prescribed drug" has the same meaning as in section 5164.01 of the Revised Code.	61896 61897
(19) (18) "Provider agreement" has the same meaning as in section 5164.01 of the Revised Code.	61898 61899
(20) (19) "Qualified medicaid school provider" means the board of education of a city, local, or exempted village school district, <u>the governing board of an educational service center,</u> the governing authority of a community school established under	61900 61901 61902 61903

Chapter 3314. of the Revised Code, the state school for the deaf, 61904
and the state school for the blind to which both of the following 61905
apply: 61906

(a) It holds a valid provider agreement. 61907

(b) It meets all other conditions for participation in the 61908
medicaid school component of the medicaid program established in 61909
rules authorized by section 5162.364 of the Revised Code. 61910

~~(21)~~(20) "State agency" means every organized body, office, 61911
or agency, other than the department of medicaid, established by 61912
the laws of the state for the exercise of any function of state 61913
government. 61914

~~(22)~~(21) "Vendor offset" means a reduction of a medicaid 61915
payment to a medicaid provider to correct a previous, incorrect 61916
medicaid payment to that provider. 61917

Sec. 5162.12. (A) The medicaid director shall enter into a 61918
contract with one or more persons to receive and process, on the 61919
director's behalf, requests for medicaid recipient or claims 61920
payment data, data from reports of audits conducted under section 61921
5165.109 of the Revised Code, or extracts or analyses of any of 61922
the foregoing data made by persons who intend to use the items 61923
prepared pursuant to the requests for commercial or academic 61924
purposes. 61925

(B) At a minimum, a contract entered into under this section 61926
shall do both of the following: 61927

(1) Authorize the contracting person to engage in the 61928
activities described in division (A) of this section for 61929
compensation, which must be stated as a percentage of the fees 61930
paid by persons who are provided the items; 61931

(2) Require the contracting person to charge for an item 61932
prepared pursuant to a request a fee in an amount equal to one 61933

hundred two per cent of the cost the department of medicaid incurs 61934
in making the data used to prepare the item available to the 61935
contracting person. 61936

(C) Except as required by federal or state law and subject to 61937
division (E) of this section, both of the following conditions 61938
apply with respect to a request for data described in division (A) 61939
of this section: 61940

(1) The request shall be made through a person who has 61941
entered into a contract with the medicaid director under this 61942
section. 61943

(2) An item prepared pursuant to the request may be provided 61944
to the department of medicaid and is confidential and not subject 61945
to disclosure under section 149.43 or 1347.08 of the Revised Code. 61946

(D) The medicaid director shall use fees the director 61947
receives pursuant to a contract entered into under this section to 61948
pay obligations specified in contracts entered under this section. 61949
Any money remaining after the obligations are paid shall be 61950
deposited in the health care/medicaid support and recoveries fund 61951
created under section 5162.52 of the Revised Code. 61952

(E) This section does not apply to requests for medicaid 61953
recipient or claims payment data, data from reports of audits 61954
conducted under section 5165.109 of the Revised Code, or extracts 61955
or analyses of any of the foregoing data that are for any of the 61956
following purposes: 61957

(1) Treatment of medicaid recipients; 61958

(2) Payment of medicaid claims; 61959

(3) Establishment or management of medicaid third party 61960
liability pursuant to sections 5160.35 to 5160.43 of the Revised 61961
Code; 61962

(4) Compliance with the terms of an agreement the medicaid 61963

director enters into for purposes of administering the medicaid
program+ 61964
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~~(5) Compliance with an operating protocol the executive
director of the office of health transformation or the executive
director's designee adopts under division (D) of section 191.06 of
the Revised Code. 61966
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Sec. 5162.137. The department of medicaid shall develop 61970
findings based on the quarterly reports provided to the department 61971
by pharmacy benefit managers under section 5167.242 of the Revised 61972
Code. The department shall complete a report detailing the 61973
findings not later than sixty days after receiving each quarterly 61974
report. The report shall be submitted to the general assembly in 61975
accordance with section 101.68 of the Revised Code. Upon request, 61976
the department also shall testify about its findings before, 61977
either chamber of the general assembly or the joint medicaid 61978
oversight committee. The department shall keep as confidential any 61979
document or information marked "confidential" or "proprietary" and 61980
shall redact any information as necessary before it becomes 61981
public, except that the department may share the document or 61982
information with other state agencies or entities. 61983

Sec. 5162.138. At the end of each year that the shared 61984
savings program established under section 5167.35 of the Revised 61985
Code is operated, the department of medicaid shall complete a 61986
report detailing the department's findings and recommendations 61987
regarding the program for that year. The department shall submit 61988
the reports to the governor and, in accordance with section 101.68 61989
of the Revised Code, the general assembly. 61990

Sec. 5162.139. At the end of each year that the quality 61991
incentive program established under section 5167.36 of the Revised 61992
Code is operated, the department of medicaid shall complete a 61993

report detailing the department's findings and recommendations 61994
regarding the program for that year. The department shall submit 61995
the reports to the governor and, in accordance with section 101.68 61996
of the Revised Code, the general assembly. 61997

Sec. 5162.364. The medicaid director shall adopt rules under 61998
section 5162.02 of the Revised Code as necessary to implement the 61999
medicaid school component of the medicaid program, including rules 62000
that establish or specify all of the following: 62001

(A) Conditions a board of education of a city, local, or 62002
exempted school district, a governing board of an educational 62003
service center, governing authority of a community school 62004
established under Chapter 3314. of the Revised Code, the state 62005
school for the deaf, and the state school for the blind must meet 62006
to participate in the component; 62007

(B) Services the component covers; 62008

(C) Payment rates for the services the component covers. 62009

The rules shall be adopted in accordance with Chapter 119. of 62010
the Revised Code. 62011

Sec. 5162.52. (A) The health care/medicaid support and 62012
recoveries fund is hereby created in the state treasury. All of 62013
the following shall be credited to the fund: 62014

(1) Except as otherwise provided by statute or as authorized 62015
by the controlling board, the nonfederal share of all 62016
medicaid-related revenues, collections, and recoveries; 62017

(2) Federal reimbursement received for payment adjustments 62018
made pursuant to section 1923 of the "Social Security Act," 62019
~~section 1923,~~ 42 U.S.C. 1396r-4, under the medicaid program to 62020
state mental health hospitals maintained and operated by the 62021
department of mental health and addiction services under division 62022

(A) of section 5119.14 of the Revised Code;	62023
(3) Revenues the department of medicaid receives from another state agency for medicaid services pursuant to an interagency agreement;	62024 62025 62026
(4) The money the department of medicaid receives in a fiscal year for performing eligibility verification services necessary for compliance with the independent, certified audit requirement of 42 C.F.R. 455.304;	62027 62028 62029 62030
(5) The nonfederal share of all rebates paid by drug manufacturers to the department of medicaid in accordance with a rebate agreement required by <u>section 1927 of</u> the "Social Security Act," section 1927, 42 U.S.C. 1396r-8;	62031 62032 62033 62034
(6) The nonfederal share of all supplemental rebates paid by drug manufacturers to the department of medicaid in accordance with the supplemental drug rebate program established under section 5164.755 of the Revised Code;	62035 62036 62037 62038
(7) Amounts deposited into the fund pursuant to sections 5162.12, 5162.40, and 5162.41 of the Revised Code;	62039 62040
(8) The application fees charged to providers under section 5164.31 of the Revised Code;	62041 62042
(9) The fines collected under section 5165.1010 of the Revised Code;	62043 62044
(10) Amounts from assessments on hospitals under section 5168.06 of the Revised Code and intergovernmental transfers by governmental hospitals under section 5168.07 of the Revised Code that are deposited into the fund in accordance with the law.	62045 62046 62047 62048
(B) The department of medicaid shall use money credited to the health care/medicaid support and recoveries fund to pay for medicaid <u>all of the following:</u>	62049 62050 62051
(1) <u>Medicaid services and costs;</u>	62052

<u>(2) Costs</u> associated with the administration of the medicaid program;	62053 62054
<u>(3) Programs that serve youth involved with multiple government agencies;</u>	62055 62056
<u>(4) Innovative programs that the department has statutory authority to implement and that promote access to health care or help achieve long-term cost savings to the state.</u>	62057 62058 62059
Sec. 5164.01. As used in this chapter:	62060
(A) "Adjudication" has the same meaning as in section 119.01 of the Revised Code.	62061 62062
(B) "Behavioral health redesign" means proposals developed in a collaborative effort by the office of health transformation, department of medicaid, and department of mental health and addiction services to make revisions to the medicaid program's coverage of community behavioral health services beginning July 1, 2017, including revisions that update medicaid billing codes and payment rates for community behavioral health services.	62063 62064 62065 62066 62067 62068 62069
(C) "Clean claim" has the same meaning as in 42 C.F.R. 447.45(b).	62070 62071
(D) "Community behavioral health services" means both of the following:	62072 62073
(1) Alcohol and drug addiction services provided by a community addiction services provider, as defined in section 5119.01 of the Revised Code;	62074 62075 62076
(2) Mental health services provided by a community mental health services provider, as defined in section 5119.01 of the Revised Code.	62077 62078 62079
(E) "Early and periodic screening, diagnostic, and treatment services" has the same meaning as in the "Social Security Act,"	62080 62081

section 1905(r), 42 U.S.C. 1396d(r). 62082

(F) "Federal financial participation" has the same meaning as 62083
in section 5160.01 of the Revised Code. 62084

(G) "Federal poverty line" has the same meaning as in section 62085
5162.01 of the Revised Code. 62086

(H) "Federally-qualified health center" has the same meaning 62087
as in section 1905(l)(2)(B) of the "Social Security Act," 42 62088
U.S.C. 1396d(l)(2)(B). 62089

(I) "Healthcheck" means the component of the medicaid program 62090
that provides early and periodic screening, diagnostic, and 62091
treatment services. 62092

~~(I)~~(J) "Home and community-based services medicaid waiver 62093
component" has the same meaning as in section 5166.01 of the 62094
Revised Code. 62095

~~(J)~~(K) "Hospital" has the same meaning as in section 3727.01 62096
of the Revised Code. 62097

~~(K)~~(L) "ICDS participant" means a dual eligible individual 62098
who participates in the integrated care delivery system. 62099

~~(L)~~(M) "ICF/IID" has the same meaning as in section 5124.01 62100
of the Revised Code. 62101

~~(M)~~(N) "Integrated care delivery system" and "ICDS" mean the 62102
demonstration project authorized by section 5164.91 of the Revised 62103
Code. 62104

~~(N)~~(O) "Mandatory services" means the health care services 62105
and items that must be covered by the medicaid state plan as a 62106
condition of the state receiving federal financial participation 62107
for the medicaid program. 62108

~~(O)~~(P) "Medicaid managed care organization" has the same 62109
meaning as in section 5167.01 of the Revised Code. 62110

~~(P)~~(Q) "Medicaid provider" means a person or government 62111
entity with a valid provider agreement to provide medicaid 62112
services to medicaid recipients. To the extent appropriate in the 62113
context, "medicaid provider" includes a person or government 62114
entity applying for a provider agreement, a former medicaid 62115
provider, or both. 62116

~~(Q)~~(R) "Medicaid services" means either or both of the 62117
following: 62118

(1) Mandatory services; 62119

(2) Optional services that the medicaid program covers. 62120

~~(R)~~(S) "Nursing facility" has the same meaning as in section 62121
5165.01 of the Revised Code. 62122

~~(S)~~(T) "Optional services" means the health care services and 62123
items that may be covered by the medicaid state plan or a federal 62124
medicaid waiver and for which the medicaid program receives 62125
federal financial participation. 62126

~~(T)~~(U) "Prescribed drug" has the same meaning as in 42 C.F.R. 62127
440.120. 62128

~~(U)~~(V) "Provider agreement" means an agreement to which all 62129
of the following apply: 62130

(1) It is between a medicaid provider and the department of 62131
medicaid; 62132

(2) It provides for the medicaid provider to provide medicaid 62133
services to medicaid recipients; 62134

(3) It complies with 42 C.F.R. 431.107(b). 62135

~~(V)~~(W) "State plan home and community-based services" means 62136
home and community-based services that, as authorized by section 62137
1915(i) of the "Social Security Act," 42 U.S.C. 1396n(i), may be 62138
covered by the medicaid program pursuant to an amendment to the 62139
medicaid state plan. 62140

~~(W)~~(X) "Terminal distributor of dangerous drugs" has the same meaning as in section 4729.01 of the Revised Code.

Sec. 5164.05. (A) As used in this section:

(1) "Outpatient health facility" means a facility that provides comprehensive primary health services by or under the direction of a physician at least five days per week on a forty-hour per week basis to outpatients, is operated by the board of health of a city or general health district or another public agency or by a nonprofit private agency or organization under the direction and control of a governing board that has no health-related responsibilities other than the direction and control of one or more such outpatient health facilities, and receives at least seventy-five per cent of its operating funds from public sources, except that it does not include an outpatient hospital facility or a ~~federally-qualified~~ federally-qualified health center ~~as defined in the "Social Security Act," section 1905(1)(2)(B), 42 U.S.C. 1396d(1)(2)(B).~~

(2) "Comprehensive primary health services" means preventive, diagnostic, therapeutic, rehabilitative, or palliative items or services that include all of the following:

(a) Services of physicians, physician assistants, and certified nurse practitioners;

(b) Diagnostic laboratory and radiological services;

(c) Preventive health services, such as children's eye and ear examinations, perinatal services, well child services, and family planning services;

(d) Arrangements for emergency medical services;

(e) Transportation services.

(3) "Certified nurse practitioner" has the same meaning as in section 4723.01 of the Revised Code.

(B) Subject to division (C) of this section, the medicaid 62171
program shall cover comprehensive primary health services provided 62172
by outpatient health facilities with valid provider agreements. 62173
The department of medicaid shall prospectively determine the 62174
medicaid payment rates for such comprehensive primary health 62175
services not less often than once each year. The rates shall not 62176
be subject to retroactive adjustment based on actual costs 62177
incurred. The rates shall not exceed the maximum fee schedule or 62178
rates of payment, limitations based on reasonable costs or 62179
customary charges, and limitations based on combined payments 62180
received for furnishing comparable services, as are applicable to 62181
outpatient hospital facilities under the medicare program. In 62182
determining an outpatient health facility's rate prospectively, 62183
the department shall take into account the historic expenses of 62184
the facility, the operating requirements and services offered by 62185
the facility, and the geographical location of the facility, shall 62186
provide incentives for the efficient and economical utilization of 62187
the facility's resources, and shall ensure that the facility does 62188
not discriminate between classes of persons for whom or by whom 62189
payment for the services is made. 62190

(C) An outpatient health facility does not qualify for 62191
medicaid payments under this section unless it: 62192

(1) Has health and medical care policies developed with the 62193
advice of and subject to review by an advisory committee of 62194
professional personnel, including one or more physicians, one or 62195
more dentists if dental care is provided, and one or more 62196
registered nurses; 62197

(2) Has a medical director, a dental director, if dental care 62198
is provided, and a nursing director responsible for the execution 62199
of such policies, and has physicians, dentists, nursing, and 62200
ancillary staff appropriate to the scope of services provided; 62201

(3) Requires that the care of every patient be under the 62202

supervision of a physician, provides for medical care in case of 62203
emergency, has in effect a written agreement with one or more 62204
hospitals and one or more other outpatient facilities, and has an 62205
established system for the referral of patients to other resources 62206
and a utilization review plan and program; 62207

(4) Maintains clinical records on all patients; 62208

(5) Provides nursing services and other therapeutic services 62209
in compliance with applicable laws and rules and under the 62210
supervision of a registered nurse, and has a registered nurse on 62211
duty at all times when the facility is in operation; 62212

(6) Follows approved methods and procedures for the 62213
dispensing and administration of drugs and biologicals; 62214

(7) Maintains the accounting and record-keeping system 62215
required under federal laws and regulations for the determination 62216
of reasonable and allowable costs. 62217

Sec. 5164.302. As used in this section, "post-hospital 62218
extended care agreement" means a contract between a hospital and a 62219
nursing home regarding inpatients' discharges from the hospital 62220
and admissions to the nursing home for post-hospital extended 62221
care. 62222

The department of medicaid shall not enter into a provider 62223
agreement with, or revalidate the provider agreement of, a 62224
hospital if any of the following applies: 62225

(A) The hospital has a post-hospital extended care agreement 62226
with a nursing home that does any of the following: 62227

(1) Permits the hospital to do either of the following: 62228

(a) Negotiate with a third-party payer the rates the nursing 62229
home is to be paid for providing extended care under the 62230
agreement; 62231

<u>(b) Receive payment for the services the nursing home provides under the agreement.</u>	62232 62233
<u>(2) Requires, incentivizes, or coerces the nursing home to do any of the following:</u>	62234 62235
<u>(a) Use or make referrals to the hospital's staff, including physicians, medical directors, and nurses;</u>	62236 62237
<u>(b) Use a specific technology or software program unless both of the following apply:</u>	62238 62239
<u>(i) The technology or software program is standardized, uniform, and compatible with the technology or software programs used by all hospitals in this state;</u>	62240 62241 62242
<u>(ii) Unless the nursing home already has and uses the technology or software program, the hospital compensates the nursing home for the costs associated with acquiring the technology or software program, subscription payments for the technology or software program, and training individuals to use the technology or software program.</u>	62243 62244 62245 62246 62247 62248
<u>(c) Provide a service without prior authorization from a managed care organization if the organization requires the nursing home to obtain prior authorization for the service as a condition of being paid for the service.</u>	62249 62250 62251 62252
<u>(3) Permits the hospital to do either of the following regarding a service the nursing facility provides if prior authorization from a managed care organization is needed for the nursing home to receive payment for the service:</u>	62253 62254 62255 62256
<u>(a) Obtain the prior authorization;</u>	62257
<u>(b) Represent the nursing home in obtaining the prior authorization.</u>	62258 62259
<u>(4) Supersedes, negates, or otherwise interferes with a contract between the nursing home and a third-party payer.</u>	62260 62261

(B) When the hospital selects a nursing home with which to enter into a post-hospital extended care agreement, either of the following applies: 62262
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62264

(1) The hospital fails to do either of the following: 62265

(a) Include quality measures and other necessary outcome measures and define thresholds for the measures as part of the selection process; 62266
62267
62268

(b) Ensure that the nursing home can meet the needs of persons admitted to the nursing home under the agreement. 62269
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(2) The hospital does either of the following: 62271

(a) Uses referrals or patient utilization of services as part of the selection process; 62272
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(b) Considers the use of any of the hospital's staff, resources, or downstream services, as defined in rules the medicaid director shall adopt under section 5164.02 of the Revised Code, that create revenue for the hospital. 62274
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(C) The hospital fails to make either of the following available to a nursing home or the department of medicaid on request: 62278
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(1) The hospital's process for selecting nursing homes with which to enter into post-hospital extended care agreements; 62281
62282

(2) An explanation of how the hospital complied with division (B) of this section when selecting nursing homes for such agreements. 62283
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62285

Sec. 5164.342. (A) As used in this section: 62286

"Applicant" means a person who is under final consideration for employment with a waiver agency in a full-time, part-time, or temporary position that involves providing home and community-based services. 62287
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"Community-based long-term care provider" means a provider as defined in section 173.39 of the Revised Code. 62291
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"Community-based long-term care subcontractor" means a subcontractor as defined in section 173.38 of the Revised Code. 62293
62294

"Criminal records check" has the same meaning as in section 109.572 of the Revised Code. 62295
62296

"Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code. 62297
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"Employee" means a person employed by a waiver agency in a full-time, part-time, or temporary position that involves providing home and community-based services. 62300
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"Waiver agency" means a person or government entity that provides home and community-based services under a home and community-based services medicaid waiver component administered by the department of medicaid, other than such a person or government entity that is certified under the medicare program. "Waiver agency" does not mean an independent provider as defined in section 5164.341 of the Revised Code. 62303
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(B) This section does not apply to any individual who is subject to a database review or criminal records check under section 3701.881 of the Revised Code. If a waiver agency also is a community-based long-term care provider or community-based long-term care subcontractor, the waiver agency may provide for any of its applicants and employees who are not subject to database reviews and criminal records checks under section 173.38 of the Revised Code to undergo database reviews and criminal records checks in accordance with that ~~section 173.38 of the Revised Code~~ rather than this section. 62310
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(C) No waiver agency shall employ an applicant or continue to employ an employee in a position that involves providing home and 62320
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community-based services if any of the following apply: 62322

(1) A review of the databases listed in division (E) of this 62323
section reveals any of the following: 62324

(a) That the applicant or employee is included in one or more 62325
of the databases listed in divisions (E)(1) to (5) of this 62326
section; 62327

(b) That there is in the state nurse aide registry 62328
established under section 3721.32 of the Revised Code a statement 62329
detailing findings by the director of health that the applicant or 62330
employee abused, neglected, or exploited a long-term care facility 62331
or residential care facility resident or misappropriated property 62332
of such a resident; 62333

(c) That the applicant or employee is included in one or more 62334
of the databases, if any, specified in rules authorized by this 62335
section and the rules prohibit the waiver agency from employing an 62336
applicant or continuing to employ an employee included in such a 62337
database in a position that involves providing home and 62338
community-based services. 62339

(2) After the applicant or employee is given the information 62340
and notification required by divisions (F)(2)(a) and (b) of this 62341
section, the applicant or employee fails to do either of the 62342
following: 62343

(a) Access, complete, or forward to the superintendent of the 62344
bureau of criminal identification and investigation the form 62345
prescribed to division (C)(1) of section 109.572 of the Revised 62346
Code or the standard impression sheet prescribed pursuant to 62347
division (C)(2) of that section; 62348

(b) Instruct the superintendent to submit the completed 62349
report of the criminal records check required by this section 62350
directly to the chief administrator of the waiver agency. 62351

(3) Except as provided in rules authorized by this section, 62352
the applicant or employee is found by a criminal records check 62353
required by this section to have been convicted of or have pleaded 62354
guilty to a disqualifying offense, regardless of the date of the 62355
conviction or date of entry of the guilty plea. 62356

(D) At the time of each applicant's initial application for 62357
employment in a position that involves providing home and 62358
community-based services, the chief administrator of a waiver 62359
agency shall inform the applicant of both of the following: 62360

(1) That a review of the databases listed in division (E) of 62361
this section will be conducted to determine whether the waiver 62362
agency is prohibited by division (C)(1) of this section from 62363
employing the applicant in the position; 62364

(2) That, unless the database review reveals that the 62365
applicant may not be employed in the position, a criminal records 62366
check of the applicant will be conducted and the applicant is 62367
required to provide a set of the applicant's fingerprint 62368
impressions as part of the criminal records check. 62369

(E) As a condition of employing any applicant in a position 62370
that involves providing home and community-based services, the 62371
chief administrator of a waiver agency shall conduct a database 62372
review of the applicant in accordance with rules authorized by 62373
this section. If rules authorized by this section so require, the 62374
chief administrator of a waiver agency shall conduct a database 62375
review of an employee in accordance with the rules as a condition 62376
of continuing to employ the employee in a position that involves 62377
providing home and community-based services. A database review 62378
shall determine whether the applicant or employee is included in 62379
any of the following: 62380

(1) The excluded parties list system that is maintained by 62381
the United States general services administration pursuant to 62382

subpart 9.4 of the federal acquisition regulation and available at 62383
the federal web site known as the system for award management; 62384

(2) The list of excluded individuals and entities maintained 62385
by the office of inspector general in the United States department 62386
of health and human services pursuant to the "Social Security 62387
Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5; 62388

(3) The registry of developmental disabilities employees 62389
established under section 5123.52 of the Revised Code; 62390

(4) The internet-based sex offender and child-victim offender 62391
database established under division (A)(11) of section 2950.13 of 62392
the Revised Code; 62393

(5) The internet-based database of inmates established under 62394
section 5120.66 of the Revised Code; 62395

(6) The state nurse aide registry established under section 62396
3721.32 of the Revised Code; 62397

(7) Any other database, if any, specified in rules authorized 62398
by this section. 62399

(F)(1) As a condition of employing any applicant in a 62400
position that involves providing home and community-based 62401
services, the chief administrator of a waiver agency shall require 62402
the applicant to request that the superintendent of the bureau of 62403
criminal identification and investigation conduct a criminal 62404
records check of the applicant. If rules authorized by this 62405
section so require, the chief administrator of a waiver agency 62406
shall require an employee to request that the superintendent 62407
conduct a criminal records check of the employee at times 62408
specified in the rules as a condition of continuing to employ the 62409
employee in a position that involves providing home and 62410
community-based services. However, a criminal records check is not 62411
required for an applicant or employee if the waiver agency is 62412
prohibited by division (C)(1) of this section from employing the 62413

applicant or continuing to employ the employee in a position that 62414
involves providing home and community-based services. If an 62415
applicant or employee for whom a criminal records check request is 62416
required by this section does not present proof of having been a 62417
resident of this state for the five-year period immediately prior 62418
to the date the criminal records check is requested or provide 62419
evidence that within that five-year period the superintendent has 62420
requested information about the applicant or employee from the 62421
federal bureau of investigation in a criminal records check, the 62422
chief administrator shall require the applicant or employee to 62423
request that the superintendent obtain information from the 62424
federal bureau of investigation as part of the criminal records 62425
check. Even if an applicant or employee for whom a criminal 62426
records check request is required by this section presents proof 62427
of having been a resident of this state for the five-year period, 62428
the chief administrator may require the applicant or employee to 62429
request that the superintendent include information from the 62430
federal bureau of investigation in the criminal records check. 62431

(2) The chief administrator shall provide the following to 62432
each applicant and employee for whom a criminal records check is 62433
required by this section: 62434

(a) Information about accessing, completing, and forwarding 62435
to the superintendent of the bureau of criminal identification and 62436
investigation the form prescribed pursuant to division (C)(1) of 62437
section 109.572 of the Revised Code and the standard impression 62438
sheet prescribed pursuant to division (C)(2) of that section; 62439

(b) Written notification that the applicant or employee is to 62440
instruct the superintendent to submit the completed report of the 62441
criminal records check directly to the chief administrator. 62442

(3) A waiver agency shall pay to the bureau of criminal 62443
identification and investigation the fee prescribed pursuant to 62444
division (C)(3) of section 109.572 of the Revised Code for any 62445

criminal records check required by this section. However, a waiver agency may require an applicant to pay to the bureau the fee for a criminal records check of the applicant. If the waiver agency pays the fee for an applicant, it may charge the applicant a fee not exceeding the amount the waiver agency pays to the bureau under this section if the waiver agency notifies the applicant at the time of initial application for employment of the amount of the fee and that, unless the fee is paid, the applicant will not be considered for employment.

(G)(1) A waiver agency may employ conditionally an applicant for whom a criminal records check is required by this section prior to obtaining the results of the criminal records check if both of the following apply:

(a) The waiver agency is not prohibited by division (C)(1) of this section from employing the applicant in a position that involves providing home and community-based services.

(b) The chief administrator of the waiver agency requires the applicant to request a criminal records check regarding the applicant in accordance with division (F)(1) of this section not later than five business days after the applicant begins conditional employment.

(2) A waiver agency that employs an applicant conditionally under division (G)(1) of this section shall terminate the applicant's employment if the results of the criminal records check, other than the results of any request for information from the federal bureau of investigation, are not obtained within the period ending sixty days after the date the request for the criminal records check is made. Regardless of when the results of the criminal records check are obtained, if the results indicate that the applicant has been convicted of or has pleaded guilty to a disqualifying offense, the waiver agency shall terminate the applicant's employment unless circumstances specified in rules

authorized by this section exist that permit the waiver agency to 62478
employ the applicant and the waiver agency chooses to employ the 62479
applicant. 62480

(H) The report of any criminal records check conducted 62481
pursuant to a request made under this section is not a public 62482
record for the purposes of section 149.43 of the Revised Code and 62483
shall not be made available to any person other than the 62484
following: 62485

(1) The applicant or employee who is the subject of the 62486
criminal records check or the representative of the applicant or 62487
employee; 62488

(2) The chief administrator of the waiver agency that 62489
requires the applicant or employee to request the criminal records 62490
check or the administrator's representative; 62491

(3) The medicaid director and the staff of the department who 62492
are involved in the administration of the medicaid program; 62493

(4) The director of aging or the director's designee if the 62494
waiver agency also is a community-based long-term care provider or 62495
community-based long-term care subcontractor; 62496

(5) An individual receiving or deciding whether to receive 62497
home and community-based services from the subject of the criminal 62498
records check; 62499

(6) A court, hearing officer, or other necessary individual 62500
involved in a case dealing with any of the following: 62501

(a) A denial of employment of the applicant or employee; 62502

(b) Employment or unemployment benefits of the applicant or 62503
employee; 62504

(c) A civil or criminal action regarding the medicaid 62505
program. 62506

(I) The medicaid director shall adopt rules under section 62507

5164.02 of the Revised Code to implement this section.	62508
(1) The rules may do the following:	62509
(a) Require employees to undergo database reviews and criminal records checks under this section;	62510 62511
(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements;	62512 62513 62514
(c) For the purpose of division (E)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section.	62515 62516 62517
(2) The rules shall specify all of the following:	62518
(a) The procedures for conducting a database review under this section;	62519 62520
(b) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted;	62521 62522 62523 62524
(c) If the rules specify other databases to be checked as part of a database review, the circumstances under which a waiver agency is prohibited from employing an applicant or continuing to employ an employee who is found by the database review to be included in one or more of those databases;	62525 62526 62527 62528 62529
(d) The circumstances under which a waiver agency may employ an applicant or employee who is found by a criminal records check required by this section to have been convicted of or have pleaded guilty to a disqualifying offense.	62530 62531 62532 62533
(J) The amendments made by H.B. 487 of the 129th general assembly to this section do not preclude the department of medicaid from taking action against a person for failure to comply with former division (H) of this section as that division existed	62534 62535 62536 62537

on the day preceding January 1, 2013. 62538

Sec. 5164.36. (A) As used in this section: 62539

(1) "Credible allegation of fraud" has the same meaning as in 62540
42 C.F.R. 455.2, except that for purposes of this section any 62541
reference in that regulation to the "state" or the "state medicaid 62542
agency" means the department of medicaid. 62543

(2) "Disqualifying indictment" means an indictment of a 62544
medicaid provider or its officer, authorized agent, associate, 62545
manager, employee, or, if the provider is a noninstitutional 62546
provider, its owner, if either of the following applies: 62547

(a) The indictment charges the person with committing an act 62548
to which both of the following apply: 62549

(i) The act would be a felony or misdemeanor under the laws 62550
of this state or the jurisdiction within which the act occurred. 62551

(ii) The act relates to or results from furnishing or billing 62552
for medicaid services under the medicaid program or relates to or 62553
results from performing management or administrative services 62554
relating to furnishing medicaid services under the medicaid 62555
program. 62556

(b) If the medicaid provider is an independent provider, the 62557
indictment charges the person with committing an act that would 62558
constitute a disqualifying offense. 62559

(3) "Disqualifying offense" means any of the offenses listed 62560
or described in divisions (A)(3)(a) to (e) of section 109.572 of 62561
the Revised Code. 62562

(4) "Independent provider" has the same meaning as in section 62563
5164.341 of the Revised Code. 62564

(5) "Noninstitutional medicaid provider" means any person or 62565
entity with a provider agreement other than a hospital, nursing 62566

facility, or ICF/IID. 62567

~~(6) "Owner" has the same meaning as in section 5164.37 of the~~ 62568
~~Revised Code means any person having at least five per cent~~ 62569
~~ownership in a noninstitutional medicaid provider.~~ 62570

(B)(1) Except as provided in division (C) of this section and 62571
in rules authorized by this section, ~~on determining there is a~~ 62572
~~credible allegation of fraud for which an investigation is pending~~ 62573
~~under the medicaid program against a medicaid provider, the~~ 62574
department of medicaid shall suspend the provider agreement held 62575
by ~~the a medicaid provider on determining either of the following:~~ 62576

(a) There is a credible allegation of fraud against any of 62577
the following for which an investigation is pending under the 62578
medicaid program: 62579

(i) The medicaid provider; 62580

(ii) The medicaid provider's owner, officer, authorized 62581
agent, associate, manager, or employee. 62582

(b) A disqualifying indictment has been issued against any of 62583
the following: 62584

(i) The medicaid provider; 62585

(ii) The medicaid provider's officer, authorized agent, 62586
associate, manager, or employee; 62587

(iii) If the medicaid provider is a noninstitutional 62588
provider, its owner. Subject 62589

(2) Subject to division (C) of this section, the department 62590
shall also ~~terminate~~ suspend all medicaid payments to ~~the a~~ 62591
medicaid provider for services rendered, regardless of the date 62592
that the services are rendered, when the department suspends the 62593
provider's provider agreement under this section. 62594

~~(2)(a)(3)~~ (3) The suspension of a provider agreement shall 62595
continue in effect until either of the following ~~is the case~~ 62596

occurs: 62597

~~(i) The (a) If the suspension is the result of a credible~~ 62598
~~allegation of fraud, the~~ department or a prosecuting authority 62599
determines that there is insufficient evidence of fraud by the 62600
medicaid provider; 62601

~~(ii) The (b) Regardless of whether the suspension is the~~ 62602
~~result of a credible allegation of fraud or a disqualifying~~ 62603
~~indictment, the~~ proceedings in any related criminal case are 62604
completed through dismissal of the indictment or through 62605
conviction, entry of a guilty plea, or finding of not guilty. 62606

~~(b) If or, if~~ the department commences a process to terminate 62607
the suspended provider agreement, ~~the suspension shall also~~ 62608
~~continue in effect until~~ the termination process is concluded. 62609

~~(3)(4)(a) When subject to a suspension provider agreement is~~ 62610
~~suspended~~ under this section, ~~a medicaid provider, owner, officer,~~ 62611
~~authorized agent, associate, manager, or employee shall not own~~ 62612
~~none of the following shall take, during the period of the~~ 62613
~~suspension, any of the actions specified in division (B)(4)(b) of~~ 62614
~~this section:~~ 62615

(i) The medicaid provider; 62616

(ii) If the suspension is the result of an action taken by an 62617
officer, authorized agent, associate, manager, or employee of the 62618
medicaid provider, that person; 62619

(iii) If the medicaid provider is a noninstitutional provider 62620
and the suspension is the result of an action taken by the owner 62621
of the provider, the owner. 62622

(b) The following are the actions that persons specified in 62623
division (B)(4)(a) of this section cannot take during the 62624
suspension of a provider agreement: 62625

(i) Own services provided, or provide services, to any other 62626

medicaid provider or risk contractor ~~or arrange;~~ 62627

(ii) Arrange for, render to, or order services to any other 62628
medicaid provider or risk contractor ~~or arrange;~~ 62629

(iii) Arrange for, render to, or order services for medicaid 62630
recipients ~~during the period of suspension. During the period of~~ 62631
~~suspension, the provider, owner, officer, authorized agent,~~ 62632
~~associate, manager, or employee shall not receive;~~ 62633

(iv) Receive direct payments under the medicaid program or 62634
indirect payments of medicaid funds in the form of salary, shared 62635
fees, contracts, kickbacks, or rebates from or through any other 62636
medicaid provider or risk contractor. 62637

(C) The department shall not suspend a provider agreement or 62638
~~terminate~~ medicaid payments under division (B) of this section if 62639
the medicaid provider or, if the provider is a noninstitutional 62640
provider, the owner can demonstrate through the submission of 62641
written evidence that the provider or owner did not directly or 62642
indirectly sanction the action of its authorized agent, associate, 62643
manager, or employee that resulted in the credible allegation of 62644
fraud or disqualifying indictment. 62645

(D) ~~The termination of medicaid payment under division (B) of~~ 62646
~~this section applies only to payments for medicaid services~~ 62647
~~rendered subsequent to the date on which the notice required by~~ 62648
~~division (E) of this section is sent. Claims for payment of~~ 62649
~~medicaid services rendered by the medicaid provider prior to the~~ 62650
~~issuance of the notice may be subject to prepayment review~~ 62651
~~procedures whereby the department reviews claims to determine~~ 62652
~~whether they are supported by sufficient documentation, are in~~ 62653
~~compliance with state and federal statutes and rules, and are~~ 62654
~~otherwise complete.~~ 62655

~~(E)~~ After suspending a provider agreement under division (B) 62656
of this section, the department shall, ~~as specified in 42 C.F.R.~~ 62657

~~455.23(b)~~, send notice of the suspension to the affected medicaid
provider or, if the provider is a noninstitutional provider, the
owner in accordance with the following ~~timeframes~~ time frames:

(1) Not later than five days after the suspension, unless a
law enforcement agency makes a written request to temporarily
delay the notice;

(2) If a law enforcement agency makes a written request to
temporarily delay the notice, not later than thirty days after the
suspension occurs subject to the conditions specified in division
~~(F)~~(E) of this section.

~~(F)~~(E) A written request for a temporary delay described in
division ~~(E)~~(D)(2) of this section may be renewed in writing by a
law enforcement agency not more than two times except that under
no circumstances shall the notice be issued more than ninety days
after the suspension occurs.

~~(G)~~(F) The notice required by division ~~(E)~~(D) of this section
shall do all of the following:

(1) State that payments are being suspended in accordance
with this section and 42 C.F.R. 455.23;

(2) Set forth the general allegations related to the nature
of the conduct leading to the suspension, except that it is not
necessary to disclose any specific information concerning an
ongoing investigation;

(3) State that the suspension continues to be in effect until
either of the ~~following is the case~~:

~~(a) The department or a prosecuting authority determines that
there is insufficient evidence of fraud by the provider;~~

~~(b) The proceedings in any related criminal case are
completed through dismissal of the indictment or through
conviction, entry of a guilty plea, or finding of not guilty and,~~

~~if the department commences a process to terminate the suspended
provider agreement, until the termination process is concluded.
circumstances specified in division (B)(3) of this section occur;~~ 62688
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(4) Specify, if applicable, the type or types of medicaid 62691
claims or business units of the medicaid provider that are 62692
affected by the suspension; 62693

(5) Inform the medicaid provider or owner of the opportunity 62694
to submit to the department, not later than thirty days after 62695
receiving the notice, a request for reconsideration of the 62696
suspension in accordance with division ~~(H)~~(G) of this section. 62697

~~(H)~~(G)(1) Pursuant to the procedure specified in division 62698
~~(H)~~(G)(2) of this section, a medicaid provider ~~or owner~~ subject to 62699
a suspension under this section or, if the provider is a 62700
noninstitutional provider, the owner may request a reconsideration 62701
of the suspension. The request shall be made not later than thirty 62702
days after receipt of a notice required by division ~~(E)~~(D) of this 62703
section. The reconsideration is not subject to an adjudication 62704
hearing pursuant to Chapter 119. of the Revised Code. 62705

(2) In requesting a reconsideration, the medicaid provider or 62706
owner shall submit written information and documents to the 62707
department. The information and documents may pertain to any of 62708
the following issues: 62709

(a) Whether the determination to suspend the provider 62710
agreement was based on a mistake of fact, other than the validity 62711
of an indictment in a related criminal case. 62712

(b) If there has been an indictment in a related criminal 62713
case, whether ~~any offense charged in the indictment resulted from~~ 62714
~~an offense specified in division (E) of section 5164.37 of the~~ 62715
~~Revised Code~~ is a disqualifying indictment. 62716

(c) Whether the provider or owner can demonstrate that the 62717
provider or owner did not directly or indirectly sanction the 62718

action of its authorized agent, associate, manager, or employee 62719
that resulted in the suspension under this section or an 62720
indictment in a related criminal case. 62721

~~(I)~~(H) The department shall review the information and 62722
documents submitted in a request made under division ~~(H)~~(G) of 62723
this section for reconsideration of a suspension. After the 62724
review, the suspension may be affirmed, reversed, or modified, in 62725
whole or in part. The department shall notify the affected 62726
provider or owner of the results of the review. The review and 62727
notification of its results shall be completed not later than 62728
forty-five days after receiving the information and documents 62729
submitted in a request for reconsideration. 62730

~~(J)~~(I) Rules adopted under section 5164.02 of the Revised 62731
Code may specify circumstances under which the department would 62732
not suspend a provider agreement pursuant to this section. 62733

Sec. 5164.37. (A) The department of medicaid may suspend a 62734
medicaid provider's provider agreement without prior notice if the 62735
department has evidence that the provider presents a danger of 62736
immediate and serious harm to the health, safety, or welfare of 62737
medicaid recipients. The department also shall suspend all 62738
medicaid payments to the medicaid provider for services rendered, 62739
regardless of the date that the services were rendered, when the 62740
department suspends the provider agreement under this section. 62741

(B) If the department suspends a medicaid provider's provider 62742
agreement under this section, the department shall do both of the 62743
following: 62744

(1) Not later than five days after suspending the provider 62745
agreement, notify the medicaid provider of the suspension; 62746

(2) Not later than ten business days after suspending the 62747
provider agreement, notify the medicaid provider that the 62748

department intends to terminate the provider agreement. 62749

(C) The notice that the department provides to a medicaid provider under division (B)(2) of this section shall include the allegation that the provider presents a danger of immediate and serious harm to the health, safety, or welfare of medicaid recipients. It may also include other grounds for terminating the provider agreement. Section 5164.38 of the Revised Code applies to the termination of the provider agreement. 62750
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(D) The suspension of a medicaid provider's provider agreement and medicaid payments shall cease at the earliest of the following: 62757
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(1) The department's failure to provide a notice required by division (B) of this section by the time specified in that division; 62760
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(2) The department rescinds its notice to terminate the provider agreement. 62763
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(3) The department issues an order regarding the termination of the provider agreement pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code. 62765
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(E) This section does not limit the department's authority to suspend or terminate a provider agreement or medicaid payments to a medicaid provider under any other provision of the Revised Code. 62768
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Sec. 5164.38. (A) As used in this section: 62771

(1) "Party" has the same meaning as in division (G) of section 119.01 of the Revised Code. 62772
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(2) "Revalidate" means to approve a medicaid provider's continued enrollment as a medicaid provider in accordance with the revalidation process established in rules authorized by section 5164.32 of the Revised Code. 62774
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(B) This section does not apply to either of the following:	62778
(1) Any action taken or decision made by the department of medicaid with respect to entering into or refusing to enter into a contract with a managed care organization pursuant to section 5167.10 of the Revised Code;	62779 62780 62781 62782
(2) Any action taken by the department under division (D)(2) of section 5124.60, division (D)(1) or (2) of section 5124.61, or sections 5165.60 to 5165.89 of the Revised Code.	62783 62784 62785
(C) Except as provided in division (E) of this section and section 5164.58 of the Revised Code, the department shall do any of the following by issuing an order pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code:	62786 62787 62788 62789
(1) Refuse to enter into a provider agreement with a medicaid provider;	62790 62791
(2) Refuse to revalidate a medicaid provider's provider agreement;	62792 62793
(3) Suspend or terminate a medicaid provider's provider agreement;	62794 62795
(4) Take any action based upon a final fiscal audit of a medicaid provider;	62796 62797
<u>(5) Reduce a hospital emergency department's medicaid payment rates pursuant to division (B) of section 5164.722 of the Revised Code.</u>	62798 62799 62800
(D) Any party who is adversely affected by the issuance of an adjudication order under division (C) of this section may appeal to the court of common pleas of Franklin county in accordance with section 119.12 of the Revised Code.	62801 62802 62803 62804
(E) The department is not required to comply with division (C)(1), (2), or (3) of this section whenever any of the following occur:	62805 62806 62807

(1) The terms of a provider agreement require the medicaid provider to hold a license, permit, or certificate or maintain a certification issued by an official, board, commission, department, division, bureau, or other agency of state or federal government other than the department of medicaid, and the license, permit, certificate, or certification has been denied, revoked, not renewed, suspended, or otherwise limited.

(2) The terms of a provider agreement require the medicaid provider to hold a license, permit, or certificate or maintain certification issued by an official, board, commission, department, division, bureau, or other agency of state or federal government other than the department of medicaid, and the provider has not obtained the license, permit, certificate, or certification.

(3) The medicaid provider's application for a provider agreement is denied, or the provider's provider agreement is terminated or not revalidated, because of or pursuant to any of the following:

(a) The termination, refusal to renew, or denial of a license, permit, certificate, or certification by an official, board, commission, department, division, bureau, or other agency of this state other than the department of medicaid, notwithstanding the fact that the provider may hold a license, permit, certificate, or certification from an official, board, commission, department, division, bureau, or other agency of another state;

(b) Division (D) or (E) of section 5164.35 of the Revised Code;

(c) The provider's termination, suspension, or exclusion from the medicare program or from another state's medicaid program and, in either case, the termination, suspension, or exclusion is

binding on the provider's participation in the medicaid program in 62839
this state; 62840

(d) The provider's pleading guilty to or being convicted of a 62841
criminal activity materially related to either the medicare or 62842
medicaid program; 62843

(e) The provider or its owner, officer, authorized agent, 62844
associate, manager, or employee having been convicted of one of 62845
the offenses that caused the provider's provider agreement to be 62846
suspended pursuant to section 5164.36 of the Revised Code; 62847

(f) The provider's failure to provide the department the 62848
national provider identifier assigned the provider by the national 62849
provider system pursuant to 45 C.F.R. 162.408. 62850

(4) The medicaid provider's application for a provider 62851
agreement is denied, or the provider's provider agreement is 62852
terminated or suspended, as a result of action by the United 62853
States department of health and human services and that action is 62854
binding on the provider's medicaid participation. 62855

(5) ~~Pursuant to either section 5164.36 or 5164.37 of the~~ 62856
~~Revised Code, the~~ The medicaid provider's provider agreement ~~is~~ 62857
~~and medicaid payments to the provider are suspended and payments~~ 62858
~~to the provider are suspended pending indictment of the provider~~ 62859
under section 5164.36 or 5164.37 of the Revised Code. 62860

(6) The medicaid provider's application for a provider 62861
agreement is denied because the provider's application was not 62862
complete; 62863

(7) The medicaid provider's provider agreement is converted 62864
under section 5164.32 of the Revised Code from a provider 62865
agreement that is not time-limited to a provider agreement that is 62866
time-limited. 62867

(8) Unless the medicaid provider is a nursing facility or 62868

ICF/IID, the provider's provider agreement is not revalidated 62869
pursuant to division (B)(1) of section 5164.32 of the Revised 62870
Code. 62871

(9) The medicaid provider's provider agreement is suspended, 62872
terminated, or not revalidated because of either of the following: 62873

(a) Any reason authorized or required by one or more of the 62874
following: 42 C.F.R. 455.106, 455.23, 455.416, 455.434, or 62875
455.450; 62876

(b) The provider has not billed or otherwise submitted a 62877
medicaid claim for two years or longer. 62878

(F) In the case of a medicaid provider described in division 62879
(E)(3)(f), (6), (7), or (9)(b) of this section, the department may 62880
take its action by sending a notice explaining the action to the 62881
provider. The notice shall be sent to the medicaid provider's 62882
address on record with the department. The notice may be sent by 62883
regular mail. 62884

(G) The department may withhold payments for medicaid 62885
services rendered by a medicaid provider during the pendency of 62886
proceedings initiated under division (C)(1), (2), or (3) of this 62887
section. If the proceedings are initiated under division (C)(4) of 62888
this section, the department may withhold payments only to the 62889
extent that they equal amounts determined in a final fiscal audit 62890
as being due the state. This division does not apply if the 62891
department fails to comply with section 119.07 of the Revised 62892
Code, requests a continuance of the hearing, or does not issue a 62893
decision within thirty days after the hearing is completed. This 62894
division does not apply to nursing facilities and ICFs/IID. 62895

Sec. 5164.65. The medicaid program shall comply with Chapter 62896
3962. of the Revised Code as if it were a health plan issuer. This 62897
requirement extends to medicaid managed care organizations. 62898

Sec. 5164.722. (A) If a hospital emergency department provides to a medicaid recipient medicaid services that are beyond those needed to comply with section 1867 of the "Social Security Act," 42 U.S.C. 1395dd, the medicaid payment rates for the medicaid services shall not exceed the medicaid payment rates that would be paid had the medicaid services been provided in the most appropriate health care setting. The department of medicaid or its designee shall determine what would have been the most appropriate health care setting for the purpose of this section. 62899
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(B) The department of medicaid shall conduct final fiscal audits of hospital emergency departments under section 5164.55 of the Revised Code to ensure that medicaid payments to hospital emergency departments do not exceed the limits established by this section. If a hospital emergency department does not cooperate with such an audit, the department may reduce for up to five years the medicaid payment rates for medicaid services the hospital emergency department provides. The amount of such a reduction shall not exceed fifty per cent of the amount that otherwise would have been paid. 62908
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Sec. 5164.723. (A) If a federally-qualified health center is located on the same campus as a hospital emergency department and the center provides medicaid services to a medicaid recipient referred to the center by the hospital emergency department, the medicaid payment rate for the medicaid services the center provides to the recipient at that visit shall equal the following: 62918
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(1) For the five-year period specified in division (B) of this section, the center's medicaid payment rate for the medicaid services plus the emergency room facility fee established in rules adopted under section 5164.02 of the Revised Code that the hospital emergency department would have been paid had the hospital emergency department provided the medicaid services to 62924
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the recipient; 62930

(2) For the five-year period immediately following the 62931
five-year period specified in division (B) of this section, the 62932
center's medicaid payment rate for the medicaid services plus 62933
fifty per cent of the emergency room facility fee described in 62934
division (A)(1) of this section. 62935

(B) The five-year period to which division (A)(1) of this 62936
section applies is the following: 62937

(1) If the federally-qualified health center participates in 62938
the medicaid program on the effective date of this section, the 62939
five-year period beginning on that date; 62940

(2) If the federally-qualified health center begins to 62941
participate in the medicaid program after the effective date of 62942
this section, the five-year period beginning on the date the 62943
center begins to participate in the medicaid program. 62944

Sec. 5164.724. The medicaid director shall adopt performance 62945
indicators to measure the quality of services provided by 62946
hospitals that are registered with the department of health under 62947
section 3701.07 of the Revised Code and classified pursuant to 62948
rules adopted under that section as children's hospitals. Each 62949
children's hospital shall submit a report annually to the 62950
department of medicaid on each of the performance indicators. The 62951
first report shall be submitted not later than January 1, 2021. 62952

Sec. 5164.7510. (A) There is hereby established the pharmacy 62953
and therapeutics committee of the department of medicaid. The 62954
committee shall assist the department with developing and 62955
maintaining a preferred drug list for the medicaid program. 62956

The committee shall review and recommend to the medicaid 62957
director the drugs that should be included on the preferred drug 62958
list. The recommendations shall be made based on the evaluation of 62959

competent evidence regarding the relative safety, efficacy, and 62960
effectiveness of prescribed drugs within a class or classes of 62961
prescribed drugs. 62962

(B) The committee shall consist of ten members and shall be 62963
appointed by the medicaid director. The director shall seek 62964
recommendations for membership from relevant professional 62965
organizations. A candidate for membership recommended by a 62966
professional organization shall have professional experience 62967
working with medicaid recipients. 62968

The membership of the committee shall include: 62969

(1) Three pharmacists licensed under Chapter 4729. of the 62970
Revised Code; 62971

(2) Two doctors of medicine and two doctors of osteopathy who 62972
hold ~~certificates to practice~~ licenses issued under Chapter 4731. 62973
of the Revised Code, one of whom is a family practice physician; 62974

(3) A registered nurse licensed under Chapter 4723. of the 62975
Revised Code; 62976

(4) A pharmacologist who has a doctoral degree; 62977

(5) A psychiatrist who holds a certificate to practice issued 62978
under Chapter 4731. of the Revised Code and specializes in 62979
psychiatry. 62980

(C) The committee shall elect from among its members a 62981
chairperson. Five committee members constitute a quorum. 62982

The committee shall establish guidelines necessary for the 62983
committee's operation. 62984

The committee may establish one or more subcommittees to 62985
investigate and analyze issues consistent with the duties of the 62986
committee under this section. The subcommittees may submit 62987
proposals regarding the issues to the committee and the committee 62988
may adopt, reject, or modify the proposals. 62989

A vote by a majority of a quorum is necessary to make 62990
recommendations to the director. In the case of a tie, the 62991
chairperson shall decide the outcome. 62992

(D) The director shall act on the committee's recommendations 62993
not later than thirty days after the recommendation is posted on 62994
the department's web site under division (F) of this section. If 62995
the director does not accept a recommendation of the committee, 62996
the director shall present the basis for this determination not 62997
later than fourteen days after making the determination or at the 62998
next scheduled meeting of the committee, whichever is sooner. 62999

(E) An interested party may request, and shall be permitted, 63000
to make a presentation or submit written materials to the 63001
committee during a committee meeting. The presentation or other 63002
materials shall be relevant to an issue under consideration by the 63003
committee and any written material, including a transcript of 63004
testimony to be given on the day of the meeting, may be submitted 63005
to the committee in advance of the meeting. 63006

(F) The department shall post the following on the 63007
department's web site: 63008

(1) Guidelines established by the committee under division 63009
(C) of this section; 63010

(2) A detailed committee agenda not later than fourteen days 63011
prior to the date of a regularly scheduled meeting and not later 63012
than seventy-two hours prior to the date of a special meeting 63013
called by the committee; 63014

(3) Committee recommendations not later than seven days after 63015
the meeting at which the recommendation was approved; 63016

(4) The director's final determination as to the 63017
recommendations made by the committee under this section. 63018

Sec. 5164.91. (A) The medicaid director may implement a 63019

demonstration project called the integrated care delivery system 63020
to test and evaluate the integration of the care that dual 63021
eligible individuals receive under medicare and medicaid. No 63022
provision of Title LI of the Revised Code applies to the 63023
integrated care delivery system if that provision implements or 63024
incorporates a provision of federal law governing medicaid and 63025
that provision of federal law does not apply to the system. 63026

(B) The director shall create a standardized claim form and 63027
standardized claim codes for the integrated care delivery system. 63028
The forms and codes shall allow a medical provider that renders a 63029
medically necessary health care service under the integrated care 63030
delivery system to use the same claim forms and codes for that 63031
service, regardless of the payor. 63032

Any claim for a medically necessary service that is properly 63033
submitted using the standardized claim form and claim codes shall 63034
be considered a clean claim and shall be paid by the department or 63035
its designee not later than thirty days from the date the claim is 63036
submitted. If the department or its designee fails to pay the 63037
claim within thirty-five calendar days, it shall pay interest on 63038
the claim equal to one per cent per month calculated from the 63039
expiration of the thirty-five-day period. Interest shall accrue 63040
until the claim and interest are paid in full to the provider. 63041

Sec. 5165.15. Except as otherwise provided by sections 63042
5165.151 to 5165.157 and 5165.34 of the Revised Code, the total 63043
per medicaid day payment rate that the department of medicaid 63044
shall pay a nursing facility provider for nursing facility 63045
services the provider's nursing facility provides during a state 63046
fiscal year shall be determined as follows: 63047

(A) Determine the sum of all of the following: 63048

(1) The per medicaid day payment rate for ancillary and 63049

support costs determined for the nursing facility under section 5165.16 of the Revised Code;	63050 63051
(2) The per medicaid day payment rate for capital costs determined for the nursing facility under section 5165.17 of the Revised Code;	63052 63053 63054
(3) The per medicaid day payment rate for direct care costs determined for the nursing facility under section 5165.19 of the Revised Code;	63055 63056 63057
(4) The per medicaid day payment rate for tax costs determined for the nursing facility under section 5165.21 of the Revised Code;	63058 63059 63060
(5) If the nursing facility qualifies as a critical access nursing facility, the nursing facility's critical access incentive payment paid under section 5165.23 of the Revised Code.	63061 63062 63063
(B) To the sum determined under division (A) of this section, add the following:	63064 63065
(1) For state fiscal years 2018 and 2019, sixteen dollars and forty-four cents;	63066 63067
(2) For state fiscal year 2020 and, except as provided in division (B)(3) of this section, each state fiscal year thereafter, the sum of the following:	63068 63069 63070
(a) The amount specified or determined for the purpose of division (B) of this section for the immediately preceding state fiscal year;	63071 63072 63073
(b) The difference between the following:	63074
(i) The medicare skilled nursing facility market basket index determined for the federal fiscal year that begins during the state fiscal year immediately preceding the state fiscal year for which the determination is being made under division (B) of this section;	63075 63076 63077 63078 63079

(ii) The budget reduction adjustment factor for the state 63080
fiscal year for which the determination is being made under 63081
division (B) of this section. 63082

(3) For the first state fiscal year in a group of consecutive 63083
state fiscal years for which a rebasing is conducted after state 63084
fiscal year 2020, the amount specified or determined for the 63085
purpose of division (B) of this section for the immediately 63086
preceding state fiscal year. 63087

(C) From the sum determined under division (B) of this 63088
section, subtract one dollar and seventy-nine cents. 63089

(D) To the difference determined under division (C) of this 63090
section, add the per medicaid day quality payment rate determined 63091
for the nursing facility under section 5165.25 of the Revised 63092
Code. 63093

(E) To the sum determined under division (D) of this section, 63094
add, for the second half of state fiscal year 2020 and all of each 63095
state fiscal year thereafter, the per medicaid day quality 63096
incentive payment rate determined for the nursing facility under 63097
section 5165.26 of the Revised Code. 63098

Sec. 5165.152. The total per medicaid day payment rate 63099
determined under section 5165.15 of the Revised Code shall not be 63100
paid for nursing facility services provided to low resource 63101
utilization residents. Instead, the total rate for such nursing 63102
facility services shall be ~~the following:~~ 63103

~~(A) One one hundred fifteen dollars per medicaid day if the~~ 63104
~~department of medicaid is satisfied that the nursing facility's~~ 63105
~~provider is cooperating with the long term care ombudsman program~~ 63106
~~in efforts to help the nursing facility's low resource utilization~~ 63107
~~residents receive the services that are most appropriate for such~~ 63108
~~residents' level of care needs;~~ 63109

~~(B) Ninety one dollars and seventy cents per medicaid day if
division (A) of this section does not apply to the nursing
facility.~~ 63110
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Sec. 5165.25. (A) As used in this section: 63113

(1) "Long-stay resident" means an individual who has resided 63114
in a nursing facility for at least one hundred one days. 63115

(2) "Measurement period" means the ~~following:~~ 63116

~~(a) For state fiscal year 2017, the period beginning July 1,
2015, and ending December 31, 2015;~~ 63117
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~~(b) For each subsequent state fiscal year, the calendar year
immediately preceding the calendar year in which ~~the~~ a state
fiscal year begins.~~ 63119
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(3) "Nurse aide" has the same meaning as in section 3721.21 63122
of the Revised Code. 63123

(4) "Short-stay resident" means a nursing facility resident 63124
who is not a long-stay resident. 63125

(B)(1) Using all of the funds made available for a state 63126
fiscal year by the rate reductions under division (C) of section 63127
5165.15 of the Revised Code, the department of medicaid shall 63128
determine a per medicaid day quality payment rate to be paid for 63129
that state fiscal year to each nursing facility that meets at 63130
least one of the quality indicators specified in division (B)(2) 63131
of this section ~~for the measurement period~~. The largest quality 63132
payment rate for a state fiscal year shall be paid to nursing 63133
facilities that meet all of the quality indicators ~~for the~~ 63134
~~measurement period~~. 63135

(2) The following are the quality indicators to be used for 63136
the purpose of division (B)(1) of this section: 63137

(a) Not more than the target percentage of the nursing 63138

facility's short-stay residents had new or worsened pressure
ulcers for the measurement period. 63139 63140

(b) Not more than the target percentage of long-stay
residents at high risk for pressure ulcers had pressure ulcers for
the measurement period. 63141 63142 63143

(c) Not more than the target percentage of the nursing
facility's short-stay residents newly received an antipsychotic
medication for the measurement period. 63144 63145 63146

(d) Not more than the target percentage of the nursing
facility's long-stay residents received an antipsychotic
medication for the measurement period. 63147 63148 63149

(e) Not more than the target percentage of the nursing
facility's long-stay residents had an unplanned weight loss for
the measurement period. 63150 63151 63152

(f) The nursing facility's employee retention rate is at
least the target rate for the measurement period. 63153 63154

(g) The nursing facility ~~utilized the nursing home version of~~
~~the preferences for everyday living inventory for all of its~~
~~residents~~ obtained at least the target score on the following: 63155 63156 63157

(i) For an even-numbered state fiscal year, the department of
aging's most recently published resident satisfaction survey
conducted pursuant to section 173.47 of the Revised Code; 63158 63159 63160

(ii) For an odd-numbered state fiscal year, the department of
aging's most recently published family satisfaction survey
conducted pursuant to section 173.47 of the Revised Code. 63161 63162 63163

(3) The department shall specify the target percentage for
the purpose of divisions (B)(2)(a) to (e) of this section at the
fortieth percentile of nursing facilities that have data for the
quality indicators. The department also shall specify the target
rate for the purpose of division (B)(2)(f) of this section and the 63164 63165 63166 63167 63168

~~target score for the purpose of division (B)(2)(g) of this section. In determining whether a nursing facility meets the quality indicators specified in divisions (B)(2)(c) and (d) of this section, the department shall exclude from consideration the following:~~

~~(a) In the case of the quality indicator specified in division (B)(2)(c) of this section, all of the nursing facility's short stay residents who newly received an antipsychotic medication in conjunction with hospice care;~~

~~(b) In the case of the quality indicator specified in division (B)(2)(d) of this section, all of the nursing facility's long stay residents who received antipsychotic medication in conjunction with hospice care.~~

(C) If a nursing facility undergoes a change of operator during a state fiscal year, the per medicaid day quality payment rate to be paid to the entering operator for nursing facility services that the nursing facility provides during the period beginning on the effective date of the change of operator and ending on the last day of the state fiscal year shall be the same amount as the per medicaid day quality payment rate that was in effect on the day immediately preceding the effective date of the change of operator and paid to the nursing facility's exiting operator. For the immediately following state fiscal year, the per medicaid day quality payment rate shall be ~~the following:~~

~~(1) If the effective date of the change of operator is on or before the first day of October of the calendar year immediately preceding the state fiscal year, the amount determined for the nursing facility in accordance with division (B) of this section for the state fiscal year;~~

~~(2) If the effective date of the change of operator is after the first day of October of the calendar year immediately~~

~~preceding the state fiscal year, the mean per medicaid day quality~~ 63200
~~payment rate for all nursing facilities for the state fiscal year.~~ 63201

Sec. 5165.26. (A) As used in this section: 63202

(1) "Base rate" means the portion of a nursing facility's 63203
total per medicaid day payment rate determined under division (A) 63204
of section 5165.15 of the Revised Code. 63205

(2) "CMS" means the United States centers for medicare and 63206
medicaid services. 63207

(3) "Long-stay resident" and "measurement period" have the 63208
same meanings as in section 5165.25 of the Revised Code. 63209

(B) For the second half of with state fiscal year 2020 and 63210
all of each state fiscal year thereafter, and subject to divisions 63211
(D) and (E) of this section, the department of medicaid shall 63212
determine each nursing facility's per medicaid day quality 63213
incentive payment rate as follows: 63214

(1) Determine the sum of the quality scores determined under 63215
division (C) of this section for all nursing facilities. 63216

(2) Determine the average quality score by dividing the sum 63217
determined under division (B)(1) of this section by the number of 63218
nursing facilities for which a quality score was determined. 63219

(3) Determine the following: 63220

(a) For the second half of state fiscal year 2020, the sum of 63221
the total number of medicaid days for the second half of calendar 63222
year 2018 for all nursing facilities for which a quality score was 63223
determined; 63224

(b) For all of state fiscal year 2021 and each state fiscal 63225
year thereafter, the sum of the total number of medicaid days for 63226
the measurement period applicable to the state fiscal year for all 63227
nursing facilities for which a quality score was determined. 63228

<u>(4) Multiply the average quality score determined under</u>	63229
<u>division (B)(2) of this section by the sum determined under</u>	63230
<u>division (B)(3) of this section.</u>	63231
<u>(5) Determine the value per quality point by determining the</u>	63232
<u>quotient of the following:</u>	63233
<u>(a) The following:</u>	63234
<u>(i) For the second half of state fiscal year 2020, the sum</u>	63235
<u>determined under division (E)(1)(b) of this section;</u>	63236
<u>(ii) For all of state fiscal year 2021 and each state fiscal</u>	63237
<u>year thereafter, the sum determined under division (E)(2)(b) of</u>	63238
<u>this section.</u>	63239
<u>(b) The product determined under division (B)(4) of this</u>	63240
<u>section.</u>	63241
<u>(6) Multiply the value per quality point determined under</u>	63242
<u>division (B)(5) of this section by the nursing facility's quality</u>	63243
<u>score determined under division (C) of this section.</u>	63244
<u>(C)(1) Except as provided in divisions (C)(2) and (3) of this</u>	63245
<u>section, a nursing facility's quality score for a state fiscal</u>	63246
<u>year shall be the sum of the total number of points that CMS</u>	63247
<u>assigned to the nursing facility under CMS's nursing facility</u>	63248
<u>five-star quality rating system for the following quality metrics:</u>	63249
<u>(a) The percentage of the nursing facility's long-stay</u>	63250
<u>residents at high risk for pressure ulcers who had pressure ulcers</u>	63251
<u>during the measurement period;</u>	63252
<u>(b) The percentage of the nursing facility's long-stay</u>	63253
<u>residents who had a urinary tract infection during the measurement</u>	63254
<u>period;</u>	63255
<u>(c) The percentage of the nursing facility's long-stay</u>	63256
<u>residents whose ability to move independently worsened during the</u>	63257
<u>measurement period;</u>	63258

(d) The percentage of the nursing facility's long-stay residents who had a catheter inserted and left in their bladder during the measurement period. 63259
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(2) In determining a nursing facility's quality score for a state fiscal year, the department shall make the following adjustment to the number of points that CMS assigned to the nursing facility for each of the quality metrics specified in division (C)(1) of this section: 63262
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(a) Unless division (C)(2)(b) of this section applies, divide the number of the nursing facility's points for the quality metric by twenty. 63267
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(b) If CMS assigned the nursing facility to the lowest percentile for the quality metric, reduce the number of the nursing facility's points for the quality metric to zero. 63270
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(3) A nursing facility's quality score shall be zero for a state fiscal year if it is not to receive a quality incentive payment for that state fiscal year because of division (D) of this section. 63273
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(D)(1) A nursing facility shall not receive a quality incentive payment for a state fiscal year if the following applies: 63277
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(a) In the case of the quality incentive payment to be paid for the second half of state fiscal year 2020, the nursing facility's licensed occupancy percentage is less than eighty per cent; 63280
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(b) In the case of the quality incentive payment to be paid for all of state fiscal year 2021 and each state fiscal year thereafter, the nursing facility's licensed occupancy percentage is less than the statewide average licensed occupancy percentage. 63284
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(2) A nursing facility's licensed occupancy percentage for a 63288

<u>state fiscal year shall be determined as follows:</u>	63289
<u>(a) Multiply the nursing facility's licensed capacity on the last day of the measurement period applicable to the state fiscal year by the number of days in that measurement period;</u>	63290 63291 63292
<u>(b) Divide the product determined under division (D)(2)(a) of this section by the number of the nursing facility's inpatient days for the measurement period applicable to the state fiscal year.</u>	63293 63294 63295 63296
<u>(E) The total amount to be spent on quality incentive payments for a state fiscal year shall be the following:</u>	63297 63298
<u>(1) For the second half of state fiscal year 2020, the amount determined as follows:</u>	63299 63300
<u>(a) Determine the following amount for each nursing facility, including those that do not receive a quality incentive payment because of division (D) of this section:</u>	63301 63302 63303
<u>(i) The amount that is two and four-tenths per cent of the nursing facility's base rate for nursing facility services provided on January 1, 2020;</u>	63304 63305 63306
<u>(ii) Multiply the amount determined under division (E)(1)(a)(i) of this section by the number of the nursing facility's medicaid days for the second half of calendar year 2018.</u>	63307 63308 63309 63310
<u>(b) Determine the sum of the products determined under division (E)(1)(a)(ii) of this section for all nursing facilities for which the product was determined for the second half of state fiscal year 2020.</u>	63311 63312 63313 63314
<u>(2) For all of state fiscal year 2021 and each state fiscal year thereafter, the amount determined as follows:</u>	63315 63316
<u>(a) Determine the following amount for each nursing facility, including those that do not receive a quality incentive payment</u>	63317 63318

because of division (D) of this section: 63319

(i) The amount that is two and four-tenths per cent of the 63320
nursing facility's base rate for nursing facility services 63321
provided on the first day of the state fiscal year; 63322

(ii) Multiply the amount determined under division 63323
(E)(2)(a)(i) of this section by the number of the nursing 63324
facility's medicaid days for the measurement period applicable to 63325
the state fiscal year. 63326

(b) Determine the sum of the products determined under 63327
division (E)(2)(a)(ii) of this section for all nursing facilities 63328
for which the product was determined for the state fiscal year. 63329

Sec. 5166.01. As used in this chapter: 63330

"209(b) option" means the option described in section 1902(f) 63331
of the "Social Security Act," 42 U.S.C. 1396a(f), under which the 63332
medicaid program's eligibility requirements for aged, blind, and 63333
disabled individuals are more restrictive than the eligibility 63334
requirements for the supplemental security income program. 63335

"Administrative agency" means, with respect to a home and 63336
community-based services medicaid waiver component, the department 63337
of medicaid or, if a state agency or political subdivision 63338
contracts with the department under section 5162.35 of the Revised 63339
Code to administer the component, that state agency or political 63340
subdivision. 63341

"Care management system" ~~means the system established under~~ 63342
has the same meaning as in section 5167.03 5167.01 of the Revised 63343
Code. 63344

"Dual eligible individual" has the same meaning as in section 63345
5160.01 of the Revised Code. 63346

"Enrollee" has the same meaning as in section 5167.01 of the 63347
Revised Code. 63348

"Expansion eligibility group" has the same meaning as in section 5163.01 of the Revised Code. 63349
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"Federal poverty line" has the same meaning as in section 5162.01 of the Revised Code. 63351
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"Home and community-based services medicaid waiver component" means a medicaid waiver component under which home and community-based services are provided as an alternative to hospital services, nursing facility services, or ICF/IID services. 63353
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"Hospital" has the same meaning as in section 3727.01 of the Revised Code. 63357
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"Hospital long-term care unit" has the same meaning as in section 5168.40 of the Revised Code. 63359
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"ICDS participant" has the same meaning as in section 5164.01 of the Revised Code. 63361
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"ICF/IID" and "ICF/IID services" have the same meanings as in section 5124.01 of the Revised Code. 63363
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"Integrated care delivery system" and "ICDS" have the same meanings as in section 5164.01 of the Revised Code. 63365
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"Level of care determination" means a determination of whether an individual needs the level of care provided by a hospital, nursing facility, or ICF/IID and whether the individual, if determined to need that level of care, would receive hospital services, nursing facility services, or ICF/IID services if not for a home and community-based services medicaid waiver component. 63367
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"Medicaid buy-in for workers with disabilities program" has the same meaning as in section 5163.01 of the Revised Code. 63373
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"Medicaid MCO plan" has the same meaning as in section 5167.01 of the Revised Code. 63375
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"Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code. 63377
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"Medicaid services" has the same meaning as in section 63379
5164.01 of the Revised Code. 63380

"Medicaid waiver component" means a component of the medicaid 63381
program authorized by a waiver granted by the United States 63382
department of health and human services under the "Social Security 63383
Act," section 1115 or 1915, 42 U.S.C. 1315 or 1396n. "Medicaid 63384
waiver component" does not include a the care management system 63385
~~established under section 5167.03 of the Revised Code.~~ 63386

"Medically fragile child" means an individual who is under 63387
eighteen years of age, has intensive health care needs, and is 63388
considered blind or disabled under section 1614(a)(2) or (3) of 63389
the "Social Security Act," 42 U.S.C. 1382c(a)(2) or (3). 63390

"Nursing facility" and "nursing facility services" have the 63391
same meanings as in section 5165.01 of the Revised Code. 63392

"Ohio home care waiver program" means the home and 63393
community-based services medicaid waiver component that is known 63394
as Ohio home care and was created pursuant to section 5166.11 of 63395
the Revised Code. 63396

"Provider agreement" has the same meaning as in section 63397
5164.01 of the Revised Code. 63398

"Residential treatment facility" means a residential facility 63399
licensed by the department of mental health and addiction services 63400
under section 5119.34 of the Revised Code, or an institution 63401
certified by the department of job and family services under 63402
section 5103.03 of the Revised Code, that serves children and 63403
either has more than sixteen beds or is part of a campus of 63404
multiple facilities or institutions that, combined, have a total 63405
of more than sixteen beds. 63406

"Skilled nursing facility" has the same meaning as in section 63407
5165.01 of the Revised Code. 63408

"Unified long-term services and support medicaid waiver component" means the medicaid waiver component authorized by section 5166.14 of the Revised Code.

Sec. 5166.04. The following requirements apply to each home and community-based services medicaid waiver component:

(A) Only an individual who qualifies for a component shall receive that component's medicaid services.

(B) A level of care determination shall be made as part of the process of determining whether an individual qualifies for a component and shall be made each year after the initial determination if, during such a subsequent year, the administrative agency determines there is a reasonable indication that the individual's needs have changed.

(C) A written plan of care or individual service plan based on an individual assessment of the medicaid services that an individual needs to avoid needing admission to a hospital, nursing facility, or ICF/IID shall be created for each individual determined eligible for a component.

(D) Each individual determined eligible for a component shall receive that component's medicaid services in accordance with the individual's level of care determination and written plan of care or individual service plan.

(E) No individual may receive medicaid services under a component while the individual is a hospital inpatient or resident of a skilled nursing facility, nursing facility, or ICF/IID.

(F) No individual may receive prevocational, educational, or supported employment services under a component if the individual is eligible for such services that are funded with federal funds provided under 29 U.S.C. 730 or the "Individuals with Disabilities Education Act," 111 Stat. 37 (1997), 20 U.S.C. 1400, as amended.

(G) Safeguards shall be taken to protect the health and 63439
welfare of individuals receiving medicaid services under a 63440
component, including safeguards established in rules adopted under 63441
section 5166.02 of the Revised Code and safeguards established by 63442
licensing and certification requirements that are applicable to 63443
the providers of that component's medicaid services. 63444

(H) No medicaid services may be provided under a component by 63445
a provider that is subject to standards that the "Social Security 63446
Act," section 1616(e)(1), 42 U.S.C. 1382e(e)(1), requires be 63447
established if the provider fails to comply with the standards 63448
applicable to the provider. 63449

(I) Individuals determined to be eligible for a component, or 63450
such individuals' representatives, shall be informed of that 63451
component's medicaid services, including any choices that the 63452
individual or representative may make regarding the component's 63453
medicaid services, and given the choice of either receiving 63454
medicaid services under that component or, as appropriate, 63455
hospital services, nursing facility services, or ICF/IID services. 63456

(J) No individual shall lose eligibility for services under a 63457
component, or have the services reduced or otherwise disrupted, on 63458
the basis that the individual also receives services under the 63459
medicaid buy-in for workers with disabilities program. 63460

(K) No individual shall lose eligibility for services under a 63461
component, or have the services reduced or otherwise disrupted, on 63462
the basis that the individual's income or resources increase to an 63463
amount above the eligibility limit for the component if the 63464
individual is participating in the medicaid buy-in for workers 63465
with disabilities program and the amount of the individual's 63466
income or resources does not exceed the eligibility limit for the 63467
medicaid buy-in for workers with disabilities program. 63468

(L) No individual receiving services under a component shall 63469

be required to pay any cost sharing expenses for the services for 63470
any period during which the individual also participates in the 63471
medicaid buy-in for workers with disabilities program. 63472

(M) If a component covers home-delivered meals, both of the 63473
following shall apply: 63474

(1) The format in which the meals are delivered to an 63475
individual and the frequency of the deliveries shall be consistent 63476
with the individual's needs as specified in the individual's 63477
written plan of care or individual service plan; 63478

(2) The individual who delivers the meals shall not leave the 63479
meals with the individual to whom they are delivered unless the 63480
individuals meet face-to-face at the time of the delivery. 63481

Sec. 5166.122. (A) As used in this section, "snack" has the 63482
same meaning as in section 173.30 of the Revised Code. 63483

(B) An entity that provides home-delivered meals under the 63484
Ohio home care waiver program shall not offer snacks in addition 63485
to the breakfast, lunch, or dinner meals provided to individuals 63486
enrolled in the program unless the entity does all of the 63487
following: 63488

(1) Offers an enrollee not more than five snack choices at a 63489
time; 63490

(2) Provides an enrollee with the amount of calories in, and 63491
the sugar and sodium contents of, each snack offered to the 63492
enrollee; 63493

(3) Provides an enrollee not more than one snack per each 63494
breakfast, lunch, and dinner meal that is provided to the enrollee 63495
at the same time as the snacks. 63496

Sec. 5166.162. (A) As used in this section, "snack" has the 63497
same meaning as in section 173.30 of the Revised Code. 63498

(B) An entity that provides home-delivered meals under the ICDS medicaid waiver component shall not offer snacks in addition to the breakfast, lunch, or dinner meals provided to ICDS participants unless the entity does all of the following: 63499
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(1) Offers a participant not more than five snack choices at a time; 63503
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(2) Provides a participant with the amount of calories in, and the sugar and sodium contents of, each snack offered to the participant; 63505
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(3) Provides a participant not more than one snack per each breakfast, lunch, and dinner meal that is provided to the participant at the same time as the snacks. 63508
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Sec. 5166.22. (A) Subject to division (B) of this section, 63511
when the department of developmental disabilities allocates 63512
enrollment numbers to a county board of developmental disabilities 63513
for home and community-based services specified in division (A)(1) 63514
of section 5166.20 of the Revised Code and provided under any of 63515
the medicaid waiver components that the department administers 63516
under section 5166.21 of the Revised Code, the department shall 63517
consider ~~all~~ both of the following: 63518

(1) The number of individuals with developmental disabilities 63519
placed on the county board's waiting list established for the 63520
services pursuant to section 5126.042 of the Revised Code; 63521

~~(2) The implementation component required by division (A)(3) 63522
of section 5126.054 of the Revised Code of the county board's plan 63523
approved under section 5123.046 of the Revised Code;~~ 63524

~~(3) Anything else the department considers necessary to 63525
enable the county board to provide the services to individuals 63526
placed on the county board's waiting list established for the 63527
services pursuant to section 5126.042 of the Revised Code. 63528~~

(B) Division (A) of this section applies to home and community-based services provided under the medicaid waiver component known as the transitions developmental disabilities waiver only to the extent, if any, provided by the contract required by section 5166.21 of the Revised Code regarding the component.

Sec. 5166.40. (A) As used in sections 5166.40 to ~~5166.409~~ 5166.4011 of the Revised Code:

(1) "Adult" means an individual who is at least eighteen years of age.

(2) "Basic component" means the component of the healthy Ohio program into which a healthy Ohio program participant is placed pursuant to division (B) of section 5166.401 of the Revised Code.

(3) "Buckeye account" means a modified health savings account established under section ~~5166.402~~ 5166.403 of the Revised Code.

~~(3) "Contribution"~~ (4) "Buckeye account payment mechanism" means a method of payment issued by a managed care organization to a healthy Ohio program participant in the plus component under section 5166.404 of the Revised Code or issued by the medicaid director to a former healthy Ohio program participant under section 5166.408 of the Revised Code.

(5)(a) "Contributions" means ~~the amounts that an individual contributes to the individual's buckeye account and are contributed to the account on the individual's~~ all of the following:

(i) The personal contributions made by a healthy Ohio program participant;

(ii) Contributions made on behalf of a participant under ~~divisions (C) and division~~ (D) of section ~~5166.402~~ 5166.403 of the Revised Code;

(iii) Amounts representing points transferred to a participant's account pursuant to division (F) of section 5166.403 of the Revised Code; 63559
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(iv) Amounts credited to a participant's account under section 5166.409 of the Revised Code. "Contribution" 63562
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(b) "Contributions" does not mean the portion of an individual's buckeye account that consists of medicaid funds deposited points awarded to a participant's buckeye account under division (B) of section 5166.402 5166.403 of the Revised Code or section 5166.404 5166.405 of the Revised Code. 63564
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~~(4) "Core portion" means the portion of a healthy Ohio program participant's buckeye account that consists of the following:~~ 63569
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~~(a) The amount of contributions to the account;~~ 63572

~~(b) The amounts awarded to the account under divisions (C) and (D) of section 5166.404 of the Revised Code.~~ 63573
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~~(5)(6) "Eligible employer-sponsored health plan" has the same meaning as in section 5000A(f)(2) of the "Internal Revenue Code of 1986," 26 U.S.C. 5000A(f)(2).~~ 63575
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~~(6)(7) "Healthy Ohio program" means the medicaid waiver component established under sections 5166.40 to 5166.409 5166.4011 of the Revised Code under which medicaid recipients specified in division (B) of this section enroll in comprehensive health plans and contribute to buckeye accounts consisting of a basic component and a plus component.~~ 63578
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~~(7) "Healthy Ohio program debit swipe card" means a debit swipe card issued by a managed care organization to a healthy Ohio program participant under section 5166.403 of the Revised Code.~~ 63584
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(8) "Not-for-profit organization" means an organization that is exempt from federal income taxation under section 501(a) and 63587
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(c)(3) of the "Internal Revenue Code of 1986," 26 U.S.C. 501(a) 63589
and (c)(3). 63590

(9) "Mandatory services" has the same meaning as in section 63591
5164.01 of the Revised Code. 63592

(10)(a) "Personal contributions" means the amounts that a 63593
healthy Ohio program participant contributes under division (C) of 63594
section 5166.403 of the Revised Code to participate in the plus 63595
component of the healthy Ohio program. 63596

(b) "Personal contributions" does not mean any of the 63597
following: 63598

(i) Amounts that are contributed on a participant's behalf 63599
under division (D) of section 5166.403 of the Revised Code; 63600

(ii) Amounts that represent points transferred to a 63601
participant's buckeye account pursuant to division (F) of section 63602
5166.403 of the Revised Code; 63603

(iii) Amounts credited to a participant's buckeye account 63604
under section 5166.409 of the Revised Code. 63605

(11) "Plus component" means the component of the healthy Ohio 63606
program into which a healthy Ohio program participant is placed 63607
pursuant to division (A) of section 5166.401 of the Revised Code. 63608

(12) "Ward of the state" means an individual who is a ward, 63609
as defined in section 2111.01 of the Revised Code. 63610

~~(10)~~(13) "Workforce development activity" and "local board" 63611
have the same meanings as in section 6301.01 of the Revised Code. 63612

(B) The medicaid director shall establish a medicaid waiver 63613
component to be known as the healthy Ohio program. Each adult 63614
medicaid recipient, other than a ward of the state, determined to 63615
be eligible for medicaid on the basis of either of the following 63616
shall participate in the healthy Ohio program: 63617

(1) On the basis of being included in the category identified 63618

by the department of medicaid as covered families and children; 63619

(2) On the basis of being included in the expansion 63620
eligibility group. 63621

(C) Except as provided in section ~~5166.406~~ 5166.407 of the 63622
Revised Code, a healthy Ohio program participant shall not receive 63623
medicaid services under the fee-for-service component of medicaid 63624
or participate in the care management system. 63625

Sec. 5166.401. (A) A healthy Ohio program participant shall 63626
be placed in the plus component of the healthy Ohio program when 63627
the participant begins to participate in the healthy Ohio program. 63628

(B) Except as provided in division (C) of this section, a 63629
healthy Ohio program participant shall be moved to the basic 63630
component of the healthy Ohio program if a monthly installment 63631
payment authorized by division (E) of section 5166.403 of the 63632
Revised Code is sixty days late. There shall be no gap in coverage 63633
under the healthy Ohio program when a participant is moved from 63634
the plus component to the basic component. Contributions are not 63635
required for a participant to be in the basic component. A 63636
participant in the basic component may not return to the plus 63637
component until the later of the following: 63638

(1) Twelve months after the date the participant is moved to 63639
the basic component; 63640

(2) When all of the participant's unpaid monthly installment 63641
payments due for the months the participant was in the plus 63642
component are paid in full. 63643

(C) Division (B) of this section and division (C) of section 63644
5166.403 of the Revised Code do not apply to a healthy Ohio 63645
program participant if any of the following is the case: 63646

(1) The participant is pregnant. 63647

(2) The participant has a severe and persistent mental 63648

illness. 63649

(3) The participant needs treatment for cancer. 63650

(4) The participant is in treatment for alcoholism or drug 63651
addiction as those terms are defined in section 5119.01 of the 63652
Revised Code and the participant is making satisfactory progress 63653
under the treatment according to criteria established in rules 63654
authorized by section 5166.4011 of the Revised Code. 63655

Sec. ~~5166.401~~ 5166.402. (A) A healthy Ohio program 63656
participant shall enroll in a comprehensive health plan offered by 63657
a managed care organization under contract with the department of 63658
medicaid. All of the following apply to the health plan: 63659

~~(A) It~~ (1) If the participant is in the plus component of the 63660
healthy Ohio program and subject to division (B) of this section, 63661
the plan shall cover physician, hospital inpatient, hospital 63662
outpatient, pregnancy-related, mental health, pharmaceutical, 63663
laboratory, and other health care services the medicaid director 63664
determines necessary. 63665

~~(B) It shall not begin to pay for any services it covers~~ 63666
~~until the amount of the noncore portion of the participant's~~ 63667
~~buckeye account is zero.~~ 63668

~~(C) It~~ (2) If the participant is in the basic component of 63669
the healthy Ohio program, both of the following apply to the 63670
plan's coverage: 63671

(a) Subject to divisions (A)(2)(b), (B), and (E) of this 63672
section, the plan shall cover only mandatory services and, at the 63673
medicaid director's discretion, other health care services the 63674
director determines necessary. 63675

(b) The plan shall not cover services the medicaid director 63676
chooses to exclude from coverage. 63677

(3) If the participant is in the plus component, the plan 63678

shall ~~require copayments~~ do both of the following: 63679

(a) Require coinsurance for health care services covered by 63680
the health plan, except that a participant's copayments shall be 63681
waived whenever the amount of the core portion of the 63682
participant's buckeye account is zero for the first five hundred 63683
dollars of costs for preventative health services the participant 63684
receives under the plan each year for the purpose of satisfying 63685
requirements established in rules authorized by section 5166.4011 63686
of the Revised Code; 63687

(b) Permit a provider to charge the participant a copayment 63688
for health care services covered by the plan if the participant 63689
fails to appear for a previously scheduled appointment two or more 63690
times in a calendar year without providing the provider notice in 63691
accordance with the provider's appointment cancellation policies. 63692

~~(D) It~~ (4) If the participant is in the basic component, the 63693
plan shall require copayments for health care services that are 63694
covered by the plan and made subject to copayment requirements by 63695
rules authorized by section 5166.4011 of the Revised Code. 63696

(5) The plan shall have the following payout limits: 63697

~~(1)~~ (a) Three hundred thousand dollars per year; 63698

~~(2)~~ (b) One million dollars for a participant's lifetime. 63699

(B) The comprehensive health plan in which a healthy Ohio 63700
program participant enrolls may exclude from coverage a 63701
prescription drug if the medicaid director determines that the 63702
health care condition the prescription drug would otherwise be 63703
used to treat can be adequately treated by another prescription 63704
drug or health care service covered by the plan. 63705

(C) The coinsurance required by division (A)(3)(a) of this 63706
section for a health care service covered by the plan in which a 63707
healthy Ohio program participant is enrolled shall equal twenty 63708

per cent of the plan's payment rate for the health care service. 63709

(D) The copayments required by division (A)(4) of this section shall not exceed the maximum amounts permitted under 42 C.F.R. 447.50 to 447.57. 63710
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(E) If the medicaid director determines that it is necessary for the basic component to cover other health care services in addition to mandatory services, the director shall ensure that there is enough of a difference between what the plus component and basic component cover so as to provide a strong incentive for healthy Ohio program participants to comply with the requirements to participate in the plus component. 63713
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Sec. ~~5166.402~~ 5166.403. (A)(1) A buckeye account shall be established for each healthy Ohio program participant in the plus component. Subject to division (A)(2) of this section, a participant's buckeye account shall ~~consist of both of~~ have the following number of points: 63720
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(a) The medicaid ~~funds deposited into~~ points awarded to the account under division (B) of this section and ~~division (A) of~~ section ~~5166.404~~ 5166.405 of the Revised Code; 63725
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(b) ~~Contributions made~~ One point for each dollar contributed by the participant and on the participant's behalf under divisions (C) and (D) of this section; 63728
63729
63730

(c) The points transferred to the account pursuant to division (F) of this section; 63731
63732

(d) The points credited to the account under section 5166.409 of the Revised Code. 63733
63734

(2) A buckeye account shall not have more than ~~ten~~ fifteen thousand ~~dollars in it~~ points at one time. 63735
63736

(B) Subject to division (A)(2) of this section, ~~one two~~ thousand ~~dollars of~~ five hundred medicaid ~~funds~~ points shall be 63737
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deposited awarded each year ~~into~~ to the buckeye account of a 63739
healthy Ohio program participant in the plus component. ~~Except in~~ 63740
~~the case of a participant who is not required to make~~ 63741
~~contributions to the participant's buckeye account, the initial~~ 63742
~~deposit of medicaid funds into a participant's buckeye account~~ 63743
~~shall not occur until the initial contribution to the~~ 63744
~~participant's account is made under division (C) or (D) of this~~ 63745
~~section.~~ 63746

(C)~~(1)~~ Subject to divisions ~~(A)(2)~~, (D)~~7~~ and ~~(F)~~ (G) of this 63747
section and division (C) of section 5166.401 of the Revised Code, 63748
a healthy Ohio program participant shall ~~contribute each year to~~ 63749
~~the participant's buckeye account~~ make an annual personal 63750
contribution in an amount equal to the lesser of the following to 63751
participate in the plus component of the healthy Ohio program: 63752

~~(a)~~ (1) Two per cent of the participant's annual countable 63753
family income or twelve dollars, whichever is greater; 63754

~~(b)~~ Ninety-nine (2) Two hundred forty dollars. 63755

~~(2)~~ ~~A participant's contributions to the participant's~~ 63756
~~buckeye account may be made in monthly installments. A monthly~~ 63757
~~installment payment shall be considered an initial contribution.~~ 63758

(D)(1) Subject to division (D)(2) of this section, the 63759
following may make contributions ~~to a healthy Ohio program~~ 63760
~~participant's buckeye account on the participant's behalf of a~~ 63761
healthy Ohio program participant in the plus component of the 63762
healthy Ohio program: 63763

(a) The participant's employer, but only up to fifty per cent 63764
of the personal contributions the participant is required to make; 63765

(b) A not-for-profit organization, but only up to seventy- 63766
five per cent of the personal contributions the participant is 63767
required to make; 63768

(c) The managed care organization that offers the health plan 63769
in which the participant enrolls under the healthy Ohio program, 63770
but both of the following apply to such contributions: 63771

(i) They shall be used only to pay the costs for the 63772
participant to participate in a health-related incentive available 63773
under the health plan, such as completion of a risk assessment or 63774
participation in a smoking cessation program. 63775

(ii) They cannot reduce the amount of personal contributions 63776
the participant is required to ~~contribute~~ make. 63777

(2) Contributions made on a participant's behalf under 63778
divisions (D)(1)(a) and (b) of this section shall be coordinated 63779
in a manner so that the participant makes at least twenty-five per 63780
cent of the personal contributions the participant is required to 63781
make. 63782

(E) ~~Except in the case of a healthy Ohio program participant~~ 63783
~~who is not required to make contributions to the participant's~~ 63784
~~buckeye account, a participant shall not begin to receive benefits~~ 63785
~~under the healthy Ohio program until the initial contribution to~~ 63786
~~the participant's buckeye account is made under division (C) or~~ 63787
~~(D) of this section. Contributions that must be made for a healthy~~ 63788
~~Ohio program participant to be in the plus component of the~~ 63789
~~healthy Ohio program may be made in monthly installment payments.~~ 63790

(F) If a healthy Ohio program participant's spouse also 63791
participates in the plus component of the healthy Ohio program and 63792
the number of points in the participant's buckeye account exceeds 63793
the sum of the number of medicaid points required to be awarded 63794
for a year under division (B) of this section and the number of 63795
points representing the participant's personal contributions 63796
required to be made that year under division (C) of this section, 63797
the participant may transfer one or more points from the 63798
participant's buckeye account to the buckeye account of the 63799

participant's spouse. The transfer shall be made in accordance 63800
with rules authorized by section 5166.4011 of the Revised Code. 63801

(G)(1) The following ~~portion of the amount~~ points that 63802
~~remains~~ remain in a healthy Ohio program participant's buckeye 63803
account at the end of a year shall carry forward in the account 63804
for the next year: 63805

(a) If the participant satisfies requirements regarding 63806
preventative health services established in rules authorized by 63807
section ~~5166.409~~ 5166.4011 of the Revised Code, ~~the entire amount~~ 63808
all of the remaining points; 63809

(b) If division ~~(F)~~(G)(1)(a) of this section does not apply, 63810
the ~~amount~~ points representing the participant's personal 63811
contributions ~~to the account.~~ 63812

(2) The amount of personal contributions that must be made ~~to~~ 63813
~~a participant's buckeye account~~ for a year shall be reduced by the 63814
~~amount~~ points that ~~is~~ are carried forward under division ~~(F)~~(G)(1) 63815
of this section. If the ~~amount~~ number of points carried forward ~~is~~ 63816
represents at least the amount of personal contributions that 63817
division (C) of this section requires for that year, no 63818
contributions are required to be made for the participant that 63819
year. 63820

~~(G)~~ (H) A buckeye account shall be used only for the 63821
following: 63822

(1) To pay for the expenses for which a ~~healthy Ohio program~~ 63823
~~debit swipe card~~ buckeye account payment mechanism may be used as 63824
specified in division ~~(A)~~ (B) of section ~~5166.403~~ 5166.404 of the 63825
Revised Code; 63826

(2) Other purposes authorized by rules adopted under section 63827
~~5166.409~~ 5166.4011 of the Revised Code. 63828

~~(H)~~ (I) The department of medicaid shall provide for a 63829

healthy Ohio program participant in the plus component to receive 63830
monthly statements showing the current ~~amount~~ number of points in 63831
the participant's buckeye account and the number of points used in 63832
the previous month's expenditures from the account month. The 63833
~~statement shall specify how much of the amount in the~~ 63834
~~participant's buckeye account is the core portion and how much is~~ 63835
~~the noncore portion~~. The department may arrange for the statements 63836
to be provided in an electronic format. 63837

(J) If a healthy Ohio program participant is moved to the 63838
basic component, the participant's buckeye account shall be 63839
deactivated and shall not be reactivated until the participant 63840
returns to the plus component. 63841

Sec. ~~5166.403~~ 5166.404. (A) A managed care organization that 63842
offers the health plan in which a healthy Ohio program participant 63843
in the plus component enrolls shall issue to the participant a 63844
~~debit swipe card to be used to pay~~ buckeye account payment 63845
mechanism, which shall be issued in the form of technology the 63846
department of medicaid deems most convenient. 63847

(B)(1) A healthy Ohio program participant may use the 63848
participant's buckeye account payment mechanism only for the 63849
following: 63850

~~(1) Until the amount of the noncore portion of the~~ 63851
~~participant's buckeye account is zero, the costs of health care~~ 63852
~~services that are covered by the health plan and provided to the~~ 63853
~~participant by a provider participating in the health plan;~~ 63854

~~(2)(a)~~ The participant's copayments coinsurance under 63855
division ~~(C)(A)(3)(a)~~ 5166.401 5166.402 of the Revised 63856
Code but not any copayments charged pursuant to division (A)(3)(b) 63857
of that section; 63858

~~(3)(b)~~ Subject to division (B)(2) of this section and rules 63859

authorized by section ~~5166.409~~ 5166.4011 of the Revised Code, both 63860
of the following: 63861

(i) The costs of health care services that are medically 63862
necessary for the participant but not covered by the health plan; 63863

(ii) The costs of medically necessary health care services 63864
that are provided to a minor child or other family member of the 63865
participant and not covered by any other private or government 63866
health insurance. 63867

~~(B)(1)~~ (2) Only the number of points on a participant's 63868
buckeye account payment mechanism that represent the medicaid 63869
points awarded to the participant's buckeye account under section 63870
5166.405 of the Revised Code may be used for the purposes 63871
specified in divisions (B)(1)(b)(i) and (ii) of this section. 63872

(C) A healthy Ohio program participant's ~~debit swipe card~~ 63873
buckeye account payment mechanism shall be credited with one point 63874
for each of the following: 63875

~~(a) Each dollar of medicaid funds deposited into point in the~~ 63876
~~participant's buckeye account under division (B) of section~~ 63877
~~5166.402 of the Revised Code;~~ 63878

~~(b) Each dollar contributed to the participant's buckeye~~ 63879
~~account under divisions (C) and (D) of section 5166.402 of the~~ 63880
~~Revised Code;~~ 63881

~~(c) Each point awarded to the participant under section~~ 63882
~~5166.404 of the Revised Code.~~ 63883

~~(2).~~ Each time a ~~healthy Ohio program~~ participant uses the 63884
participant's ~~debit swipe card~~ buckeye account payment mechanism, 63885
the amount for which the card is used shall be deducted from the 63886
number of points on the card ~~as follows:~~ 63887

~~(a) If the card is used for the purpose specified in division~~ 63888
~~(A)(1) of this section, the deduction shall come from the points~~ 63889

~~representing the noncore portion of the participant's buckeye
account.~~ 63890
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~~(b) If the card is used for the purpose specified in division
(A)(2) or (3) of this section, the deduction shall come from the
points representing the core portion of the participant's buckeye
account.~~ 63892
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~~(C) (D) A healthy Ohio program participant's debit swipe card
buckeye account payment mechanism shall do all of the following:~~ 63896
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(1) Verify the participant's eligibility for the healthy Ohio
program; 63898
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(2) Determine whether the service the participant seeks is
covered under the health plan; 63900
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(3) Determine whether the provider from which the participant
seeks the service is a participating provider under the health
plan; 63902
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(4) ~~Be linked to the participant's buckeye account in a
manner~~ Facilitate the production of a reasonable, good faith cost
estimate under Chapter 3962. of the Revised Code when the
participant seeks a service covered under the health care plan,
including the component of the cost estimate that enables informs
the participant to know at the point of service what about how
many points will be deducted from the noncore portion and core
portion of the participant's buckeye account for the service and
how much many points will remain in each portion of the account
after the deduction. 63905
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Sec. 5166.404 5166.405. ~~(A) The medicaid director shall
establish a system under which medicaid points are awarded in
accordance with this section to healthy Ohio program debit swipe
cards buckeye accounts. One dollar of medicaid funds shall be
deposited into a healthy Ohio program participant's buckeye~~ 63915
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~~account for each point awarded to the participant under this section.~~ 63920
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~~(B) The director shall provide a one time award of twenty points to a healthy Ohio program participant who provides for the participant's contributions under division (C) of section 5166.402 of the Revised Code to be made by electronic funds transfers from the participant's checking or savings account. Twenty points shall be deducted from the participant's card if the participant terminates the electronic funds transfers.~~ 63922
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~~(C) The director may award up to ~~two hundred~~ one thousand medicaid points annually to a healthy Ohio program participant who achieves is in the plus component of the program and whose health status has improved after achieving objectively verifiable health care goals outcomes. The medicaid points shall be awarded in accordance with the rules authorized by section ~~5166.409~~ 5166.4011 of the Revised Code. A participant shall not be awarded more than ~~two hundred~~ one thousand medicaid points per year under this division section regardless of the number of ~~health care goals~~ those outcomes the participant achieves that year.~~ 63929
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~~(D) Up to one hundred points may be awarded annually to a healthy Ohio program participant by one or more primary care physicians who verify that the participant has satisfied health care benchmarks set by the physicians. A participant shall not be awarded more than one hundred points per year under this division regardless of how many primary care physicians award points to the participant that year and the number of points the primary care physicians award the participant that year.~~ 63939
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Sec. 5166.405 5166.406. (A) A healthy Ohio program participant's participation in the program shall cease if any of the following applies: 63947
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(1) ~~Unless the participant is pregnant, a monthly installment payment to the participant's buckeye account is sixty days late.~~ 63950
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~~(2)~~ The participant fails to submit documentation needed for a redetermination of the participant's eligibility for medicaid before the sixty-first day after the documentation is requested. 63952
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~~(3)~~(2) The participant becomes eligible for medicaid on a basis other than being included in the category identified by the department of medicaid as covered families and children or being included in the expansion eligibility group. 63955
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~~(4)~~(3) The participant becomes a ward of the state. 63959

~~(5)~~(4) The participant ceases to be eligible for medicaid. 63960

~~(6)~~(5) The participant exhausts the annual or lifetime payout limit specified in division ~~(D)~~(A)~~(5)~~ of section ~~5166.401~~ 5166.402 of the Revised Code. 63961
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~~(7)~~(6) The participant requests that the participant's participation be terminated. 63964
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(B) A healthy Ohio program participant who ceases to participate in the program ~~under~~ because of division (A)(1) ~~or (2)~~ of this section may not resume participation until the former participant ~~pays the full amount of the monthly installment payment or~~ submits the documentation needed for the former participant's medicaid eligibility redetermination. The former participant shall not be transferred to the fee-for-service component of medicaid or the care management system as a result of ceasing to participate in the ~~healthy Ohio program under~~ because of division (A)(1) ~~or (2)~~ of this section. 63966
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(C) Except as provided in section ~~5166.407~~ 5166.408 of the Revised Code, a healthy Ohio program participant who ceases to participate in the program shall ~~be provided the contributions that are in~~ receive a refund from the participant's buckeye 63976
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account at the time the participant ceases participation. The 63980
amount of the refund shall be determined as follows: 63981

(1) Determine the total number of points that represents the 63982
participant's personal contributions and has been credited to the 63983
participant's buckeye account since the participant began 63984
participating in the program or, if the participant has resumed 63985
participation after having previously received a refund under 63986
division (C) of this section, the total number of points that 63987
represents the participant's personal contributions and has been 63988
credited to the participant's buckeye account since the 63989
participant last resumed participation; 63990

(2) Determine the total number of points that represents the 63991
contributions credited, and the medicaid points awarded under 63992
section 5166.405 of the Revised Code, to the participant's buckeye 63993
account since the participant began participating in the program 63994
or, if the participant has resumed participation after having 63995
previously received a refund under division (C) of this section, 63996
the number of such points credited and awarded since the 63997
participant last resumed participation; 63998

(3) Determine the percentage that the number of points 63999
determined under division (C)(1) of this section is of the number 64000
of points determined under division (C)(2) of this section; 64001

(4) Determine the amount that is the percentage determined 64002
under division (C)(3) of this section of the number of points that 64003
the participant's buckeye account has at the time the participant 64004
ceases participation and that represents the contributions and 64005
medicaid points awarded under section 5166.405 of the Revised 64006
Code. 64007

Sec. ~~5166.406~~ 5166.407. If a healthy Ohio program participant 64008
exhausts the annual or lifetime payout limits specified in 64009
division ~~(D)~~ (A)(5) of section ~~5166.401~~ 5166.402 of the Revised 64010

Code, the participant shall be transferred to the fee-for-service 64011
component of medicaid or the care management system on the day 64012
immediately following the day that the participant exhausts the 64013
payout limit. A participant who exhausts the annual payout limit 64014
for a year shall resume participation in the healthy Ohio program 64015
at the beginning of the immediately following year if division (B) 64016
of section 5166.40 of the Revised Code continues to apply to the 64017
participant. 64018

Sec. ~~5166.407~~ 5166.408. (A) If a healthy Ohio program 64019
participant ceases to qualify for medicaid due to increased family 64020
countable income or because the medicaid program ceases to cover 64021
the participant's eligibility group and the participant purchases 64022
a health insurance policy or obtains health care coverage under an 64023
eligible employer-sponsored health plan, the amount equal to the 64024
number of points remaining in the former participant's buckeye 64025
account shall be transferred in accordance with rules authorized 64026
by section 5166.4011 of the Revised Code to an account to be known 64027
as a bridge account. The amount so transferred may be used only to 64028
pay for the following: 64029

(1) If the former participant has purchased a health 64030
insurance policy, the former participant's premiums and costs in 64031
~~purchasing the policy and~~ paying for the former participant's 64032
~~out-of-pocket expenses~~ copayments and deductibles under the policy 64033
for health care services and prescription drugs covered by the 64034
policy; 64035

(2) If the former participant has obtained health care 64036
coverage under an eligible employer-sponsored health plan, the 64037
former participant's ~~out-of-pocket expenses~~ premiums, copayments, 64038
and deductibles under the plan for health care services and 64039
prescription drugs covered by the plan. 64040

(B) Only ~~the~~ an amount equal to the number of points 64041
remaining in a former healthy Ohio program participant's buckeye 64042
account at the time the former participant ceased to participate 64043
in the healthy Ohio program shall be deposited into the bridge 64044
account. The bridge account shall be closed once the amount 64045
transferred to it under division (A) of this section is exhausted 64046
or the amount remaining in the account is credited to a new 64047
buckeye account pursuant to section 5166.409 of the Revised Code. 64048

(C) The medicaid director shall notify a former healthy Ohio 64049
program participant when a bridge account is established for the 64050
former participant under this section and provide for the former 64051
participant to receive a buckeye account payment mechanism that is 64052
connected to the participant's bridge account. The buckeye account 64053
payment mechanism may be used only for the purposes specified in 64054
divisions (A)(1) and (2) of this section. 64055

Sec. 5166.409. If a former healthy Ohio program participant 64056
for whom a bridge account was created under section 5166.408 of 64057
the Revised Code regains eligibility for medicaid and a new 64058
buckeye account is established for the participant under section 64059
5166.403 of the Revised Code, one point for each dollar remaining 64060
in the bridge account shall be credited to the new buckeye account 64061
in accordance with rules authorized by section 5166.4011 of the 64062
Revised Code and the bridge account shall be closed. 64063

Sec. ~~5166.408~~ 5166.4010. Each county department of job and 64064
family services shall offer to refer to a local board each healthy 64065
Ohio program participant who resides in the county served by the 64066
county department and is either unemployed or employed for less 64067
than an average of twenty hours per week. The referral shall 64068
include information about the workforce development activities 64069
available from the local board. A participant may refuse to accept 64070
the referral and to participate in the workforce development 64071

activities without any affect on the participant's eligibility 64072
for, or participation in, the healthy Ohio program. 64073

Sec. ~~5166.409~~ 5166.4011. The medicaid director shall adopt 64074
rules under section 5166.02 of the Revised Code to do all of the 64075
following: 64076

(A) For the purpose of division (C)(4) of section 5166.401 of 64077
the Revised Code, establish criteria to be used to determine 64078
whether a healthy Ohio program participant is making satisfactory 64079
progress in a treatment program for alcoholism or drug addiction. 64080

(B) For the purpose of division (A)(3)(a) of section 5166.402 64081
of the Revised Code and ~~division (F)(G)(1)(a) of section 5166.402~~ 64082
5166.403 of the Revised Code, establish requirements regarding 64083
preventative health services for healthy Ohio program 64084
participants. The requirements may differ for participants of 64085
different ages and genders. 64086

~~(B)~~ (C) For the purpose of division (A)(4) of section 64087
5166.402 of the Revised Code, specify the health care services 64088
that are subject to copayment requirements. 64089

(D) For the purpose of division (F) of section 5166.403 of 64090
the Revised Code, establish procedures for a healthy Ohio program 64091
participant to transfer points from the participant's buckeye 64092
account to the buckeye account of the participant's spouse. 64093

(E) For the purpose of ~~division (G)(H)(2) of section 5166.402~~ 64094
5166.403 of the Revised Code, authorize additional uses of a 64095
buckeye account and establish the means for using the account for 64096
those purposes. 64097

~~(C)~~ (F) For the ~~purpose~~ purposes of ~~division (A)(3)~~ divisions 64098
(B)(1)(b)(i) and (ii) of section ~~5166.403~~ 5166.404 of the Revised 64099
Code, establish requirements for the use of a ~~healthy Ohio program~~ 64100
~~debit swipe card~~ buckeye account payment mechanism to pay for the 64101

following: 64102

(1) The costs of medically necessary health care services not covered by the health plan in which a healthy Ohio program participant in the plus component enrolls; 64103
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(2) The costs of medically necessary health care services that are provided to a minor child or other family member of a healthy Ohio program participant in the plus component and not covered by any other private or government health insurance. 64106
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~~(D)~~ (G) For the purpose of division (C) of section 5166.404 5166.405 of the Revised Code, establish a system under which the director may award medicaid points to healthy Ohio program participants who achieve are in the plus component of the program and whose health status has improved after achieving objectively verifiable health care goals outcomes. The rules shall specify the goals outcomes that qualify for medicaid points and the number of medicaid points each goal outcome is worth. The number of medicaid points may vary for different goals outcomes. 64110
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~~(E)~~ (H) For the purpose of section 5166.407 5166.408 of the Revised Code, establish procedures and requirements for the transfer of the amounts remaining in former healthy Ohio program participants' buckeye accounts to bridge accounts. 64119
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(I) For the purpose of section 5166.409 of the Revised Code, establish procedures and requirements for crediting points to new buckeye accounts. 64123
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Sec. 5166.42. The medicaid director shall establish a medicaid waiver component that addresses social determinants of health, including housing, transportation, food, interpersonal safety, and toxic stress. 64126
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Sec. 5166.43. The medicaid director shall establish a medicaid waiver component under which medicaid MCO plans may cover 64130
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any service or product that would have a beneficial effect on the 64132
health of enrollees and, because of the beneficial effect, is 64133
likely to reduce the per recipient per month costs under the plan 64134
by the end of the first three years that the service or product is 64135
covered. 64136

Sec. 5166.50. (A) The medicaid director shall request that 64137
the United States secretary of health and human services enter 64138
into an enforceable agreement with the director that provides for 64139
no federal financial participation to be withheld due to any of 64140
the following: 64141

(1) Implementation of sections 5167.35 and 5167.36 of the 64142
Revised Code; 64143

(2) For the purpose of section 5167.10 of the Revised Code, 64144
enrollment of individuals designated for participation in the care 64145
management system pursuant to section 5167.03 of the Revised Code 64146
in medicaid managed care organizations that are regional networks 64147
consisting of hospitals. 64148

(B) Unless the agreement specified in division (A) of this 64149
section is in effect: 64150

(1) Sections 5167.35 and 5167.36 of the Revised Code shall 64151
not be implemented. 64152

(2) For the purpose of section 5167.10 of the Revised Code, 64153
the department shall not enroll individuals designated for 64154
participation in the care management system pursuant to section 64155
5167.03 of the Revised Code in medicaid managed care organizations 64156
that are regional networks consisting of hospitals. 64157

Sec. 5167.01. As used in this chapter: 64158

(A) "Affiliated company" means an entity, including a 64159
third-party payer or specialty pharmacy, with common ownership, 64160

members of a board of directors, or managers, or that is a parent 64161
company, subsidiary company, jointly held company, or holding 64162
company with respect to the other entity. 64163

(B) "Care management system" means the system established 64164
under section 5167.03 of the Revised Code. 64165

(C) "Controlled substance" has the same meaning as in section 64166
3719.01 of the Revised Code. 64167

~~(B)~~(D) "Dual eligible individual" has the same meaning as in 64168
section 5160.01 of the Revised Code. 64169

~~(C)~~(E) "Emergency services" has the same meaning as in the 64170
"Social Security Act," section 1932(b)(2), 42 U.S.C. 64171
1396u-2(b)(2). 64172

~~(D)~~(F) "Enrollee" means a medicaid recipient who participates 64173
in the care management system and enrolls in a medicaid MCO plan. 64174

(G) "Home health agency" has the same meaning as in 42 C.F.R. 64175
440.70(d). 64176

(H) "Home health services" has the same meaning as in 42 64177
C.F.R. 440.70(a). 64178

(I) "ICDS participant" has the same meaning as in section 64179
5164.01 of the Revised Code. 64180

(J) "Manufacturer of dangerous drugs" has the same meaning as 64181
in section 4729.01 of the Revised Code. 64182

~~(E)~~(K) "Medicaid managed care organization" means a managed 64183
care organization under contract with the department of medicaid 64184
pursuant to section 5167.10 of the Revised Code. 64185

~~(F)~~(L) "Medicaid MCO plan" means a plan that a medicaid 64186
managed care organization, pursuant to its contract with the 64187
department of medicaid under section 5167.10 of the Revised Code, 64188
makes available to medicaid recipients participating in the care 64189
management system. 64190

(M) "Medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code. 64191
64192

~~(G)~~(N) "Nursing facility services" has the same meaning as in section 5165.01 of the Revised Code. 64193
64194

(O) "Part B drug" means a drug or biological described in section 1842(o)(1)(C) of the "Social Security Act," 42 U.S.C. 64195
1395u(o)(1)(C). 64196
64197

~~(H)~~(P) "Pharmacy benefit manager" has the same meaning as in section 3959.01 of the Revised Code. 64198
64199

(O) "Practice of pharmacy" has the same meaning as in section 4729.01 of the Revised Code. 64200
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(R) "Prescribed drug" has the same meaning as in section 5164.01 of the Revised Code. 64202
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~~(I)~~(S) "Provider" means any person or government entity that furnishes services to a medicaid recipient enrolled in a medicaid managed care organization MCO plan, regardless of whether the person or entity has a provider agreement. 64204
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~~(J)~~(T) "Provider agreement" has the same meaning as in section 5164.01 of the Revised Code. 64208
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(U) "State pharmacy benefit manager" means the pharmacy benefit manager selected by and under contract with the director of administrative services under section 125.93 of the Revised Code. 64210
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Sec. 5167.03. As part of the medicaid program, the department of medicaid shall establish a care management system. The department shall implement the system in some or all counties. 64214
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The department shall designate the medicaid recipients who are required or permitted to participate in the care management system. ~~Those who shall be required to participate in the system~~ 64217
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~~include medicaid recipients who receive cognitive behavioral
therapy as described in division (A)(2) of section 5167.16 of the
Revised Code. Except as provided in section 5166.406 5166.407 of
the Revised Code, no medicaid recipient participating in the
healthy Ohio program established under section 5166.40 of the
Revised Code shall participate in the system.~~

The general assembly's authorization through the enactment of
legislation is needed before home and community-based services
available under a medicaid waiver component or nursing facility
services are included in the care management system, except that
ICDS participants may be required or permitted to obtain such
services under the system. Medicaid recipients who receive such
services may be designated for voluntary or mandatory
participation in the system in order to receive other health care
services included in the system.

The department may require or permit participants in the care
management system to ~~obtain~~ do either or both of the following:

(A) Obtain health care services from providers designated by
the department. ~~The department may require or permit participants
to obtain health care services through medicaid managed care
organizations;~~

(B) Enroll in a medicaid MCO plan.

Sec. 5167.04. The department of medicaid ~~shall~~ may include
alcohol, drug addiction, and mental health services covered by
medicaid in the care management system ~~established under section
5167.03 of the Revised Code. The services shall not be included in
the system before July 1, 2018.~~

Sec. 5167.05. The department of medicaid shall include
prescribed drugs covered by the medicaid program in the care
management system.

~~Sec. 5167.121~~ 5167.051. If the medicaid program covers the 64250
pharmacist services described in section 5164.14 of the Revised 64251
Code, the department of medicaid may ~~require a medicaid managed~~ 64252
~~care organization to provide coverage of the pharmacist services~~ 64253
~~to the same extent when the services are provided to a medicaid~~ 64254
~~recipient who is enrolled in the organization as a part of~~ include 64255
the services in the care management system ~~established under~~ 64256
~~section 5167.03 of the Revised Code.~~ 64257

~~Sec. 5167.10.~~ (A) The department of medicaid may enter into 64258
contracts with managed care organizations, ~~including health~~ 64259
~~insuring corporations,~~ under which the organizations are 64260
authorized to provide, or arrange for the provision of, health 64261
care services to medicaid recipients who are required or permitted 64262
to ~~obtain health care services through managed care organizations~~ 64263
~~as part of~~ participate in the care management system ~~established~~ 64264
~~under section 5167.03 of the Revised Code.~~ 64265

~~(B)(1) Subject to division (B)(2)(a) of this section, the~~ 64266
~~department or its actuary shall base the hospital inpatient~~ 64267
~~capital payment portion of the payment made to managed care~~ 64268
~~organizations on data for services provided to all recipients~~ 64269
~~enrolled in managed care organizations with which the department~~ 64270
~~contracts, as reported by hospitals on relevant cost reports~~ 64271
~~submitted pursuant to rules adopted under section 5167.02 of the~~ 64272
~~Revised Code.~~ 64273

~~(2)(a) The hospital inpatient capital payment portion of the~~ 64274
~~payment made to medicaid managed care organizations shall not~~ 64275
~~exceed any maximum rate established by the department pursuant to~~ 64276
~~rules adopted under this section.~~ 64277

~~(b) If a maximum rate is established, a medicaid managed care~~ 64278
~~organization shall not compensate hospitals for inpatient capital~~ 64279

~~costs in an amount that exceeds that rate.~~ 64280

~~(C) The department of medicaid shall allow a medicaid managed
care organization to use providers to render care upon completion
of the medicaid managed care organization's credentialing process.
There is no limit on the number of medicaid managed care
organizations the department may contract with at any one time.
The managed care organizations with which the department may enter
into contracts include both of the following:~~ 64281
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~~(A) Health insuring corporations;~~ 64288

~~(B) Subject to section 5166.50 of the Revised Code, regional
networks consisting of hospitals that accept a capitated payment
from the department that is not more than ninety per cent of the
lowest capitated payment made to a medicaid managed care
organization that is a health insuring corporation.~~ 64289
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Sec. 5167.101. ~~(A) Subject to division (B) of this section,
the department of medicaid or its actuary shall base the hospital
inpatient capital payment portion of the payment made to a
medicaid managed care organization on data for services provided
to all of the organization's enrollees, as reported by hospitals
on relevant cost reports submitted pursuant to rules adopted under
section 5167.02 of the Revised Code.~~ 64294
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~~(B) The hospital inpatient capital payment portion of the
payment made to medicaid managed care organizations shall not
exceed any maximum rate established in rules adopted under section
5167.02 of the Revised Code.~~ 64301
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~~If a maximum rate is established, a medicaid managed care
organization shall not compensate hospitals for inpatient capital
costs in an amount that exceeds that rate.~~ 64305
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Sec. 5167.102. ~~The department of medicaid shall allow a
medicaid managed care organization to use providers to render care~~ 64308
64309

to the organization's enrollees upon completion of the 64310
organization's credentialing process. 64311

Sec. 5167.103. The department of medicaid shall make 64312
available on its internet web site the metrics the department uses 64313
to determine how well medicaid managed care organizations perform 64314
under the contracts entered into under section 5167.10 of the 64315
Revised Code. The department shall update its internet web site 64316
each quarter to reflect any changes it makes to the metrics. 64317

Sec. 5167.104. If a medicaid managed care organization 64318
establishes a payment rate for a service covered by its medicaid 64319
MCO plan that is greater than the payment rate for the service 64320
under the fee-for-service component of the medicaid program, the 64321
organization shall require any provider of the service that seeks 64322
to be part of the organization's provider panel available to the 64323
organization's enrollees to enter into a value-based contract with 64324
the organization. 64325

Sec. 5167.105. A medicaid managed care organization shall not 64326
permit a provider to be part of the organization's provider panel 64327
available to the organization's enrollees unless the provider 64328
assures the organization that the provider, once a member of the 64329
provider panel, will, in accordance with section 3962.05 of the 64330
Revised Code, provide to the organization the information 64331
specified in that section if the provider chooses to have the 64332
organization provide to the organization's enrollees the 64333
reasonable, good faith cost estimate described in section 3962.04 64334
of the Revised Code. 64335

~~Sec. 5167.11. When contracting under section 5167.10 of the~~ 64336
~~Revised Code with a health insuring corporation that holds a~~ 64337
~~certificate of authority under Chapter 1751. of the Revised Code,~~ 64338

~~the department of medicaid~~ Each medicaid managed care organization 64339
shall ~~require the health insuring corporation to provide a~~ 64340
grievance process for ~~medicaid recipients~~ the organization's 64341
enrollees in accordance with 42 C.F.R. 438, subpart F. 64342

Sec. 5167.12. (A) ~~When contracting under section 5167.10 of~~ 64343
~~the Revised Code with a managed care organization that is a health~~ 64344
~~insuring corporation, the department of medicaid shall require the~~ 64345
~~health insuring corporation to provide coverage of prescribed~~ 64346
~~drugs for medicaid recipients enrolled in the health insuring~~ 64347
~~corporation. In providing the required coverage, the health~~ 64348
~~insuring corporation may use~~ medicaid MCO plans may include 64349
strategies for the management of drug utilization, but any such 64350
strategies are subject to the limitations and requirements of this 64351
section and the ~~department's~~ approval of the department of 64352
medicaid. 64353

(B) ~~The department~~ A medicaid MCO plan shall not ~~permit a~~ 64354
~~health insuring corporation to~~ impose a prior authorization 64355
requirement in the case of a drug to which all of the following 64356
apply: 64357

(1) The drug is an antidepressant or antipsychotic. 64358

(2) The drug is administered or dispensed in a standard 64359
tablet or capsule form, except that in the case of an 64360
antipsychotic, the drug also may be administered or dispensed in a 64361
long-acting injectable form. 64362

(3) The drug is prescribed by any of the following: 64363

(a) A physician who ~~is allowed by the health insuring~~ 64364
~~corporation~~ medicaid managed care organization that offers the 64365
plan allows to provide care as a psychiatrist through its 64366
credentialing process, as described in division (C) of section 64367
5167.10 of the Revised Code; 64368

(b) A psychiatrist who is practicing at a location on behalf of a community mental health services provider whose mental health services are certified by the department of mental health and addiction services under section 5119.36 of the Revised Code;

(c) A certified nurse practitioner, as defined in section 4723.01 of the Revised Code, who is certified in psychiatric mental health by a national certifying organization approved by the board of nursing under section 4723.46 of the Revised Code;

(d) A clinical nurse specialist, as defined in section 4723.01 of the Revised Code, who is certified in psychiatric mental health by a national certifying organization approved by the board of nursing under section 4723.46 of the Revised Code.

(4) The drug is prescribed for a use that is indicated on the drug's labeling, as approved by the federal food and drug administration.

(C) ~~Subject to division (E) of this section, the~~ The department shall authorize a ~~health insuring corporation~~ medicaid MCO plan to ~~develop and implement~~ include a pharmacy utilization management program under which prior authorization through the program is established as a condition of obtaining a controlled substance pursuant to a prescription.

(D) ~~The department shall require a health insuring corporation to~~ Each medicaid managed care organization and medicaid MCO plan shall comply with sections 5164.091, 5164.7511, 5164.7512, and 5164.7514 of the Revised Code, as if the ~~health insuring corporation~~ organization were the department and the plan were the medicaid program.

Sec. 5167.13. ~~Each contract the department of medicaid enters into with a managed care organization under section 5167.10 of the Revised Code shall require the~~ medicaid managed care organization

~~to shall~~ implement a coordinated services program for ~~medicaid~~ 64399
~~recipients enrolled in the organization~~ organization's enrollees 64400
who are found to have obtained prescribed drugs under the ~~medicaid~~ 64401
program at a frequency or in an amount that is not medically 64402
necessary. The program shall be implemented in a manner that is 64403
consistent with section 1915(a)(2) of the "Social Security Act," 64404
~~section 1915(a)(2),~~ 42 U.S.C. 1396n(a)(2), and 42 C.F.R. 64405
431.54(e). 64406

Sec. 5167.14. ~~Each contract the department of medicaid enters~~ 64407
~~into with a medicaid~~ managed care organization ~~under section~~ 64408
~~5167.10 of the Revised Code shall require the managed care~~ 64409
~~organization to~~ enter into a data security agreement with the 64410
state board of pharmacy governing the managed care organization's 64411
use of the board's drug database established and maintained under 64412
section 4729.75 of the Revised Code. 64413

This section does not apply if the board no longer maintains 64414
the drug database. 64415

Sec. 5167.17. ~~When contracting under section 5167.10 of the~~ 64416
~~Revised Code with a~~ Each medicaid managed care organization ~~that~~ 64417
~~is a health insuring corporation, the department of medicaid shall~~ 64418
~~require the health insuring corporation to~~ provide enhanced care 64419
management services for pregnant women and women capable of 64420
becoming pregnant in the communities specified in rules adopted 64421
under section 3701.142 of the Revised Code. ~~The contract shall~~ 64422
~~specify that the services are to~~ shall be provided in a manner 64423
intended to decrease the incidence of prematurity, low birth 64424
weight, and infant mortality, as well as improve the overall 64425
health status of women capable of becoming pregnant for the 64426
purpose of ensuring optimal future birth outcomes. 64427

Sec. 5167.171. ~~When contracting with a~~ Each medicaid managed 64428

care organization ~~that is a health insuring corporation, the~~ 64429
~~department of medicaid shall require the organization, if the~~ 64430
organization requires practitioners to obtain prior approval 64431
before administering progesterone to the organization's enrollees 64432
who are pregnant medicaid recipients enrolled in the organization, 64433
~~to~~ use a uniform prior approval form for progesterone that is not 64434
more than one page. 64435

Sec. 5167.172. ~~When contracting with a~~ Each medicaid managed 64436
care organization ~~that is a health insuring corporation, the~~ 64437
~~department of medicaid shall require the organization to~~ promote 64438
the use of technology-based resources, such as mobile telephone or 64439
text messaging applications, that offer tips on having a healthy 64440
pregnancy and healthy baby to ~~medicaid recipients~~ the 64441
organization's enrollees who are ~~enrolled in the organization and~~ 64442
~~are~~ pregnant or have an infant who is less than one year of age. 64443

Sec. 5167.18. ~~Each contract the department of medicaid enters~~ 64444
~~into with a~~ medicaid managed care organization ~~under section~~ 64445
~~5167.10 of the Revised Code shall require the managed care~~ 64446
~~organization to~~ comply with federal and state efforts to identify 64447
fraud, waste, and abuse in the medicaid program. 64448

Sec. 5167.19. (A) As used in this section: 64449

(1) "Applicable percentage" means the following: 64450

(a) For the first year that incentive payments are made under 64451
this section, two per cent; 64452

(b) For the second year that the incentive payments are made 64453
under this section, four per cent; 64454

(c) For the third and subsequent years that the incentive 64455
payments are made under this section, six per cent. 64456

(2) "Base operating DRG payment amount" has the meaning specified in rules authorized by this section. 64457
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(3) "Medicare hospital value-based purchasing program" means the program that the United States secretary of health and human services must establish under section 1886(o) of the "Social Security Act," 42 U.S.C. 1395ww(o). 64459
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(4) "Participating hospital" means a hospital under contract with a medicaid managed care organization to provide inpatient hospital services to medicaid recipients enrolled in a medicaid MCO plan offered by the organization. 64463
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(B) Each medicaid managed care organization shall implement a hospital value-based purchasing program that, except as otherwise provided by this section, is identical to the medicare hospital value-based purchasing program. Under the program, a medicaid managed care organization shall make incentive payments to participating hospitals based on their successes in meeting the measures used for the medicare hospital value-based purchasing program. The total amount that a medicaid managed care organization makes available for the incentive payments for a year shall be equal to the total amount of the savings achieved for that year due to the reduced hospital payments the organization makes under division (C) of this section. 64467
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(C) Each medicaid managed care organization shall reduce each participating hospital's base operating DRG payment amount for each discharge in a year by an amount equal to the applicable percentage of the participating hospital's base operating DRG payment amount for the discharge for that year. The reduction shall be made for all participating hospitals each year regardless of whether a participating hospital has earned an incentive payment under this section for that year. 64479
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(D) The medicaid director shall adopt rules under section 64487

5167.02 of the Revised Code as necessary to implement this 64488
section, including rules that define the term "base operating DRG 64489
payment amount." 64490

Sec. 5167.20. (A) Except as provided in division (B) of this 64491
section, when a ~~participant in the care management system~~ 64492
~~established under this chapter is enrolled in a~~ medicaid managed 64493
care organization ~~and the organization~~ refers the ~~participant an~~ 64494
enrollee to receive services, other than emergency services 64495
provided on or after January 1, 2007, at a hospital that 64496
participates in the medicaid program but is not under contract 64497
with the organization, the hospital shall provide the service for 64498
which the referral was made and shall accept from the 64499
organization, as payment in full, ~~the an amount derived from equal~~ 64500
to ninety per cent of the payment rate used by the department to 64501
pay other hospitals of the same type for providing the same 64502
service to a medicaid recipient who is not enrolled in a medicaid 64503
~~managed care organization~~ MCO plan. 64504

(B) A hospital is not subject to division (A) of this section 64505
if all of the following are the case: 64506

(1) The hospital is located in a county in which participants 64507
in the care management system are required before January 1, 2006, 64508
to be enrolled in a medicaid ~~managed care organization that is a~~ 64509
~~health insuring corporation~~ MCO plan; 64510

(2) The hospital has entered into a contract before January 64511
1, 2006, with at least one health insuring corporation serving the 64512
participants specified in division (B)(1) of this section; 64513

(3) The hospital remains under contract with at least one 64514
health insuring corporation serving participants in the care 64515
management system who are required to be enrolled in a ~~health~~ 64516
~~insuring corporation~~ medicaid MCO plan. 64517

(C) The medicaid director shall adopt rules under section 64518
5167.02 of the Revised Code specifying the circumstances under 64519
which a medicaid managed care organization is permitted to refer a 64520
~~participant in the care management system~~ an enrollee to a 64521
hospital that is not under contract with the organization. 64522

Sec. 5167.201. (A) When a ~~participant in the care management~~ 64523
~~system established under this chapter is enrolled in a~~ medicaid 64524
managed care ~~organization and~~ organization's enrollee receives 64525
emergency services on or after January 1, 2007, from a provider 64526
that is not under contract with the organization, the provider 64527
shall accept from the organization, as payment in full, not more 64528
than the amounts (less any payments for indirect costs of medical 64529
education and direct costs of graduate medical education) that the 64530
provider could collect if the ~~participant~~ enrollee received 64531
medicaid other than through enrollment in a ~~managed care~~ 64532
~~organization~~ medicaid MCO plan. 64533

(B) This section does not apply to any treatment that is not 64534
an emergency service if, before providing the service, the 64535
provider obtains the patient's consent after disclosing the 64536
following to the patient: 64537

(1) The medical service is not necessary for the patient's 64538
immediate health or welfare and can be completed at a later date. 64539

(2) The patient may be liable for payment of part or all of 64540
the medical service if the patient does not obtain approval from 64541
the patient's medicaid MCO plan before receiving the service. 64542

(C) An agreement entered into by a ~~participant~~ an enrollee, a 64543
~~participant's~~ an enrollee's parent, or a ~~participant's~~ an 64544
enrollee's legal guardian that requires payment for emergency 64545
services in violation of this section is void and unenforceable. 64546

Sec. 5167.22. Both of the following shall apply to each 64547

medicaid managed care organization that seeks to recoup an 64548
overpayment made to a provider: 64549

(A) The medicaid managed care organization shall not initiate 64550
the recoupment later than one year after the date that the payment 64551
for the services was made. 64552

(B) When the medicaid managed care organization seeks to 64553
recoup the overpayment, it shall provide the provider all of the 64554
details of the recoupment, including all of the following 64555
information: 64556

(1) The name, address, and medicaid identification number of 64557
the medicaid recipient to whom the services were provided; 64558

(2) The date or dates that the services were provided; 64559

(3) The reason for the recoupment; 64560

(4) The method by which the provider may contest the proposed 64561
recoupment. 64562

Sec. 5167.221. If the care management system covers home 64563
health services provided by a home health agency, a medicaid 64564
managed care organization shall not do either of the following: 64565

(A) Require a medicaid recipient to obtain prior 64566
authorization for the first ten days of the services if a 64567
physician, nursing facility, or hospital referred the recipient to 64568
the services; 64569

(B) Require a medicaid recipient to obtain prior 64570
authorization for any of the services if the recipient is a 64571
hospice patient, as defined in section 3712.01 of the Revised 64572
Code. 64573

Sec. 5167.24. (A) If the department of medicaid includes 64574
prescribed drugs in the care management system as authorized by 64575

section 5167.05 of the Revised Code and the department contracts 64576
with medicaid managed care organizations under section 5167.10 of 64577
the Revised Code, the organizations shall use the state pharmacy 64578
benefit manager selected under section 125.93 of the Revised Code 64579
pursuant to the terms of the master contract entered into under 64580
that section. The state pharmacy benefit manager shall be 64581
responsible for processing all pharmacy claims under the care 64582
management system. 64583

(B) Notwithstanding division (A) of this section, a medicaid 64584
managed care organization may contract directly with a pharmacy 64585
regarding the practice of pharmacy. 64586

Sec. 5167.241. (A) In consultation with the medicaid 64587
director, the state pharmacy benefit manager shall develop a 64588
medicaid prescribed drug formulary that it will use when 64589
administering prescription drug benefits on behalf of a medicaid 64590
managed care organization under the care management system. At 64591
minimum, the medicaid prescribed drug formulary shall list 64592
prescribed drugs and shall specify the per unit price for each 64593
drug. The state pharmacy benefit manager shall price drugs on the 64594
formulary at the cheapest rate for the state. The formulary price 64595
is the total price ceiling, including any supplemental rebates or 64596
discounts received for the prescribed drug. The formulary shall 64597
not become effective until the medicaid director approves it. 64598

(B) The state pharmacy benefit manager shall disclose 64599
immediately and in writing to the department of medicaid any 64600
changes to the medicaid prescribed drug formulary. The director 64601
may disapprove any changes to the formulary. 64602

(C) If the centers for medicare and medicaid services (CMS) 64603
adopts rules to include the international pricing index model, as 64604
described in the advance notice of proposed rulemaking issued by 64605

CMS on October 30, 2018 (Federal Register Vol. 83, No. 210, pp. 54546-54561), the medicaid director shall apply for a waiver component as needed and amend the state medicaid plan to implement the international pricing index model as the formulary under the care management system. 64606
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(D)(1) If those rules are adopted, the state pharmacy benefit manager shall use them as a model for the medicaid prescribed drug formulary instead of the standards under division (A) of this section. At a minimum, the formulary shall contain all part B drugs that the CMS includes in the international pricing index model. 64611
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The per unit price shall not be more than the target price for the prescribed drug derived from the international pricing index model described in Federal Register Vol. 83, No. 210, pp. 54556. The formulary shall not become effective until the medicaid director approves it. 64617
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(2) The state pharmacy benefit manager shall review the medicaid prescribed drug formulary at least monthly and update it based on changes that CMS makes to the list of drugs included in the international pricing index model and the per unit prices described in division (D) of this section. The state pharmacy benefit manager shall disclose immediately and in writing to the department of medicaid any changes to the medicaid prescribed drug formulary. The director may disapprove any changes to the formulary. 64622
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(E) The state pharmacy benefit manager shall not make any payment for a prescribed drug included in the medicaid prescribed drug formulary in an amount that exceeds the per unit price for the drug as described in division (A) of this section. 64631
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(F) In developing the medicaid prescribed drug formulary under this section in consultation with the department, the state 64635
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pharmacy benefit manager shall negotiate prices for and price 64637
prescribed drugs at the lowest prices possible to maximize the 64638
health of medicaid recipients and promote the efficiency of the 64639
medicaid program. 64640

Sec. 5167.242. (A) The state pharmacy benefit manager shall 64641
provide to the medicaid director a written quarterly report 64642
containing the following information from the immediately 64643
preceding quarter: 64644

(1) The prices that the state pharmacy benefit manager 64645
negotiated for prescribed drugs under the care management system. 64646
The price must include any rebates the state pharmacy benefit 64647
manager received from the drug manufacturer; 64648

(2) The prices the state pharmacy benefit manager paid to 64649
pharmacies for prescribed drugs; 64650

(3) Any rebate amounts the state pharmacy benefit manager 64651
passed on to individual pharmacies; 64652

(4) The percentage of savings in drug prices that are passed 64653
on to participants in the care management system; 64654

(5) The information described in division (D) of section 64655
125.93 of the Revised Code; 64656

(6) Any other information required by the director. 64657

(B) The director may ask the state pharmacy benefit manager 64658
to provide additional information as necessary. 64659

(C) At the time of contract execution, renewal, or 64660
modification, the department shall modify the reporting 64661
requirements under its medicaid managed care organization 64662
contracts as necessary to meet the requirements of this section. 64663

Sec. 5167.243. No person shall violate section 5167.24 or 64664
5167.241 of the Revised Code. Whoever violates those sections is 64665

subject to a civil penalty in an amount to be determined by the 64666
medicaid director. 64667

Sec. 5167.244. The medicaid director shall adopt rules under 64668
section 5167.02 of the Revised Code as necessary to implement and 64669
enforce sections 5167.24 to 5167.243 of the Revised Code, 64670
including all of the following: 64671

(A) Specifying the information that must be disclosed to the 64672
department by the state pharmacy benefit manager under section 64673
5167.242 of the Revised Code; 64674

(B) Establishing the amount of the civil penalties for 64675
violations of sections 5167.24 to 5167.243 of the Revised Code; 64676

(C) Adjusting its capitation payments to medicaid managed 64677
care organizations as necessary as a result of the state pharmacy 64678
benefit manager processing all pharmacy claims under the care 64679
management system under section 5167.24 of the Revised Code; 64680

(D) In accordance with section 4729.261 of the Revised Code, 64681
consulting with the state board of pharmacy to develop a 64682
definition for "specialty drug" and "specialty pharmacy" and to 64683
prohibit the state pharmacy benefit manager from requiring a 64684
medicaid recipient to obtain a specialty drug from a specialty 64685
pharmacy owned or otherwise associated with the state pharmacy 64686
benefit manager. 64687

Sec. 5167.26. For the purpose of determining the amount the 64688
department of medicaid pays hospitals under section 5168.09 of the 64689
Revised Code and the amount of disproportionate share hospital 64690
payments paid by the medicare program pursuant to section 1915 of 64691
the "Social Security Act," ~~section 1915,~~ 42 U.S.C. 1396n, a 64692
medicaid managed care organization shall keep detailed records for 64693
each hospital with which it contracts, including records regarding 64694

the cost to the hospital of providing hospital services for the 64695
organization, payments made by the organization to the hospital 64696
for the services, utilization of hospital services by ~~medicaid~~ 64697
~~recipients enrolled in the organization~~ organization's enrollees, 64698
and other utilization data required by the department. 64699

Sec. 5167.28. (A) Each medicaid managed care organization 64700
shall establish an employment connection incentive program to 64701
assist medicaid recipients enrolled in a medicaid MCO plan offered 64702
by the organization in obtaining and maintaining employment. 64703

(B) A medicaid recipient enrolled in a medicaid managed care 64704
organization's medicaid MCO plan may volunteer to participate in 64705
the organization's employment connection incentive program. No 64706
recipient is required to participate. 64707

(C) Each medicaid managed care organization shall do both of 64708
the following for each medicaid recipient participating in the 64709
organization's employment connection incentive program: 64710

(1) Identify the barriers that the recipient has to achieving 64711
greater financial independence, including all of the following 64712
barriers: 64713

(a) Education; 64714

(b) Employment; 64715

(c) Physical and behavioral health care; 64716

(d) Transportation; 64717

(e) Child care; 64718

(f) Housing; 64719

(g) Legal problems, including criminal records; 64720

(h) Other barriers identified for the recipient. 64721

(2) Assist the recipient in overcoming the barriers 64722

identified for the recipient. 64723

(D) The assistance provided to a medicaid recipient pursuant to division (C)(2) of this section shall include assistance in obtaining and maintaining meaningful employment. Such assistance shall include all of the following as appropriate for the recipient: 64724
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(1) Education programs, including the following types of education programs: 64729
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(a) English as a second language; 64731

(b) Literacy; 64732

(c) Programs designed to lead to the attainment of the equivalent of a high school diploma; 64733
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(d) Post-secondary. 64735

(2) Job training, placement, and retention programs; 64736

(3) Apprenticeship programs; 64737

(4) Mentoring programs; 64738

(5) Other activities the department of medicaid shall specify. 64739
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(E) The department of medicaid shall establish criteria it shall use to determine the success that medicaid managed care organizations have with their employment connection incentive programs. The criteria shall include the length of time that a medicaid recipient who participated in a medicaid managed care organization's employment connective incentive program has ceased to be eligible for medicaid due to increased earnings resulting from employment that the program helped the recipient obtain or maintain. 64741
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(F) The department shall provide incentive payments to medicaid managed care organizations according to their successes 64750
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with their employment connection incentive programs. The 64752
department shall determine the amount of each payment and the 64753
times at which medicaid managed care organizations earn payments. 64754
The amount of a payment to be made to a medicaid managed care 64755
organization shall be based on the savings in the nonfederal share 64756
of the per recipient per month cost of the capitation payments to 64757
the organization resulting from the organization's success with 64758
its employment connection incentive program. 64759

Sec. 5167.29. (A) As used in this section: 64760

(1) "Covered health care" means a health care product, 64761
service, or procedure covered by a medicaid MCO plan. 64762

(2) "Emergency service" has the same meaning as in section 64763
1753.28 of the Revised Code. 64764

(3) "High quality and efficient participating provider" means 64765
a participating provider to which both of the following apply: 64766

(a) The provider has a high rating under division (C) of this 64767
section. 64768

(b) The cost to a medicaid managed care organization for 64769
covered health care the provider furnishes to an enrollee is less 64770
than the cost the organization would have incurred if the enrollee 64771
had obtained the covered health care from another participating 64772
provider with which the enrollee initially scheduled an 64773
appointment for the covered health care. 64774

(4) "Participating provider" means a provider who is a member 64775
of a medicaid managed care organization's provider panel. 64776

(B) Each medicaid managed care organization shall establish 64777
and implement a program that incentivizes enrollees to obtain 64778
covered health care from high quality and efficient participating 64779
providers. The incentives shall be in the form of points awarded 64780
to enrollees under division (E) of this section which the 64781

organization shall enable the enrollees to redeem for merchandise 64782
available through the organization's internet web site. 64783

(C) As part of the program instituted under this section, a 64784
medicaid managed care organization shall do both of the following: 64785

(1) Rate participating providers based on quality metrics. 64786
The quality metrics for hospitals shall be the measures used for 64787
the medicare hospital value-based purchasing program. The 64788
department of medicaid shall establish the quality metrics for 64789
other types of providers. In rating participating providers, an 64790
organization shall award providers between one and five stars 64791
based on the providers' scores on the quality metrics. 64792

(2) Establish on the organization's internet web site a 64793
system under which enrollees rate and provide comments about 64794
participating providers after appointments with the providers. The 64795
system shall be similar to internet web sites that enable 64796
consumers to rate and provide comments about commercial products. 64797
The organization shall encourage enrollees to use the system after 64798
each appointment with a participating provider. The system shall 64799
enable all enrollees to see the ratings and comments that other 64800
enrollees have made for each participating provider. 64801

(D) A medicaid managed care organization shall provide an 64802
enrollee all of the following before any covered health care, 64803
other than an emergency service, is furnished to the enrollee by a 64804
participating provider with which the enrollee has scheduled an 64805
appointment for the covered health care: 64806

(1) A reasonable, good faith cost estimate for the covered 64807
health care described in section 3962.04 of the Revised Code, 64808
regardless of whether the provider also provides the cost estimate 64809
to the enrollee or the enrollee's representative; 64810

(2) The provider's quality rating under division (C)(1) of 64811
this section and average enrollee rating under division (C)(2) of 64812

this section; 64813

(3) The address of the organization's internet web site at 64814
which the enrollee may access the enrollee rating system 64815
established under division (C)(2) of this section so that the 64816
enrollee can read the ratings and comments made by other enrollees 64817
about the provider and other participating providers; 64818

(4) A list of high quality and efficient participating 64819
providers who could furnish the covered health care to the 64820
enrollee and the providers' quality ratings under division (C)(1) 64821
of this section and average enrollee ratings under division (C)(2) 64822
of this section. 64823

(E)(1) Subject to division (E)(2) of this section, a medicaid 64824
managed care organization shall award points to an enrollee if the 64825
enrollee cancels an appointment for covered health care with a 64826
participating provider that is not a high quality and efficient 64827
participating provider and instead obtains the covered health care 64828
from a high quality and efficient participating provider. The 64829
number of points awarded shall be sufficient to incentivize the 64830
enrollee to cancel the initial appointment and obtain the covered 64831
health care from the high quality and efficient participating 64832
provider. 64833

(2) A medicaid managed care organization shall monitor 64834
enrollees' behavior under the program to thwart abuse of the 64835
program. An enrollee found to have abused or attempted to abuse 64836
the program shall not be awarded points. 64837

(F) The department of medicaid shall monitor each medicaid 64838
managed care organization as the organization establishes and 64839
implements the program under this section and determine the 64840
effectiveness of each organization's program. 64841

Sec. 5167.35. (A) As used in this section: 64842

<u>(1) "Mandatory services" has the same meaning as in section 5164.01 of the Revised Code.</u>	64843 64844
<u>(2) "Optional services" has the same meaning as in section 5164.01 of the Revised Code.</u>	64845 64846
<u>(3) "Specified states" means the following states: Illinois, Indiana, Michigan, Ohio, Pennsylvania, and West Virginia.</u>	64847 64848
<u>(B) This section is subject to section 5166.50 of the Revised Code.</u>	64849 64850
<u>(C) The department of medicaid shall establish the shared savings bonus program. Under the program, the department shall, subject to division (D) of this section, do both of the following before the beginning of each fiscal year:</u>	64851 64852 64853 64854
<u>(1) Determine the average of the per recipient capitated payment rate, not including any shared savings bonus received under division (D) of this section, for each medicaid managed care organization for the three fiscal years immediately preceding the fiscal year for which the determination is made;</u>	64855 64856 64857 64858 64859
<u>(2) Determine the average per recipient cost to the medicaid programs in the specified states for the eligibility groups that are designated for participation in the care management system pursuant to section 5167.03 of the Revised Code for the three fiscal years immediately preceding the fiscal year for which the determination is made.</u>	64860 64861 64862 64863 64864 64865
<u>(D) In making the determinations under divisions (C)(1) and (2) of this section, the department shall include only the costs for mandatory services and the costs for those optional services that are covered by the medicaid program in this state and the medicaid programs in all of the specified states.</u>	64866 64867 64868 64869 64870
<u>(E)(1) Subject to division (E)(3) of this section, the amount of a medicaid managed care organization's shared savings bonus for</u>	64871 64872

a fiscal year shall be determined as follows: 64873

(a) Subtract the organization's three-year average determined under division (C)(1) of this section for the fiscal year from the three-year average determined under division (C)(2) of this section for the fiscal year; 64874
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(b) Subject to division (E)(2) of this section, subtract the organization's three-year average determined under division (C)(1) of this section for the fiscal year from the organization's initial three-year average determined under that division; 64878
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(c) Determine the sum of the differences determined under divisions (E)(1)(a) and (b) of this section; 64882
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(d) Multiply the sum determined under division (E)(1)(c) of this section by twenty per cent. 64884
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(2) The amount determined under division (E)(1)(b) of this section for a medicaid managed care organization for the first fiscal year that the determination is made for the organization shall be zero. 64886
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(3) If the amount determined under division (E)(1)(c) of this section for a medicaid managed care organization for the first or second fiscal year for which the determination is made is a negative number, the organization's shared savings bonus for that fiscal year shall be zero. If the amount determined under that division for a medicaid managed care organization for the third or a subsequent fiscal year for which the determination is made is a negative number, the department shall terminate the organization's contract with the department and enter into a contract with another managed care organization under section 5167.10 of the Revised Code. The effective date of the contract termination shall be the same as the effective date of the contract with the other managed care organization so as to avoid a disruption in medicaid recipients' access to services under the care management system. 64890
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<u>Sec. 5167.36. (A) As used in this section:</u>	64904
<u>(1) "Assignment share percentage" means the percentage of</u>	64905
<u>medicaid recipients who are randomly assigned to enroll in a</u>	64906
<u>particular participating MCO's medicaid MCO plan under division</u>	64907
<u>(D) of this section.</u>	64908
<u>(2) "Participating MCO" means a medicaid managed care</u>	64909
<u>organization participating in the quality incentive program</u>	64910
<u>established under this section.</u>	64911
<u>(B) This section is subject to section 5166.50 of the Revised</u>	64912
<u>Code.</u>	64913
<u>(C) The department of medicaid shall establish the quality</u>	64914
<u>incentive program. Under the program, if a medicaid recipient</u>	64915
<u>participating in the care management system does not select a</u>	64916
<u>medicaid MCO plan in which to enroll, the department shall</u>	64917
<u>randomly assign the recipient to enroll in a medicaid MCO plan</u>	64918
<u>offered by one of the participating MCOs. The number of recipients</u>	64919
<u>randomly assigned to enroll in each participating MCO's medicaid</u>	64920
<u>MCO plan shall be determined in accordance with that participating</u>	64921
<u>MCO's assignment share percentage calculated under division (D) of</u>	64922
<u>this section for the year the enrollment takes place.</u>	64923
<u>All of the following shall participate in the quality</u>	64924
<u>incentive program:</u>	64925
<u>(1) Each medicaid managed care organization that has a</u>	64926
<u>contract under section 5167.10 of the Revised Code on the</u>	64927
<u>effective date of this section;</u>	64928
<u>(2) Other managed care organizations that become medicaid</u>	64929
<u>managed care organizations after the effective date of this</u>	64930
<u>section and are selected by the department.</u>	64931
<u>(D)(1) During the first calendar year that the quality</u>	64932
<u>incentive program is operated, the assignment share percentage</u>	64933

shall be the same for all of the participating MCOs. Each year 64934
thereafter, each participating MCO shall be ranked according to 64935
the number of points it is awarded under division (E) of this 64936
section, and each participating MCO's assignment share percentage 64937
shall be adjusted as follows: 64938

(a) The assignment share percentage of the participating MCO 64939
ranked at the top shall be increased by twenty-five per cent. 64940

(b) The assignment share percentage of the participating MCO 64941
ranked at the bottom shall be decreased by twenty-five per cent. 64942

(c) The assignment share percentage of all of the other 64943
participating MCOs shall be increased or decreased in a 64944
corresponding, linear, and proportional manner based on their 64945
ranks. 64946

(2) If a medicaid managed care organization becomes a 64947
participating MCO after the other participating MCOs' assignment 64948
share percentages have been assigned, the department shall do both 64949
of the following: 64950

(a) Assign to the new participating MCO an initial assignment 64951
share percentage which shall be the percentage determined by 64952
dividing one hundred by the total number of participating MCOs; 64953

(b) Adjust the assignment share percentages of all of the 64954
other participating MCOs proportionally. 64955

(E)(1) The department shall award points annually to each 64956
participating MCO based on health and quality metrics taken from 64957
the previous calendar year. Subject to divisions (E)(2) and (3) of 64958
this section, the department shall determine how points are 64959
awarded to participating MCOs. The number of points awarded to a 64960
participating MCO based on quality metrics shall not be more than 64961
twenty per cent of the total number of points awarded to the 64962
participating MCO. 64963

<u>(2) The health metrics used to determine the number of points</u>	64964
<u>awarded to a participating MCO shall include the following health</u>	64965
<u>measurements for the group of medicaid recipients who have been</u>	64966
<u>randomly assigned under division (C) of this section to enroll in</u>	64967
<u>a medicaid MCO plan offered by the participating MCO:</u>	64968
<u>(a) Smoking rate;</u>	64969
<u>(b) Infant mortality rate;</u>	64970
<u>(c) Hemoglobin a1c levels;</u>	64971
<u>(d) Obesity rate;</u>	64972
<u>(e) Incidence of relapse of alcohol or drug addiction;</u>	64973
<u>(f) Health measurements developed by the department in</u>	64974
<u>consultation with groups representing individuals with</u>	64975
<u>developmental disabilities.</u>	64976
<u>(3) The quality metrics used to determine the number of</u>	64977
<u>points awarded to a participating MCO shall include the following</u>	64978
<u>quality measurements as measured through a survey established by</u>	64979
<u>the department:</u>	64980
<u>(a) How promptly the participating MCO pays claims for</u>	64981
<u>services rendered to enrollees;</u>	64982
<u>(b) The participating MCO's responsiveness to provider and</u>	64983
<u>enrollee requests;</u>	64984
<u>(c) Provider user satisfaction;</u>	64985
<u>(d) The effectiveness of the participating MCO's program</u>	64986
<u>established under section 5167.29 of the Revised Code;</u>	64987
<u>(e) Any other measurements the department considers</u>	64988
<u>appropriate.</u>	64989
<u>(4) The department shall publish each participating MCO's</u>	64990
<u>point totals annually and provide the information to medicaid</u>	64991
<u>recipients before they enroll in a medicaid MCO plan.</u>	64992

(F) If, for the second or a subsequent calendar year that the quality incentive program is operated, a participating MCO's assignment share percentage is decreased under division (D)(1) of this section to an amount that is equal to or less than fifty per cent of its assignment share percentage for the first calendar year that the program is operated, the department shall terminate the participating MCO's participation in the program. 64993
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(G) A participating MCO shall not treat medicaid recipients who are randomly assigned to enroll in the participating MCO's medicaid MCO plan under division (C) of this section differently than how the participating MCO treats medicaid recipients who select the plan on their own. 65000
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Sec. 5167.41. The department of medicaid may disenroll some or all medicaid recipients ~~enrolled in~~ from a medicaid MCO plan offered by a medicaid managed care organization if the department proposes to terminate or not to renew the contract entered into under section 5167.10 of the Revised Code and determines that the recipients' access to medically necessary services is jeopardized by the proposal to terminate or not to renew the contract. The disenrollment is not subject to Chapter 119. of the Revised Code, but the medicaid managed care organization may request a reconsideration of the disenrollment. Reconsiderations shall be requested and conducted in accordance with rules the medicaid director shall adopt under section 5167.02 of the Revised Code. The request for, or conduct of, a reconsideration regarding a proposed disenrollment shall not delay the disenrollment. 65005
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Sec. 5168.03. The requirements of sections 5168.06 to 5168.09 of the Revised Code apply only as long as the United States ~~health care financing administration~~ centers for medicare and medicaid services determines that the assessment imposed under section 5168.06 of the Revised Code is a permissible health care-related 65019
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tax pursuant to the "Social Security Act," section 1903(w), 42 65024
U.S.C. 1396b(w). Whenever the department of medicaid is informed 65025
that the assessment is an impermissible health care-related tax, 65026
the department shall promptly refund to each hospital the amount 65027
of money currently in the hospital care assurance program fund 65028
created by section 5168.11 of the Revised Code that has been paid 65029
by the hospital under section 5168.06 or 5168.07 of the Revised 65030
Code, plus any investment earnings on that amount. 65031
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Sec. 5168.05. (A) Except as provided in division (C) of this 65033
section, each hospital, on or before the first day of July of each 65034
year or at a later date approved by the medicaid director, shall 65035
submit to the department of medicaid a financial statement for the 65036
preceding calendar year that accurately reflects the income, 65037
expenses, assets, liabilities, and net worth of the hospital, and 65038
accompanying notes. A hospital that has a fiscal year different 65039
from the calendar year shall file its financial statement within 65040
one hundred eighty days of the end of its fiscal year or at a 65041
later date approved by the director. The financial statement shall 65042
be prepared by an independent certified public accountant and 65043
reflect an official audit report prepared in a manner consistent 65044
with generally accepted accounting principles. The financial 65045
statement shall, to the extent that the hospital has sufficient 65046
financial records, show bad debt and charity care separately from 65047
courtesy care and contractual allowances. 65048

(B) Except as provided in division (C) of this section, each 65049
hospital, within one hundred eighty days after the end of the 65050
hospital's cost reporting period, shall submit to the department a 65051
cost report in a format prescribed in rules adopted under section 65052
5168.02 of the Revised Code. The department shall grant a hospital 65053
an extension of the one hundred eighty day period if the ~~health~~ 65054
~~care financing administration of the United States department of~~ 65055

~~health and human centers for medicare and medicaid services~~ 65056
extends the date by which the hospital must submit its cost report 65057
for the hospital's cost reporting period. 65058

(C) The director may adopt rules under section 5168.02 of the 65059
Revised Code specifying financial information that must be 65060
submitted by hospitals for which no financial statement or cost 65061
report is available. The rules shall specify deadlines for 65062
submitting the information. Each such hospital shall submit the 65063
information specified in the rules not later than the deadline 65064
specified in the rules. 65065

Sec. 5168.06. (A) For the purpose of distributing funds to 65066
hospitals under the medicaid program pursuant to sections 5168.01 65067
to 5168.14 of the Revised Code and depositing funds into the 65068
health care/medicaid support and recoveries fund created under 65069
section 5162.52 of the Revised Code, there is hereby imposed an 65070
assessment on all hospitals. Each hospital's assessment shall be 65071
based on total facility costs. All hospitals shall be assessed 65072
according to the rate or rates established each program year in 65073
rules adopted under section 5168.02 of the Revised Code. The 65074
department shall assess all hospitals uniformly and in a manner 65075
consistent with federal statutes and regulations. During any 65076
program year, the department shall not assess any hospital more 65077
than two per cent of the hospital's total facility costs. 65078

The department shall establish an assessment rate or rates 65079
each program year that will do both of the following: 65080

(1) Yield funds that, when combined with intergovernmental 65081
transfers and federal matching funds, will produce a program of 65082
sufficient size to pay a substantial portion of the indigent care 65083
provided by hospitals; 65084

(2) Yield funds that, when combined with intergovernmental 65085
transfers and federal matching funds, will produce amounts for 65086

distribution to disproportionate share hospitals that do not 65087
exceed, in the aggregate, the limits prescribed by the United 65088
States ~~health care financing administration~~ centers for medicare 65089
and medicaid services under the "Social Security Act," section 65090
1923(f), 42 U.S.C. 1396r-4(f). 65091

(B)(1) Except as provided in division (B)(3) of this section, 65092
each hospital shall pay its assessment in periodic installments in 65093
accordance with a schedule established in rules adopted under 65094
section 5168.02 of the Revised Code. 65095

(2) The installments shall be equal in amount, unless either 65096
of the following applies: 65097

(a) The department makes adjustments during a program year 65098
under division (D) of section 5168.08 of the Revised Code in the 65099
total amount of hospitals' assessments; 65100

(b) The medicaid director determines that adjustments in the 65101
amounts of installments are necessary for the administration of 65102
sections 5168.01 to 5168.14 of the Revised Code and that unequal 65103
installments will not create cash flow difficulties for hospitals. 65104

(3) The director may adopt rules under section 5168.02 of the 65105
Revised Code establishing alternate schedules for hospitals to pay 65106
assessments under this section in order to reduce hospitals' cash 65107
flow difficulties. 65108

Sec. 5168.07. (A) The department of medicaid may require 65109
governmental hospitals to make intergovernmental transfers each 65110
program year for the purpose of distributing funds to hospitals 65111
under the medicaid program pursuant to sections 5168.01 to 5168.14 65112
of the Revised Code and depositing funds into the health 65113
care/medicaid support and recoveries fund created under section 65114
5162.52 of the Revised Code. The department shall not require 65115
transfers in an amount that, when combined with hospital 65116

assessments paid under section 5168.06 of the Revised Code and 65117
federal matching funds, produce amounts for distribution to 65118
disproportionate share hospitals that, in the aggregate, exceed 65119
limits prescribed by the United States ~~health care financing~~ 65120
~~administration~~ centers for medicare and medicaid services under 65121
the "Social Security Act," section 1923(f), 42 U.S.C. 1396r-4(f). 65122

(B) Before or during each program year, the department shall 65123
notify each governmental hospital of the amount of the 65124
intergovernmental transfer it is required to make during the 65125
program year. Each governmental hospital shall make 65126
intergovernmental transfers as required by the department under 65127
this section in periodic installments, executed by electronic fund 65128
transfer, in accordance with a schedule established in rules 65129
adopted under section 5168.02 of the Revised Code. 65130

Sec. 5168.08. (A) Before or during each program year, the 65131
department of medicaid shall mail to each hospital by certified 65132
mail, return receipt requested, the preliminary determination of 65133
the amount that the hospital is assessed under section 5168.06 of 65134
the Revised Code during the program year. The preliminary 65135
determination of a hospital's assessment shall be calculated for a 65136
cost-reporting period that is specified in rules adopted under 65137
section 5168.02 of the Revised Code. 65138

The department shall consult with hospitals each year when 65139
determining the date on which it will mail the preliminary 65140
determinations in order to minimize hospitals' cash flow 65141
difficulties. 65142

If no hospital submits a request for reconsideration under 65143
division (B) of this section, the preliminary determination 65144
constitutes the final reconciliation of each hospital's assessment 65145
under section 5168.06 of the Revised Code. The final 65146
reconciliation is subject to adjustments under division (D) of 65147

this section. 65148

(B) Not later than fourteen days after the preliminary 65149
determinations are mailed, any hospital may submit to the 65150
department a written request to reconsider the preliminary 65151
determinations. The request shall be accompanied by written 65152
materials setting forth the basis for the reconsideration. If one 65153
or more hospitals submit a request, the department shall hold a 65154
public hearing not later than thirty days after the preliminary 65155
determinations are mailed to reconsider the preliminary 65156
determinations. The department shall mail to each hospital a 65157
written notice of the date, time, and place of the hearing at 65158
least ten days prior to the hearing. On the basis of the evidence 65159
submitted to the department or presented at the public hearing, 65160
the department shall reconsider and may adjust the preliminary 65161
determinations. The result of the reconsideration is the final 65162
reconciliation of the hospital's assessment under section 5168.06 65163
of the Revised Code. The final reconciliation is subject to 65164
adjustments under division (D) of this section. 65165

(C) The department shall mail to each hospital a written 65166
notice of its assessment for the program year under the final 65167
reconciliation. A hospital may appeal the final reconciliation of 65168
its assessment to the court of common pleas of Franklin county. 65169
While a judicial appeal is pending, the hospital shall pay, in 65170
accordance with the schedules required by division (B) of section 65171
5168.06 of the Revised Code, any amount of its assessment that is 65172
not in dispute into the hospital care assurance program fund 65173
created in section 5168.11 of the Revised Code. 65174

(D) In the course of any program year, the department may 65175
adjust the assessment rate or rates established in rules pursuant 65176
to section 5168.06 of the Revised Code or adjust the amounts of 65177
intergovernmental transfers required under section 5168.07 of the 65178
Revised Code and, as a result of the adjustment, adjust each 65179

hospital's assessment and intergovernmental transfer, to reflect 65180
refinements made by the United States ~~health care financing~~ 65181
~~administration~~ centers for medicare and medicaid services during 65182
that program year to the limits it prescribed under the "Social 65183
Security Act," section 1923(f), 42 U.S.C. 1396r-4(f). When 65184
adjusted, the assessment rate or rates must comply with division 65185
(A) of section 5168.06 of the Revised Code. An adjusted 65186
intergovernmental transfer must comply with division (A) of 65187
section 5168.07 of the Revised Code. The department shall notify 65188
hospitals of adjustments made under this division and adjust for 65189
the remainder of the program year the installments paid by 65190
hospitals under sections 5168.06 and 5168.07 of the Revised Code 65191
in accordance with rules adopted under section 5168.02 of the 65192
Revised Code. 65193

Sec. 5168.75. As used in sections 5168.75 to 5168.86 of the 65194
Revised Code: 65195

(A) "Basic health care services" means all of the services 65196
listed in division (A)(1) of section 1751.01 of the Revised Code. 65197

(B) "Care management system" ~~means the system established~~ 65198
~~under~~ has the same meaning as in section ~~5167.03~~ 5167.01 of the 65199
Revised Code. 65200

(C) "Dual eligible individual" has the same meaning as in 65201
section 5160.01 of the Revised Code. 65202

(D) "Franchise fee" means the fee imposed on health insuring 65203
corporation plans under section 5168.76 of the Revised Code. 65204

(E) "Health insuring corporation" has the same meaning as in 65205
section 1751.01 of the Revised Code, except it does not mean a 65206
corporation that, pursuant to a policy, contract, certificate, or 65207
agreement, pays for, reimburses, or provides, delivers, arranges 65208
for, or otherwise makes available, only supplemental health care 65209

services or only specialty health care services. 65210

(F) "Health insuring corporation plan" means a policy, 65211
contract, certificate, or agreement of a health insuring 65212
corporation under which the corporation pays for, reimburses, 65213
provides, delivers, arranges for, or otherwise makes available 65214
basic health care services. "Health insuring corporation plan" 65215
does not mean any of the following: 65216

(1) A policy, contract, certificate, or agreement under which 65217
a health insuring corporation pays for, reimburses, provides, 65218
delivers, arranges for, or otherwise makes available only 65219
supplemental health care services or only specialty health care 65220
services; 65221

(2) An approved health benefits plan described in 5 U.S.C. 65222
8903 or 8903a, if imposing the franchise fee on the plan would 65223
violate 5 U.S.C. 8909(f); 65224

(3) A medicare advantage plan authorized by Part C of Title 65225
XVIII of the "Social Security Act," 42 U.S.C. 1395w-21 et seq. 65226

(G) "Indirect guarantee percentage" means the percentage 65227
specified in section 1903(w)(4)(C)(ii) of the "Social Security 65228
Act," 42 U.S.C. 1396b(w)(4)(C)(ii), that is to be used in 65229
determining whether a health care class is indirectly held 65230
harmless for any portion of the costs of a broad-based 65231
health-care-related tax. If the indirect guarantee percentage 65232
changes during a fiscal year, the indirect guarantee percentage is 65233
the following: 65234

(1) For the part of the fiscal year before the change takes 65235
effect, the percentage in effect before the change; 65236

(2) For the part of the fiscal year beginning with the date 65237
the indirect guarantee percentage changes, the new percentage. 65238

(H) "Medicaid managed care organization" has the same meaning 65239

as in section 5167.01 of the Revised Code. 65240

(I) "Medicaid provider" has the same meaning as in section 65241
5164.01 of the Revised Code. 65242

(J) "Ohio medicaid member month" means a month in which a 65243
medicaid recipient residing in this state is enrolled in a health 65244
insuring corporation plan. 65245

(K) "Other Ohio member month" means a month in which a 65246
resident of this state who is not a medicaid recipient is enrolled 65247
in a health insuring corporation plan. 65248

(L) "Rate year" means the fiscal year for which a franchise 65249
fee is imposed. 65250

Sec. 5501.20. (A) As used in this section: 65251

(1) "Career professional service" means that part of the 65252
competitive classified service that consists of employees of the 65253
department of transportation who, regardless of job 65254
classification, meet both of the following qualifications: 65255

(a) They are supervisors, professional employees who are not 65256
in a collective bargaining unit, confidential employees, or 65257
management level employees, all as defined in section 4117.01 of 65258
the Revised Code. 65259

(b) They exercise authority that is not merely routine or 65260
clerical in nature and report only to a higher level unclassified 65261
employee or employee in the career professional service. 65262

(2) "Demoted" means that an employee is placed in a position 65263
where the employee's wage rate equals, or is not more than twenty 65264
per cent less than, the employee's wage rate immediately prior to 65265
demotion or where the employee's job responsibilities are reduced, 65266
or both. 65267

(3) "Employee in the career professional service with 65268

restoration rights" means an employee in the career professional 65269
service who has been in the classified civil service for at least 65270
two years and who has a cumulative total of at least ten years of 65271
continuous service with the department of transportation. 65272

~~(B) Not later than the first day of July of each odd numbered 65273
year, the director of transportation shall adopt a rule in 65274
accordance with section 111.15 of the Revised Code that 65275
establishes a business plan for the department of transportation 65276
that states the department's mission, business objectives, and 65277
strategies and that establishes a procedure by which employees in 65278
the career professional service will be held accountable for their 65279
performance. The director shall adopt a rule that establishes a 65280
business plan for the department only once in each two years. 65281
Within sixty days after the effective date of a rule that 65282
establishes a business plan for the department, the The director 65283
shall adopt a rule in accordance with section 111.15 of the 65284
Revised Code that identifies specific positions within the 65285
department of transportation that are included in the career 65286
professional service. The director may amend the rule that 65287
identifies the specific positions included in the career 65288
professional service whenever the director determines necessary. 65289
Any rule adopted under this division is subject to review and 65290
invalidation by the joint committee on agency rule review as 65291
provided in division (D) of section 111.15 of the Revised Code. 65292
The director shall provide a copy of any rule adopted under this 65293
division to the director of budget and management. 65294~~

~~Except as otherwise provided in this section, an An employee 65295
in the career professional service is subject to the provisions of 65296
Chapter 124. of the Revised Code that govern employees in the 65297
classified civil service. 65298~~

~~(C) After an employee is appointed to a position in the 65299
career professional service, the employee's direct supervisor 65300~~

~~shall provide the employee appointed to that position with a~~ 65301
~~written performance action plan that describes the department's~~ 65302
~~expectations for that employee in fulfilling the mission, business~~ 65303
~~objectives, and strategies stated in the department's business~~ 65304
~~plan. No sooner than four months after being appointed to a~~ 65305
~~position in the career professional service, an employee appointed~~ 65306
~~to that position shall receive a written performance review based~~ 65307
~~on the employee's fulfillment of the mission, business objectives,~~ 65308
~~and strategies stated in the department's business plan. After the~~ 65309
~~initial performance review, the An employee in the career~~ 65310
~~professional service shall receive a written performance review at~~ 65311
~~least once each year or as often as the director considers~~ 65312
~~necessary. The department shall give an employee whose performance~~ 65313
~~is unsatisfactory an opportunity to improve performance for a~~ 65314
~~period of at least six months, by means of a written ~~corrective~~~~ 65315
~~action performance improvement plan, before the department takes~~ 65316
~~any disciplinary action under this section ~~or section 124.34 of~~~~ 65317
~~the Revised Code. The department shall base its performance review~~ 65318
~~forms on its business plan.~~ 65319

(D) An employee in the career professional service may be 65320
suspended, demoted, or removed ~~because of performance that hinders~~ 65321
~~or restricts the fulfillment of the department's business plan~~ 65322
~~pursuant to division (C) of this section~~ or for disciplinary 65323
reasons under section 124.34 or 124.57 of the Revised Code. An 65324
employee in the career professional service may appeal only the 65325
employee's removal to the state personnel board of review. An 65326
employee in the career professional service may appeal a demotion 65327
or a suspension of more than three days pursuant to rules the 65328
director adopts in accordance with section 111.15 of the Revised 65329
Code. 65330

(E) An employee in the career professional service with 65331
restoration rights has restoration rights if demoted because of 65332

~~performance that hinders or restricts fulfillment of the mission,~~ 65333
~~business objectives, or strategies stated in the department's~~ 65334
~~business plan,~~ but not if involuntarily demoted or removed for any 65335
of the reasons described in section 124.34 or for a violation of 65336
section 124.57 of the Revised Code. The director shall demote an 65337
employee who has restoration rights of that nature to a position 65338
in the classified service that in the director's judgment is 65339
similar in nature to the position the employee held immediately 65340
prior to being appointed to the position in the career 65341
professional service. The director shall assign to an employee who 65342
is demoted to a position in the classified service as provided in 65343
this division a wage rate that equals, or that is not more than 65344
twenty per cent less than, the wage rate assigned to the employee 65345
in the career professional service immediately prior to the 65346
employee's demotion. 65347

Sec. 5501.91. (A) As used in this section, "port authority" 65348
means a port authority created under Chapter 4582. of the Revised 65349
Code. 65350

(B) There is hereby established the Ohio maritime assistance 65351
program, which the department of transportation shall administer. 65352
Under the program, a port authority may apply to the department 65353
for a grant to be used as prescribed in division (D) of this 65354
section. In order to be eligible for a grant under this section, a 65355
port authority is required to meet either of the following 65356
requirements: 65357

(1) At the time of application for a grant, the port 65358
authority owns an active marine cargo terminal located on the 65359
shore of Lake Erie or the Ohio river or on a Lake Erie tributary. 65360

(2) The grant application is for the planning and 65361
construction of a new marine cargo terminal located on the shore 65362
of Lake Erie or the Ohio river or on a Lake Erie tributary. 65363

(C)(1) Every applicant for a grant shall submit with its application a written business justification for the investment that indicates the operational and market need for the project in a form the director of transportation shall prescribe. 65364
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(2) The department shall evaluate all grant applications according to the following criteria: 65368
65369

(a) The degree to which the proposed project will increase the efficiency or capacity of maritime cargo terminal operations; 65370
65371

(b) Whether the project will result in the handling of new types of cargo or an increase in cargo volume; 65372
65373

(c) Whether the project will meet an identified supply chain need or benefit Ohio firms that export goods to foreign markets, or import goods to Ohio for use in manufacturing or for value-added distribution; 65374
65375
65376
65377

(d) Any other criteria the director determines to be appropriate. 65378
65379

(3) If a grant application does not meet the criteria specified in divisions (C)(2)(b) and (c) of this section, an applicant is not eligible for a grant under this section. 65380
65381
65382

(D) A port authority shall use a grant awarded under this section only for any of the following purposes: 65383
65384

(1) Land acquisition and site development for marine cargo terminal and associated uses, including demolition and environmental remediation; 65385
65386
65387

(2) Construction of wharves, quay walls, bulkheads, jetties, revetments, breakwaters, shipping channels, dredge disposal facilities, projects for the beneficial use of dredge material, and other structures and improvements directly related to maritime commerce and harbor infrastructure; 65388
65389
65390
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(3) Construction and repair of warehouses, transit sheds, 65393

railroad tracks, roadways, gates and gatehouses, fencing, bridges, 65394
offices, shipyards, and other improvements needed for marine cargo 65395
terminal and associated uses, including shipyards; 65396

(4) Acquisition of cargo handling equipment, including mobile 65397
shore cranes, stationary cranes, tow motors, fork lifts, yard 65398
tractors, craneways, conveyor and bulk material handling 65399
equipment, and all types of ship loading and unloading equipment; 65400

(5) Planning and design services and other services 65401
associated with construction. 65402

(E) A port authority shall pay a matching amount of at least 65403
one dollar for each grant dollar received for the proposed 65404
project. 65405

(F) The director of transportation, in accordance with 65406
Chapter 119. of the Revised Code, shall adopt rules governing the 65407
program established under this section, including the grant 65408
application, evaluation, award processes, and how the grant money 65409
may be spent by a port authority. 65410

Sec. 5502.63. (A) The division of criminal justice services 65411
in the department of public safety shall prepare a poster and a 65412
brochure that describe safe firearms practices. The poster and 65413
brochure shall contain typeface that is at least one-quarter inch 65414
tall. The division shall furnish copies of the poster and brochure 65415
free of charge to each federally licensed firearms dealer in this 65416
state. 65417

As used in this division, "federally licensed firearms 65418
dealer" means an importer, manufacturer, or dealer having a 65419
license to deal in destructive devices or their ammunition, issued 65420
and in effect pursuant to the federal "Gun Control Act of 1968," 65421
82 Stat. 1213, 18 U.S.C. 923 et seq., and any amendments or 65422
additions to that act or reenactments of that act. 65423

(B)(1) The division of criminal justice services shall create 65424
a poster that provides information regarding the national human 65425
trafficking resource center hotline. The poster shall be no 65426
smaller than eight and one-half inches by eleven inches in size 65427
and shall include a statement in substantially the following form: 65428

"If you or someone you know is being forced to engage in any 65429
activity and cannot leave - whether it is commercial sex, 65430
housework, farm work, or any other activity - call the National 65431
Human Trafficking Resource Center Hotline at 1-888-373-7888 to 65432
access help and services. 65433

Victims of human trafficking are protected under U.S. and 65434
Ohio law. 65435

The toll-free Hotline is: 65436

- Available 24 hours a day, 7 days a week 65437
- Operated by a non-profit, non-governmental organization 65438
- Anonymous & confidential 65439
- Accessible in 170 languages 65440
- Able to provide help, referral to services, training, 65441
and general information." 65442

The statement shall appear on each poster in English, 65443
Spanish, and, for each county, any other language required for 65444
voting materials in that county under section 1973aa-1a of the 65445
"Voting Rights Act of 1965," 79 Stat. 437, 42 U.S.C. 1973, as 65446
amended. In addition to the national human trafficking resource 65447
center hotline, the statement may contain any additional hotlines 65448
regarding human trafficking for access to help and services. 65449

(2) The division shall make the poster available for print on 65450
its public web site and shall make the poster available to and 65451
encourage its display at each of the following places: 65452

(a) A highway truck stop; 65453

(b) A hotel, as defined in section 3731.01 of the Revised Code;	65454 65455
(c) An adult entertainment establishment, as defined in section 2907.39 of the Revised Code;	65456 65457
(d) A beauty salon, as defined in section 4713.01 of the Revised Code;	65458 65459
(e) An agricultural labor camp, as defined in section 3733.41 of the Revised Code;	65460 65461
(f) A hospital or urgent care center;	65462
(g) Any place where there is occurring a contest for the championship of a division, conference, or league of a professional athletic association or of a national collegiate athletic association division I intercollegiate sport or where there is occurring an athletic competition at which cash prizes are awarded to individuals or teams;	65463 65464 65465 65466 65467 65468
(h) Any establishment operating as a massage parlor, massage spa, alternative health clinic, or similar entity by persons who do not hold a valid certificate <u>license</u> from the state medical board to practice massage therapy under Chapter 4731. of the Revised Code;	65469 65470 65471 65472 65473
(i) A fair.	65474
(3) As used in this section:	65475
(a) "Fair" means the annual exposition conducted by any county or independent agricultural society or the Ohio expositions commission.	65476 65477 65478
(b) "Highway truck stop" means a gas station with a sign that is visible from a highway, as defined in section 5501.01 of the Revised Code, that offers amenities to commercial vehicles.	65479 65480 65481
Sec. 5505.068. (A) As used in this section and in section	65482

5505.0610 of the Revised Code: 65483

(1) "Agent" means a dealer, as defined in section 1707.01 of 65484
the Revised Code, who is licensed under sections 1707.01 to 65485
~~1707.45~~ 1707.50 of the Revised Code or under comparable laws of 65486
another state or of the United States. 65487

(2) "Minority business enterprise" has the same meaning as in 65488
section 122.71 of the Revised Code. 65489

(3) "Ohio-qualified agent" means an agent designated as such 65490
by the state highway patrol retirement board. 65491

(4) "Ohio-qualified investment manager" means an investment 65492
manager designated as such by the state highway patrol retirement 65493
board. 65494

(5) "Principal place of business" means an office in which 65495
the agent regularly provides securities or investment advisory 65496
services and solicits, meets with, or otherwise communicates with 65497
clients. 65498

(B) The state highway patrol retirement board shall, for the 65499
purposes of this section, designate an agent as an Ohio-qualified 65500
agent if the agent meets all of the following requirements: 65501

(1) The agent is subject to taxation under Chapter 5725., 65502
5726., 5733., 5747., or 5751. of the Revised Code. 65503

(2) The agent is authorized to conduct business in this 65504
state; 65505

(3) The agent maintains a principal place of business in this 65506
state and employs at least five residents of this state. 65507

(C) The state highway patrol retirement board shall adopt and 65508
implement a written policy to establish criteria and procedures 65509
used to select agents to execute securities transactions on behalf 65510
of the retirement system. The policy shall address each of the 65511

following:	65512
(1) Commissions charged by the agent, both in the aggregate and on a per share basis;	65513 65514
(2) The execution speed and trade settlement capabilities of the agent;	65515 65516
(3) The responsiveness, reliability, and integrity of the agent;	65517 65518
(4) The nature and value of research provided by the agent;	65519
(5) Any special capabilities of the agent.	65520
(D)(1) The board shall, at least annually, establish a policy with the goal to increase utilization by the board of Ohio-qualified agents for the execution of domestic equity and fixed income trades on behalf of the retirement system, when an Ohio-qualified agent offers quality, services, and safety comparable to other agents otherwise available to the board and meets the criteria established under division (C) of this section.	65521 65522 65523 65524 65525 65526 65527
(2) The board shall review, at least annually, the performance of the agents that execute securities transactions on behalf of the board.	65528 65529 65530
(3) The board shall determine whether an agent is an Ohio-qualified agent, meets the criteria established by the board pursuant to division (C) of this section, and offers quality, services, and safety comparable to other agents otherwise available to the board. The board's determination shall be final.	65531 65532 65533 65534 65535
Sec. 5513.06. (A) The director of transportation may debar a vendor from consideration for contract awards upon a finding based upon a reasonable belief that the vendor has done any of the following:	65536 65537 65538 65539
(1) Abused the solicitation process by repeatedly withdrawing	65540

bids before purchase orders or contracts are issued or failing to accept orders based upon firm bids; 65541
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(2) Failed to substantially perform a contract according to its terms, conditions, and specifications within specified time limits; 65543
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(3) Failed to cooperate in monitoring contract performance by refusing to provide information or documents required in a contract, failed to respond and correct matters related to complaints to the vendor, or accumulated repeated justified complaints regarding performance of a contract; 65546
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(4) Attempted to influence a public employee to breach ethical conduct standards; 65551
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(5) Colluded with other bidders to restrain competition by any means; 65553
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(6) Been convicted of a criminal offense related to the application for or performance of any public or private contract, including, but not limited to, embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, and any other offense that directly reflects on the vendor's business integrity; 65555
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(7) Been convicted under state or federal antitrust laws; 65561

(8) Deliberately or willfully submitted false or misleading information in connection with the application for or performance of a public contract; 65562
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(9) Has been debarred by a state agency, another state, or by any agency or department of the federal government; 65565
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(10) Violated any other responsible business practice or performed in an unsatisfactory manner as determined by the director. 65567
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(B) When the director reasonably believes that grounds for 65570

debarment exist, the director shall send the vendor a notice of 65571
proposed debarment. If the vendor is a partnership, association, 65572
or corporation, the director also may debar from consideration for 65573
contract awards any partner of the partnership, or the officers 65574
and directors of the association or corporation, being debarred. 65575
When the director reasonably believes that grounds for debarment 65576
exist, the director shall send the individual involved a notice of 65577
proposed debarment. A notice of proposed debarment shall indicate 65578
the grounds for the debarment of the vendor or individual and the 65579
procedure for requesting a hearing. The notice and hearing shall 65580
be in accordance with Chapter 119. of the Revised Code. If the 65581
vendor or individual does not respond with a request for a hearing 65582
in the manner specified in Chapter 119. of the Revised Code, the 65583
director shall issue the debarment decision without a hearing and 65584
shall notify the vendor or individual of the decision by certified 65585
mail, return receipt requested. The debarment period may be of any 65586
length determined by the director and the director may modify or 65587
rescind the debarment at any time. During the period of debarment, 65588
the director shall not include on a bidder list or consider for a 65589
contract award any partnership, association, or corporation 65590
affiliated with a debarred individual. After the debarment period 65591
expires, the vendor or individual, and any partnership, 65592
association, or corporation affiliated with the individual, may 65593
reapply for inclusion on bidder lists through the regular 65594
application process if such entity or individual is not otherwise 65595
debarred. 65596

Sec. 5525.03. (A) All prospective bidders other than 65597
environmental remediators and specialty contractors for which 65598
there are no classes of work provided for in the rules adopted by 65599
the director of transportation shall apply for qualification on 65600
forms prescribed and furnished by the director. The application 65601
shall be accompanied by a certificate of compliance with 65602

affirmative action programs issued pursuant to section 9.47 of the Revised Code and dated no earlier than one hundred eighty days ~~prior to~~ before the date fixed for the opening of bids for a particular project. ~~The~~

(B) The director shall act upon an application for qualification within thirty days after it is presented to the director. Upon the receipt of any application for qualification, the director shall examine the application to determine whether the applicant is competent and responsible and possesses the financial resources required by section 5525.04 of the Revised Code. If the applicant is found to possess the qualifications prescribed by sections 5525.02 to 5525.09 of the Revised Code and by rules adopted by the director, including a certificate of compliance with affirmative action programs, a certificate of qualification shall be issued to the applicant, which shall be valid for the period of one year or such shorter period of time as the director prescribes, unless revoked by the director for cause as defined by rules adopted by the director under section 5525.05 of the Revised Code. ~~The~~

(C) The certificate of qualification shall contain a statement fixing the aggregate amount of work, for any or all owners, that the applicant may have under construction and uncompleted at any one time and may contain a statement limiting such bidder to the submission of bids upon a certain class of work. Subject to any restriction as to amount or class of work therein contained, the certificate of qualification shall authorize its holder to bid on all work on which bids are taken by the department of transportation during the period of time therein specified. ~~An~~

(D) An applicant who has received a certificate of qualification and desires to amend the certificate by the dollar amount or by the classes of work may submit to the director such

documentation as the director considers appropriate. The director 65635
shall review the documentation submitted by the applicant and, 65636
within fifteen days, shall either amend the certificate of 65637
qualification or deny the request. If the director denies the 65638
request to amend the certificate, the applicant may appeal that 65639
decision to the ~~director's request~~ director's prequalification 65640
review board in accordance with section 5525.07 of the Revised 65641
Code. Two or more persons, partnerships, or corporations may bid 65642
jointly on any one project, but only on condition that prior to 65643
the time bids are taken on the project the bidders make a joint 65644
application for qualification and obtain a joint certificate 65645
qualification. 65646

(E) The director may debar from participating in future 65647
contracts with the department any bidding company as well as any 65648
partner of a partnership, or the officers and directors of an 65649
association or corporation if the certificate of qualification of 65650
the company, partnership, association, or corporation is revoked 65651
or not renewed by the director. When the director reasonably 65652
believes that grounds for revocation and debarment exist, the 65653
director shall send the bidding company and any individual 65654
involved a notice of proposed revocation and debarment indicating 65655
the grounds for such action as established in rules adopted by the 65656
director under section 5525.05 of the Revised Code and the 65657
procedure for requesting a hearing. The notice and hearing shall 65658
be in accordance with Chapter 119. of the Revised Code. If the 65659
bidding company or individual does not respond with a request for 65660
a hearing in the manner specified in Chapter 119. of the Revised 65661
Code, the director shall revoke the certificate and issue the 65662
debarment decision without a hearing and shall notify the bidding 65663
company or individual of the decision by certified mail, return 65664
receipt requested. ~~The~~ 65665

(F) The debarment period may be of any length determined by 65666

the director and the director may modify or rescind the debarment 65667
at any time. During the period of debarment, the director shall 65668
not issue a certificate of qualification for any company, 65669
partnership, association, or corporation affiliated with a 65670
debarred individual. After the debarment period expires, the 65671
bidding company or individual, and any partnership, association, 65672
or corporation affiliated with the individual may make an 65673
application for qualification if such entity or individual is not 65674
otherwise debarred. 65675

Sec. 5537.07. (A) When the cost to the Ohio turnpike and 65676
infrastructure commission under any contract with a person other 65677
than a governmental agency involves an expenditure of more than 65678
fifty thousand dollars, the commission shall make a written 65679
contract with the lowest responsive and responsible bidder, in 65680
accordance with section 9.312 of the Revised Code, after 65681
advertisement, in accordance with section 7.16 of the Revised 65682
Code, for not less than two consecutive weeks in a newspaper of 65683
general circulation ~~in Franklin county,~~ and in such other 65684
publications as the commission determines, ~~which.~~ The notice shall 65685
state the general character of the work and the general character 65686
of the materials to be furnished, the place where plans and 65687
specifications therefor may be examined, and the time and place of 65688
receiving bids. The commission may require that the cost estimate 65689
for the construction, demolition, alteration, repair, improvement, 65690
renovation, or reconstruction of roadways and bridges for which 65691
the commission is required to receive bids be kept confidential 65692
and remain confidential until after all bids for the public 65693
improvement have been received or the deadline for receiving bids 65694
has passed. Thereafter, and before opening the bids submitted for 65695
the roadways and bridges, the commission shall make the cost 65696
estimate public knowledge by reading the cost estimate in a public 65697
place. The commission may reject any and all bids. The 65698

requirements of this division do not apply to contracts for the 65699
acquisition of real property or compensation for professional or 65700
other personal services. 65701

(B) Each bid for a contract for construction, demolition, 65702
alteration, repair, improvement, renovation, or reconstruction 65703
shall contain the full name of every person interested in it and 65704
shall meet the requirements of section 153.54 of the Revised Code. 65705

(C) Other than for a contract referred to in division (B) of 65706
this section, each bid for a contract that involves an expenditure 65707
in excess of ~~one~~ five hundred ~~fifty~~ thousand dollars or any 65708
contract with a service facility operator shall contain the full 65709
name of every person interested in it and shall be accompanied by 65710
a sufficient bond or certified check on a solvent bank that if the 65711
bid is accepted a contract will be entered into and the 65712
performance of its proposal secured. 65713

(D) Other than a contract referred to in division (B) of this 65714
section, a bond with good and sufficient surety, in a form as 65715
prescribed and approved by the commission, shall be required of 65716
every contractor awarded a contract that involves an expenditure 65717
in excess of ~~one~~ five hundred ~~fifty~~ thousand dollars or any 65718
contract with a service facility operator. The bond shall be in an 65719
amount equal to at least fifty per cent of the contract price and 65720
shall be conditioned upon the faithful performance of the 65721
contract. 65722

(E)(1) Notwithstanding any other provisions of this section, 65723
the commission may establish a program to expedite special 65724
turnpike projects by combining the design and construction 65725
elements of any public improvement project into a single contract. 65726
The commission shall prepare and distribute a scope of work 65727
document upon which the bidders shall base their bids. At a 65728
minimum, bidders shall meet the requirements of section 4733.161 65729
of the Revised Code. Except in regard to those requirements 65730

relating to providing plans, the commission shall award contracts 65731
following the requirements set forth in divisions (A), (B), (C), 65732
and (D) of this section. 65733

(2) Notwithstanding any other provision of this section or 65734
any other provision of the Revised Code to the contrary, the 65735
commission may use a value-based selection process when selecting 65736
a contractor to perform a project that contains both design and 65737
construction elements in a single contract under this division. 65738

(F) Notwithstanding any other provision of this section or 65739
any other provision of the Revised Code to the contrary, the 65740
commission may enter into a written contract after submission of 65741
competitive proposals when the commission determines that 65742
competitive bidding is not practical or advantageous to the 65743
commission. The commission may conduct discussions with anyone 65744
that submits a competitive proposal when that proposal might be 65745
selected to ensure that the person understands and is responsive 65746
to the requirements of the project. The commission may award the 65747
contract to the person that submits the best proposal, as 65748
determined by the commission. The commission shall consider 65749
multiple factors in awarding a contract under this division, 65750
including price and the evaluation criteria set forth in the 65751
request for competitive proposals. 65752

(G) The commission may contract for the purchase of 65753
equipment, materials, and services without public advertisement in 65754
any of the following circumstances: 65755

(1) The construction of a temporary bridge; 65756

(2) The making of temporary emergency repairs to a highway or 65757
bridge when necessary because of a storm, flood, landslide, or 65758
other natural disaster; 65759

(3) While responding to circumstances created by an 65760
extraordinary emergency, as determined by the commission. 65761

Sec. 5537.13. (A) Subject to division (C)(1) of this section 65762
and section 5537.26 of the Revised Code, the Ohio turnpike and 65763
infrastructure commission may fix, revise, charge, and collect 65764
tolls for each turnpike project, and contract in the manner 65765
provided by this section with any person desiring the use of any 65766
part thereof, including the right-of-way adjoining the paved 65767
portion, for placing thereon telephone, electric light, or power 65768
lines, service facilities, or for any other purpose, and fix the 65769
terms, conditions, rents, and rates of charge for such use, 65770
provided that no toll, charge, or rental may be made by the 65771
commission for placing in, on, along, over, or under the turnpike 65772
project, equipment or public utility facilities that are necessary 65773
to serve service facilities or to interconnect any public utility 65774
facilities. 65775

(B) Contracts for the operation of service facilities shall 65776
be made in writing. Such contracts, except contracts with state 65777
agencies or other governmental agencies, shall be made with the 65778
bidder whose bid is determined by the commission to be the best 65779
bid received, after advertisement, in accordance with section 7.16 65780
of the Revised Code, for two consecutive weeks in a newspaper of 65781
general circulation in ~~Franklin county,~~ and in other publications 65782
that the commission determines. The notice shall state the general 65783
character of the service facilities operation proposed, the place 65784
where plans and specifications may be examined, and the time and 65785
place of receiving bids. Bids shall contain the full name of each 65786
person interested in them, and shall be in such form as the 65787
commission requires. The commission may reject any and all bids. 65788
All contracts for service facilities shall be preserved in the 65789
principal office of the commission. 65790

(C)(1) Except as necessary to comply with covenants in bond 65791
proceedings in existence before July 1, 2013, for calendar years 65792
2013 through 2023, the commission shall not increase the toll 65793

rates for any class of passenger vehicle as fixed on ~~the effective~~ 65794
~~date of this amendment~~ July 1, 2013, when both of the following 65795
apply: 65796

(a) The tolls are collected and remitted in accordance with a 65797
multi-jurisdiction electronic toll collection agreement; and 65798

(b) The distance traveled is thirty miles or less. 65799

(2) Subject to division (C)(1) of this section, tolls shall 65800
be so fixed and adjusted as to provide funds at least sufficient 65801
with other revenues of the Ohio turnpike system, if any, to pay: 65802

(a) The cost of maintaining, improving, repairing, 65803
constructing, and operating the Ohio turnpike system and its 65804
different parts and sections, and to create and maintain any 65805
reserves for those purposes; 65806

(b) Any unpaid bond service charges on outstanding bonds 65807
payable from pledged revenues as such charges become due and 65808
payable, and to create and maintain any reserves for that purpose. 65809

(D) Toll is not subject to supervision, approval, or 65810
regulation by any state agency other than the turnpike and 65811
infrastructure commission. 65812

(E) Revenues derived from each turnpike project shall be 65813
first applied to pay the cost of maintenance, improvement, repair, 65814
and operation and to provide any reserves therefor that are 65815
provided for in the bond proceedings authorizing the issuance of 65816
those outstanding bonds, and otherwise as provided by the 65817
commission. The bond proceedings also shall provide, subject to 65818
the provisions of any other applicable bond proceedings, for the 65819
pledge of all, or such part as the commission may determine of the 65820
pledged revenues and the applicable special fund or funds to the 65821
payment of the bond service charges, which pledge may be made to 65822
secure the bonds senior or subordinate to or on a parity with 65823
bonds theretofore or thereafter issued, if and to the extent 65824

provided in the bond proceedings. The pledge shall be valid and 65825
binding from the time the pledge is made; the revenues and the 65826
pledged revenues thereafter received by the commission immediately 65827
shall be subject to the lien of the pledge without any physical 65828
delivery thereof or further act, and the lien of the pledge shall 65829
be valid and binding as against all parties having claims of any 65830
kind in tort, contract, or otherwise against the commission, 65831
whether or not those parties have notice thereof. The bond 65832
proceedings by which a pledge is created need not be filed or 65833
recorded except in the records of the commission. The use and 65834
disposition of moneys to the credit of a bond service fund shall 65835
be subject to the applicable bond proceedings. 65836

(F) The proceeds of bonds issued for the payment of the costs 65837
of infrastructure projects, net of the payment of all financing 65838
expenses and deposits into debt service reserves or other special 65839
funds as may be required in the applicable bond proceedings, shall 65840
be deposited to the infrastructure fund or funds and shall be 65841
exclusively used to pay the cost of infrastructure projects 65842
approved by the commission, except that income earned by the 65843
infrastructure fund may be used by the commission towards the 65844
payment of bond service charges. 65845

Sec. 5537.17. (A) Each turnpike project open to traffic shall 65846
be maintained and kept in good condition and repair by the Ohio 65847
turnpike and infrastructure commission. The Ohio turnpike system 65848
shall be policed and operated by a force of police, toll 65849
collectors, and other employees and agents that the commission 65850
employs or contracts for. 65851

(B) All public or private property damaged or destroyed in 65852
carrying out the powers granted by this chapter shall be restored 65853
or repaired and placed in its original condition, as nearly as 65854
practicable, or adequate compensation or consideration made 65855

therefor out of moneys provided under this chapter. 65856

(C) All governmental agencies may lease, lend, grant, or 65857
convey to the commission at its request, upon terms that the 65858
proper authorities of the governmental agencies consider 65859
reasonable and fair and without the necessity for an 65860
advertisement, order of court, or other action or formality, other 65861
than the regular and formal action of the authorities concerned, 65862
any property that is necessary or convenient to the effectuation 65863
of the purposes of the commission, including public roads and 65864
other property already devoted to public use. 65865

(D) Each bridge constituting part of a turnpike project shall 65866
be inspected at least once each year by a professional engineer 65867
employed or retained by the commission. 65868

(E) ~~On or before the first day of July in each year, the~~ 65869
~~commission shall make an annual report of its activities for the~~ 65870
~~preceding calendar year to the governor and the general assembly.~~ 65871
~~Each such report shall set forth a complete operating and~~ 65872
~~financial statement covering the commission's operations and~~ 65873
~~funding of any turnpike projects and infrastructure projects~~ 65874
during the year. The commission shall cause an audit of its books 65875
and accounts to be made at least once each year by certified 65876
public accountants approved by the auditor of state, and the cost 65877
thereof may be treated as a part of the cost of operations of the 65878
commission. ~~The auditor of state, at least once a year and without~~ 65879
~~previous notice to the commission, shall audit the accounts and~~ 65880
~~transactions of the commission~~ On or before the first day of July 65881
in each year, the commission shall submit a comprehensive annual 65882
financial report containing its audited financial statements for 65883
the preceding calendar year to the governor, the general assembly, 65884
and the director of budget and management. Each such report shall 65885
set forth a complete operating and financial statement covering 65886
the commission's operations and funding of any turnpike projects 65887

and infrastructure projects during the year. 65888

(F) The commission shall submit a copy of its ~~annual audit by~~ 65889
~~the auditor of state and~~ its proposed annual budget for each 65890
calendar or fiscal year to the governor, the presiding officers of 65891
each house of the general assembly, the director of budget and 65892
management, and the legislative service commission no later than 65893
the first day of that calendar or fiscal year. 65894

(G) Upon request of the chairperson of the appropriate 65895
standing committee or subcommittee of the senate and house of 65896
representatives that is primarily responsible for considering 65897
transportation budget matters, the commission shall appear at 65898
least one time before each committee or subcommittee during the 65899
period when that committee or subcommittee is considering the 65900
biennial appropriations for the department of transportation and 65901
shall provide testimony outlining its budgetary results for the 65902
last two calendar years, including a comparison of budget and 65903
actual revenue and expenditure amounts. The commission also shall 65904
address its current budget and long-term capital plan. 65905

(H) Not more than sixty nor less than thirty days before 65906
adopting its annual budget, the commission shall submit a copy of 65907
its proposed annual budget to the governor, the presiding officers 65908
of each house of the general assembly, the director of budget and 65909
management, and the legislative service commission. The office of 65910
budget and management shall review the proposed budget and may 65911
provide recommendations to the commission for its consideration. 65912

Sec. 5705.091. The board of county commissioners of each 65913
county shall establish a county developmental disabilities general 65914
fund. Notwithstanding section 5705.10 of the Revised Code, 65915
proceeds from levies under section 5705.222 and division (L) of 65916
section 5705.19 of the Revised Code shall be deposited to the 65917
credit of the county developmental disabilities general fund. 65918

Accounts shall be established within the county developmental 65919
disabilities general fund for each of the several particular 65920
purposes of the levies as specified in the resolutions under which 65921
the levies were approved, and proceeds from different levies that 65922
were approved for the same particular purpose shall be credited to 65923
accounts for that purpose. Other money received by the county for 65924
the purposes of Chapters 3323. and 5126. of the Revised Code and 65925
not required by state or federal law to be deposited to the credit 65926
of a different fund shall also be deposited to the credit of the 65927
county developmental disabilities general fund, in an account 65928
appropriate to the particular purpose for which the money was 65929
received. Unless otherwise provided by law, an unexpended balance 65930
at the end of a fiscal year in any account in the county 65931
developmental disabilities general fund shall be appropriated the 65932
next fiscal year to the same fund. 65933

A county board of developmental disabilities may request, by 65934
resolution, that the board of county commissioners establish a 65935
county developmental disabilities capital fund for money to be 65936
used for acquisition, construction, or improvement of capital 65937
facilities or acquisition of capital equipment used in providing 65938
services to persons with developmental disabilities. The county 65939
board of developmental disabilities shall transmit a certified 65940
copy of the resolution to the board of county commissioners. Upon 65941
receiving the resolution, the board of county commissioners shall 65942
establish a county developmental disabilities capital fund. 65943

A county board of developmental disabilities may request, by 65944
resolution, that the board of county commissioners establish a 65945
county developmental disability medicaid reserve fund. On receipt 65946
of the resolution, the board of county commissioners shall 65947
establish a county developmental disability medicaid reserve fund. 65948
Funds needed for the county board of developmental disabilities to 65949
pay for extraordinary costs, including, but not limited to, costs 65950

for services to individuals with developmental disabilities, or to 65951
ensure the availability of adequate funds in the event a tax levy 65952
for services for individuals with developmental disabilities 65953
fails, may be deposited into the fund. The county board of 65954
developmental disabilities shall use money in the fund for such 65955
purposes as needed. 65956

Sec. 5705.21. (A) At any time, the board of education of any 65957
city, local, exempted village, cooperative education, or joint 65958
vocational school district, by a vote of two-thirds of all its 65959
members, may declare by resolution that the amount of taxes that 65960
may be raised within the ten-mill limitation by levies on the 65961
current tax duplicate will be insufficient to provide an adequate 65962
amount for the necessary requirements of the school district, that 65963
it is necessary to levy a tax in excess of such limitation for one 65964
of the purposes specified in division (A), (D), (F), (H), or (DD) 65965
of section 5705.19 of the Revised Code, for general permanent 65966
improvements, for the purpose of operating a cultural center, for 65967
the purpose of providing for school safety and security, or for 65968
the purpose of providing education technology, and that the 65969
question of such additional tax levy shall be submitted to the 65970
electors of the school district at a special election on a day to 65971
be specified in the resolution. In the case of a qualifying 65972
library levy for the support of a library association or private 65973
corporation, the question shall be submitted to the electors of 65974
the association library district. If the resolution states that 65975
the levy is for the purpose of operating a cultural center, the 65976
ballot shall state that the levy is "for the purpose of operating 65977
the..... (name of cultural center)." 65978

As used in this division, "cultural center" means a 65979
freestanding building, separate from a public school building, 65980
that is open to the public for educational, musical, artistic, and 65981
cultural purposes; "education technology" means, but is not 65982

limited to, computer hardware, equipment, materials, and 65983
accessories, equipment used for two-way audio or video, and 65984
software; "general permanent improvements" means permanent 65985
improvements without regard to the limitation of division (F) of 65986
section 5705.19 of the Revised Code that the improvements be a 65987
specific improvement or a class of improvements that may be 65988
included in a single bond issue; and "providing for school safety 65989
and security" includes but is not limited to providing for 65990
permanent improvements to provide or enhance security, employment 65991
of or contracting for the services of safety personnel, providing 65992
mental health services and counseling, or providing training in 65993
safety and security practices and responses. 65994

A resolution adopted under this division shall be confined to 65995
a single purpose and shall specify the amount of the increase in 65996
rate that it is necessary to levy, the purpose of the levy, and 65997
the number of years during which the increase in rate shall be in 65998
effect. The number of years may be any number not exceeding five 65999
or, if the levy is for current expenses of the district or for 66000
general permanent improvements, for a continuing period of time. 66001

(B)(1) The board of education of a qualifying school 66002
district, by resolution, may declare that it is necessary to levy 66003
a tax in excess of the ten-mill limitation for the purpose of 66004
paying the current expenses of partnering community schools and, 66005
if any of the levy proceeds are so allocated, of the district. A 66006
qualifying school district that is not a municipal school district 66007
may allocate all of the levy proceeds to partnering community 66008
schools. A municipal school district shall allocate a portion of 66009
the levy proceeds to the current expenses of the district. The 66010
resolution shall declare that the question of the additional tax 66011
levy shall be submitted to the electors of the school district at 66012
a special election on a day to be specified in the resolution. The 66013
resolution shall state the purpose of the levy, the rate of the 66014

tax expressed in mills per dollar of taxable value, the number of 66015
such mills to be levied for the current expenses of the partnering 66016
community schools and the number of such mills, if any, to be 66017
levied for the current expenses of the school district, the number 66018
of years the tax will be levied, and the first year the tax will 66019
be levied. The number of years the tax may be levied may be any 66020
number not exceeding ten years, or for a continuing period of 66021
time. 66022

The levy of a tax for the current expenses of a partnering 66023
community school under this section and the distribution of 66024
proceeds from the tax by a qualifying school district to 66025
partnering community schools is hereby determined to be a proper 66026
public purpose. 66027

(2)(a) If any portion of the levy proceeds are to be 66028
allocated to the current expenses of the qualifying school 66029
district, the form of the ballot at an election held pursuant to 66030
division (B) of this section shall be as follows: 66031

"Shall a levy be imposed by the..... (insert the name of 66032
the qualifying school district) for the purpose of current 66033
expenses of the school district and of partnering community 66034
schools at a rate not exceeding..... (insert the number of mills) 66035
mills for each one dollar of valuation, of which..... (insert the 66036
number of mills to be allocated to partnering community schools) 66037
mills is to be allocated to partnering community schools), which 66038
amounts to..... (insert the rate expressed in dollars and cents) 66039
for each one hundred dollars of valuation, for..... (insert the 66040
number of years the levy is to be imposed, or that it will be 66041
levied for a continuing period of time), beginning..... (insert 66042
first year the tax is to be levied), which will first be payable 66043
in calendar year..... (insert the first calendar year in which 66044
the tax would be payable)? 66045

	FOR THE TAX LEVY
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	AGAINST THE TAX LEVY	"
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(b) If all of the levy proceeds are to be allocated to the current expenses of partnering community schools, the form of the ballot shall be as follows:

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"Shall a levy be imposed by the..... (insert the name of the qualifying school district) for the purpose of current expenses of partnering community schools at a rate not exceeding..... (insert the number of mills) mills for each one dollar of valuation which amounts to..... (insert the rate expressed in dollars and cents) for each one hundred dollars of valuation, for..... (insert the number of years the levy is to be imposed, or that it will be levied for a continuing period of time), beginning..... (insert first year the tax is to be levied), which will first be payable in calendar year..... (insert the first calendar year in which the tax would be payable)?

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	FOR THE TAX LEVY	
	AGAINST THE TAX LEVY	"

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(3) Upon each receipt of a tax distribution by the qualifying school district, the board of education shall credit the portion allocated to partnering community schools to the partnering community schools fund. All income from the investment of money in the partnering community schools fund shall be credited to that fund.

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(a) If the qualifying school district is a municipal school district, the board of education shall distribute the partnering community schools amount among the then qualifying community schools not more than forty-five days after the school district receives and deposits each tax distribution. From each tax distribution, each such partnering community school shall receive a portion of the partnering community schools amount in the proportion that the number of its resident students bears to the

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aggregate number of resident students of all such partnering
community schools as of the date of receipt and deposit of the tax
distribution. 66079
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(b) If the qualifying school district is not a municipal
school district, the board of education may distribute all or a
portion of the amount in the partnering community schools fund
during a fiscal year to partnering community schools on or before
the first day of June of the preceding fiscal year. Each such
partnering community school shall receive a portion of the amount
distributed by the board from the partnering community schools
fund during the fiscal year in the proportion that the number of
its resident students bears to the aggregate number of resident
students of all such partnering community schools as of the date
the school district received and deposited the most recent tax
distribution. On or before the fifteenth day of June of each
fiscal year, the board of education shall announce an estimated
allocation to partnering community schools for the ensuing fiscal
year. The board is not required to allocate to partnering
community schools the entire partnering community schools amount
in the fiscal year in which a tax distribution is received and
deposited in the partnering community schools fund. The estimated
allocation shall be published on the web site of the school
district and expressed as a dollar amount per resident student.
The actual allocation to community schools in a fiscal year need
not conform to the estimate published by the school district so
long if the estimate was made in good faith. 66082
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Distributions by a school district under division (B)(3)(b)
of this section shall be made in accordance with distribution
agreements entered into by the board of education and each
partnering community school eligible for distributions under this
division. The distribution agreements shall be certified to the
department of education each fiscal year before the thirtieth day
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of July. Each agreement shall provide for at least three 66111
distributions by the school district to the partnering community 66112
school during the fiscal year and shall require the initial 66113
distribution be made on or before the thirtieth day of July. 66114

(c) For the purposes of division (B) of this section, the 66115
number of resident students shall be the number of such students 66116
reported under section 3317.03 of the Revised Code and established 66117
by the department of education as of the date of receipt and 66118
deposit of the tax distribution. 66119

(4) To the extent an agreement whereby the qualifying school 66120
district and a community school endorse each other's programs is 66121
necessary for the community school to qualify as a partnering 66122
community school under division (B)(6)(b) of this section, the 66123
board of education of the school district shall certify to the 66124
department of education the agreement along with the determination 66125
that such agreement satisfies the requirements of that division. 66126
The board's determination is conclusive. 66127

(5) For the purposes of Chapter 3317. of the Revised Code or 66128
other laws referring to the "taxes charged and payable" for a 66129
school district, the taxes charged and payable for a qualifying 66130
school district that levies a tax under division (B) of this 66131
section includes only the taxes charged and payable under that 66132
levy for the current expenses of the school district, and does not 66133
include the taxes charged and payable for the current expenses of 66134
partnering community schools. The taxes charged and payable for 66135
the current expenses of partnering community schools shall not 66136
affect the calculation of "state education aid" as defined in 66137
section 5751.20 of the Revised Code. 66138

(6) As used in division (B) of this section: 66139

(a) "Qualifying school district" means a municipal school 66140
district, as defined in section 3311.71 of the Revised Code or a 66141

school district that contains within its territory a partnering
community school. 66142
66143

(b) "Partnering community school" means a community school 66144
established under Chapter 3314. of the Revised Code that is 66145
located within the territory of the qualifying school district and 66146
meets one of the following criteria: 66147

(i) If the qualifying school district is a municipal school 66148
district, the community school is sponsored by the district or is 66149
a party to an agreement with the district whereby the district and 66150
the community school endorse each other's programs; 66151

(ii) If the qualifying school district is not a municipal 66152
school district, the community school is sponsored by a sponsor 66153
that was rated as "exemplary" in the ratings most recently 66154
published under section 3314.016 of the Revised Code before the 66155
resolution proposing the levy is certified to the board of 66156
elections. 66157

(c) "Partnering community schools amount" means the product 66158
obtained, as of the receipt and deposit of the tax distribution, 66159
by multiplying the amount of a tax distribution by a fraction, the 66160
numerator of which is the number of mills per dollar of taxable 66161
value of the property tax to be allocated to partnering community 66162
schools, and the denominator of which is the total number of mills 66163
per dollar of taxable value authorized by the electors in the 66164
election held under division (B) of this section, each as set 66165
forth in the resolution levying the tax. If the resolution 66166
allocates all of the levy proceeds to partnering community 66167
schools, the "partnering schools amount" equals the amount of the 66168
tax distribution. 66169

(d) "Partnering community schools fund" means a separate fund 66170
established by the board of education of a qualifying school 66171
district for the deposit of partnering community school amounts 66172

under this section. 66173

(e) "Resident student" means a student enrolled in a 66174
partnering community school who is entitled to attend school in 66175
the qualifying school district under section 3313.64 or 3313.65 of 66176
the Revised Code. 66177

(f) "Tax distribution" means a distribution of proceeds of 66178
the tax authorized by division (B) of this section under section 66179
321.24 of the Revised Code and distributions that are attributable 66180
to that tax under sections 323.156 and 4503.068 of the Revised 66181
Code or other applicable law. 66182

(C) A resolution adopted under this section shall specify the 66183
date of holding the election, which shall not be earlier than 66184
ninety days after the adoption and certification of the resolution 66185
and which shall be consistent with the requirements of section 66186
3501.01 of the Revised Code. 66187

A resolution adopted under this section may propose to renew 66188
one or more existing levies imposed under division (A) or (B) of 66189
this section or to increase or decrease a single levy imposed 66190
under either such division. 66191

If the board of education imposes one or more existing levies 66192
for the purpose specified in division (F) of section 5705.19 of 66193
the Revised Code, the resolution may propose to renew one or more 66194
of those existing levies, or to increase or decrease a single such 66195
existing levy, for the purpose of general permanent improvements. 66196

If the resolution proposes to renew two or more existing 66197
levies, the levies shall be levied for the same purpose. The 66198
resolution shall identify those levies and the rates at which they 66199
are levied. The resolution also shall specify that the existing 66200
levies shall not be extended on the tax lists after the year 66201
preceding the year in which the renewal levy is first imposed, 66202
regardless of the years for which those levies originally were 66203

authorized to be levied. 66204

If the resolution proposes to renew an existing levy imposed 66205
under division (B) of this section, the rates allocated to the 66206
qualifying school district and to partnering community schools 66207
each may be increased or decreased or remain the same, and the 66208
total rate may be increased, decreased, or remain the same. The 66209
resolution and notice of election shall specify the number of the 66210
mills to be levied for the current expenses of the partnering 66211
community schools and the number of the mills, if any, to be 66212
levied for the current expenses of the qualifying school district. 66213

A resolution adopted under this section shall go into 66214
immediate effect upon its passage, and no publication of the 66215
resolution shall be necessary other than that provided for in the 66216
notice of election. A copy of the resolution shall immediately 66217
after its passing be certified to the board of elections of the 66218
proper county in the manner provided by section 5705.25 of the 66219
Revised Code. That section shall govern the arrangements for the 66220
submission of such question and other matters concerning the 66221
election to which that section refers, including publication of 66222
notice of the election, except that the election shall be held on 66223
the date specified in the resolution. In the case of a resolution 66224
adopted under division (B) of this section, the publication of 66225
notice of that election shall state the number of the mills, if 66226
any, to be levied for the current expenses of partnering community 66227
schools and the number of the mills to be levied for the current 66228
expenses of the qualifying school district. If a majority of the 66229
electors voting on the question so submitted in an election vote 66230
in favor of the levy, the board of education may make the 66231
necessary levy within the school district or, in the case of a 66232
qualifying library levy for the support of a library association 66233
or private corporation, within the association library district, 66234
at the additional rate, or at any lesser rate in excess of the 66235

ten-mill limitation on the tax list, for the purpose stated in the 66236
resolution. A levy for a continuing period of time may be reduced 66237
pursuant to section 5705.261 of the Revised Code. The tax levy 66238
shall be included in the next tax budget that is certified to the 66239
county budget commission. 66240

(D)(1) After the approval of a levy on the current tax list 66241
and duplicate for current expenses, for recreational purposes, for 66242
community centers provided for in section 755.16 of the Revised 66243
Code, or for a public library of the district under division (A) 66244
of this section, and prior to the time when the first tax 66245
collection from the levy can be made, the board of education may 66246
anticipate a fraction of the proceeds of the levy and issue 66247
anticipation notes in a principal amount not exceeding fifty per 66248
cent of the total estimated proceeds of the levy to be collected 66249
during the first year of the levy. 66250

(2) After the approval of a levy for general permanent 66251
improvements for a specified number of years or for permanent 66252
improvements having the purpose specified in division (F) of 66253
section 5705.19 of the Revised Code, the board of education may 66254
anticipate a fraction of the proceeds of the levy and issue 66255
anticipation notes in a principal amount not exceeding fifty per 66256
cent of the total estimated proceeds of the levy remaining to be 66257
collected in each year over a period of five years after the 66258
issuance of the notes. 66259

The notes shall be issued as provided in section 133.24 of 66260
the Revised Code, shall have principal payments during each year 66261
after the year of their issuance over a period not to exceed five 66262
years, and may have a principal payment in the year of their 66263
issuance. 66264

(3) After approval of a levy for general permanent 66265
improvements for a continuing period of time, the board of 66266
education may anticipate a fraction of the proceeds of the levy 66267

and issue anticipation notes in a principal amount not exceeding 66268
fifty per cent of the total estimated proceeds of the levy to be 66269
collected in each year over a specified period of years, not 66270
exceeding ten, after the issuance of the notes. 66271

The notes shall be issued as provided in section 133.24 of 66272
the Revised Code, shall have principal payments during each year 66273
after the year of their issuance over a period not to exceed ten 66274
years, and may have a principal payment in the year of their 66275
issuance. 66276

(4) After the approval of a levy on the current tax list and 66277
duplicate under division (B) of this section, and prior to the 66278
time when the first tax collection from the levy can be made, the 66279
board of education may anticipate a fraction of the proceeds of 66280
the levy for the current expenses of the school district and issue 66281
anticipation notes in a principal amount not exceeding fifty per 66282
cent of the estimated proceeds of the levy to be collected during 66283
the first year of the levy and allocated to the school district. 66284
The portion of the levy proceeds to be allocated to partnering 66285
community schools under that division shall not be included in the 66286
estimated proceeds anticipated under this division and shall not 66287
be used to pay debt charges on any anticipation notes. 66288

The notes shall be issued as provided in section 133.24 of 66289
the Revised Code, shall have principal payments during each year 66290
after the year of their issuance over a period not to exceed five 66291
years, and may have a principal payment in the year of their 66292
issuance. 66293

(E) The submission of questions to the electors under this 66294
section is subject to the limitation on the number of election 66295
dates established by section 5705.214 of the Revised Code. 66296

(F) The board of education of any school district that levies 66297
a tax under this section for the purpose of providing for school 66298

safety and security may report to the department of education how 66299
the district is using revenue from that tax. 66300

The board of education of any school district that proposes 66301
to levy a tax for the purpose of providing for school safety and 66302
security may share the proceeds of the tax with chartered 66303
nonpublic schools, as defined by section 3310.01 of the Revised 66304
Code, that are located in the territory of the school district as 66305
provided in this division. The resolution levying the tax and the 66306
form of the ballot shall state that proceeds from the levy are to 66307
be shared with chartered nonpublic schools and shall state the 66308
percentage of the proceeds that is to be shared with those 66309
schools. 66310

If a percentage of the proceeds of such a tax are to be 66311
shared with chartered nonpublic schools under this division, such 66312
proceeds shall be shared with all chartered nonpublic schools 66313
located in the territory of the school district. Of the percentage 66314
of the proceeds to be shared with chartered nonpublic schools, 66315
each such school shall receive an amount that bears the same 66316
proportion of that percentage that the number of resident students 66317
attending that school bears to the total number of resident 66318
students attending all such schools in the territory of the school 66319
district. For the purposes of this section, a resident student is 66320
a student enrolled in a chartered nonpublic school located in the 66321
territory of the school district who is entitled to attend school 66322
in the school district under section 3313.64 or 3313.65 of the 66323
Revised Code. 66324

All proceeds of the levy shall be credited to a fund of the 66325
school district created for that purpose, and the board of 66326
education shall pay each chartered nonpublic school its share of 66327
the proceeds from that fund not less frequently than once after 66328
each settlement of taxes under divisions (A) and (C) of section 66329
321.24 of the Revised Code. Any chartered nonpublic school 66330

receiving payments under this section shall use all of such 66331
payments only for providing for school safety and security. 66332

Sec. 5709.17. The following property shall be exempted from 66333
taxation: 66334

(A) Real estate held or occupied by an association or 66335
corporation, organized or incorporated under the laws of this 66336
state relative to soldiers' memorial associations or monumental 66337
building associations and that, in the opinion of the trustees, 66338
directors, or managers thereof, is necessary and proper to carry 66339
out the object intended for such association or corporation; 66340

(B) Real estate and tangible personal property held or 66341
occupied by a qualifying veterans' organization and used primarily 66342
for meetings and administration of the qualifying veterans' 66343
organization or for providing, on a not-for-profit basis, programs 66344
and supportive services to past or present members of the armed 66345
forces of the United States and their families, except real estate 66346
held by such an organization for the production of rental income 66347
in excess of thirty-six thousand dollars in a tax year, before 66348
accounting for any cost or expense incurred in the production of 66349
such income. For the purposes of this division, rental income 66350
includes only income arising directly from renting the real estate 66351
to others for consideration, but does not include income arising 66352
from renting the real estate to a qualifying veterans' 66353
organization. 66354

As used in this division, "qualifying veterans' organization" 66355
means an organization that is incorporated under the laws of this 66356
state or the United States and that meets either of the following 66357
requirements: 66358

(1) The organization qualifies for exemption from taxation 66359
under section 501(c)(19) or 501(c)(23) of the Internal Revenue 66360
Code. 66361

(2) The organization meets the criteria for exemption under 66362
section 501(c)(19) of the Internal Revenue Code and regulations 66363
adopted pursuant thereto, but is exempt from taxation under 66364
section 501(c)(4) of the Internal Revenue Code. 66365

(C) Tangible personal property held by a corporation 66366
chartered under 112 Stat. 1335, 36 U.S.C. 40701, described in 66367
section 501(c)(3) of the Internal Revenue Code, and exempt from 66368
taxation under section 501(a) of the Internal Revenue Code shall 66369
be exempt from taxation if it is property obtained as described in 66370
112 Stat. 1335-1341, 36 U.S.C.A. Chapter 407. 66371

(D) Real estate held or occupied by a fraternal organization 66372
and used primarily for meetings of and the administration of the 66373
fraternal organization or for providing, on a not-for-profit 66374
basis, educational or health services, except real estate held by 66375
such an organization for the production of rental income in excess 66376
of thirty-six thousand dollars in a tax year before accounting for 66377
any cost or expense incurred in the production of such income. For 66378
the purposes of this division, rental income includes only income 66379
arising directly from renting the real estate to others for 66380
consideration, but does not include income arising from renting 66381
the real estate to any fraternal organization for use primarily 66382
for meetings of and the administration of such fraternal 66383
organization or for providing, on a not-for-profit basis, 66384
educational or health services. As used in this division, "~~rental~~ 66385
~~income~~" ~~has the same meaning as in division (B) of this section,~~ 66386
~~and~~ "fraternal organization" means a domestic fraternal society, 66387
order, or association operating under the lodge, council, or 66388
grange system that qualifies for exemption from taxation under 66389
section 501(c)(5), 501(c)(8), or 501(c)(10) of the "Internal 66390
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended; 66391
that provides financial support for charitable purposes, as 66392
defined in division (B)(12) of section 5739.02 of the Revised 66393

Code; and that operates under a state governing body that has been 66394
operating in this state for at least eighty-five years. 66395

Sec. 5709.40. (A) As used in this section: 66396

(1) "Blighted area" and "impacted city" have the same 66397
meanings as in section 1728.01 of the Revised Code. 66398

(2) "Business day" means a day of the week excluding 66399
Saturday, Sunday, and a legal holiday as defined under section 66400
1.14 of the Revised Code. 66401

(3) "Housing renovation" means a project carried out for 66402
residential purposes. 66403

(4) "Improvement" means the increase in the assessed value of 66404
any real property that would first appear on the tax list and 66405
duplicate of real and public utility property after the effective 66406
date of an ordinance adopted under this section were it not for 66407
the exemption granted by that ordinance. 66408

(5) "Incentive district" means an area not more than three 66409
hundred acres in size enclosed by a continuous boundary in which a 66410
project is being, or will be, undertaken and having one or more of 66411
the following distress characteristics: 66412

(a) At least fifty-one per cent of the residents of the 66413
district have incomes of less than eighty per cent of the median 66414
income of residents of the political subdivision in which the 66415
district is located, as determined in the same manner specified 66416
under section 119(b) of the "Housing and Community Development Act 66417
of 1974," 88 Stat. 633, 42 U.S.C. 5318, as amended; 66418

(b) The average rate of unemployment in the district during 66419
the most recent twelve-month period for which data are available 66420
is equal to at least one hundred fifty per cent of the average 66421
rate of unemployment for this state for the same period. 66422

(c) At least twenty per cent of the people residing in the 66423

district live at or below the poverty level as defined in the 66424
federal Housing and Community Development Act of 1974, 42 U.S.C. 66425
5301, as amended, and regulations adopted pursuant to that act. 66426

(d) The district is a blighted area. 66427

(e) The district is in a situational distress area as 66428
designated by the director of development services under division 66429
(F) of section 122.23 of the Revised Code. 66430

(f) As certified by the engineer for the political 66431
subdivision, the public infrastructure serving the district is 66432
inadequate to meet the development needs of the district as 66433
evidenced by a written economic development plan or urban renewal 66434
plan for the district that has been adopted by the legislative 66435
authority of the subdivision. 66436

(g) The district is comprised entirely of unimproved land 66437
that is located in a distressed area as defined in section 122.23 66438
of the Revised Code. 66439

(6) "Overlay" means an area of not more than three hundred 66440
acres that is a square, or that is a rectangle having two longer 66441
sides that are not more than twice the length of the two shorter 66442
sides, that the legislative authority of a municipal corporation 66443
delineates on a map of a proposed incentive district. 66444

(7) "Project" means development activities undertaken on one 66445
or more parcels, including, but not limited to, construction, 66446
expansion, and alteration of buildings or structures, demolition, 66447
remediation, and site development, and any building or structure 66448
that results from those activities. 66449

(8) "Public infrastructure improvement" includes, but is not 66450
limited to, public roads and highways; water and sewer lines; the 66451
continued maintenance of those public roads and highways and water 66452
and sewer lines; environmental remediation; land acquisition, 66453
including acquisition in aid of industry, commerce, distribution, 66454

or research; demolition, including demolition on private property 66455
when determined to be necessary for economic development purposes; 66456
stormwater and flood remediation projects, including such projects 66457
on private property when determined to be necessary for public 66458
health, safety, and welfare; the provision of gas, electric, and 66459
communications service facilities, including the provision of gas 66460
or electric service facilities owned by nongovernmental entities 66461
when such improvements are determined to be necessary for economic 66462
development purposes; and the enhancement of public waterways 66463
through improvements that allow for greater public access. 66464

(B) The legislative authority of a municipal corporation, by 66465
ordinance, may declare improvements to certain parcels of real 66466
property located in the municipal corporation to be a public 66467
purpose. Improvements with respect to a parcel that is used or to 66468
be used for residential purposes may be declared a public purpose 66469
under this division only if the parcel is located in a blighted 66470
area of an impacted city. For this purpose, "parcel that is used 66471
or to be used for residential purposes" means a parcel that, as 66472
improved, is used or to be used for purposes that would cause the 66473
tax commissioner to classify the parcel as residential property in 66474
accordance with rules adopted by the commissioner under section 66475
5713.041 of the Revised Code. Except ~~with the approval as~~ 66476
otherwise provided under division (D) of this section ~~of the board~~ 66477
~~of education of each city, local, or exempted village school~~ 66478
~~district within which the improvements are located~~ or section 66479
5709.51 of the Revised Code, not more than seventy-five per cent 66480
of an improvement thus declared to be a public purpose may be 66481
exempted from real property taxation for a period of not more than 66482
ten years. The ordinance shall specify the percentage of the 66483
improvement to be exempted from taxation and the life of the 66484
exemption. 66485

An ordinance adopted or amended under this division shall 66486

designate the specific public infrastructure improvements made, to 66487
be made, or in the process of being made by the municipal 66488
corporation that directly benefit, or that once made will directly 66489
benefit, the parcels for which improvements are declared to be a 66490
public purpose. The service payments provided for in section 66491
5709.42 of the Revised Code shall be used to finance the public 66492
infrastructure improvements designated in the ordinance, for the 66493
purpose described in division (D)(1) of this section or as 66494
provided in section 5709.43 of the Revised Code. 66495

(C)(1) The legislative authority of a municipal corporation 66496
may adopt an ordinance creating an incentive district and 66497
declaring improvements to parcels within the district to be a 66498
public purpose and, except as provided in division (C)(2) of this 66499
section, exempt from taxation as provided in this section, but no 66500
legislative authority of a municipal corporation that has a 66501
population that exceeds twenty-five thousand, as shown by the most 66502
recent federal decennial census, shall adopt an ordinance that 66503
creates an incentive district if the sum of the taxable value of 66504
real property in the proposed district for the preceding tax year 66505
and the taxable value of all real property in the municipal 66506
corporation that would have been taxable in the preceding year 66507
were it not for the fact that the property was in an existing 66508
incentive district and therefore exempt from taxation exceeds 66509
twenty-five per cent of the taxable value of real property in the 66510
municipal corporation for the preceding tax year. The ordinance 66511
shall delineate the boundary of the proposed district and 66512
specifically identify each parcel within the district. A proposed 66513
district may not include any parcel that is or has been exempted 66514
from taxation under division (B) of this section or that is or has 66515
been within another district created under this division. An 66516
ordinance may create more than one such district, and more than 66517
one ordinance may be adopted under division (C)(1) of this 66518
section. 66519

(2)(a) Not later than thirty days prior to adopting an 66520
ordinance under division (C)(1) of this section, if the municipal 66521
corporation intends to apply for exemptions from taxation under 66522
section 5709.911 of the Revised Code on behalf of owners of real 66523
property located within the proposed incentive district, the 66524
legislative authority of the municipal corporation shall conduct a 66525
public hearing on the proposed ordinance. Not later than thirty 66526
days prior to the public hearing, the legislative authority shall 66527
give notice of the public hearing and the proposed ordinance by 66528
first class mail to every real property owner whose property is 66529
located within the boundaries of the proposed incentive district 66530
that is the subject of the proposed ordinance. The notice shall 66531
include a map of the proposed incentive district on which the 66532
legislative authority of the municipal corporation shall have 66533
delineated an overlay. The notice shall inform the property owner 66534
of the owner's right to exclude the owner's property from the 66535
incentive district if the owner's entire parcel of property will 66536
not be located within the overlay, by submitting a written 66537
response in accordance with division (C)(2)(b) of this section. 66538
The notice also shall include information detailing the required 66539
contents of the response, the address to which the response may be 66540
mailed, and the deadline for submitting the response. 66541

(b) Any owner of real property located within the boundaries 66542
of an incentive district proposed under division (C)(1) of this 66543
section whose entire parcel of property is not located within the 66544
overlay may exclude the property from the proposed incentive 66545
district by submitting a written response to the legislative 66546
authority of the municipal corporation not later than forty-five 66547
days after the postmark date on the notice required under division 66548
(C)(2)(a) of this section. The response shall be sent by first 66549
class mail or delivered in person at a public hearing held by the 66550
legislative authority under division (C)(2)(a) of this section. 66551
The response shall conform to any content requirements that may be 66552

established by the municipal corporation and included in the 66553
notice provided under division (C)(2)(a) of this section. In the 66554
response, property owners may identify a parcel by street address, 66555
by the manner in which it is identified in the ordinance, or by 66556
other means allowing the identity of the parcel to be ascertained. 66557

(c) Before adopting an ordinance under division (C)(1) of 66558
this section, the legislative authority of a municipal corporation 66559
shall amend the ordinance to exclude any parcel located wholly or 66560
partly outside the overlay for which a written response has been 66561
submitted under division (C)(2)(b) of this section. A municipal 66562
corporation shall not apply for exemptions from taxation under 66563
section 5709.911 of the Revised Code for any such parcel, and 66564
service payments may not be required from the owner of the parcel. 66565
Improvements to a parcel excluded from an incentive district under 66566
this division may be exempted from taxation under division (B) of 66567
this section pursuant to an ordinance adopted under that division 66568
or under any other section of the Revised Code under which the 66569
parcel qualifies. 66570

(3)(a) An ordinance adopted under division (C)(1) of this 66571
section shall specify the life of the incentive district and the 66572
percentage of the improvements to be exempted, shall designate the 66573
public infrastructure improvements made, to be made, or in the 66574
process of being made, that benefit or serve, or, once made, will 66575
benefit or serve parcels in the district. The ordinance also shall 66576
identify one or more specific projects being, or to be, undertaken 66577
in the district that place additional demand on the public 66578
infrastructure improvements designated in the ordinance. The 66579
project identified may, but need not be, the project under 66580
division (C)(3)(b) of this section that places real property in 66581
use for commercial or industrial purposes. Except as otherwise 66582
permitted under that division, the service payments provided for 66583
in section 5709.42 of the Revised Code shall be used to finance 66584

the designated public infrastructure improvements, for the purpose 66585
described in division (D)(1), (E), or (F) of this section, or as 66586
provided in section 5709.43 of the Revised Code. 66587

An ordinance adopted under division (C)(1) of this section on 66588
or after March 30, 2006, shall not designate police or fire 66589
equipment as public infrastructure improvements, and no service 66590
payment provided for in section 5709.42 of the Revised Code and 66591
received by the municipal corporation under the ordinance shall be 66592
used for police or fire equipment. 66593

(b) An ordinance adopted under division (C)(1) of this 66594
section may authorize the use of service payments provided for in 66595
section 5709.42 of the Revised Code for the purpose of housing 66596
renovations within the incentive district, provided that the 66597
ordinance also designates public infrastructure improvements that 66598
benefit or serve the district, and that a project within the 66599
district places real property in use for commercial or industrial 66600
purposes. Service payments may be used to finance or support 66601
loans, deferred loans, and grants to persons for the purpose of 66602
housing renovations within the district. The ordinance shall 66603
designate the parcels within the district that are eligible for 66604
housing renovation. The ordinance shall state separately the 66605
amounts or the percentages of the expected aggregate service 66606
payments that are designated for each public infrastructure 66607
improvement and for the general purpose of housing renovations. 66608

(4) Except with the approval of the board of education of 66609
each city, local, or exempted village school district within the 66610
territory of which the incentive district is or will be located, 66611
and subject to division (E) of this section, the life of an 66612
incentive district shall not exceed ten years, and the percentage 66613
of improvements to be exempted shall not exceed seventy-five per 66614
cent. With approval of the board of education, the life of a 66615
district may be not more than thirty years, and the percentage of 66616

improvements to be exempted may be not more than one hundred per 66617
cent. The approval of a board of education shall be obtained in 66618
the manner provided in division (D) of this section. 66619

(D)(1) If the ordinance declaring improvements to a parcel to 66620
be a public purpose or creating an incentive district specifies 66621
that payments in lieu of taxes provided for in section 5709.42 of 66622
the Revised Code shall be paid to the city, local, or exempted 66623
village, and joint vocational school district in which the parcel 66624
or incentive district is located in the amount of the taxes that 66625
would have been payable to the school district if the improvements 66626
had not been exempted from taxation, the percentage of the 66627
improvement that may be exempted from taxation may exceed 66628
seventy-five per cent, and the exemption may be granted for up to 66629
thirty years, without the approval of the board of education as 66630
otherwise required under division (D)(2) of this section. 66631

(2) Improvements with respect to a parcel may be exempted 66632
from taxation under division (B) of this section, and improvements 66633
to parcels within an incentive district may be exempted from 66634
taxation under division (C) of this section, for up to ten years 66635
or, with the approval under this paragraph of the board of 66636
education of the city, local, or exempted village school district 66637
within which the parcel or district is located, for up to thirty 66638
years. The percentage of the improvement exempted from taxation 66639
may, with such approval, exceed seventy-five per cent, but shall 66640
not exceed one hundred per cent. Not later than forty-five 66641
business days prior to adopting an ordinance under this section 66642
declaring improvements to be a public purpose that is subject to 66643
approval by a board of education under this division, the 66644
legislative authority shall deliver to the board of education a 66645
notice stating its intent to adopt an ordinance making that 66646
declaration. The notice regarding improvements with respect to a 66647
parcel under division (B) of this section shall identify the 66648

parcels for which improvements are to be exempted from taxation, 66649
provide an estimate of the true value in money of the 66650
improvements, specify the period for which the improvements would 66651
be exempted from taxation and the percentage of the improvement 66652
that would be exempted, and indicate the date on which the 66653
legislative authority intends to adopt the ordinance. The notice 66654
regarding improvements to parcels within an incentive district 66655
under division (C) of this section shall delineate the boundaries 66656
of the district, specifically identify each parcel within the 66657
district, identify each anticipated improvement in the district, 66658
provide an estimate of the true value in money of each such 66659
improvement, specify the life of the district and the percentage 66660
of improvements that would be exempted, and indicate the date on 66661
which the legislative authority intends to adopt the ordinance. 66662
The board of education, by resolution adopted by a majority of the 66663
board, may approve the exemption for the period or for the 66664
exemption percentage specified in the notice; may disapprove the 66665
exemption for the number of years in excess of ten, may disapprove 66666
the exemption for the percentage of the improvement to be exempted 66667
in excess of seventy-five per cent, or both; or may approve the 66668
exemption on the condition that the legislative authority and the 66669
board negotiate an agreement providing for compensation to the 66670
school district equal in value to a percentage of the amount of 66671
taxes exempted in the eleventh and subsequent years of the 66672
exemption period or, in the case of exemption percentages in 66673
excess of seventy-five per cent, compensation equal in value to a 66674
percentage of the taxes that would be payable on the portion of 66675
the improvement in excess of seventy-five per cent were that 66676
portion to be subject to taxation, or other mutually agreeable 66677
compensation. If an agreement is negotiated between the 66678
legislative authority and the board to compensate the school 66679
district for all or part of the taxes exempted, including 66680
agreements for payments in lieu of taxes under section 5709.42 of 66681

the Revised Code, the legislative authority shall compensate the 66682
joint vocational school district within which the parcel or 66683
district is located at the same rate and under the same terms 66684
received by the city, local, or exempted village school district. 66685

(3) The board of education shall certify its resolution to 66686
the legislative authority not later than fourteen days prior to 66687
the date the legislative authority intends to adopt the ordinance 66688
as indicated in the notice. If the board of education and the 66689
legislative authority negotiate a mutually acceptable compensation 66690
agreement, the ordinance may declare the improvements a public 66691
purpose for the number of years specified in the ordinance or, in 66692
the case of exemption percentages in excess of seventy-five per 66693
cent, for the exemption percentage specified in the ordinance. In 66694
either case, if the board and the legislative authority fail to 66695
negotiate a mutually acceptable compensation agreement, the 66696
ordinance may declare the improvements a public purpose for not 66697
more than ten years, and shall not exempt more than seventy-five 66698
per cent of the improvements from taxation. If the board fails to 66699
certify a resolution to the legislative authority within the time 66700
prescribed by this division, the legislative authority thereupon 66701
may adopt the ordinance and may declare the improvements a public 66702
purpose for up to thirty years, or, in the case of exemption 66703
percentages proposed in excess of seventy-five per cent, for the 66704
exemption percentage specified in the ordinance. The legislative 66705
authority may adopt the ordinance at any time after the board of 66706
education certifies its resolution approving the exemption to the 66707
legislative authority, or, if the board approves the exemption on 66708
the condition that a mutually acceptable compensation agreement be 66709
negotiated, at any time after the compensation agreement is agreed 66710
to by the board and the legislative authority. 66711

(4) If a board of education has adopted a resolution waiving 66712
its right to approve exemptions from taxation under this section 66713

and the resolution remains in effect, approval of exemptions by 66714
the board is not required under division (D) of this section. If a 66715
board of education has adopted a resolution allowing a legislative 66716
authority to deliver the notice required under division (D) of 66717
this section fewer than forty-five business days prior to the 66718
legislative authority's adoption of the ordinance, the legislative 66719
authority shall deliver the notice to the board not later than the 66720
number of days prior to such adoption as prescribed by the board 66721
in its resolution. If a board of education adopts a resolution 66722
waiving its right to approve agreements or shortening the 66723
notification period, the board shall certify a copy of the 66724
resolution to the legislative authority. If the board of education 66725
rescinds such a resolution, it shall certify notice of the 66726
rescission to the legislative authority. 66727

(5) If the legislative authority is not required by division 66728
(D) of this section to notify the board of education of the 66729
legislative authority's intent to declare improvements to be a 66730
public purpose, the legislative authority shall comply with the 66731
notice requirements imposed under section 5709.83 of the Revised 66732
Code, unless the board has adopted a resolution under that section 66733
waiving its right to receive such a notice. 66734

(6) Nothing in division (D) of this section prohibits the 66735
legislative authority of a municipal corporation from amending the 66736
ordinance or resolution under section 5709.51 of the Revised Code 66737
to extend the term of the exemption. 66738

(E)(1) If a proposed ordinance under division (C)(1) of this 66739
section exempts improvements with respect to a parcel within an 66740
incentive district for more than ten years, or the percentage of 66741
the improvement exempted from taxation exceeds seventy-five per 66742
cent, not later than forty-five business days prior to adopting 66743
the ordinance the legislative authority of the municipal 66744
corporation shall deliver to the board of county commissioners of 66745

the county within which the incentive district will be located a 66746
notice that states its intent to adopt an ordinance creating an 66747
incentive district. The notice shall include a copy of the 66748
proposed ordinance, identify the parcels for which improvements 66749
are to be exempted from taxation, provide an estimate of the true 66750
value in money of the improvements, specify the period of time for 66751
which the improvements would be exempted from taxation, specify 66752
the percentage of the improvements that would be exempted from 66753
taxation, and indicate the date on which the legislative authority 66754
intends to adopt the ordinance. 66755

(2) The board of county commissioners, by resolution adopted 66756
by a majority of the board, may object to the exemption for the 66757
number of years in excess of ten, may object to the exemption for 66758
the percentage of the improvement to be exempted in excess of 66759
seventy-five per cent, or both. If the board of county 66760
commissioners objects, the board may negotiate a mutually 66761
acceptable compensation agreement with the legislative authority. 66762
In no case shall the compensation provided to the board exceed the 66763
property taxes forgone due to the exemption. If the board of 66764
county commissioners objects, and the board and legislative 66765
authority fail to negotiate a mutually acceptable compensation 66766
agreement, the ordinance adopted under division (C)(1) of this 66767
section shall provide to the board compensation in the eleventh 66768
and subsequent years of the exemption period equal in value to not 66769
more than fifty per cent of the taxes that would be payable to the 66770
county or, if the board's objection includes an objection to an 66771
exemption percentage in excess of seventy-five per cent, 66772
compensation equal in value to not more than fifty per cent of the 66773
taxes that would be payable to the county, on the portion of the 66774
improvement in excess of seventy-five per cent, were that portion 66775
to be subject to taxation. The board of county commissioners shall 66776
certify its resolution to the legislative authority not later than 66777
thirty days after receipt of the notice. 66778

(3) If the board of county commissioners does not object or 66779
fails to certify its resolution objecting to an exemption within 66780
thirty days after receipt of the notice, the legislative authority 66781
may adopt the ordinance, and no compensation shall be provided to 66782
the board of county commissioners. If the board timely certifies 66783
its resolution objecting to the ordinance, the legislative 66784
authority may adopt the ordinance at any time after a mutually 66785
acceptable compensation agreement is agreed to by the board and 66786
the legislative authority, or, if no compensation agreement is 66787
negotiated, at any time after the legislative authority agrees in 66788
the proposed ordinance to provide compensation to the board of 66789
fifty per cent of the taxes that would be payable to the county in 66790
the eleventh and subsequent years of the exemption period or on 66791
the portion of the improvement in excess of seventy-five per cent, 66792
were that portion to be subject to taxation. 66793

(F) Service payments in lieu of taxes that are attributable 66794
to any amount by which the effective tax rate of either a renewal 66795
levy with an increase or a replacement levy exceeds the effective 66796
tax rate of the levy renewed or replaced, or that are attributable 66797
to an additional levy, for a levy authorized by the voters for any 66798
of the following purposes on or after January 1, 2006, and which 66799
are provided pursuant to an ordinance creating an incentive 66800
district under division (C)(1) of this section that is adopted on 66801
or after January 1, 2006, or a later date as specified in this 66802
division, shall be distributed to the appropriate taxing authority 66803
as required under division (C) of section 5709.42 of the Revised 66804
Code in an amount equal to the amount of taxes from that 66805
additional levy or from the increase in the effective tax rate of 66806
such renewal or replacement levy that would have been payable to 66807
that taxing authority from the following levies were it not for 66808
the exemption authorized under division (C) of this section: 66809

(1) A tax levied under division (L) of section 5705.19 or 66810

section 5705.191 or 5705.222 of the Revised Code for community developmental disabilities programs and services pursuant to Chapter 5126. of the Revised Code;	66811 66812 66813
(2) A tax levied under division (Y) of section 5705.19 of the Revised Code for providing or maintaining senior citizens services or facilities;	66814 66815 66816
(3) A tax levied under section 5705.22 of the Revised Code for county hospitals;	66817 66818
(4) A tax levied by a joint-county district or by a county under section 5705.19, 5705.191, or 5705.221 of the Revised Code for alcohol, drug addiction, and mental health services or facilities;	66819 66820 66821 66822
(5) A tax levied under section 5705.23 of the Revised Code for library purposes;	66823 66824
(6) A tax levied under section 5705.24 of the Revised Code for the support of children services and the placement and care of children;	66825 66826 66827
(7) A tax levied under division (Z) of section 5705.19 of the Revised Code for the provision and maintenance of zoological park services and facilities under section 307.76 of the Revised Code;	66828 66829 66830
(8) A tax levied under section 511.27 or division (H) of section 5705.19 of the Revised Code for the support of township park districts;	66831 66832 66833
(9) A tax levied under division (A), (F), or (H) of section 5705.19 of the Revised Code for parks and recreational purposes of a joint recreation district organized pursuant to division (B) of section 755.14 of the Revised Code;	66834 66835 66836 66837
(10) A tax levied under section 1545.20 or 1545.21 of the Revised Code for park district purposes;	66838 66839
(11) A tax levied under section 5705.191 of the Revised Code	66840

for the purpose of making appropriations for public assistance; 66841
human or social services; public relief; public welfare; public 66842
health and hospitalization; and support of general hospitals; 66843

(12) A tax levied under section 3709.29 of the Revised Code 66844
for a general health district program. 66845

(13) A tax levied by a township under section 505.39, 66846
division (I) of section 5705.19, or division (JJ) of section 66847
5705.19 of the Revised Code to the extent the proceeds are used 66848
for the purposes described in division (I) of that section, for 66849
the purpose of funding fire, emergency medical, and ambulance 66850
services as described in that section and those divisions. 66851
Division (F)(13) of this section applies only if the township 66852
levying the tax provides fire, emergency medical, or ambulance 66853
services in the incentive district, and only to incentive 66854
districts created by an ordinance adopted on or after the 66855
effective date of the amendment of this section by H.B. 69 of the 66856
132nd general assembly, March 23, 2018. The board of township 66857
trustees may, by resolution, waive the application of this 66858
division or negotiate with the municipal corporation that created 66859
the district for a lesser amount of payments in lieu of taxes. 66860

(G) An exemption from taxation granted under this section 66861
commences with the tax year specified in the ordinance so long as 66862
the year specified in the ordinance commences after the effective 66863
date of the ordinance. If the ordinance specifies a year 66864
commencing before the effective date of the resolution or 66865
specifies no year whatsoever, the exemption commences with the tax 66866
year in which an exempted improvement first appears on the tax 66867
list and duplicate of real and public utility property and that 66868
commences after the effective date of the ordinance. In lieu of 66869
stating a specific year, the ordinance may provide that the 66870
exemption commences in the tax year in which the value of an 66871
improvement exceeds a specified amount or in which the 66872

construction of one or more improvements is completed, provided 66873
that such tax year commences after the effective date of the 66874
ordinance. With respect to the exemption of improvements to 66875
parcels under division (B) of this section, the ordinance may 66876
allow for the exemption to commence in different tax years on a 66877
parcel-by-parcel basis, with a separate exemption term specified 66878
for each parcel. 66879

Except as otherwise provided in this division or section 66880
5709.51 of the Revised Code, the exemption ends on the date 66881
specified in the ordinance as the date the improvement ceases to 66882
be a public purpose or the incentive district expires, or ends on 66883
the date on which the public infrastructure improvements and 66884
housing renovations are paid in full from the municipal public 66885
improvement tax increment equivalent fund established under 66886
division (A) of section 5709.43 of the Revised Code, whichever 66887
occurs first. The exemption of an improvement with respect to a 66888
parcel or within an incentive district may end on a later date, as 66889
specified in the ordinance, if the legislative authority and the 66890
board of education of the city, local, or exempted village school 66891
district within which the parcel or district is located have 66892
entered into a compensation agreement under section 5709.82 of the 66893
Revised Code with respect to the improvement, and the board of 66894
education has approved the term of the exemption under division 66895
(D)(2) of this section, but in no case shall the improvement be 66896
exempted from taxation for more than thirty years. Exemptions 66897
shall be claimed and allowed in the same manner as in the case of 66898
other real property exemptions. If an exemption status changes 66899
during a year, the procedure for the apportionment of the taxes 66900
for that year is the same as in the case of other changes in tax 66901
exemption status during the year. 66902

(H) Additional municipal financing of public infrastructure 66903
improvements and housing renovations may be provided by any 66904

methods that the municipal corporation may otherwise use for 66905
financing such improvements or renovations. If the municipal 66906
corporation issues bonds or notes to finance the public 66907
infrastructure improvements and housing renovations and pledges 66908
money from the municipal public improvement tax increment 66909
equivalent fund to pay the interest on and principal of the bonds 66910
or notes, the bonds or notes are not subject to Chapter 133. of 66911
the Revised Code. 66912

(I) The municipal corporation, not later than fifteen days 66913
after the adoption of an ordinance under this section, shall 66914
submit to the director of development services a copy of the 66915
ordinance. On or before the thirty-first day of March of each 66916
year, the municipal corporation shall submit a status report to 66917
the director of development services. The report shall indicate, 66918
in the manner prescribed by the director, the progress of the 66919
project during each year that an exemption remains in effect, 66920
including a summary of the receipts from service payments in lieu 66921
of taxes; expenditures of money from the funds created under 66922
section 5709.43 of the Revised Code; a description of the public 66923
infrastructure improvements and housing renovations financed with 66924
such expenditures; and a quantitative summary of changes in 66925
employment and private investment resulting from each project. 66926

(J) Nothing in this section shall be construed to prohibit a 66927
legislative authority from declaring to be a public purpose 66928
improvements with respect to more than one parcel. 66929

(K) If a parcel is located in a new community district in 66930
which the new community authority imposes a community development 66931
charge on the basis of rentals received from leases of real 66932
property as described in division (L)(2) of section 349.01 of the 66933
Revised Code, the parcel may not be exempted from taxation under 66934
this section. 66935

Sec. 5709.41. (A) As used in this section: 66936

(1) "Business day" means a day of the week excluding 66937
Saturday, Sunday, and a legal holiday as defined under section 66938
1.14 of the Revised Code. 66939

(2) "Improvement" means the increase in assessed value of any 66940
parcel of property subsequent to the acquisition of the parcel by 66941
a municipal corporation engaged in urban redevelopment. 66942

(B) The legislative authority of a municipal corporation, by 66943
ordinance, may declare to be a public purpose any improvement to a 66944
parcel of real property if both of the following apply: 66945

(1) The municipal corporation held fee title to the parcel 66946
prior to the adoption of the ordinance; 66947

(2) The parcel is leased, or the fee of the parcel is 66948
conveyed, to any person either before or after adoption of the 66949
ordinance. 66950

Improvements used or to be used for residential purposes may 66951
be declared a public purpose under this section only if the parcel 66952
is located in a blighted area of an impacted city as those terms 66953
are defined in section 1728.01 of the Revised Code. For this 66954
purpose, "parcel that is used or to be used for residential 66955
purposes" means a parcel that, as improved, is used or to be used 66956
for purposes that would cause the tax commissioner to classify the 66957
parcel as residential property in accordance with rules adopted by 66958
the commissioner under section 5713.041 of the Revised Code. 66959

(C) Except as otherwise provided in division (C)(1), (2), or 66960
(3) of this section, not more than seventy-five per cent of an 66961
improvement thus declared to be a public purpose may be exempted 66962
from real property taxation. The ordinance shall specify the 66963
percentage of the improvement to be exempted from taxation. If a 66964
parcel is located in a new community district in which the new 66965

community authority imposes a community development charge on the 66966
basis of rentals received from leases of real property as 66967
described in division (L)(2) of section 349.01 of the Revised 66968
Code, the parcel may not be exempted from taxation under this 66969
section. 66970

(1) If the ordinance declaring improvements to a parcel to be 66971
a public purpose specifies that payments in lieu of taxes provided 66972
for in section 5709.42 of the Revised Code shall be paid to the 66973
city, local, or exempted village school district in which the 66974
parcel is located in the amount of the taxes that would have been 66975
payable to the school district if the improvements had not been 66976
exempted from taxation, the percentage of the improvement that may 66977
be exempted from taxation may exceed seventy-five per cent, and 66978
the exemption may be granted for up to thirty years, without the 66979
approval of the board of education as otherwise required under 66980
division (C)(2) of this section. 66981

(2) Improvements may be exempted from taxation for up to ten 66982
years or, with the approval of the board of education of the city, 66983
local, or exempted village school district within the territory of 66984
which the improvements are or will be located, for up to thirty 66985
years. The percentage of the improvement exempted from taxation 66986
may, with such approval, exceed seventy-five per cent, but shall 66987
not exceed one hundred per cent. Not later than forty-five 66988
business days prior to adopting an ordinance under this section, 66989
the legislative authority shall deliver to the board of education 66990
a notice stating its intent to declare improvements to be a public 66991
purpose under this section. The notice shall describe the parcel 66992
and the improvements, provide an estimate of the true value in 66993
money of the improvements, specify the period for which the 66994
improvements would be exempted from taxation and the percentage of 66995
the improvements that would be exempted, and indicate the date on 66996
which the legislative authority intends to adopt the ordinance. 66997

The board of education, by resolution adopted by a majority of the board, may approve the exemption for the period or for the exemption percentage specified in the notice, may disapprove the exemption for the number of years in excess of ten, may disapprove the exemption for the percentage of the improvements to be exempted in excess of seventy-five per cent, or both, or may approve the exemption on the condition that the legislative authority and the board negotiate an agreement providing for compensation to the school district equal in value to a percentage of the amount of taxes exempted in the eleventh and subsequent years of the exemption period, or, in the case of exemption percentages in excess of seventy-five per cent, compensation equal in value to a percentage of the taxes that would be payable on the portion of the improvement in excess of seventy-five per cent were that portion to be subject to taxation. The board of education shall certify its resolution to the legislative authority not later than fourteen days prior to the date the legislative authority intends to adopt the ordinance as indicated in the notice. If the board of education approves the exemption on the condition that a compensation agreement be negotiated, the board in its resolution shall propose a compensation percentage. If the board of education and the legislative authority negotiate a mutually acceptable compensation agreement, the ordinance may declare the improvements a public purpose for the number of years specified in the ordinance or, in the case of exemption percentages in excess of seventy-five per cent, for the exemption percentage specified in the ordinance. In either case, if the board and the legislative authority fail to negotiate a mutually acceptable compensation agreement, the ordinance may declare the improvements a public purpose for not more than ten years, but shall not exempt more than seventy-five per cent of the improvements from taxation. If the board fails to certify a resolution to the legislative authority within the time prescribed

by this division, the legislative authority thereupon may adopt 67031
the ordinance and may declare the improvements a public purpose 67032
for up to thirty years. The legislative authority may adopt the 67033
ordinance at any time after the board of education certifies its 67034
resolution approving the exemption to the legislative authority, 67035
or, if the board approves the exemption on the condition that a 67036
mutually acceptable compensation agreement be negotiated, at any 67037
time after the compensation agreement is agreed to by the board 67038
and the legislative authority. If a mutually acceptable 67039
compensation agreement is negotiated between the legislative 67040
authority and the board, including agreements for payments in lieu 67041
of taxes under section 5709.42 of the Revised Code, the 67042
legislative authority shall compensate the joint vocational school 67043
district within the territory of which the improvements are or 67044
will be located at the same rate and under the same terms received 67045
by the city, local, or exempted village school district. 67046

(3) If a board of education has adopted a resolution waiving 67047
its right to approve exemptions from taxation and the resolution 67048
remains in effect, approval of exemptions by the board is not 67049
required under this division. If a board of education has adopted 67050
a resolution allowing a legislative authority to deliver the 67051
notice required under this division fewer than forty-five business 67052
days prior to the legislative authority's adoption of the 67053
ordinance, the legislative authority shall deliver the notice to 67054
the board not later than the number of days prior to such adoption 67055
as prescribed by the board in its resolution. If a board of 67056
education adopts a resolution waiving its right to approve 67057
exemptions or shortening the notification period, the board shall 67058
certify a copy of the resolution to the legislative authority. If 67059
the board of education rescinds such a resolution, it shall 67060
certify notice of the rescission to the legislative authority. 67061

(4) If the legislative authority is not required by division 67062

(C)(1), (2), or (3) of this section to notify the board of 67063
education of the legislative authority's intent to declare 67064
improvements to be a public purpose, the legislative authority 67065
shall comply with the notice requirements imposed under section 67066
5709.83 of the Revised Code, unless the board has adopted a 67067
resolution under that section waiving its right to receive such a 67068
notice. 67069

(5) Nothing in division (C) of this section prohibits the 67070
legislative authority of a municipal corporation from amending the 67071
ordinance or resolution under section 5709.51 of the Revised Code 67072
to extend the term of the exemption. 67073

(D) The exemption commences on the effective date of the 67074
ordinance and ends on the date specified in the ordinance as the 67075
date the improvement ceases to be a public purpose. The exemption 67076
shall be claimed and allowed in the same or a similar manner as in 67077
the case of other real property exemptions. If an exemption status 67078
changes during a tax year, the procedure for the apportionment of 67079
the taxes for that year is the same as in the case of other 67080
changes in tax exemption status during the year. 67081

(E) A municipal corporation, not later than fifteen days 67082
after the adoption of an ordinance granting a tax exemption under 67083
this section, shall submit to the director of development services 67084
a copy of the ordinance. On or before the thirty-first day of 67085
March each year, the municipal corporation shall submit a status 67086
report to the director of development outlining the progress of 67087
the project during each year that the exemption remains in effect. 67088

Sec. 5709.51. (A) The legislative authority of a municipal 67089
corporation, a board of township trustees, or a board of county 67090
commissioners may amend an ordinance or resolution adopted in 67091
accordance with division (B) of section 5709.40, section 5709.41, 67092
division (B) of section 5709.73, or division (A) of section 67093

5709.78 of the Revised Code, as applicable, to extend the 67094
exemption from taxation of improvements to the parcel or parcels 67095
designated in the ordinance or resolution for an additional period 67096
of not more than thirty years if all of the following conditions 67097
are met: 67098

(1) The service payments made pursuant to section 5709.42, 67099
5709.74, or 5709.79 of the Revised Code by the owner or owners of 67100
the parcel or parcels designated in the ordinance or resolution 67101
exceeded one million five hundred thousand dollars in the calendar 67102
year preceding the adoption of the amendment. 67103

(2) The service payments described in division (A)(1) of this 67104
section did not exceed one million five hundred thousand dollars 67105
in any calendar year before the calendar year immediately 67106
preceding the adoption of the amendment. This condition applies 67107
only to amendments adopted under this section on or after January 67108
1, 2021. 67109

(3) The amendment extending the exemption provides for 67110
compensation to the city, local, or exempted village school 67111
district in which the parcel or parcels are located equal in value 67112
to the amount of taxes that would be payable to the school 67113
district if the improvements had not been exempted from taxation 67114
for the additional period. 67115

(B) Not later than fifteen days after amending an ordinance 67116
or resolution under this section, the legislative authority of the 67117
municipal corporation, board of township trustees, or board of 67118
county commissioners shall send a copy of the amendment to the 67119
director of development services. 67120

Sec. 5709.54. (A) As used in this section: 67121

(1) "Pre-residential development property" means a subdivided 67122
parcel of unimproved real property on which construction of one or 67123

more residential buildings is planned but has not yet commenced. 67124
The construction of streets, sidewalks, curbs, or driveways or the 67125
installation of water, sewer, or other utility lines on a 67126
subdivided parcel does not cause construction of a residential 67127
building to commence for purposes of division (A)(1) or (B) of 67128
this section. 67129

(2) "Residential building" means a building or structure any 67130
part of which is to be used as a dwelling. 67131

(3) "Unexempted value" means, for any subdivided parcel, one 67132
of the following: 67133

(a) Except as provided in division (A)(3)(b) of this section, 67134
the nonagricultural taxable value of the original property for the 67135
tax year preceding the tax year the subdivided property first 67136
appears on the tax list as a subdivided parcel multiplied by a 67137
fraction, the numerator of which is the true value in money of the 67138
subdivided parcel for the tax year the subdivided parcel first 67139
appears on the tax list and the denominator of which is the true 67140
value in money of all subdivided parcels subdivided from that 67141
original parcel for that tax year. 67142

(b) If a subdivided parcel exempted under this section is 67143
itself subdivided, the "unexempted value" of the newly subdivided 67144
parcel equals the unexempted value, as defined in division 67145
(A)(3)(a) of this section, of the parcel from which the newly 67146
subdivided parcel was subdivided for the tax year preceding the 67147
tax year the newly subdivided parcel first appears on the tax list 67148
multiplied by a fraction, the numerator of which is the true value 67149
in money of the newly subdivided parcel for the tax year it first 67150
appears on the tax list and the denominator of which is the true 67151
value in money for that year of all newly subdivided parcels 67152
resulting from the most recent subdivision. 67153

(4) "Subdivided parcel" means a parcel resulting from the 67154

subdivision of original property pursuant to a plat subdividing 67155
that property presented to the county auditor under section 67156
5713.18 of the Revised Code. 67157

(5) "Original property" means the parcel from which a 67158
subdivided parcel is subdivided. 67159

(6) "Qualifying owner" means the owner of pre-residential 67160
development property for any portion of a tax year ending on or 67161
after the effective date of the enactment of this section by H.B. 67162
166 of the 133rd general assembly that includes the date a plat 67163
subdividing land including such property is presented to the 67164
county auditor under section 5713.18 of the Revised Code, or any 67165
other person to which title to the property is transferred, 67166
without consideration, by another qualifying owner. 67167

(7) "Nonagricultural taxable value" means the taxable value 67168
of land as if such land were valued and assessed for a tax year 67169
pursuant to Section 2 of Article XII, Ohio Constitution, and not 67170
in accordance with Section 36 of Article II, Ohio Constitution. 67171

(B) Any increase in taxable value above the unexempted value 67172
of pre-residential development property owned by a qualifying 67173
owner is exempted from taxation beginning with the first tax year 67174
the pre-residential development property appears on the tax list 67175
after a plat subdividing land including that property is presented 67176
to the county auditor under section 5713.18 of the Revised Code 67177
and for each of the two ensuing tax years or, if later, each of 67178
the ensuing tax years until, but not including, the tax year in 67179
which a sexennial reappraisal is completed, except that the 67180
exemption shall not apply beginning with the tax year that begins 67181
after the tax year in which the earlier of the following occurs: 67182

(1) Construction of a residential building on that property 67183
commences; 67184

(2) Title to the property is transferred for consideration by 67185

a qualifying owner to another person. 67186

(C) The tax commissioner shall not approve an application for an exemption authorized under this section unless the applicant for the exemption certifies that the parcel that is the subject of the exemption satisfies the requirements of division (A)(1) of this section for pre-residential development property. 67187
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(D) Nothing in this section shall be construed to authorize a parcel subject to the partial exemption authorized by this section to be valued and assessed for taxation in any manner other than in accordance with Section 36 of Article II or Section 2 of Article XII, Ohio Constitution, as applicable to the parcel. 67192
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Sec. 5709.73. (A) As used in this section and section 5709.74 of the Revised Code: 67197
67198

(1) "Business day" means a day of the week excluding Saturday, Sunday, and a legal holiday as defined in section 1.14 of the Revised Code. 67199
67200
67201

(2) "Further improvements" or "improvements" means the increase in the assessed value of real property that would first appear on the tax list and duplicate of real and public utility property after the effective date of a resolution adopted under this section were it not for the exemption granted by that resolution. For purposes of division (B) of this section, "improvements" do not include any property used or to be used for residential purposes. For this purpose, "property that is used or to be used for residential purposes" means property that, as improved, is used or to be used for purposes that would cause the tax commissioner to classify the property as residential property in accordance with rules adopted by the commissioner under section 5713.041 of the Revised Code. 67202
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(3) "Housing renovation" means a project carried out for 67215

residential purposes. 67216

(4) "Incentive district" has the same meaning as in section 67217
5709.40 of the Revised Code, except that a blighted area is in the 67218
unincorporated area of a township. 67219

(5) "Overlay" has the same meaning as in section 5709.40 of 67220
the Revised Code, except that the overlay is delineated by the 67221
board of township trustees. 67222

(6) "Project" and "public infrastructure improvement" have 67223
the same meanings as in section 5709.40 of the Revised Code. 67224

(B) A board of township trustees may, by unanimous vote, 67225
adopt a resolution that declares to be a public purpose any public 67226
infrastructure improvements made that are necessary for the 67227
development of certain parcels of land located in the 67228
unincorporated area of the township. Except ~~with the approval as~~ 67229
otherwise provided under division (D) of this section ~~of the board~~ 67230
~~of education of each city, local, or exempted village school~~ 67231
~~district within which the improvements are located~~ or section 67232
5709.51 of the Revised Code, the resolution may exempt from real 67233
property taxation not more than seventy-five per cent of further 67234
improvements to a parcel of land that directly benefits from the 67235
public infrastructure improvements, for a period of not more than 67236
ten years. The resolution shall specify the percentage of the 67237
further improvements to be exempted and the life of the exemption. 67238

(C)(1) A board of township trustees may adopt, by unanimous 67239
vote, a resolution creating an incentive district and declaring 67240
improvements to parcels within the district to be a public purpose 67241
and, except as provided in division (C)(2) of this section, exempt 67242
from taxation as provided in this section, but no board of 67243
township trustees of a township that has a population that exceeds 67244
twenty-five thousand, as shown by the most recent federal 67245
decennial census, shall adopt a resolution that creates an 67246

incentive district if the sum of the taxable value of real 67247
property in the proposed district for the preceding tax year and 67248
the taxable value of all real property in the township that would 67249
have been taxable in the preceding year were it not for the fact 67250
that the property was in an existing incentive district and 67251
therefore exempt from taxation exceeds twenty-five per cent of the 67252
taxable value of real property in the township for the preceding 67253
tax year. The district shall be located within the unincorporated 67254
area of the township and shall not include any territory that is 67255
included within a district created under division (B) of section 67256
5709.78 of the Revised Code. The resolution shall delineate the 67257
boundary of the proposed district and specifically identify each 67258
parcel within the district. A proposed district may not include 67259
any parcel that is or has been exempted from taxation under 67260
division (B) of this section or that is or has been within another 67261
district created under this division. A resolution may create more 67262
than one such district, and more than one resolution may be 67263
adopted under division (C)(1) of this section. 67264

(2)(a) Not later than thirty days prior to adopting a 67265
resolution under division (C)(1) of this section, if the township 67266
intends to apply for exemptions from taxation under section 67267
5709.911 of the Revised Code on behalf of owners of real property 67268
located within the proposed incentive district, the board shall 67269
conduct a public hearing on the proposed resolution. Not later 67270
than thirty days prior to the public hearing, the board shall give 67271
notice of the public hearing and the proposed resolution by first 67272
class mail to every real property owner whose property is located 67273
within the boundaries of the proposed incentive district that is 67274
the subject of the proposed resolution. The notice shall include a 67275
map of the proposed incentive district on which the board of 67276
township trustees shall have delineated an overlay. The notice 67277
shall inform the property owner of the owner's right to exclude 67278
the owner's property from the incentive district if both of the 67279

following conditions are met: 67280

(i) The owner's entire parcel of property will not be located 67281
within the overlay. 67282

(ii) The owner has submitted a statement to the board of 67283
county commissioners of the county in which the parcel is located 67284
indicating the owner's intent to seek a tax exemption for 67285
improvements to the owner's parcel under division (A) or (B) of 67286
section 5709.78 of the Revised Code within the next five years. 67287

When both of the preceding conditions are met, the owner may 67288
exclude the owner's property from the incentive district by 67289
submitting a written response in accordance with division 67290
(C)(2)(b) of this section. The notice also shall include 67291
information detailing the required contents of the response, the 67292
address to which the response may be mailed, and the deadline for 67293
submitting the response. 67294

(b) Any owner of real property located within the boundaries 67295
of an incentive district proposed under division (C)(1) of this 67296
section who meets the conditions specified in divisions 67297
(C)(2)(a)(i) and (ii) of this section may exclude the property 67298
from the proposed incentive district by submitting a written 67299
response to the board not later than forty-five days after the 67300
postmark date on the notice required under division (C)(2)(a) of 67301
this section. The response shall include a copy of the statement 67302
submitted under division (C)(2)(a)(ii) of this section. The 67303
response shall be sent by first class mail or delivered in person 67304
at a public hearing held by the board under division (C)(2)(a) of 67305
this section. The response shall conform to any content 67306
requirements that may be established by the board and included in 67307
the notice provided under division (C)(2)(a) of this section. In 67308
the response, property owners may identify a parcel by street 67309
address, by the manner in which it is identified in the 67310
resolution, or by other means allowing the identity of the parcel 67311

to be ascertained. 67312

(c) Before adopting a resolution under division (C)(1) of 67313
this section, the board shall amend the resolution to exclude any 67314
parcel for which a written response has been submitted under 67315
division (C)(2)(b) of this section. A township shall not apply for 67316
exemptions from taxation under section 5709.911 of the Revised 67317
Code for any such parcel, and service payments may not be required 67318
from the owner of the parcel. Improvements to a parcel excluded 67319
from an incentive district under this division may be exempted 67320
from taxation under division (B) of this section pursuant to a 67321
resolution adopted under that division or under any other section 67322
of the Revised Code under which the parcel qualifies. 67323

(3)(a) A resolution adopted under division (C)(1) of this 67324
section shall specify the life of the incentive district and the 67325
percentage of the improvements to be exempted, shall designate the 67326
public infrastructure improvements made, to be made, or in the 67327
process of being made, that benefit or serve, or, once made, will 67328
benefit or serve parcels in the district. The resolution also 67329
shall identify one or more specific projects being, or to be, 67330
undertaken in the district that place additional demand on the 67331
public infrastructure improvements designated in the resolution. 67332
The project identified may, but need not be, the project under 67333
division (C)(3)(b) of this section that places real property in 67334
use for commercial or industrial purposes. 67335

A resolution adopted under division (C)(1) of this section on 67336
or after March 30, 2006, shall not designate police or fire 67337
equipment as public infrastructure improvements, and, except as 67338
provided in division (F) of this section, no service payment 67339
provided for in section 5709.74 of the Revised Code and received 67340
by the township under the resolution shall be used for police or 67341
fire equipment. 67342

(b) A resolution adopted under division (C)(1) of this 67343

section may authorize the use of service payments provided for in 67344
section 5709.74 of the Revised Code for the purpose of housing 67345
renovations within the incentive district, provided that the 67346
resolution also designates public infrastructure improvements that 67347
benefit or serve the district, and that a project within the 67348
district places real property in use for commercial or industrial 67349
purposes. Service payments may be used to finance or support 67350
loans, deferred loans, and grants to persons for the purpose of 67351
housing renovations within the district. The resolution shall 67352
designate the parcels within the district that are eligible for 67353
housing renovations. The resolution shall state separately the 67354
amount or the percentages of the expected aggregate service 67355
payments that are designated for each public infrastructure 67356
improvement and for the purpose of housing renovations. 67357

(4) Except with the approval of the board of education of 67358
each city, local, or exempted village school district within the 67359
territory of which the incentive district is or will be located, 67360
and subject to division (E) of this section, the life of an 67361
incentive district shall not exceed ten years, and the percentage 67362
of improvements to be exempted shall not exceed seventy-five per 67363
cent. With approval of the board of education, the life of a 67364
district may be not more than thirty years, and the percentage of 67365
improvements to be exempted may be not more than one hundred per 67366
cent. The approval of a board of education shall be obtained in 67367
the manner provided in division (D) of this section. 67368

(D) Improvements with respect to a parcel may be exempted 67369
from taxation under division (B) of this section, and improvements 67370
to parcels within an incentive district may be exempted from 67371
taxation under division (C) of this section, for up to ten years 67372
or, with the approval of the board of education of the city, 67373
local, or exempted village school district within which the parcel 67374
or district is located, for up to thirty years. The percentage of 67375

the improvements exempted from taxation may, with such approval, 67376
exceed seventy-five per cent, but shall not exceed one hundred per 67377
cent. Not later than forty-five business days prior to adopting a 67378
resolution under this section declaring improvements to be a 67379
public purpose that is subject to approval by a board of education 67380
under this division, the board of township trustees shall deliver 67381
to the board of education a notice stating its intent to adopt a 67382
resolution making that declaration. The notice regarding 67383
improvements with respect to a parcel under division (B) of this 67384
section shall identify the parcels for which improvements are to 67385
be exempted from taxation, provide an estimate of the true value 67386
in money of the improvements, specify the period for which the 67387
improvements would be exempted from taxation and the percentage of 67388
the improvements that would be exempted, and indicate the date on 67389
which the board of township trustees intends to adopt the 67390
resolution. The notice regarding improvements made under division 67391
(C) of this section to parcels within an incentive district shall 67392
delineate the boundaries of the district, specifically identify 67393
each parcel within the district, identify each anticipated 67394
improvement in the district, provide an estimate of the true value 67395
in money of each such improvement, specify the life of the 67396
district and the percentage of improvements that would be 67397
exempted, and indicate the date on which the board of township 67398
trustees intends to adopt the resolution. The board of education, 67399
by resolution adopted by a majority of the board, may approve the 67400
exemption for the period or for the exemption percentage specified 67401
in the notice; may disapprove the exemption for the number of 67402
years in excess of ten, may disapprove the exemption for the 67403
percentage of the improvements to be exempted in excess of 67404
seventy-five per cent, or both; or may approve the exemption on 67405
the condition that the board of township trustees and the board of 67406
education negotiate an agreement providing for compensation to the 67407
school district equal in value to a percentage of the amount of 67408

taxes exempted in the eleventh and subsequent years of the 67409
exemption period or, in the case of exemption percentages in 67410
excess of seventy-five per cent, compensation equal in value to a 67411
percentage of the taxes that would be payable on the portion of 67412
the improvements in excess of seventy-five per cent were that 67413
portion to be subject to taxation, or other mutually agreeable 67414
compensation. 67415

The board of education shall certify its resolution to the 67416
board of township trustees not later than fourteen days prior to 67417
the date the board of township trustees intends to adopt the 67418
resolution as indicated in the notice. If the board of education 67419
and the board of township trustees negotiate a mutually acceptable 67420
compensation agreement, the resolution may declare the 67421
improvements a public purpose for the number of years specified in 67422
the resolution or, in the case of exemption percentages in excess 67423
of seventy-five per cent, for the exemption percentage specified 67424
in the resolution. In either case, if the board of education and 67425
the board of township trustees fail to negotiate a mutually 67426
acceptable compensation agreement, the resolution may declare the 67427
improvements a public purpose for not more than ten years, and 67428
shall not exempt more than seventy-five per cent of the 67429
improvements from taxation. If the board of education fails to 67430
certify a resolution to the board of township trustees within the 67431
time prescribed by this section, the board of township trustees 67432
thereupon may adopt the resolution and may declare the 67433
improvements a public purpose for up to thirty years or, in the 67434
case of exemption percentages proposed in excess of seventy-five 67435
per cent, for the exemption percentage specified in the 67436
resolution. The board of township trustees may adopt the 67437
resolution at any time after the board of education certifies its 67438
resolution approving the exemption to the board of township 67439
trustees, or, if the board of education approves the exemption on 67440
the condition that a mutually acceptable compensation agreement be 67441

negotiated, at any time after the compensation agreement is agreed 67442
to by the board of education and the board of township trustees. 67443
If a mutually acceptable compensation agreement is negotiated 67444
between the board of township trustees and the board of education, 67445
including agreements for payments in lieu of taxes under section 67446
5709.74 of the Revised Code, the board of township trustees shall 67447
compensate the joint vocational school district within which the 67448
parcel or district is located at the same rate and under the same 67449
terms received by the city, local, or exempted village school 67450
district. 67451

If a board of education has adopted a resolution waiving its 67452
right to approve exemptions from taxation under this section and 67453
the resolution remains in effect, approval of such exemptions by 67454
the board of education is not required under division (D) of this 67455
section. If a board of education has adopted a resolution allowing 67456
a board of township trustees to deliver the notice required under 67457
division (D) of this section fewer than forty-five business days 67458
prior to adoption of the resolution by the board of township 67459
trustees, the board of township trustees shall deliver the notice 67460
to the board of education not later than the number of days prior 67461
to the adoption as prescribed by the board of education in its 67462
resolution. If a board of education adopts a resolution waiving 67463
its right to approve exemptions or shortening the notification 67464
period, the board of education shall certify a copy of the 67465
resolution to the board of township trustees. If the board of 67466
education rescinds the resolution, it shall certify notice of the 67467
rescission to the board of township trustees. 67468

If the board of township trustees is not required by division 67469
(D) of this section to notify the board of education of the board 67470
of township trustees' intent to declare improvements to be a 67471
public purpose, the board of township trustees shall comply with 67472
the notice requirements imposed under section 5709.83 of the 67473

Revised Code before taking formal action to adopt the resolution 67474
making that declaration, unless the board of education has adopted 67475
a resolution under that section waiving its right to receive the 67476
notice. 67477

Nothing in this division prohibits the board of township 67478
trustees from amending the resolution under section 5709.51 of the 67479
Revised Code to extend the term of the exemption. 67480

(E)(1) If a proposed resolution under division (C)(1) of this 67481
section exempts improvements with respect to a parcel within an 67482
incentive district for more than ten years, or the percentage of 67483
the improvement exempted from taxation exceeds seventy-five per 67484
cent, not later than forty-five business days prior to adopting 67485
the resolution the board of township trustees shall deliver to the 67486
board of county commissioners of the county within which the 67487
incentive district is or will be located a notice that states its 67488
intent to adopt a resolution creating an incentive district. The 67489
notice shall include a copy of the proposed resolution, identify 67490
the parcels for which improvements are to be exempted from 67491
taxation, provide an estimate of the true value in money of the 67492
improvements, specify the period of time for which the 67493
improvements would be exempted from taxation, specify the 67494
percentage of the improvements that would be exempted from 67495
taxation, and indicate the date on which the board of township 67496
trustees intends to adopt the resolution. 67497

(2) The board of county commissioners, by resolution adopted 67498
by a majority of the board, may object to the exemption for the 67499
number of years in excess of ten, may object to the exemption for 67500
the percentage of the improvement to be exempted in excess of 67501
seventy-five per cent, or both. If the board of county 67502
commissioners objects, the board may negotiate a mutually 67503
acceptable compensation agreement with the board of township 67504
trustees. In no case shall the compensation provided to the board 67505

of county commissioners exceed the property taxes foregone due to 67506
the exemption. If the board of county commissioners objects, and 67507
the board of county commissioners and board of township trustees 67508
fail to negotiate a mutually acceptable compensation agreement, 67509
the resolution adopted under division (C)(1) of this section shall 67510
provide to the board of county commissioners compensation in the 67511
eleventh and subsequent years of the exemption period equal in 67512
value to not more than fifty per cent of the taxes that would be 67513
payable to the county or, if the board of county commissioner's 67514
objection includes an objection to an exemption percentage in 67515
excess of seventy-five per cent, compensation equal in value to 67516
not more than fifty per cent of the taxes that would be payable to 67517
the county, on the portion of the improvement in excess of 67518
seventy-five per cent, were that portion to be subject to 67519
taxation. The board of county commissioners shall certify its 67520
resolution to the board of township trustees not later than thirty 67521
days after receipt of the notice. 67522

(3) If the board of county commissioners does not object or 67523
fails to certify its resolution objecting to an exemption within 67524
thirty days after receipt of the notice, the board of township 67525
trustees may adopt its resolution, and no compensation shall be 67526
provided to the board of county commissioners. If the board of 67527
county commissioners timely certifies its resolution objecting to 67528
the trustees' resolution, the board of township trustees may adopt 67529
its resolution at any time after a mutually acceptable 67530
compensation agreement is agreed to by the board of county 67531
commissioners and the board of township trustees, or, if no 67532
compensation agreement is negotiated, at any time after the board 67533
of township trustees agrees in the proposed resolution to provide 67534
compensation to the board of county commissioners of fifty per 67535
cent of the taxes that would be payable to the county in the 67536
eleventh and subsequent years of the exemption period or on the 67537
portion of the improvement in excess of seventy-five per cent, 67538

were that portion to be subject to taxation. 67539

(F) Service payments in lieu of taxes that are attributable 67540
to any amount by which the effective tax rate of either a renewal 67541
levy with an increase or a replacement levy exceeds the effective 67542
tax rate of the levy renewed or replaced, or that are attributable 67543
to an additional levy, for a levy authorized by the voters for any 67544
of the following purposes on or after January 1, 2006, and which 67545
are provided pursuant to a resolution creating an incentive 67546
district under division (C)(1) of this section that is adopted on 67547
or after January 1, 2006, or a later date as specified in this 67548
division, shall be distributed to the appropriate taxing authority 67549
as required under division (C) of section 5709.74 of the Revised 67550
Code in an amount equal to the amount of taxes from that 67551
additional levy or from the increase in the effective tax rate of 67552
such renewal or replacement levy that would have been payable to 67553
that taxing authority from the following levies were it not for 67554
the exemption authorized under division (C) of this section: 67555

(1) A tax levied under division (L) of section 5705.19 or 67556
section 5705.191 or 5705.222 of the Revised Code for community 67557
developmental disabilities programs and services pursuant to 67558
Chapter 5126. of the Revised Code; 67559

(2) A tax levied under division (Y) of section 5705.19 of the 67560
Revised Code for providing or maintaining senior citizens services 67561
or facilities; 67562

(3) A tax levied under section 5705.22 of the Revised Code 67563
for county hospitals; 67564

(4) A tax levied by a joint-county district or by a county 67565
under section 5705.19, 5705.191, or 5705.221 of the Revised Code 67566
for alcohol, drug addiction, and mental health services or 67567
families; 67568

(5) A tax levied under section 5705.23 of the Revised Code 67569

for library purposes; 67570

(6) A tax levied under section 5705.24 of the Revised Code 67571
for the support of children services and the placement and care of 67572
children; 67573

(7) A tax levied under division (Z) of section 5705.19 of the 67574
Revised Code for the provision and maintenance of zoological park 67575
services and facilities under section 307.76 of the Revised Code; 67576

(8) A tax levied under section 511.27 or division (H) of 67577
section 5705.19 of the Revised Code for the support of township 67578
park districts; 67579

(9) A tax levied under division (A), (F), or (H) of section 67580
5705.19 of the Revised Code for parks and recreational purposes of 67581
a joint recreation district organized pursuant to division (B) of 67582
section 755.14 of the Revised Code; 67583

(10) A tax levied under section 1545.20 or 1545.21 of the 67584
Revised Code for park district purposes; 67585

(11) A tax levied under section 5705.191 of the Revised Code 67586
for the purpose of making appropriations for public assistance; 67587
human or social services; public relief; public welfare; public 67588
health and hospitalization; and support of general hospitals; 67589

(12) A tax levied under section 3709.29 of the Revised Code 67590
for a general health district program; 67591

(13) A tax levied by a township under section 505.39, 505.51, 67592
or division (I), (J), (U), or (JJ) of section 5705.19 of the 67593
Revised Code for the purpose of funding fire, police, emergency 67594
medical, or ambulance services as described in those sections. 67595
Division (F)(13) of this section applies only to incentive 67596
districts created by a resolution adopted on or after March 22, 67597
2019, the effective date of the amendment of this section by H.B. 67598
500 of the 132nd general assembly, and only if that resolution 67599

specifies that division (F) of this section shall apply to such a tax. 67600
67601

(G) An exemption from taxation granted under this section 67602
commences with the tax year specified in the resolution so long as 67603
the year specified in the resolution commences after the effective 67604
date of the resolution. If the resolution specifies a year 67605
commencing before the effective date of the resolution or 67606
specifies no year whatsoever, the exemption commences with the tax 67607
year in which an exempted improvement first appears on the tax 67608
list and duplicate of real and public utility property and that 67609
commences after the effective date of the resolution. In lieu of 67610
stating a specific year, the resolution may provide that the 67611
exemption commences in the tax year in which the value of an 67612
improvement exceeds a specified amount or in which the 67613
construction of one or more improvements is completed, provided 67614
that such tax year commences after the effective date of the 67615
resolution. With respect to the exemption of improvements to 67616
parcels under division (B) of this section, the resolution may 67617
allow for the exemption to commence in different tax years on a 67618
parcel-by-parcel basis, with a separate exemption term specified 67619
for each parcel. 67620

Except as otherwise provided in this division and section 67621
5709.51 of the Revised Code, the exemption ends on the date 67622
specified in the resolution as the date the improvement ceases to 67623
be a public purpose or the incentive district expires, or ends on 67624
the date on which the public infrastructure improvements and 67625
housing renovations are paid in full from the township public 67626
improvement tax increment equivalent fund established under 67627
section 5709.75 of the Revised Code, whichever occurs first. The 67628
exemption of an improvement with respect to a parcel or within an 67629
incentive district may end on a later date, as specified in the 67630
resolution, if the board of township trustees and the board of 67631

education of the city, local, or exempted village school district 67632
within which the parcel or district is located have entered into a 67633
compensation agreement under section 5709.82 of the Revised Code 67634
with respect to the improvement and the board of education has 67635
approved the term of the exemption under division (D) of this 67636
section, but in no case shall the improvement be exempted from 67637
taxation for more than thirty years. The board of township 67638
trustees may, by majority vote, adopt a resolution permitting the 67639
township to enter into such agreements as the board finds 67640
necessary or appropriate to provide for the construction or 67641
undertaking of public infrastructure improvements and housing 67642
renovations. Any exemption shall be claimed and allowed in the 67643
same or a similar manner as in the case of other real property 67644
exemptions. If an exemption status changes during a tax year, the 67645
procedure for the apportionment of the taxes for that year is the 67646
same as in the case of other changes in tax exemption status 67647
during the year. 67648

(H) The board of township trustees may issue the notes of the 67649
township to finance all costs pertaining to the construction or 67650
undertaking of public infrastructure improvements and housing 67651
renovations made pursuant to this section. The notes shall be 67652
signed by the board and attested by the signature of the township 67653
fiscal officer, shall bear interest not to exceed the rate 67654
provided in section 9.95 of the Revised Code, and are not subject 67655
to Chapter 133. of the Revised Code. The resolution authorizing 67656
the issuance of the notes shall pledge the funds of the township 67657
public improvement tax increment equivalent fund established 67658
pursuant to section 5709.75 of the Revised Code to pay the 67659
interest on and principal of the notes. The notes, which may 67660
contain a clause permitting prepayment at the option of the board, 67661
shall be offered for sale on the open market or given to the 67662
vendor or contractor if no sale is made. 67663

(I) The township, not later than fifteen days after the adoption of a resolution under this section, shall submit to the director of development services a copy of the resolution. On or before the thirty-first day of March of each year, the township shall submit a status report to the director of development services. The report shall indicate, in the manner prescribed by the director, the progress of the project during each year that the exemption remains in effect, including a summary of the receipts from service payments in lieu of taxes; expenditures of money from the fund created under section 5709.75 of the Revised Code; a description of the public infrastructure improvements and housing renovations financed with the expenditures; and a quantitative summary of changes in private investment resulting from each project.

(J) Nothing in this section shall be construed to prohibit a board of township trustees from declaring to be a public purpose improvements with respect to more than one parcel.

If a parcel is located in a new community district in which the new community authority imposes a community development charge on the basis of rentals received from leases of real property as described in division (L)(2) of section 349.01 of the Revised Code, the parcel may not be exempted from taxation under this section.

(K) A board of township trustees that adopted a resolution under this section prior to July 21, 1994, may amend that resolution to include any additional public infrastructure improvement. A board of township trustees that seeks by the amendment to utilize money from its township public improvement tax increment equivalent fund for land acquisition in aid of industry, commerce, distribution, or research, demolition on private property, or stormwater and flood remediation projects may do so provided that the board currently is a party to a

hold-harmless agreement with the board of education of the city, 67696
local, or exempted village school district within the territory of 67697
which are located the parcels that are subject to an exemption. 67698
For the purposes of this division, a "hold-harmless agreement" 67699
means an agreement under which the board of township trustees 67700
agrees to compensate the school district for one hundred per cent 67701
of the tax revenue that the school district would have received 67702
from further improvements to parcels designated in the resolution 67703
were it not for the exemption granted by the resolution. 67704

(L) Notwithstanding the limitation prescribed by division (D) 67705
of this section on the number of years that improvements to a 67706
parcel or parcels may be exempted from taxation, a board of 67707
trustees of a township with a population of fifteen thousand or 67708
more may amend a resolution originally adopted under this section 67709
before December 31, 1994, to extend the exemption of improvements 67710
to the parcel or parcels included in such resolution for an 67711
additional period not to exceed fifteen years. The amendment shall 67712
not increase the percentage of improvements to the parcel or 67713
parcels exempted from taxation. Before adopting an amendment 67714
authorized under this division, the board of township trustees 67715
shall obtain the approval of each board of education of the city, 67716
local, or exempted village school district within which the 67717
exempted parcels are located in the manner required under division 67718
(D) of this section, except that (1) the board of education may 67719
approve the exemption on the condition that the board of township 67720
trustees and the board of education negotiate an agreement 67721
providing for compensation to the school district equal in value 67722
to the amount of taxes the district forgoes in each year the 67723
exemption is extended pursuant to this division or any other 67724
mutually agreeable compensation and (2) if the board of education 67725
fails to certify a resolution approving the amendment to the board 67726
of township trustees within the time prescribed by division (D) of 67727
this section, the board of township trustees shall not adopt the 67728

amendment authorized under this division. 67729

No approval under this division shall be required from a 67730
board of education that has adopted a resolution waiving its right 67731
to approve exemptions from taxation pursuant to division (D) of 67732
this section. If the board of education has adopted such a 67733
resolution, the board of township trustees shall comply with the 67734
notice requirements imposed under section 5709.83 of the Revised 67735
Code before taking formal action to adopt an amendment authorized 67736
under this division unless the board of education has adopted a 67737
resolution under that section waiving its right to receive the 67738
notice. Not later than fourteen days before adopting an amendment 67739
authorized under this division, the board of township trustees 67740
shall deliver a notice identical to a notice required under 67741
section 5709.83 of the Revised Code to the board of county 67742
commissioners of each county in which the exempted parcels are 67743
located. 67744

Sec. 5709.78. (A) A board of county commissioners may, by 67745
resolution, declare improvements to certain parcels of real 67746
property located in the unincorporated territory of the county to 67747
be a public purpose. Except ~~with the approval as otherwise~~ 67748
provided under division (C) of this section ~~of the board of~~ 67749
~~education of each city, local, or exempted village school district~~ 67750
~~within which the improvements are located~~ or section 5709.51 of 67751
the Revised Code, not more than seventy-five per cent of an 67752
improvement thus declared to be a public purpose may be exempted 67753
from real property taxation, for a period of not more than ten 67754
years. The resolution shall specify the percentage of the 67755
improvement to be exempted and the life of the exemption. 67756

A resolution adopted under this division shall designate the 67757
specific public infrastructure improvements made, to be made, or 67758
in the process of being made by the county that directly benefit, 67759

or that once made will directly benefit, the parcels for which 67760
improvements are declared to be a public purpose. The service 67761
payments provided for in section 5709.79 of the Revised Code shall 67762
be used to finance the public infrastructure improvements 67763
designated in the resolution, or as provided in section 5709.80 of 67764
the Revised Code. 67765

(B)(1) A board of county commissioners may adopt a resolution 67766
creating an incentive district and declaring improvements to 67767
parcels within the district to be a public purpose and, except as 67768
provided in division (B)(2) of this section, exempt from taxation 67769
as provided in this section, but no board of county commissioners 67770
of a county that has a population that exceeds twenty-five 67771
thousand, as shown by the most recent federal decennial census, 67772
shall adopt a resolution that creates an incentive district if the 67773
sum of the taxable value of real property in the proposed district 67774
for the preceding tax year and the taxable value of all real 67775
property in the county that would have been taxable in the 67776
preceding year were it not for the fact that the property was in 67777
an existing incentive district and therefore exempt from taxation 67778
exceeds twenty-five per cent of the taxable value of real property 67779
in the county for the preceding tax year. The district shall be 67780
located within the unincorporated territory of the county and 67781
shall not include any territory that is included within a district 67782
created under division (C) of section 5709.73 of the Revised Code. 67783
The resolution shall delineate the boundary of the proposed 67784
district and specifically identify each parcel within the 67785
district. A proposed district may not include any parcel that is 67786
or has been exempted from taxation under division (A) of this 67787
section or that is or has been within another district created 67788
under this division. A resolution may create more than one such 67789
district, and more than one resolution may be adopted under 67790
division (B)(1) of this section. 67791

(2)(a) Not later than thirty days prior to adopting a resolution under division (B)(1) of this section, if the county intends to apply for exemptions from taxation under section 5709.911 of the Revised Code on behalf of owners of real property located within the proposed incentive district, the board of county commissioners shall conduct a public hearing on the proposed resolution. Not later than thirty days prior to the public hearing, the board shall give notice of the public hearing and the proposed resolution by first class mail to every real property owner whose property is located within the boundaries of the proposed incentive district that is the subject of the proposed resolution. The board also shall provide the notice by first class mail to the clerk of each township in which the proposed incentive district will be located. The notice shall include a map of the proposed incentive district on which the board of county commissioners shall have delineated an overlay. The notice shall inform property owners of the owner's right to exclude the owner's property from the incentive district if both of the following conditions are met:

(i) The owner's entire parcel of property will not be located within the overlay.

(ii) The owner has submitted a statement to the board of township trustees of the township in which the parcel is located indicating the owner's intent to seek a tax exemption for improvements to the owner's parcel under division (B) or (C) of section 5709.73 of the Revised Code within the next five years.

When both of the preceding conditions are met, the owner may exclude the owner's property from the incentive district by submitting a written response in accordance with division (B)(2)(b) of this section. The notice also shall include information detailing the required contents of the response, the address to which the response may be mailed, and the deadline for

submitting the response. 67824

(b) Any owner of real property located within the boundaries 67825
of an incentive district proposed under division (B) (1) of this 67826
section who meets the conditions specified in divisions 67827
(B)(2)(a)(i) and (ii) of this section may exclude the property 67828
from the proposed incentive district by submitting a written 67829
response to the board not later than forty-five days after the 67830
postmark date on the notice required under division (B)(2)(a) of 67831
this section. The response shall include a copy of the statement 67832
submitted under division (B)(2)(a)(ii) of this section. The 67833
response shall be sent by first class mail or delivered in person 67834
at a public hearing held by the board under division (B)(2)(a) of 67835
this section. The response shall conform to any content 67836
requirements that may be established by the board and included in 67837
the notice provided under division (B)(2)(a) of this section. In 67838
the response, property owners may identify a parcel by street 67839
address, by the manner in which it is identified in the 67840
resolution, or by other means allowing the identity of the parcel 67841
to be ascertained. 67842

(c) Before adopting a resolution under division (B)(1) of 67843
this section, the board shall amend the resolution to exclude any 67844
parcel for which a written response has been submitted under 67845
division (B)(2)(b) of this section. A county shall not apply for 67846
exemptions from taxation under section 5709.911 of the Revised 67847
Code for any such parcel, and service payments may not be required 67848
from the owner of the parcel. Improvements to a parcel excluded 67849
from an incentive district under this division may be exempted 67850
from taxation under division (A) of this section pursuant to a 67851
resolution adopted under that division or under any other section 67852
of the Revised Code under which the parcel qualifies. 67853

(3)(a) A resolution adopted under division (B)(1) of this 67854
section shall specify the life of the incentive district and the 67855

percentage of the improvements to be exempted, shall designate the public infrastructure improvements made, to be made, or in the process of being made, that benefit or serve, or, once made, will benefit or serve parcels in the district. The resolution also shall identify one or more specific projects being, or to be, undertaken in the district that place additional demand on the public infrastructure improvements designated in the resolution. The project identified may, but need not be, the project under division (B)(3)(b) of this section that places real property in use for commercial or industrial purposes.

A resolution adopted under division (B)(1) of this section on or after March 30, 2006, shall not designate police or fire equipment as public infrastructure improvements, and no service payment provided for in section 5709.79 of the Revised Code and received by the county under the resolution shall be used for police or fire equipment.

(b) A resolution adopted under division (B)(1) of this section may authorize the use of service payments provided for in section 5709.79 of the Revised Code for the purpose of housing renovations within the incentive district, provided that the resolution also designates public infrastructure improvements that benefit or serve the district, and that a project within the district places real property in use for commercial or industrial purposes. Service payments may be used to finance or support loans, deferred loans, and grants to persons for the purpose of housing renovations within the district. The resolution shall designate the parcels within the district that are eligible for housing renovations. The resolution shall state separately the amount or the percentages of the expected aggregate service payments that are designated for each public infrastructure improvement and for the purpose of housing renovations.

(4) Except with the approval of the board of education of

each city, local, or exempted village school district within the 67888
territory of which the incentive district is or will be located, 67889
and subject to division (D) of this section, the life of an 67890
incentive district shall not exceed ten years, and the percentage 67891
of improvements to be exempted shall not exceed seventy-five per 67892
cent. With approval of the board of education, the life of a 67893
district may be not more than thirty years, and the percentage of 67894
improvements to be exempted may be not more than one hundred per 67895
cent. The approval of a board of education shall be obtained in 67896
the manner provided in division (C) of this section. 67897

(C)(1) Improvements with respect to a parcel may be exempted 67898
from taxation under division (A) of this section, and improvements 67899
to parcels within an incentive district may be exempted from 67900
taxation under division (B) of this section, for up to ten years 67901
or, with the approval of the board of education of each city, 67902
local, or exempted village school district within which the parcel 67903
or district is located, for up to thirty years. The percentage of 67904
the improvements exempted from taxation may, with such approval, 67905
exceed seventy-five per cent, but shall not exceed one hundred per 67906
cent. Not later than forty-five business days prior to adopting a 67907
resolution under this section declaring improvements to be a 67908
public purpose that is subject to the approval of a board of 67909
education under this division, the board of county commissioners 67910
shall deliver to the board of education a notice stating its 67911
intent to adopt a resolution making that declaration. The notice 67912
regarding improvements with respect to a parcel under division (A) 67913
of this section shall identify the parcels for which improvements 67914
are to be exempted from taxation, provide an estimate of the true 67915
value in money of the improvements, specify the period for which 67916
the improvements would be exempted from taxation and the 67917
percentage of the improvements that would be exempted, and 67918
indicate the date on which the board of county commissioners 67919
intends to adopt the resolution. The notice regarding improvements 67920

to parcels within an incentive district under division (B) of this 67921
section shall delineate the boundaries of the district, 67922
specifically identify each parcel within the district, identify 67923
each anticipated improvement in the district, provide an estimate 67924
of the true value in money of each such improvement, specify the 67925
life of the district and the percentage of improvements that would 67926
be exempted, and indicate the date on which the board of county 67927
commissioners intends to adopt the resolution. The board of 67928
education, by resolution adopted by a majority of the board, may 67929
approve the exemption for the period or for the exemption 67930
percentage specified in the notice; may disapprove the exemption 67931
for the number of years in excess of ten, may disapprove the 67932
exemption for the percentage of the improvements to be exempted in 67933
excess of seventy-five per cent, or both; or may approve the 67934
exemption on the condition that the board of county commissioners 67935
and the board of education negotiate an agreement providing for 67936
compensation to the school district equal in value to a percentage 67937
of the amount of taxes exempted in the eleventh and subsequent 67938
years of the exemption period or, in the case of exemption 67939
percentages in excess of seventy-five per cent, compensation equal 67940
in value to a percentage of the taxes that would be payable on the 67941
portion of the improvements in excess of seventy-five per cent 67942
were that portion to be subject to taxation, or other mutually 67943
agreeable compensation. 67944

(2) The board of education shall certify its resolution to 67945
the board of county commissioners not later than fourteen days 67946
prior to the date the board of county commissioners intends to 67947
adopt its resolution as indicated in the notice. If the board of 67948
education and the board of county commissioners negotiate a 67949
mutually acceptable compensation agreement, the resolution of the 67950
board of county commissioners may declare the improvements a 67951
public purpose for the number of years specified in that 67952
resolution or, in the case of exemption percentages in excess of 67953

seventy-five per cent, for the exemption percentage specified in 67954
the resolution. In either case, if the board of education and the 67955
board of county commissioners fail to negotiate a mutually 67956
acceptable compensation agreement, the resolution may declare the 67957
improvements a public purpose for not more than ten years, and 67958
shall not exempt more than seventy-five per cent of the 67959
improvements from taxation. If the board of education fails to 67960
certify a resolution to the board of county commissioners within 67961
the time prescribed by this section, the board of county 67962
commissioners thereupon may adopt the resolution and may declare 67963
the improvements a public purpose for up to thirty years or, in 67964
the case of exemption percentages proposed in excess of 67965
seventy-five per cent, for the exemption percentage specified in 67966
the resolution. The board of county commissioners may adopt the 67967
resolution at any time after the board of education certifies its 67968
resolution approving the exemption to the board of county 67969
commissioners, or, if the board of education approves the 67970
exemption on the condition that a mutually acceptable compensation 67971
agreement be negotiated, at any time after the compensation 67972
agreement is agreed to by the board of education and the board of 67973
county commissioners. If a mutually acceptable compensation 67974
agreement is negotiated between the board of county commissioners 67975
and the board of education, including agreements for payments in 67976
lieu of taxes under section 5709.79 of the Revised Code, the board 67977
of county commissioners shall compensate the joint vocational 67978
school district within which the parcel or district is located at 67979
the same rate and under the same terms received by the city, 67980
local, or exempted village school district. 67981

(3) If a board of education has adopted a resolution waiving 67982
its right to approve exemptions from taxation under this section 67983
and the resolution remains in effect, approval of such exemptions 67984
by the board of education is not required under division (C) of 67985
this section. If a board of education has adopted a resolution 67986

allowing a board of county commissioners to deliver the notice 67987
required under division (C) of this section fewer than forty-five 67988
business days prior to approval of the resolution by the board of 67989
county commissioners, the board of county commissioners shall 67990
deliver the notice to the board of education not later than the 67991
number of days prior to such approval as prescribed by the board 67992
of education in its resolution. If a board of education adopts a 67993
resolution waiving its right to approve exemptions or shortening 67994
the notification period, the board of education shall certify a 67995
copy of the resolution to the board of county commissioners. If 67996
the board of education rescinds such a resolution, it shall 67997
certify notice of the rescission to the board of county 67998
commissioners. 67999

(4) Nothing in division (C) of this section prohibits the 68000
board of county commissioners from amending the resolution under 68001
section 5709.51 of the Revised Code to extend the term of the 68002
exemption. 68003

(D)(1) If a proposed resolution under division (B)(1) of this 68004
section exempts improvements with respect to a parcel within an 68005
incentive district for more than ten years, or the percentage of 68006
the improvement exempted from taxation exceeds seventy-five per 68007
cent, not later than forty-five business days prior to adopting 68008
the resolution the board of county commissioners shall deliver to 68009
the board of township trustees of any township within which the 68010
incentive district is or will be located a notice that states its 68011
intent to adopt a resolution creating an incentive district. The 68012
notice shall include a copy of the proposed resolution, identify 68013
the parcels for which improvements are to be exempted from 68014
taxation, provide an estimate of the true value in money of the 68015
improvements, specify the period of time for which the 68016
improvements would be exempted from taxation, specify the 68017
percentage of the improvements that would be exempted from 68018

taxation, and indicate the date on which the board intends to 68019
adopt the resolution. 68020

(2) The board of township trustees, by resolution adopted by 68021
a majority of the board, may object to the exemption for the 68022
number of years in excess of ten, may object to the exemption for 68023
the percentage of the improvement to be exempted in excess of 68024
seventy-five per cent, or both. If the board of township trustees 68025
objects, the board of township trustees may negotiate a mutually 68026
acceptable compensation agreement with the board of county 68027
commissioners. In no case shall the compensation provided to the 68028
board of township trustees exceed the property taxes forgone due 68029
to the exemption. If the board of township trustees objects, and 68030
the board of township trustees and the board of county 68031
commissioners fail to negotiate a mutually acceptable compensation 68032
agreement, the resolution adopted under division (B)(1) of this 68033
section shall provide to the board of township trustees 68034
compensation in the eleventh and subsequent years of the exemption 68035
period equal in value to not more than fifty per cent of the taxes 68036
that would be payable to the township or, if the board of township 68037
trustee's objection includes an objection to an exemption 68038
percentage in excess of seventy-five per cent, compensation equal 68039
in value to not more than fifty per cent of the taxes that would 68040
be payable to the township on the portion of the improvement in 68041
excess of seventy-five per cent, were that portion to be subject 68042
to taxation. The board of township trustees shall certify its 68043
resolution to the board of county commissioners not later than 68044
thirty days after receipt of the notice. 68045

(3) If the board of township trustees does not object or 68046
fails to certify a resolution objecting to an exemption within 68047
thirty days after receipt of the notice, the board of county 68048
commissioners may adopt its resolution, and no compensation shall 68049
be provided to the board of township trustees. If the board of 68050

township trustees certifies its resolution objecting to the 68051
commissioners' resolution, the board of county commissioners may 68052
adopt its resolution at any time after a mutually acceptable 68053
compensation agreement is agreed to by the board of county 68054
commissioners and the board of township trustees. If the board of 68055
township trustees certifies a resolution objecting to the 68056
commissioners' resolution, the board of county commissioners may 68057
adopt its resolution at any time after a mutually acceptable 68058
compensation agreement is agreed to by the board of county 68059
commissioners and the board of township trustees, or, if no 68060
compensation agreement is negotiated, at any time after the board 68061
of county commissioners in the proposed resolution to provide 68062
compensation to the board of township trustees of fifty per cent 68063
of the taxes that would be payable to the township in the eleventh 68064
and subsequent years of the exemption period or on the portion of 68065
the improvement in excess of seventy-five per cent, were that 68066
portion to be subject to taxation. 68067

(E) Service payments in lieu of taxes that are attributable 68068
to any amount by which the effective tax rate of either a renewal 68069
levy with an increase or a replacement levy exceeds the effective 68070
tax rate of the levy renewed or replaced, or that are attributable 68071
to an additional levy, for a levy authorized by the voters for any 68072
of the following purposes on or after January 1, 2006, and which 68073
are provided pursuant to a resolution creating an incentive 68074
district under division (B)(1) of this section that is adopted on 68075
or after January 1, 2006, shall be distributed to the appropriate 68076
taxing authority as required under division (D) of section 5709.79 68077
of the Revised Code in an amount equal to the amount of taxes from 68078
that additional levy or from the increase in the effective tax 68079
rate of such renewal or replacement levy that would have been 68080
payable to that taxing authority from the following levies were it 68081
not for the exemption authorized under division (B) of this 68082
section: 68083

(1) A tax levied under division (L) of section 5705.19 or	68084
section 5705.191 or 5705.222 of the Revised Code for community	68085
developmental disabilities programs and services pursuant to	68086
Chapter 5126. of the Revised Code;	68087
(2) A tax levied under division (Y) of section 5705.19 of the	68088
Revised Code for providing or maintaining senior citizens services	68089
or facilities;	68090
(3) A tax levied under section 5705.22 of the Revised Code	68091
for county hospitals;	68092
(4) A tax levied by a joint-county district or by a county	68093
under section 5705.19, 5705.191, or 5705.221 of the Revised Code	68094
for alcohol, drug addiction, and mental health services or	68095
facilities;	68096
(5) A tax levied under section 5705.23 of the Revised Code	68097
for library purposes;	68098
(6) A tax levied under section 5705.24 of the Revised Code	68099
for the support of children services and the placement and care of	68100
children;	68101
(7) A tax levied under division (Z) of section 5705.19 of the	68102
Revised Code for the provision and maintenance of zoological park	68103
services and facilities under section 307.76 of the Revised Code;	68104
(8) A tax levied under section 511.27 or division (H) of	68105
section 5705.19 of the Revised Code for the support of township	68106
park districts;	68107
(9) A tax levied under division (A), (F), or (H) of section	68108
5705.19 of the Revised Code for parks and recreational purposes of	68109
a joint recreation district organized pursuant to division (B) of	68110
section 755.14 of the Revised Code;	68111
(10) A tax levied under section 1545.20 or 1545.21 of the	68112
Revised Code for park district purposes;	68113

(11) A tax levied under section 5705.191 of the Revised Code 68114
for the purpose of making appropriations for public assistance; 68115
human or social services; public relief; public welfare; public 68116
health and hospitalization; and support of general hospitals; 68117

(12) A tax levied under section 3709.29 of the Revised Code 68118
for a general health district program. 68119

(F) An exemption from taxation granted under this section 68120
commences with the tax year specified in the resolution so long as 68121
the year specified in the resolution commences after the effective 68122
date of the resolution. If the resolution specifies a year 68123
commencing before the effective date of the resolution or 68124
specifies no year whatsoever, the exemption commences with the tax 68125
year in which an exempted improvement first appears on the tax 68126
list and duplicate of real and public utility property and that 68127
commences after the effective date of the resolution. In lieu of 68128
stating a specific year, the resolution may provide that the 68129
exemption commences in the tax year in which the value of an 68130
improvement exceeds a specified amount or in which the 68131
construction of one or more improvements is completed, provided 68132
that such tax year commences after the effective date of the 68133
resolution. With respect to the exemption of improvements to 68134
parcels under division (A) of this section, the resolution may 68135
allow for the exemption to commence in different tax years on a 68136
parcel-by-parcel basis, with a separate exemption term specified 68137
for each parcel. 68138

Except as otherwise provided in this division, the exemption 68139
ends on the date specified in the resolution as the date the 68140
improvement ceases to be a public purpose or the incentive 68141
district expires, or ends on the date on which the county can no 68142
longer require annual service payments in lieu of taxes under 68143
section 5709.79 of the Revised Code, whichever occurs first. The 68144
exemption of an improvement with respect to a parcel or within an 68145

incentive district may end on a later date, as specified in the 68146
resolution, if the board of commissioners and the board of 68147
education of the city, local, or exempted village school district 68148
within which the parcel or district is located have entered into a 68149
compensation agreement under section 5709.82 of the Revised Code 68150
with respect to the improvement, and the board of education has 68151
approved the term of the exemption under division (C)(1) of this 68152
section, but in no case shall the improvement be exempted from 68153
taxation for more than thirty years. Exemptions shall be claimed 68154
and allowed in the same or a similar manner as in the case of 68155
other real property exemptions. If an exemption status changes 68156
during a tax year, the procedure for the apportionment of the 68157
taxes for that year is the same as in the case of other changes in 68158
tax exemption status during the year. 68159

(G) If the board of county commissioners is not required by 68160
this section to notify the board of education of the board of 68161
county commissioners' intent to declare improvements to be a 68162
public purpose, the board of county commissioners shall comply 68163
with the notice requirements imposed under section 5709.83 of the 68164
Revised Code before taking formal action to adopt the resolution 68165
making that declaration, unless the board of education has adopted 68166
a resolution under that section waiving its right to receive such 68167
a notice. 68168

(H) The county, not later than fifteen days after the 68169
adoption of a resolution under this section, shall submit to the 68170
director of development services a copy of the resolution. On or 68171
before the thirty-first day of March of each year, the county 68172
shall submit a status report to the director of development 68173
services. The report shall indicate, in the manner prescribed by 68174
the director, the progress of the project during each year that an 68175
exemption remains in effect, including a summary of the receipts 68176
from service payments in lieu of taxes; expenditures of money from 68177

the fund created under section 5709.80 of the Revised Code; a 68178
description of the public infrastructure improvements and housing 68179
renovations financed with such expenditures; and a quantitative 68180
summary of changes in employment and private investment resulting 68181
from each project. 68182

(I) Nothing in this section shall be construed to prohibit a 68183
board of county commissioners from declaring to be a public 68184
purpose improvements with respect to more than one parcel. 68185

(J) If a parcel is located in a new community district in 68186
which the new community authority imposes a community development 68187
charge on the basis of rentals received from leases of real 68188
property as described in division (L)(2) of section 349.01 of the 68189
Revised Code, the parcel may not be exempted from taxation under 68190
this section. 68191

Sec. 5713.08. (A) The county auditor shall make a list of all 68192
real and personal property in the auditor's county that is 68193
exempted from taxation. Such list shall show the name of the 68194
owner, the value of the property exempted, and a statement in 68195
brief form of the ground on which such exemption has been granted. 68196
It shall be corrected annually by adding thereto the items of 68197
property which have been exempted during the year, and by striking 68198
therefrom the items which in the opinion of the auditor have lost 68199
their right of exemption and which have been reentered on the 68200
taxable list, but no property shall be struck from the exempt 68201
property list solely because the property has been conveyed to a 68202
single member limited liability company with a nonprofit purpose 68203
from its nonprofit member or because the property has been 68204
conveyed by a single member limited liability company with a 68205
nonprofit purpose to its nonprofit member. No additions shall be 68206
made to such exempt lists and no additional items of property 68207
shall be exempted from taxation without the consent of the tax 68208

commissioner as is provided for in section 5715.27 of the Revised Code or without the consent of the housing officer under section 3735.67 of the Revised Code, except for property exempted by the auditor under that section, property owned by a community school and subject to the exemption authorized under division (A)(1) of section 5709.07 of the Revised Code for tax years after the tax year for which the commissioner grants an application under section 5715.27 of the Revised Code, as described in division (I) of that section, or qualifying agricultural real property, as defined in section 5709.28 of the Revised Code, that is enrolled in an agriculture security area that is exempt under that section.
The

The commissioner may revise at any time the list in every county so that no property is improperly or illegally exempted from taxation. The auditor shall follow the orders of the commissioner given under this section. An abstract of such list shall be filed annually with the commissioner, on a form approved by the commissioner, and a copy thereof shall be kept on file in the office of each auditor for public inspection.

An application for exemption of property shall include a certificate executed by the county treasurer certifying one of the following:

(1) That all taxes, interest, and penalties levied and assessed against the property sought to be exempted have been paid in full for all of the tax years preceding the tax year for which the application for exemption is filed, except for such taxes, interest, and penalties that may be remitted under division (C) of this section;

(2) That the applicant has entered into a valid delinquent tax contract with the county treasurer pursuant to division (A) of section 323.31 of the Revised Code to pay all of the delinquent taxes, interest, and penalties charged against the property,

except for such taxes, interest, and penalties that may be 68241
remitted under division (C) of this section. If the auditor 68242
receives notice under section 323.31 of the Revised Code that such 68243
a written delinquent tax contract has become void, the auditor 68244
shall strike such property from the list of exempted property and 68245
reenter such property on the taxable list. If property is removed 68246
from the exempt list because a written delinquent tax contract has 68247
become void, current taxes shall first be extended against that 68248
property on the general tax list and duplicate of real and public 68249
utility property for the tax year in which the auditor receives 68250
the notice required by division (A) of section 323.31 of the 68251
Revised Code that the delinquent tax contract has become void or, 68252
if that notice is not timely made, for the tax year in which falls 68253
the latest date by which the treasurer is required by such section 68254
to give such notice. A county auditor shall not remove from any 68255
tax list and duplicate the amount of any unpaid delinquent taxes, 68256
assessments, interest, or penalties owed on property that is 68257
placed on the exempt list pursuant to this division. 68258

(3) That a tax certificate has been issued under section 68259
5721.32 or 5721.33 of the Revised Code with respect to the 68260
property that is the subject of the application, and the tax 68261
certificate is outstanding. 68262

(B) If the treasurer's certificate is not included with the 68263
application or the certificate reflects unpaid taxes, penalties, 68264
and interest that may not be remitted, the tax commissioner or 68265
county auditor with whom the application was filed shall notify 68266
the property owner of that fact, and the applicant shall be given 68267
sixty days from the date that notification was mailed in which to 68268
provide the tax commissioner or county auditor with a corrected 68269
treasurer's certificate. If a corrected treasurer's certificate is 68270
not received within the time permitted, the tax commissioner or 68271
county auditor does not have authority to consider the tax 68272

exemption application. 68273

(C) Any taxes, interest, and penalties which have become a 68274
lien after the property was first used for the exempt purpose, but 68275
in no case prior to the date of acquisition of the title to the 68276
property by the applicant, may be remitted by the commissioner or 68277
county auditor, except as is provided in division (A) of section 68278
5713.081 of the Revised Code. 68279

(D) Real property acquired by the state in fee simple is 68280
exempt from taxation from the date of acquisition of title or date 68281
of possession, whichever is the earlier date, provided that all 68282
taxes, interest, and penalties as provided in the apportionment 68283
provisions of section 319.20 of the Revised Code have been paid to 68284
the date of acquisition of title or date of possession by the 68285
state, whichever is earlier. The proportionate amount of taxes 68286
that are a lien but not yet determined, assessed, and levied for 68287
the year in which the property is acquired, shall be remitted by 68288
the county auditor for the balance of the year from date of 68289
acquisition of title or date of possession, whichever is earlier. 68290
This section shall not be construed to authorize the exemption of 68291
such property from taxation or the remission of taxes, interest, 68292
and penalties thereon until all private use has terminated. 68293

Sec. 5715.19. (A) As used in this section, "member" has the 68294
same meaning as in section 1705.01 of the Revised Code, and 68295
"internet identifier of record" has the same meaning as in section 68296
9.312 of the Revised Code. 68297

(1) Subject to division (A)(2) of this section, a complaint 68298
against any of the following determinations for the current tax 68299
year shall be filed with the county auditor on or before the 68300
thirty-first day of March of the ensuing tax year or the date of 68301
closing of the collection for the first half of real and public 68302
utility property taxes for the current tax year, whichever is 68303

later: 68304

(a) Any classification made under section 5713.041 of the Revised Code; 68305
68306

(b) Any determination made under section 5713.32 or 5713.35 of the Revised Code; 68307
68308

(c) Any recoupment charge levied under section 5713.35 of the Revised Code; 68309
68310

(d) The determination of the total valuation or assessment of any parcel that appears on the tax list, except parcels assessed by the tax commissioner pursuant to section 5727.06 of the Revised Code; 68311
68312
68313
68314

(e) The determination of the total valuation of any parcel that appears on the agricultural land tax list, except parcels assessed by the tax commissioner pursuant to section 5727.06 of the Revised Code; 68315
68316
68317
68318

(f) Any determination made under division (A) of section 319.302 of the Revised Code. 68319
68320

If such a complaint is filed by mail or certified mail, the date of the United States postmark placed on the envelope or sender's receipt by the postal service shall be treated as the date of filing. A private meter postmark on an envelope is not a valid postmark for purposes of establishing the filing date. 68321
68322
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Any person owning taxable real property in the county or in a taxing district with territory in the county; such a person's spouse; an individual who is retained by such a person and who holds a designation from a professional assessment organization, such as the institute for professionals in taxation, the national council of property taxation, or the international association of assessing officers; a public accountant who holds a permit under section 4701.10 of the Revised Code, a general or residential real 68326
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estate appraiser licensed or certified under Chapter 4763. of the 68334
Revised Code, or a real estate broker licensed under Chapter 4735. 68335
of the Revised Code, who is retained by such a person; if the 68336
person is a firm, company, association, partnership, limited 68337
liability company, or corporation, an officer, a salaried 68338
employee, a partner, or a member of that person; if the person is 68339
a trust, a trustee of the trust; the board of county 68340
commissioners; the prosecuting attorney or treasurer of the 68341
county; the board of township trustees of any township with 68342
territory within the county; the board of education of any school 68343
district with any territory in the county; or the mayor or 68344
legislative authority of any municipal corporation with any 68345
territory in the county may file such a complaint regarding any 68346
such determination affecting any real property in the county, 68347
except that a person owning taxable real property in another 68348
county may file such a complaint only with regard to any such 68349
determination affecting real property in the county that is 68350
located in the same taxing district as that person's real property 68351
is located. The county auditor shall present to the county board 68352
of revision all complaints filed with the auditor. 68353

(2) As used in division (A)(2) of this section, "interim 68354
period" means, for each county, the tax year to which section 68355
5715.24 of the Revised Code applies and each subsequent tax year 68356
until the tax year in which that section applies again. 68357

No person, board, or officer shall file a complaint against 68358
the valuation or assessment of any parcel that appears on the tax 68359
list if it filed a complaint against the valuation or assessment 68360
of that parcel for any prior tax year in the same interim period, 68361
unless the person, board, or officer alleges that the valuation or 68362
assessment should be changed due to one or more of the following 68363
circumstances that occurred after the tax lien date for the tax 68364
year for which the prior complaint was filed and that the 68365

circumstances were not taken into consideration with respect to 68366
the prior complaint: 68367

(a) The property was sold in an arm's length transaction, as 68368
described in section 5713.03 of the Revised Code; 68369

(b) The property lost value due to some casualty; 68370

(c) Substantial improvement was added to the property; 68371

(d) An increase or decrease of at least fifteen per cent in 68372
the property's occupancy has had a substantial economic impact on 68373
the property. 68374

(3) If a county board of revision, the board of tax appeals, 68375
or any court dismisses a complaint filed under this section or 68376
section 5715.13 of the Revised Code for the reason that the act of 68377
filing the complaint was the unauthorized practice of law or the 68378
person filing the complaint was engaged in the unauthorized 68379
practice of law, the party affected by a decrease in valuation or 68380
the party's agent, or the person owning taxable real property in 68381
the county or in a taxing district with territory in the county, 68382
may refile the complaint, notwithstanding division (A)(2) of this 68383
section. 68384

(4)(a) No complaint filed under this section or section 68385
5715.13 of the Revised Code shall be dismissed for the reason that 68386
the complaint fails to accurately identify the owner of the 68387
property that is the subject of the complaint. 68388

(b) If a complaint fails to accurately identify the owner of 68389
the property that is the subject of the complaint, the board of 68390
revision shall exercise due diligence to ensure the correct 68391
property owner is notified as required by divisions (B) and (C) of 68392
this section. 68393

(5) Notwithstanding division (A)(2) of this section, a 68394
person, board, or officer may file a complaint against the 68395

valuation or assessment of any parcel that appears on the tax list 68396
if it filed a complaint against the valuation or assessment of 68397
that parcel for any prior tax year in the same interim period if 68398
the person, board, or officer withdrew the complaint before the 68399
complaint was heard by the board. 68400

(6) A board of county commissioners, a board of township 68401
trustees, the board of education of a school district, or the 68402
mayor or legislative authority of a municipal corporation may not 68403
file a complaint or a counterclaim to a complaint under this 68404
section with respect to property the political subdivision does 68405
not own unless the board or legislative authority or, in the case 68406
of a mayor, the legislative authority of the municipal corporation 68407
first adopts a resolution authorizing the filing of the complaint 68408
or counterclaim at a public meeting of the board or legislative 68409
authority. The resolution shall include all of the following 68410
information: 68411

(a) Identification of the parcel or parcels that are the 68412
subject of the complaint or counterclaim by street address, if 68413
available from online records of the county auditor, and by 68414
permanent parcel number; 68415

(b) The name of at least one of the record owners of the 68416
parcel or parcels; 68417

(c) If the resolution authorizes the filing of a complaint, 68418
the basis for the complaint under divisions (A)(1)(a) to (f) of 68419
this section relative to each parcel identified in the resolution. 68420

A board or legislative authority shall not adopt a resolution 68421
required under division (A)(6) of this section that identifies 68422
more than one parcel under division (A)(6)(a) of this section, 68423
except that a single resolution may identify more than one parcel 68424
under that division if each parcel has the same record owner or 68425
the same record owners, as applicable. Such a resolution shall not 68426

include any other matter and shall be adopted by a separate vote 68427
from the question of whether to adopt any other resolution except 68428
another resolution under division (A)(6) of this section. 68429

Before adopting a resolution required by division (A)(6) of 68430
this section, the board or legislative authority shall mail a 68431
written notice to at least one of the record owners of the parcel 68432
or parcels identified in the resolution stating the intent of the 68433
board or legislative authority in adopting the resolution, the 68434
proposed date of adoption, and, if the resolution is to authorize 68435
the filing of a complaint, the basis for the complaint under 68436
divisions (A)(1)(a) to (f) of this section relative to each parcel 68437
identified in the resolution. The notice shall be sent by 68438
certified mail to the last known tax-mailing address of at least 68439
one of the record owners and, if different from that tax-mailing 68440
address, to the street address of the parcel or parcels identified 68441
in the resolution. Alternatively, if the board has record of an 68442
internet identifier of record associated with at least one of the 68443
record owners, the board may send the notice by ordinary mail and 68444
by that internet identifier of record of the time and place the 68445
resolution will be heard. The notice shall be postmarked at least 68446
fourteen calendar days before the board or legislative authority 68447
adopts the resolution. 68448

A board of revision has jurisdiction to consider a complaint 68449
or counterclaim filed pursuant to a resolution adopted under 68450
division (A)(6) of this section only if the board, mayor, or 68451
legislative authority causes the resolution to be certified to the 68452
board of revision within thirty days after the last date such a 68453
complaint or counterclaim could be filed. The failure to 68454
accurately identify the street address or the name of the record 68455
owners of the parcel in the resolution shall not invalidate the 68456
resolution nor be a cause for dismissal of the complaint or 68457
counterclaim. 68458

(7) A complaint form prescribed by a board of revision or the tax commissioner for the purposes of this section shall include a box that a board, mayor, or legislative authority, when filing a complaint or counterclaim, must check indicating that a resolution authorizing the complaint was adopted in accordance with division (A)(6) of this section and that notice was provided before adoption of the resolution to at least one of the record owners of the property that is the subject of the complaint or counterclaim.

(B) Within thirty days after the last date such complaints may be filed, the auditor shall give notice of each complaint in which the stated amount of overvaluation, undervaluation, discriminatory valuation, illegal valuation, or incorrect determination is at least seventeen thousand five hundred dollars to each property owner whose property is the subject of the complaint, if the complaint was not filed by the owner or the owner's spouse, and to each board of education whose school district may be affected by the complaint. For the purposes of this division, separate complaints filed with respect to parcels which together form an economic unit shall be treated as if the parcels were included on a single complaint. As used in this division, "economic unit" means property comprised of multiple parcels that is united by an economic function such that it will normally be sold as a single property. An economic unit may be comprised of parcels that are neither contiguous nor owned by the same owner, but the parcels must be managed and operated on a unitary basis and each parcel must make a positive contribution to the operation of the unit.

Within thirty days after receiving such notice, a board of education; a property owner; the owner's spouse; an individual who is retained by such an owner and who holds a designation from a professional assessment organization, such as the institute for professionals in taxation, the national council of property

taxation, or the international association of assessing officers; 68491
a public accountant who holds a permit under section 4701.10 of 68492
the Revised Code, a general or residential real estate appraiser 68493
licensed or certified under Chapter 4763. of the Revised Code, or 68494
a real estate broker licensed under Chapter 4735. of the Revised 68495
Code, who is retained by such a person; or, if the property owner 68496
is a firm, company, association, partnership, limited liability 68497
company, corporation, or trust, an officer, a salaried employee, a 68498
partner, a member, or trustee of that property owner, may file a 68499
complaint in support of or objecting to the amount of alleged 68500
overvaluation, undervaluation, discriminatory valuation, illegal 68501
valuation, or incorrect determination stated in a previously filed 68502
complaint or objecting to the current valuation. Upon the filing 68503
of a complaint under this division, the board of education or the 68504
property owner shall be made a party to the action. 68505

(C) Each board of revision shall notify any complainant and 68506
also the property owner, if the property owner's address is known, 68507
when a complaint is filed by one other than the property owner, 68508
not less than ten days prior to the hearing, either by certified 68509
mail or, if the board has record of an internet identifier of 68510
record associated with the owner, by ordinary mail and by that 68511
internet identifier of record of the time and place the same will 68512
be heard. The board of revision shall hear and render its decision 68513
on a complaint within ninety days after the filing thereof with 68514
the board, except that if a complaint is filed within thirty days 68515
after receiving notice from the auditor as provided in division 68516
(B) of this section, the board shall hear and render its decision 68517
within ninety days after such filing. 68518

(D) The determination of any such complaint shall relate back 68519
to the date when the lien for taxes or recoupment charges for the 68520
current year attached or the date as of which liability for such 68521
year was determined. Liability for taxes and recoupment charges 68522

for such year and each succeeding year until the complaint is 68523
finally determined and for any penalty and interest for nonpayment 68524
thereof within the time required by law shall be based upon the 68525
determination, valuation, or assessment as finally determined. 68526
Each complaint shall state the amount of overvaluation, 68527
undervaluation, discriminatory valuation, illegal valuation, or 68528
incorrect classification or determination upon which the complaint 68529
is based. The treasurer shall accept any amount tendered as taxes 68530
or recoupment charge upon property concerning which a complaint is 68531
then pending, computed upon the claimed valuation as set forth in 68532
the complaint. If a complaint filed under this section for the 68533
current year is not determined by the board within the time 68534
prescribed for such determination, the complaint and any 68535
proceedings in relation thereto shall be continued by the board as 68536
a valid complaint for any ensuing year until such complaint is 68537
finally determined by the board or upon any appeal from a decision 68538
of the board. In such case, the original complaint shall continue 68539
in effect without further filing by the original taxpayer, the 68540
original taxpayer's assignee, or any other person or entity 68541
authorized to file a complaint under this section. 68542

(E) If a taxpayer files a complaint as to the classification, 68543
valuation, assessment, or any determination affecting the 68544
taxpayer's own property and tenders less than the full amount of 68545
taxes or recoupment charges as finally determined, an interest 68546
charge shall accrue as follows: 68547

(1) If the amount finally determined is less than the amount 68548
billed but more than the amount tendered, the taxpayer shall pay 68549
interest at the rate per annum prescribed by section 5703.47 of 68550
the Revised Code, computed from the date that the taxes were due 68551
on the difference between the amount finally determined and the 68552
amount tendered. This interest charge shall be in lieu of any 68553
penalty or interest charge under section 323.121 of the Revised 68554

Code unless the taxpayer failed to file a complaint and tender an amount as taxes or recoupment charges within the time required by this section, in which case section 323.121 of the Revised Code applies.

(2) If the amount of taxes finally determined is equal to or greater than the amount billed and more than the amount tendered, the taxpayer shall pay interest at the rate prescribed by section 5703.47 of the Revised Code from the date the taxes were due on the difference between the amount finally determined and the amount tendered, such interest to be in lieu of any interest charge but in addition to any penalty prescribed by section 323.121 of the Revised Code.

(F) Upon request of a complainant, the tax commissioner shall determine the common level of assessment of real property in the county for the year stated in the request that is not valued under section 5713.31 of the Revised Code, which common level of assessment shall be expressed as a percentage of true value and the common level of assessment of lands valued under such section, which common level of assessment shall also be expressed as a percentage of the current agricultural use value of such lands. Such determination shall be made on the basis of the most recent available sales ratio studies of the commissioner and such other factual data as the commissioner deems pertinent.

(G) A complainant shall provide to the board of revision all information or evidence within the complainant's knowledge or possession that affects the real property that is the subject of the complaint. A complainant who fails to provide such information or evidence is precluded from introducing it on appeal to the board of tax appeals or the court of common pleas, except that the board of tax appeals or court may admit and consider the evidence if the complainant shows good cause for the complainant's failure to provide the information or evidence to the board of revision.

(H) In case of the pendency of any proceeding in court based upon an alleged excessive, discriminatory, or illegal valuation or incorrect classification or determination, the taxpayer may tender to the treasurer an amount as taxes upon property computed upon the claimed valuation as set forth in the complaint to the court. The treasurer may accept the tender. If the tender is not accepted, no penalty shall be assessed because of the nonpayment of the full taxes assessed.

Sec. 5715.27. (A)(1) Except as provided in division (A)(2) of this section and in section 3735.67 of the Revised Code, the owner, a vendee in possession under a purchase agreement or a land contract, the beneficiary of a trust, or a lessee for an initial term of not less than thirty years of any property may file an application with the tax commissioner, on forms prescribed by the commissioner, requesting that such property be exempted from taxation and that taxes, interest, and penalties be remitted as provided in division (C) of section 5713.08 of the Revised Code.

(2) If the property that is the subject of the application for exemption is any of the following, the application shall be filed with the county auditor of the county in which the property is listed for taxation:

(a) A public road or highway;

(b) Property belonging to the federal government of the United States;

(c) Additions or other improvements to an existing building or structure that belongs to the state or a political subdivision, as defined in section 5713.081 of the Revised Code, and that is exempted from taxation as property used exclusively for a public purpose.

(B) The board of education of any school district may request

the tax commissioner or county auditor to provide it with 68617
notification of applications for exemption from taxation for 68618
property located within that district. If so requested, the 68619
commissioner or auditor shall send to the board on a monthly basis 68620
reports that contain sufficient information to enable the board to 68621
identify each property that is the subject of an exemption 68622
application, including, but not limited to, the name of the 68623
property owner or applicant, the address of the property, and the 68624
auditor's parcel number. The commissioner or auditor shall mail 68625
the reports by the fifteenth day of the month following the end of 68626
the month in which the commissioner or auditor receives the 68627
applications for exemption. 68628

(C) A board of education that has requested notification 68629
under division (B) of this section may, with respect to any 68630
application for exemption of property located in the district and 68631
included in the commissioner's or auditor's most recent report 68632
provided under that division, file a statement with the 68633
commissioner or auditor and with the applicant indicating its 68634
intent to submit evidence and participate in any hearing on the 68635
application. The statements shall be filed prior to the first day 68636
of the third month following the end of the month in which that 68637
application was docketed by the commissioner or auditor. A 68638
statement filed in compliance with this division entitles the 68639
district to submit evidence and to participate in any hearing on 68640
the property and makes the district a party for purposes of 68641
sections 5717.02 to 5717.04 of the Revised Code in any appeal of 68642
the commissioner's or auditor's decision to the board of tax 68643
appeals. 68644

(D) The commissioner or auditor shall not hold a hearing on 68645
or grant or deny an application for exemption of property in a 68646
school district whose board of education has requested 68647
notification under division (B) of this section until the end of 68648

the period within which the board may submit a statement with 68649
respect to that application under division (C) of this section. 68650
The commissioner or auditor may act upon an application at any 68651
time prior to that date upon receipt of a written waiver from each 68652
such board of education, or, in the case of exemptions authorized 68653
by section 725.02, 1728.10, 5709.40, 5709.41, 5709.411, 5709.45, 68654
5709.62, 5709.63, 5709.632, 5709.73, 5709.78, 5709.84, or 5709.88 68655
of the Revised Code, upon the request of the property owner. 68656
Failure of a board of education to receive the report required in 68657
division (B) of this section shall not void an action of the 68658
commissioner or auditor with respect to any application. The 68659
commissioner or auditor may extend the time for filing a statement 68660
under division (C) of this section. 68661

(E) A complaint may also be filed with the commissioner or 68662
auditor by any person, board, or officer authorized by section 68663
5715.19 of the Revised Code to file complaints with the county 68664
board of revision against the continued exemption of any property 68665
granted exemption by the commissioner or auditor under this 68666
section. 68667

(F) An application for exemption and a complaint against 68668
exemption shall be filed prior to the thirty-first day of December 68669
of the tax year for which exemption is requested or for which the 68670
liability of the property to taxation in that year is requested. 68671
The commissioner or auditor shall consider such application or 68672
complaint in accordance with procedures established by the 68673
commissioner, determine whether the property is subject to 68674
taxation or exempt therefrom, and, if the commissioner makes the 68675
determination, certify the determination to the auditor. Upon 68676
making the determination or receiving the commissioner's 68677
determination, the auditor shall correct the tax list and 68678
duplicate accordingly. If a tax certificate has been sold under 68679
section 5721.32 or 5721.33 of the Revised Code with respect to 68680

property for which an exemption has been requested, the tax 68681
commissioner or auditor shall also certify the findings to the 68682
county treasurer of the county in which the property is located. 68683

(G) Applications and complaints, and documents of any kind 68684
related to applications and complaints, filed with the tax 68685
commissioner or county auditor under this section are public 68686
records within the meaning of section 149.43 of the Revised Code. 68687

(H) If the commissioner or auditor determines that the use of 68688
property or other facts relevant to the taxability of property 68689
that is the subject of an application for exemption or a complaint 68690
under this section has changed while the application or complaint 68691
was pending, the commissioner or auditor may make the 68692
determination under division (F) of this section separately for 68693
each tax year beginning with the year in which the application or 68694
complaint was filed or the year for which remission of taxes under 68695
division (C) of section 5713.08 of the Revised Code was requested, 68696
and including each subsequent tax year during which the 68697
application or complaint is pending before the commissioner or 68698
auditor. 68699

(I) If the tax commissioner grants an application filed by a 68700
community school under this section for the exemption authorized 68701
under division (A)(1) of section 5709.07 of the Revised Code, any 68702
property that is the subject of that application shall be exempt 68703
from property tax for each succeeding tax year regardless of 68704
whether the community school files an application under this 68705
section with respect to such property. The community school, on or 68706
before the thirty-first day of December of each such succeeding 68707
tax year, shall submit a statement to the commissioner attesting 68708
that the property that is the subject of that initial application 68709
qualifies for the exemption authorized under division (A)(1) of 68710
section 5709.07 of the Revised Code for that succeeding tax year. 68711
If the community school fails to file such a statement for a tax 68712

year or if the commissioner otherwise discovers that the property 68713
no longer qualifies for that exemption, the commissioner shall 68714
order the county auditor to return the property to the tax list. 68715

Sec. 5726.04. (A) The tax levied on a financial institution 68716
under this chapter shall be the greater of the following: 68717

(1) A minimum tax equal to one thousand dollars; 68718

(2) The product of the total Ohio equity capital of the 68719
financial institution, as determined under this section, 68720
multiplied by eight mills for each dollar of the first two hundred 68721
million dollars of total Ohio equity capital, by four mills for 68722
each dollar of total Ohio equity capital greater than two hundred 68723
million and less than one billion three hundred million dollars, 68724
and by two and one-half mills for each dollar of total Ohio equity 68725
capital equal to or greater than one billion three hundred million 68726
dollars. 68727

(B) If the reporting person for a financial institution files 68728
an FR Y-9 or call report, the total equity capital of the 68729
financial institution shall equal the total equity capital shown 68730
on the reporting person's FR Y-9 or call report as of the end of 68731
the taxable year. The total equity capital of all other financial 68732
institutions shall be reported as of the end of the taxable year 68733
in accordance with generally accepted accounting principles. 68734

(C) For the purposes of this section, "total Ohio equity 68735
capital" means the product of (1) the total equity capital of a 68736
financial institution as of the end of a taxable year to the 68737
extent that the total equity capital does not exceed fourteen per 68738
cent of the financial institution's total assets shown on the 68739
reporting person's FR-Y9 or call report as of the end of the 68740
taxable year, multiplied by (2) the Ohio apportionment ratio 68741
calculated for the financial institution under section 5726.05 of 68742
the Revised Code, except as provided in section 5726.041 of the 68743

Revised Code. 68744

(D) All payments received from the tax levied under this 68745
chapter shall be credited to the general revenue fund. 68746

~~(E)(1) As used in this division:~~ 68747

~~(a) "First target tax amount" means two hundred million 68748
dollars.~~ 68749

~~(b) "Second target tax amount" means one hundred six per cent 68750
of the first target tax amount or, if applicable, the first target 68751
tax amount as adjusted under division (E)(2) or (3) of this 68752
section.~~ 68753

~~(c) "Amount of taxes collected" means the amount of taxes 68754
received by the tax commissioner from the tax levied under this 68755
chapter for a tax year, plus the total amount of the tax credit 68756
authorized by section 5726.57 of the Revised Code claimed on tax 68757
year 2014 reports, less any amounts refunded to taxpayers for the 68758
same tax year.~~ 68759

~~(2) If, for the tax year beginning on January 1, 2014, the 68760
total amount of taxes collected from all taxpayers under this 68761
chapter is greater than one hundred ten per cent of the first 68762
target tax amount, the tax commissioner shall decrease each tax 68763
rate provided in division (A)(2) of this section by a percentage 68764
equal to the percentage by which the amount of taxes collected 68765
exceeded the first target tax amount.~~ 68766

~~(3) If, for the tax year beginning on January 1, 2014, the 68767
total amount of taxes collected from all taxpayers under this 68768
chapter is less than ninety per cent of the first target tax 68769
amount, the tax commissioner shall increase the tax rate for each 68770
dollar of total Ohio equity capital equal to or greater than one 68771
billion three hundred million dollars as provided in division 68772
(A)(2) of this section by a percentage equal to a fraction, the 68773
denominator of which is the aggregate sum of each dollar of each 68774~~

~~taxpayer's Ohio equity capital greater than or equal to one 68775
billion three hundred million dollars, as reported by each 68776
taxpayer for tax year 2014, multiplied by the tax rate for each 68777
dollar of total Ohio equity capital greater than or equal to one 68778
billion three hundred million dollars provided under division 68779
(A)(2) of this section, and the numerator of which is the sum of 68780
the denominator and the difference obtained by subtracting the 68781
amount of taxes collected under this chapter in tax year 2014 from 68782
ninety per cent of the first target tax amount. 68783~~

~~(4) If, for the tax year beginning on January 1, 2016, the 68784
total amount of taxes collected from all taxpayers under this 68785
chapter is greater than one hundred ten per cent of the second 68786
target tax amount, the tax commissioner shall decrease each tax 68787
rate in effect on January 1, 2016, by a percentage equal to the 68788
percentage by which the amount of taxes collected exceeded the 68789
second target tax amount. 68790~~

~~(5) If, for the tax year beginning on January 1, 2016, the 68791
total amount of taxes collected from all taxpayers under this 68792
chapter is less than ninety per cent of the second target tax 68793
amount, the tax commissioner shall increase the tax rate for each 68794
dollar of total Ohio equity capital equal to or greater than one 68795
billion three hundred million dollars as provided in division 68796
(A)(2) of this section by a percentage equal to a fraction, the 68797
denominator of which is the aggregate sum of each dollar of each 68798
taxpayer's Ohio equity capital greater than or equal to one 68799
billion three hundred million dollars, as reported by each 68800
taxpayer for tax year 2016, multiplied by the tax rate for each 68801
dollar of total Ohio equity capital greater than or equal to one 68802
billion three hundred million dollars provided under division 68803
(A)(2) of this section, and the numerator of which is the sum of 68804
the denominator and the difference obtained by subtracting the 68805
amount of taxes collected under this chapter in tax year 2016 from 68806~~

~~ninety per cent of the second target tax amount.~~ 68807

~~(6) Tax rates adjusted pursuant to division (E)(2), (3), (4),
or (5) of this section shall be rounded to the nearest one tenth
of one mill per dollar. The tax commissioner shall publish the new
tax rates by journal entry and provide notice of the new tax rates
to taxpayers. The new tax rates adjusted pursuant to division
(E)(2) or (3) of this section shall apply to tax years beginning
on or after January 1, 2015. The new tax rates adjusted pursuant
to division (E)(4) or (5) of this section shall apply to tax years
beginning on or after January 1, 2017.~~ 68808
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Sec. 5733.40. As used in sections 5733.40 and 5733.41 and
Chapter 5747. of the Revised Code: 68817
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(A)(1) "Adjusted qualifying amount" means either of the
following: 68819
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(a) The sum of each qualifying investor's distributive share
of the income, gain, expense, or loss of a qualifying pass-through
entity for the qualifying taxable year of the qualifying
pass-through entity multiplied by the apportionment fraction
defined in division (B) of this section, subject to section
5733.401 of the Revised Code and divisions (A)(2) to (7) of this
section; 68821
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(b) The sum of each qualifying beneficiary's share of the
qualifying net income and qualifying net gain distributed by a
qualifying trust for the qualifying taxable year of the qualifying
trust multiplied by the apportionment fraction defined in division
(B) of this section, subject to section 5733.401 of the Revised
Code and divisions (A)(2) to (7) of this section. 68828
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(2) The sum shall exclude any amount which, pursuant to the
Constitution of the United States, the Constitution of Ohio, or
any federal law is not subject to a tax on or measured by net 68834
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income. 68837

(3) For the purposes of Chapters 5733. and 5747. of the 68838
Revised Code, the profit or net income of the qualifying entity 68839
shall be increased by disallowing all amounts representing 68840
expenses, other than amounts described in division (A)(7) of this 68841
section, that the qualifying entity paid to or incurred with 68842
respect to direct or indirect transactions with one or more 68843
related members, excluding the cost of goods sold calculated in 68844
accordance with section 263A of the Internal Revenue Code and 68845
United States department of the treasury regulations issued 68846
thereunder. Nothing in division (A)(3) of this section shall be 68847
construed to limit solely to this chapter the application of 68848
section 263A of the Internal Revenue Code and United States 68849
department of the treasury regulations issued thereunder. 68850

(4) For the purposes of Chapters 5733. and 5747. of the 68851
Revised Code, the profit or net income of the qualifying entity 68852
shall be increased by disallowing all recognized losses, other 68853
than losses from sales of inventory the cost of which is 68854
calculated in accordance with section 263A of the Internal Revenue 68855
Code and United States department of the treasury regulations 68856
issued thereunder, with respect to all direct or indirect 68857
transactions with one or more related members. For the purposes of 68858
Chapters 5733. and 5747. of the Revised Code, losses from the 68859
sales of such inventory shall be allowed only to the extent 68860
calculated in accordance with section 482 of the Internal Revenue 68861
Code and United States department of the treasury regulations 68862
issued thereunder. Nothing in division (A)(4) of this section 68863
shall be construed to limit solely to this section the application 68864
of section 263A and section 482 of the Internal Revenue Code and 68865
United States department of the treasury regulations issued 68866
thereunder. 68867

(5) The sum shall be increased or decreased by an amount 68868

equal to the qualifying investor's or qualifying beneficiary's 68869
distributive or proportionate share of the amount that the 68870
qualifying entity would be required to add or deduct under 68871
divisions (A)(20) and (21) of section 5747.01 of the Revised Code 68872
if the qualifying entity were a taxpayer for the purposes of 68873
Chapter 5747. of the Revised Code. 68874

(6) The sum shall be computed without regard to section 68875
5733.051 or division (D) of section 5733.052 of the Revised Code. 68876

(7) For the purposes of Chapters 5733. and 5747. of the 68877
Revised Code, guaranteed payments or compensation paid to 68878
investors by a qualifying entity that is not subject to the tax 68879
imposed by section 5733.06 of the Revised Code shall be considered 68880
a distributive share of income of the qualifying entity. Division 68881
(A)(7) of this section applies only to such payments or such 68882
compensation paid to an investor who at any time during the 68883
qualifying entity's taxable year holds at least a twenty per cent 68884
direct or indirect interest in the profits or capital of the 68885
qualifying entity. For the purposes of this division, guaranteed 68886
payments and compensation shall be considered to be paid to an 68887
investor by a qualifying entity if the qualifying entity in which 68888
the investor holds at least a twenty per cent direct or indirect 68889
interest is a client employer of a professional employer 68890
organization, as those terms are defined in section 4125.01 of the 68891
Revised Code, and the guaranteed payments or compensation are paid 68892
to the investor by that professional employer organization. 68893

(B) "Apportionment fraction" means: 68894

(1) With respect to a qualifying pass-through entity other 68895
than a financial institution, the fraction calculated pursuant to 68896
division (B)(2) of section 5733.05 of the Revised Code as if the 68897
qualifying pass-through entity were a corporation subject to the 68898
tax imposed by section 5733.06 of the Revised Code; 68899

(2) With respect to a qualifying pass-through entity that is a financial institution, the fraction calculated pursuant to division (C) of section 5733.056 of the Revised Code as if the qualifying pass-through entity were a financial institution subject to the tax imposed by section 5733.06 of the Revised Code.

(3) With respect to a qualifying trust, the fraction calculated pursuant to division (B)(2) of section 5733.05 of the Revised Code as if the qualifying trust were a corporation subject to the tax imposed by section 5733.06 of the Revised Code, except that the property, payroll, and sales fractions shall be calculated by including in the numerator and denominator of the fractions only the property, payroll, and sales, respectively, directly related to the production of income or gain from acquisition, ownership, use, maintenance, management, or disposition of tangible personal property located in this state at any time during the qualifying trust's qualifying taxable year or of real property located in this state.

(C) "Qualifying beneficiary" means any individual that, during the qualifying taxable year of a qualifying trust, is a beneficiary of that trust, but does not include an individual who is a resident taxpayer for the purposes of Chapter 5747. of the Revised Code for the entire qualifying taxable year of the qualifying trust.

(D) "Fiscal year" means an accounting period ending on any day other than the thirty-first day of December.

(E) "Individual" means a natural person.

(F) "Month" means a calendar month.

(G) "Partnership" has the same meaning as in section 5747.01 of the Revised Code.

(H) "Investor" means any person that, during any portion of a taxable year of a qualifying pass-through entity, is a partner,

member, shareholder, or investor in that qualifying pass-through 68931
entity. 68932

(I) Except as otherwise provided in section 5733.402 or 68933
5747.401 of the Revised Code, "qualifying investor" means any 68934
investor except those described in divisions (I)(1) to ~~(9)~~(11) of 68935
this section. 68936

(1) An investor satisfying one of the descriptions under 68937
section 501(a) or (c) of the Internal Revenue Code, a partnership 68938
with equity securities registered with the United States 68939
securities and exchange commission under section 12 of the 68940
"Securities Exchange Act of 1934," as amended, or an investor 68941
described in division (F) of section 3334.01, or division (A) or 68942
(C) of section 5733.09 of the Revised Code for the entire 68943
qualifying taxable year of the qualifying pass-through entity. 68944

(2) An investor who is either an individual or an estate and 68945
is a resident taxpayer for the purposes of section 5747.01 of the 68946
Revised Code for the entire qualifying taxable year of the 68947
qualifying pass-through entity. 68948

(3) An investor who is an individual for whom the qualifying 68949
pass-through entity makes a good faith and reasonable effort to 68950
comply fully and timely with the filing and payment requirements 68951
set forth in division (D) of section 5747.08 of the Revised Code 68952
and section 5747.09 of the Revised Code with respect to the 68953
individual's adjusted qualifying amount for the entire qualifying 68954
taxable year of the qualifying pass-through entity. 68955

(4) An investor that is another qualifying pass-through 68956
entity having only investors described in division (I)(1), (2), 68957
(3), ~~or (6)~~, (10), or (11) of this section during the three-year 68958
period beginning twelve months prior to the first day of the 68959
qualifying taxable year of the qualifying pass-through entity. 68960

(5) An investor that is another pass-through entity having no 68961

investors other than individuals and estates during the qualifying 68962
taxable year of the qualifying pass-through entity in which it is 68963
an investor, and that makes a good faith and reasonable effort to 68964
comply fully and timely with the filing and payment requirements 68965
set forth in division (D) of section 5747.08 of the Revised Code 68966
and section 5747.09 of the Revised Code with respect to investors 68967
that are not resident taxpayers of this state for the purposes of 68968
Chapter 5747. of the Revised Code for the entire qualifying 68969
taxable year of the qualifying pass-through entity in which it is 68970
an investor. 68971

(6) An investor that is a financial institution required to 68972
calculate the tax in accordance with division (E) of section 68973
5733.06 of the Revised Code on the first day of January of the 68974
calendar year immediately following the last day of the financial 68975
institution's calendar or fiscal year in which ends the taxpayer's 68976
taxable year. 68977

(7) An investor other than an individual that satisfies all 68978
the following: 68979

(a) The investor submits a written statement to the 68980
qualifying pass-through entity stating that the investor 68981
irrevocably agrees that the investor has nexus with this state 68982
under the Constitution of the United States and is subject to and 68983
liable for the tax calculated under division (A) or (B) of section 68984
5733.06 of the Revised Code with respect to the investor's 68985
adjusted qualifying amount for the entire qualifying taxable year 68986
of the qualifying pass-through entity. The statement is subject to 68987
the penalties of perjury, shall be retained by the qualifying 68988
pass-through entity for no fewer than seven years, and shall be 68989
delivered to the tax commissioner upon request. 68990

(b) The investor makes a good faith and reasonable effort to 68991
comply timely and fully with all the reporting and payment 68992
requirements set forth in Chapter 5733. of the Revised Code with 68993

respect to the investor's adjusted qualifying amount for the 68994
entire qualifying taxable year of the qualifying pass-through 68995
entity. 68996

(c) Neither the investor nor the qualifying pass-through 68997
entity in which it is an investor, before, during, or after the 68998
qualifying pass-through entity's qualifying taxable year, carries 68999
out any transaction or transactions with one or more related 69000
members of the investor or the qualifying pass-through entity 69001
resulting in a reduction or deferral of tax imposed by Chapter 69002
5733. of the Revised Code with respect to all or any portion of 69003
the investor's adjusted qualifying amount for the qualifying 69004
pass-through entity's taxable year, or that constitute a sham, 69005
lack economic reality, or are part of a series of transactions the 69006
form of which constitutes a step transaction or transactions or 69007
does not reflect the substance of those transactions. 69008

(8) Any other investor that the tax commissioner may 69009
designate by rule. The tax commissioner may adopt rules including 69010
a rule defining "qualifying investor" or "qualifying beneficiary" 69011
and governing the imposition of the withholding tax imposed by 69012
section 5747.41 of the Revised Code with respect to an individual 69013
who is a resident taxpayer for the purposes of Chapter 5747. of 69014
the Revised Code for only a portion of the qualifying taxable year 69015
of the qualifying entity. 69016

(9) An investor that is a trust or fund the beneficiaries of 69017
which, during the qualifying taxable year of the qualifying 69018
pass-through entity, are limited to the following: 69019

(a) A person that is or may be the beneficiary of a trust 69020
subject to Subchapter D of Chapter 1 of Subtitle A of the Internal 69021
Revenue Code. 69022

(b) A person that is or may be the beneficiary of or the 69023
recipient of payments from a trust or fund that is a nuclear 69024

decommissioning reserve fund, a designated settlement fund, or any 69025
other trust or fund established to resolve and satisfy claims that 69026
may otherwise be asserted by the beneficiary or a member of the 69027
beneficiary's family. Sections 267(c)(4), 468A(e), and 468B(d)(2) 69028
of the Internal Revenue Code apply to the determination of whether 69029
such a person satisfies division (I)(9) of this section. 69030

(c) A person who is or may be the beneficiary of a trust 69031
that, under its governing instrument, is not required to 69032
distribute all of its income currently. Division (I)(9)(c) of this 69033
section applies only if the trust, prior to the due date for 69034
filing the qualifying pass-through entity's return for taxes 69035
imposed by section 5733.41 and sections 5747.41 to 5747.453 of the 69036
Revised Code, irrevocably agrees in writing that for the taxable 69037
year during or for which the trust distributes any of its income 69038
to any of its beneficiaries, the trust is a qualifying trust and 69039
will pay the estimated tax, and will withhold and pay the withheld 69040
tax, as required under sections 5747.40 to 5747.453 of the Revised 69041
Code. 69042

For the purposes of division (I)(9) of this section, a trust 69043
or fund shall be considered to have a beneficiary other than 69044
persons described under divisions (I)(9)(a) to (c) of this section 69045
if a beneficiary would not qualify under those divisions under the 69046
doctrines of "economic reality," "sham transaction," "step 69047
doctrine," or "substance over form." A trust or fund described in 69048
division (I)(9) of this section bears the burden of establishing 69049
by a preponderance of the evidence that any transaction giving 69050
rise to the tax benefits provided under division (I)(9) of this 69051
section does not have as a principal purpose a claim of those tax 69052
benefits. Nothing in this section shall be construed to limit 69053
solely to this section the application of the doctrines referred 69054
to in this paragraph. 69055

(10) An investor who is an individual and a nonresident of 69056

this state for the purposes of Chapter 5747. of the Revised Code, 69057
if the investor submits a written statement to the qualifying 69058
pass-through entity stating that the investor irrevocably agrees 69059
that the investor has nexus with this state under the Constitution 69060
of the United States and is subject to and liable for the tax 69061
levied under section 5747.02 of the Revised Code, and if the 69062
investor makes a good faith and reasonable effort to comply fully 69063
and timely with the filing and payment requirements for 69064
individuals set forth in Chapter 5747. of the Revised Code with 69065
respect to the investor's adjusted qualifying amount for the 69066
entire qualifying taxable year of the qualifying pass-through 69067
entity in which the individual is an investor. The statement is 69068
subject to the penalties of perjury, shall be retained by the 69069
qualifying pass-through entity for not fewer than seven years, and 69070
shall be delivered to the tax commissioner upon request. 69071

(11) Any investor that is not described in divisions (A)(1) 69072
to (10) of this section, that submits a written statement to the 69073
qualifying pass-through entity in which it is in an investor 69074
stating that the investor irrevocably agrees that the investor has 69075
nexus with this state under the Constitution of the United States, 69076
and that makes a good faith and reasonable effort to comply fully 69077
and timely with the filing and payment requirements set forth in 69078
section 5733.41 and sections 5747.41 to 5747.453 of the Revised 69079
Code, to the extent such requirements apply to the investor, with 69080
respect to the investor's adjusted qualifying amount for the 69081
entire qualifying taxable year of the qualifying pass-through 69082
entity in which it is an investor. 69083

(J) "Qualifying net gain" means any recognized net gain with 69084
respect to the acquisition, ownership, use, maintenance, 69085
management, or disposition of tangible personal property located 69086
in this state at any time during a trust's qualifying taxable year 69087
or real property located in this state. 69088

(K) "Qualifying net income" means any recognized income, net of related deductible expenses, other than distributions deductions with respect to the acquisition, ownership, use, maintenance, management, or disposition of tangible personal property located in this state at any time during the trust's qualifying taxable year or real property located in this state.

(L) "Qualifying entity" means a qualifying pass-through entity or a qualifying trust.

(M) "Qualifying trust" means a trust subject to subchapter J of the Internal Revenue Code that, during any portion of the trust's qualifying taxable year, has income or gain from the acquisition, management, ownership, use, or disposition of tangible personal property located in this state at any time during the trust's qualifying taxable year or real property located in this state. "Qualifying trust" does not include a person described in section 501(c) of the Internal Revenue Code or a person described in division (C) of section 5733.09 of the Revised Code.

(N) "Qualifying pass-through entity" means a pass-through entity as defined in section 5733.04 of the Revised Code, excluding: a person described in section 501(c) of the Internal Revenue Code; a partnership with equity securities registered with the United States securities and exchange commission under section 12 of the Securities Exchange Act of 1934, as amended; or a person described in division (C) of section 5733.09 of the Revised Code.

(O) "Quarter" means the first three months, the second three months, the third three months, or the last three months of a qualifying entity's qualifying taxable year.

(P) "Related member" has the same meaning as in division (A)(6) of section 5733.042 of the Revised Code without regard to division (B) of that section. However, for the purposes of

divisions (A)(3) and (4) of this section only, "related member" 69120
has the same meaning as in division (A)(6) of section 5733.042 of 69121
the Revised Code without regard to division (B) of that section, 69122
but shall be applied by substituting "forty per cent" for "twenty 69123
per cent" wherever "twenty per cent" appears in division (A) of 69124
that section. 69125

(Q) "Return" or "report" means the notifications and reports 69126
required to be filed pursuant to sections 5747.42 to 5747.45 of 69127
the Revised Code for the purpose of reporting the tax imposed 69128
under section 5733.41 or 5747.41 of the Revised Code, and included 69129
declarations of estimated tax when so required. 69130

(R) "Qualifying taxable year" means the calendar year or the 69131
qualifying entity's fiscal year ending during the calendar year, 69132
or fractional part thereof, for which the adjusted qualifying 69133
amount is calculated pursuant to sections 5733.40 and 5733.41 or 69134
sections 5747.40 to 5747.453 of the Revised Code. 69135

(S) "Distributive share" includes the sum of the income, 69136
gain, expense, or loss of a disregarded entity or qualified 69137
subchapter S subsidiary. 69138

Sec. 5733.41. The purpose of the tax imposed by this section 69139
is to complement and to reinforce the tax imposed under section 69140
5733.06 of the Revised Code. 69141

For the same purposes for which the tax is levied under 69142
section 5733.06 of the Revised Code, there is hereby levied a tax 69143
on every qualifying pass-through entity having at least one 69144
qualifying investor that is not an individual. The tax imposed by 69145
this section is imposed on the sum of the adjusted qualifying 69146
amounts of the qualifying pass-through entity's qualifying 69147
investors that are not individuals as follows: for qualifying 69148
investors subject to division (G)(2) of section 5733.01 of the 69149
Revised Code, at six and eight-tenths per cent for the entity's 69150

taxable year ending in 2005, at five and one-tenth per cent for 69151
the entity's taxable year ending in 2006, at three and four-tenths 69152
per cent for the entity's taxable year ending in 2007, at one and 69153
seven-tenths per cent for the entity's taxable year ending in 69154
2008, and at zero per cent for the entity's taxable year ending in 69155
2009 or in subsequent years; and for all other qualifying 69156
investors that are not individuals, at the rate of ~~eight and~~ 69157
~~one-half~~ three per cent. 69158

The tax imposed by this section applies only if the 69159
qualifying entity has nexus with this state under the Constitution 69160
of the United States for any portion of the qualifying entity's 69161
qualifying taxable year, and the sum of the qualifying entity's 69162
adjusted qualifying amounts exceeds one thousand dollars for the 69163
qualifying entity's qualifying taxable year. This section does not 69164
apply to a pass-through entity if all of the partners, 69165
shareholders, members, or investors of the pass-through entity are 69166
taxpayers for the purposes of section 5733.04 of the Revised Code 69167
without regard to section 5733.09 of the Revised Code for the 69168
entire qualifying taxable year of the pass-through entity. 69169

If, prior to the due date of the return, a qualifying 69170
pass-through entity receives from an investor a written 69171
representation, under penalties of perjury, that the investor is 69172
described in division (I)(1), (2), (6), (7), (8), ~~or~~ (9), (10), or 69173
(11) of section 5733.40 of the Revised Code for the qualifying 69174
pass-through entity's entire qualifying taxable year, the 69175
qualifying pass-through entity is not required to withhold or pay 69176
the taxes or estimated taxes imposed under this section or 69177
sections 5747.41 to 5747.453 of the Revised Code with respect to 69178
that investor for that qualifying taxable year, and is not subject 69179
to any interest or interest penalties for failure to withhold or 69180
pay those taxes or estimated taxes with respect to that investor 69181
for that qualifying taxable year. 69182

If, prior to the due date of the return, a qualifying trust receives from a beneficiary of that trust a written representation, under penalties of perjury, that the beneficiary is a resident taxpayer for the purposes of Chapter 5747. of the Revised Code for the qualifying trust's entire qualifying taxable year, the qualifying trust is not required to withhold or pay the taxes or estimated taxes imposed under this section or sections 5747.41 to 5747.453 of the Revised Code with respect to that beneficiary for that qualifying taxable year, and is not subject to any interest or interest penalties for failure to withhold or pay those taxes or estimated taxes with respect to that beneficiary for that qualifying taxable year.

The tax commissioner may adopt rules for the purpose of the tax levied by this section or section 5747.41 of the Revised Code, including a rule defining "qualifying investor" or "qualifying beneficiary," and a rule requiring or permitting a qualifying entity to combine its income with related members and to pay the tax and estimated tax on a combined basis.

Sections 5747.10 to 5747.19 and 5747.42 to 5747.453 of the Revised Code apply to a qualifying entity subject to the tax imposed under this section.

The levy of the tax under this section does not prevent a municipal corporation or a joint economic development district created under section 715.70, 715.71, or 715.72 of the Revised Code from levying a tax on income.

Sec. 5739.01. As used in this chapter:

(A) "Person" includes individuals, receivers, assignees, trustees in bankruptcy, estates, firms, partnerships, associations, joint-stock companies, joint ventures, clubs, societies, corporations, the state and its political subdivisions, and combinations of individuals of any form.

(B) "Sale" and "selling" include all of the following	69214
transactions for a consideration in any manner, whether absolutely	69215
or conditionally, whether for a price or rental, in money or by	69216
exchange, and by any means whatsoever:	69217
(1) All transactions by which title or possession, or both,	69218
of tangible personal property, is or is to be transferred, or a	69219
license to use or consume tangible personal property is or is to	69220
be granted;	69221
(2) All transactions by which lodging by a hotel is or is to	69222
be furnished to transient guests;	69223
(3) All transactions by which:	69224
(a) An item of tangible personal property is or is to be	69225
repaired, except property, the purchase of which would not be	69226
subject to the tax imposed by section 5739.02 of the Revised Code;	69227
(b) An item of tangible personal property is or is to be	69228
installed, except property, the purchase of which would not be	69229
subject to the tax imposed by section 5739.02 of the Revised Code	69230
or property that is or is to be incorporated into and will become	69231
a part of a production, transmission, transportation, or	69232
distribution system for the delivery of a public utility service;	69233
(c) The service of washing, cleaning, waxing, polishing, or	69234
painting a motor vehicle is or is to be furnished;	69235
(d) Until August 1, 2003, industrial laundry cleaning	69236
services are or are to be provided and, on and after August 1,	69237
2003, laundry and dry cleaning services are or are to be provided;	69238
(e) Automatic data processing, computer services, or	69239
electronic information services are or are to be provided for use	69240
in business when the true object of the transaction is the receipt	69241
by the consumer of automatic data processing, computer services,	69242
or electronic information services rather than the receipt of	69243

personal or professional services to which automatic data 69244
processing, computer services, or electronic information services 69245
are incidental or supplemental. Notwithstanding any other 69246
provision of this chapter, such transactions that occur between 69247
members of an affiliated group are not sales. An "affiliated 69248
group" means two or more persons related in such a way that one 69249
person owns or controls the business operation of another member 69250
of the group. In the case of corporations with stock, one 69251
corporation owns or controls another if it owns more than fifty 69252
per cent of the other corporation's common stock with voting 69253
rights. 69254

(f) Telecommunications service, including prepaid calling 69255
service, prepaid wireless calling service, or ancillary service, 69256
is or is to be provided, but not including coin-operated telephone 69257
service; 69258

(g) Landscaping and lawn care service is or is to be 69259
provided; 69260

(h) Private investigation and security service is or is to be 69261
provided; 69262

(i) Information services or tangible personal property is 69263
provided or ordered by means of a nine hundred telephone call; 69264

(j) Building maintenance and janitorial service is or is to 69265
be provided; 69266

(k) Employment service is or is to be provided; 69267

(l) Employment placement service is or is to be provided; 69268

(m) Exterminating service is or is to be provided; 69269

(n) Physical fitness facility service is or is to be 69270
provided; 69271

(o) Recreation and sports club service is or is to be 69272
provided; 69273

(p) On and after August 1, 2003, satellite broadcasting service is or is to be provided; 69274
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(q) On and after August 1, 2003, personal care service is or is to be provided to an individual. As used in this division, "personal care service" includes skin care, the application of cosmetics, manicuring, pedicuring, hair removal, tattooing, body piercing, tanning, massage, and other similar services. "Personal care service" does not include a service provided by or on the order of a licensed physician or licensed chiropractor, or the cutting, coloring, or styling of an individual's hair. 69276
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~~(r) On and after August 1, 2003, the transportation of persons by motor vehicle or aircraft Transportation service is or is to be provided, when the transportation is entirely within this state, except for transportation provided by an ambulance service, by a transit bus, as defined in section 5735.01 of the Revised Code, and transportation provided by a citizen of the United States holding a certificate of public convenience and necessity issued under 49 U.S.C. 41102;~~ 69284
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(s) On and after August 1, 2003, motor vehicle towing service is or is to be provided. As used in this division, "motor vehicle towing service" means the towing or conveyance of a wrecked, disabled, or illegally parked motor vehicle. 69292
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(t) On and after August 1, 2003, snow removal service is or is to be provided. As used in this division, "snow removal service" means the removal of snow by any mechanized means, but does not include the providing of such service by a person that has less than five thousand dollars in sales of such service during the calendar year. 69296
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(u) Electronic publishing service is or is to be provided to a consumer for use in business, except that such transactions occurring between members of an affiliated group, as defined in 69302
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division (B)(3)(e) of this section, are not sales. 69305

(4) All transactions by which printed, imprinted, 69306
overprinted, lithographic, multilithic, blueprinted, photostatic, 69307
or other productions or reproductions of written or graphic matter 69308
are or are to be furnished or transferred; 69309

(5) The production or fabrication of tangible personal 69310
property for a consideration for consumers who furnish either 69311
directly or indirectly the materials used in the production of 69312
fabrication work; and include the furnishing, preparing, or 69313
serving for a consideration of any tangible personal property 69314
consumed on the premises of the person furnishing, preparing, or 69315
serving such tangible personal property. Except as provided in 69316
section 5739.03 of the Revised Code, a construction contract 69317
pursuant to which tangible personal property is or is to be 69318
incorporated into a structure or improvement on and becoming a 69319
part of real property is not a sale of such tangible personal 69320
property. The construction contractor is the consumer of such 69321
tangible personal property, provided that the sale and 69322
installation of carpeting, the sale and installation of 69323
agricultural land tile, the sale and erection or installation of 69324
portable grain bins, or the provision of landscaping and lawn care 69325
service and the transfer of property as part of such service is 69326
never a construction contract. 69327

As used in division (B)(5) of this section: 69328

(a) "Agricultural land tile" means fired clay or concrete 69329
tile, or flexible or rigid perforated plastic pipe or tubing, 69330
incorporated or to be incorporated into a subsurface drainage 69331
system appurtenant to land used or to be used primarily in 69332
production by farming, agriculture, horticulture, or floriculture. 69333
The term does not include such materials when they are or are to 69334
be incorporated into a drainage system appurtenant to a building 69335
or structure even if the building or structure is used or to be 69336

used in such production. 69337

(b) "Portable grain bin" means a structure that is used or to 69338
be used by a person engaged in farming or agriculture to shelter 69339
the person's grain and that is designed to be disassembled without 69340
significant damage to its component parts. 69341

(6) All transactions in which all of the shares of stock of a 69342
closely held corporation are transferred, or an ownership interest 69343
in a pass-through entity, as defined in section 5733.04 of the 69344
Revised Code, is transferred, if the corporation or pass-through 69345
entity is not engaging in business and its entire assets consist 69346
of boats, planes, motor vehicles, or other tangible personal 69347
property operated primarily for the use and enjoyment of the 69348
shareholders or owners; 69349

(7) All transactions in which a warranty, maintenance or 69350
service contract, or similar agreement by which the vendor of the 69351
warranty, contract, or agreement agrees to repair or maintain the 69352
tangible personal property of the consumer is or is to be 69353
provided; 69354

(8) The transfer of copyrighted motion picture films used 69355
solely for advertising purposes, except that the transfer of such 69356
films for exhibition purposes is not a sale; 69357

(9) On and after August 1, 2003, all transactions by which 69358
tangible personal property is or is to be stored, except such 69359
property that the consumer of the storage holds for sale in the 69360
regular course of business; 69361

(10) All transactions in which "guaranteed auto protection" 69362
is provided whereby a person promises to pay to the consumer the 69363
difference between the amount the consumer receives from motor 69364
vehicle insurance and the amount the consumer owes to a person 69365
holding title to or a lien on the consumer's motor vehicle in the 69366
event the consumer's motor vehicle suffers a total loss under the 69367

terms of the motor vehicle insurance policy or is stolen and not 69368
recovered, if the protection and its price are included in the 69369
purchase or lease agreement; 69370

(11)(a) Except as provided in division (B)(11)(b) of this 69371
section, on and after October 1, 2009, all transactions by which 69372
health care services are paid for, reimbursed, provided, 69373
delivered, arranged for, or otherwise made available by a medicaid 69374
health insuring corporation pursuant to the corporation's contract 69375
with the state. 69376

(b) If the centers for medicare and medicaid services of the 69377
United States department of health and human services determines 69378
that the taxation of transactions described in division (B)(11)(a) 69379
of this section constitutes an impermissible health care-related 69380
tax under the "Social Security Act," section 1903(w), 42 U.S.C. 69381
1396b(w), and regulations adopted thereunder, the medicaid 69382
director shall notify the tax commissioner of that determination. 69383
Beginning with the first day of the month following that 69384
notification, the transactions described in division (B)(11)(a) of 69385
this section are not sales for the purposes of this chapter or 69386
Chapter 5741. of the Revised Code. The tax commissioner shall 69387
order that the collection of taxes under sections 5739.02, 69388
5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 69389
5741.023 of the Revised Code shall cease for transactions 69390
occurring on or after that date. 69391

(12) All transactions by which a specified digital product is 69392
provided for permanent use or less than permanent use, regardless 69393
of whether continued payment is required. 69394

Except as provided in this section, "sale" and "selling" do 69395
not include transfers of interest in leased property where the 69396
original lessee and the terms of the original lease agreement 69397
remain unchanged, or professional, insurance, or personal service 69398
transactions that involve the transfer of tangible personal 69399

property as an inconsequential element, for which no separate charges are made.

(C) "Vendor" means the person providing the service or by whom the transfer effected or license given by a sale is or is to be made or given and, for sales described in division (B)(3)(i) of this section, the telecommunications service vendor that provides the nine hundred telephone service; if two or more persons are engaged in business at the same place of business under a single trade name in which all collections on account of sales by each are made, such persons shall constitute a single vendor.

Physicians, dentists, hospitals, and veterinarians who are engaged in selling tangible personal property as received from others, such as eyeglasses, mouthwashes, dentifrices, or similar articles, are vendors. Veterinarians who are engaged in transferring to others for a consideration drugs, the dispensing of which does not require an order of a licensed veterinarian or physician under federal law, are vendors.

The transportation network company, and not the transportation network company driver, is the vendor in the case of transactions for transportation network company services under division (B)(3)(r) of this section.

(D)(1) "Consumer" means the person for whom the service is provided, to whom the transfer effected or license given by a sale is or is to be made or given, to whom the service described in division (B)(3)(f) or (i) of this section is charged, or to whom the admission is granted.

(2) Physicians, dentists, hospitals, and blood banks operated by nonprofit institutions and persons licensed to practice veterinary medicine, surgery, and dentistry are consumers of all tangible personal property and services purchased by them in connection with the practice of medicine, dentistry, the rendition

of hospital or blood bank service, or the practice of veterinary 69431
medicine, surgery, and dentistry. In addition to being consumers 69432
of drugs administered by them or by their assistants according to 69433
their direction, veterinarians also are consumers of drugs that 69434
under federal law may be dispensed only by or upon the order of a 69435
licensed veterinarian or physician, when transferred by them to 69436
others for a consideration to provide treatment to animals as 69437
directed by the veterinarian. 69438

(3) A person who performs a facility management, or similar 69439
service contract for a contractee is a consumer of all tangible 69440
personal property and services purchased for use in connection 69441
with the performance of such contract, regardless of whether title 69442
to any such property vests in the contractee. The purchase of such 69443
property and services is not subject to the exception for resale 69444
under division (E) of this section. 69445

(4)(a) In the case of a person who purchases printed matter 69446
for the purpose of distributing it or having it distributed to the 69447
public or to a designated segment of the public, free of charge, 69448
that person is the consumer of that printed matter, and the 69449
purchase of that printed matter for that purpose is a sale. 69450

(b) In the case of a person who produces, rather than 69451
purchases, printed matter for the purpose of distributing it or 69452
having it distributed to the public or to a designated segment of 69453
the public, free of charge, that person is the consumer of all 69454
tangible personal property and services purchased for use or 69455
consumption in the production of that printed matter. That person 69456
is not entitled to claim exemption under division (B)(42)(f) of 69457
section 5739.02 of the Revised Code for any material incorporated 69458
into the printed matter or any equipment, supplies, or services 69459
primarily used to produce the printed matter. 69460

(c) The distribution of printed matter to the public or to a 69461
designated segment of the public, free of charge, is not a sale to 69462

the members of the public to whom the printed matter is 69463
distributed or to any persons who purchase space in the printed 69464
matter for advertising or other purposes. 69465

(5) A person who makes sales of any of the services listed in 69466
division (B)(3) of this section is the consumer of any tangible 69467
personal property used in performing the service. The purchase of 69468
that property is not subject to the resale exception under 69469
division (E) of this section. 69470

(6) A person who engages in highway transportation for hire 69471
is the consumer of all packaging materials purchased by that 69472
person and used in performing the service, except for packaging 69473
materials sold by such person in a transaction separate from the 69474
service. 69475

(7) In the case of a transaction for health care services 69476
under division (B)(11) of this section, a medicaid health insuring 69477
corporation is the consumer of such services. The purchase of such 69478
services by a medicaid health insuring corporation is not subject 69479
to the exception for resale under division (E) of this section or 69480
to the exemptions provided under divisions (B)(12), (18), (19), 69481
and (22) of section 5739.02 of the Revised Code. 69482

(E) "Retail sale" and "sales at retail" include all sales, 69483
except those in which the purpose of the consumer is to resell the 69484
thing transferred or benefit of the service provided, by a person 69485
engaging in business, in the form in which the same is, or is to 69486
be, received by the person. 69487

(F) "Business" includes any activity engaged in by any person 69488
with the object of gain, benefit, or advantage, either direct or 69489
indirect. "Business" does not include the activity of a person in 69490
managing and investing the person's own funds. 69491

(G) "Engaging in business" means commencing, conducting, or 69492
continuing in business, and liquidating a business when the 69493

liquidator thereof holds itself out to the public as conducting 69494
such business. Making a casual sale is not engaging in business. 69495

(H)(1)(a) "Price," except as provided in divisions (H)(2)~~7~~ 69496
~~(3), and (4)~~ to (6) of this section, means the total amount of 69497
consideration, including cash, credit, property, and services, for 69498
which tangible personal property or services are sold, leased, or 69499
rented, valued in money, whether received in money or otherwise, 69500
without any deduction for any of the following: 69501

(i) The vendor's cost of the property sold; 69502

(ii) The cost of materials used, labor or service costs, 69503
interest, losses, all costs of transportation to the vendor, all 69504
taxes imposed on the vendor, including the tax imposed under 69505
Chapter 5751. of the Revised Code, and any other expense of the 69506
vendor; 69507

(iii) Charges by the vendor for any services necessary to 69508
complete the sale; 69509

(iv) On and after August 1, 2003, delivery charges. As used 69510
in this division, "delivery charges" means charges by the vendor 69511
for preparation and delivery to a location designated by the 69512
consumer of tangible personal property or a service, including 69513
transportation, shipping, postage, handling, crating, and packing. 69514

(v) Installation charges; 69515

(vi) Credit for any trade-in. 69516

(b) "Price" includes consideration received by the vendor 69517
from a third party, if the vendor actually receives the 69518
consideration from a party other than the consumer, and the 69519
consideration is directly related to a price reduction or discount 69520
on the sale; the vendor has an obligation to pass the price 69521
reduction or discount through to the consumer; the amount of the 69522
consideration attributable to the sale is fixed and determinable 69523

by the vendor at the time of the sale of the item to the consumer; 69524
and one of the following criteria is met: 69525

(i) The consumer presents a coupon, certificate, or other 69526
document to the vendor to claim a price reduction or discount 69527
where the coupon, certificate, or document is authorized, 69528
distributed, or granted by a third party with the understanding 69529
that the third party will reimburse any vendor to whom the coupon, 69530
certificate, or document is presented; 69531

(ii) The consumer identifies the consumer's self to the 69532
seller as a member of a group or organization entitled to a price 69533
reduction or discount. A preferred customer card that is available 69534
to any patron does not constitute membership in such a group or 69535
organization. 69536

(iii) The price reduction or discount is identified as a 69537
third party price reduction or discount on the invoice received by 69538
the consumer, or on a coupon, certificate, or other document 69539
presented by the consumer. 69540

(c) "Price" does not include any of the following: 69541

(i) Discounts, including cash, term, or coupons that are not 69542
reimbursed by a third party that are allowed by a vendor and taken 69543
by a consumer on a sale; 69544

(ii) Interest, financing, and carrying charges from credit 69545
extended on the sale of tangible personal property or services, if 69546
the amount is separately stated on the invoice, bill of sale, or 69547
similar document given to the purchaser; 69548

(iii) Any taxes legally imposed directly on the consumer that 69549
are separately stated on the invoice, bill of sale, or similar 69550
document given to the consumer. For the purpose of this division, 69551
the tax imposed under Chapter 5751. of the Revised Code is not a 69552
tax directly on the consumer, even if the tax or a portion thereof 69553
is separately stated. 69554

(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this section, any discount allowed by an automobile manufacturer to its employee, or to the employee of a supplier, on the purchase of a new motor vehicle from a new motor vehicle dealer in this state.

(v) The dollar value of a gift card that is not sold by a vendor or purchased by a consumer and that is redeemed by the consumer in purchasing tangible personal property or services if the vendor is not reimbursed and does not receive compensation from a third party to cover all or part of the gift card value. For the purposes of this division, a gift card is not sold by a vendor or purchased by a consumer if it is distributed pursuant to an awards, loyalty, or promotional program. Past and present purchases of tangible personal property or services by the consumer shall not be treated as consideration exchanged for a gift card.

(2) In the case of a sale of any new motor vehicle by a new motor vehicle dealer, as defined in section 4517.01 of the Revised Code, in which another motor vehicle is accepted by the dealer as part of the consideration received, "price" has the same meaning as in division (H)(1) of this section, reduced by the credit afforded the consumer by the dealer for the motor vehicle received in trade.

(3) In the case of a sale of any watercraft or outboard motor by a watercraft dealer licensed in accordance with section 1547.543 of the Revised Code, in which another watercraft, watercraft and trailer, or outboard motor is accepted by the dealer as part of the consideration received, "price" has the same meaning as in division (H)(1) of this section, reduced by the credit afforded the consumer by the dealer for the watercraft, watercraft and trailer, or outboard motor received in trade. As used in this division, "watercraft" includes an outdrive unit attached to the watercraft.

(4) In the case of transactions for health care services 69587
under division (B)(11) of this section, "price" means the amount 69588
of managed care premiums received each month by a medicaid health 69589
insuring corporation. 69590

(5) In the case of transactions for transportation network 69591
company services under division (B)(3)(r) of this section, "price" 69592
has the same meaning as in division (H)(1) of this section, 69593
reduced by the amount of any additional fees. As used in this 69594
division, "additional fees" means any fees remitted by the 69595
transportation network company rider other than fees for base 69596
fare, distance, or time, and includes airport access fees, booking 69597
fees, tolls, and fees for other services unrelated to 69598
transportation service. 69599

(6) In the case of transactions by which lodging by a hotel 69600
is or is to be furnished to transient guests, if the vendor is a 69601
hotel intermediary, "price" means the lodging's fair market value. 69602

(I) "Receipts" means the total amount of the prices of the 69603
sales of vendors, provided that the dollar value of gift cards 69604
distributed pursuant to an awards, loyalty, or promotional 69605
program, and cash discounts allowed and taken on sales at the time 69606
they are consummated are not included, minus any amount deducted 69607
as a bad debt pursuant to section 5739.121 of the Revised Code. 69608
"Receipts" does not include the sale price of property returned or 69609
services rejected by consumers when the full sale price and tax 69610
are refunded either in cash or by credit. 69611

(J) "Place of business" means any location at which a person 69612
engages in business. 69613

(K) "Premises" includes any real property or portion thereof 69614
upon which any person engages in selling tangible personal 69615
property at retail or making retail sales and also includes any 69616
real property or portion thereof designated for, or devoted to, 69617

use in conjunction with the business engaged in by such person. 69618

(L) "Casual sale" means a sale of an item of tangible 69619
personal property that was obtained by the person making the sale, 69620
through purchase or otherwise, for the person's own use and was 69621
previously subject to any state's taxing jurisdiction on its sale 69622
or use, and includes such items acquired for the seller's use that 69623
are sold by an auctioneer employed directly by the person for such 69624
purpose, provided the location of such sales is not the 69625
auctioneer's permanent place of business. As used in this 69626
division, "permanent place of business" includes any location 69627
where such auctioneer has conducted more than two auctions during 69628
the year. 69629

(M) "Hotel" means every establishment kept, used, maintained, 69630
advertised, or held out to the public to be a place where sleeping 69631
accommodations are offered to guests, in which five or more rooms 69632
are used for the accommodation of such guests, whether the rooms 69633
are in one or several structures, except as otherwise provided in 69634
division (G) of section 5739.09 of the Revised Code. 69635

(N) "Transient guests" means persons occupying a room or 69636
rooms for sleeping accommodations for less than thirty consecutive 69637
days. 69638

(O) "Making retail sales" means the effecting of transactions 69639
wherein one party is obligated to pay the price and the other 69640
party is obligated to provide a service or to transfer title to or 69641
possession of the item sold. "Making retail sales" does not 69642
include the preliminary acts of promoting or soliciting the retail 69643
sales, other than the distribution of printed matter which 69644
displays or describes and prices the item offered for sale, nor 69645
does it include delivery of a predetermined quantity of tangible 69646
personal property or transportation of property or personnel to or 69647
from a place where a service is performed. 69648

(P) "Used directly in the rendition of a public utility service" means that property that is to be incorporated into and will become a part of the consumer's production, transportation, or distribution system and that retains its classification as tangible personal property after such incorporation; fuel or power used in the production, transportation, or distribution system; and tangible personal property used in the repair and maintenance of the production, transmission, transportation, or distribution system, including only such motor vehicles as are specially designed and equipped for such use. Tangible personal property and services used primarily in providing highway transportation for hire are not used directly in the rendition of a public utility service. In this definition, "public utility" includes a citizen of the United States holding, and required to hold, a certificate of public convenience and necessity issued under 49 U.S.C. 41102.

(Q) "Refining" means removing or separating a desirable product from raw or contaminated materials by distillation or physical, mechanical, or chemical processes.

(R) "Assembly" and "assembling" mean attaching or fitting together parts to form a product, but do not include packaging a product.

(S) "Manufacturing operation" means a process in which materials are changed, converted, or transformed into a different state or form from which they previously existed and includes refining materials, assembling parts, and preparing raw materials and parts by mixing, measuring, blending, or otherwise committing such materials or parts to the manufacturing process. "Manufacturing operation" does not include packaging.

(T) "Fiscal officer" means, with respect to a regional transit authority, the secretary-treasurer thereof, and with respect to a county that is a transit authority, the fiscal

officer of the county transit board if one is appointed pursuant 69681
to section 306.03 of the Revised Code or the county auditor if the 69682
board of county commissioners operates the county transit system. 69683

(U) "Transit authority" means a regional transit authority 69684
created pursuant to section 306.31 of the Revised Code or a county 69685
in which a county transit system is created pursuant to section 69686
306.01 of the Revised Code. For the purposes of this chapter, a 69687
transit authority must extend to at least the entire area of a 69688
single county. A transit authority that includes territory in more 69689
than one county must include all the area of the most populous 69690
county that is a part of such transit authority. County population 69691
shall be measured by the most recent census taken by the United 69692
States census bureau. 69693

(V) "Legislative authority" means, with respect to a regional 69694
transit authority, the board of trustees thereof, and with respect 69695
to a county that is a transit authority, the board of county 69696
commissioners. 69697

(W) "Territory of the transit authority" means all of the 69698
area included within the territorial boundaries of a transit 69699
authority as they from time to time exist. Such territorial 69700
boundaries must at all times include all the area of a single 69701
county or all the area of the most populous county that is a part 69702
of such transit authority. County population shall be measured by 69703
the most recent census taken by the United States census bureau. 69704

(X) "Providing a service" means providing or furnishing 69705
anything described in division (B)(3) of this section for 69706
consideration. 69707

(Y)(1)(a) "Automatic data processing" means processing of 69708
others' data, including keypunching or similar data entry services 69709
together with verification thereof, or providing access to 69710
computer equipment for the purpose of processing data. 69711

(b) "Computer services" means providing services consisting of specifying computer hardware configurations and evaluating technical processing characteristics, computer programming, and training of computer programmers and operators, provided in conjunction with and to support the sale, lease, or operation of taxable computer equipment or systems.

(c) "Electronic information services" means providing access to computer equipment by means of telecommunications equipment for the purpose of either of the following:

(i) Examining or acquiring data stored in or accessible to the computer equipment;

(ii) Placing data into the computer equipment to be retrieved by designated recipients with access to the computer equipment.

For transactions occurring on or after the effective date of the amendment of this section by H.B. 157 of the 127th general assembly, December 21, 2007, "electronic information services" does not include electronic publishing ~~as defined in division (LLL) of this section.~~

(d) "Automatic data processing, computer services, or electronic information services" shall not include personal or professional services.

(2) As used in divisions (B)(3)(e) and (Y)(1) of this section, "personal and professional services" means all services other than automatic data processing, computer services, or electronic information services, including but not limited to:

(a) Accounting and legal services such as advice on tax matters, asset management, budgetary matters, quality control, information security, and auditing and any other situation where the service provider receives data or information and studies, alters, analyzes, interprets, or adjusts such material;

(b) Analyzing business policies and procedures;	69742
(c) Identifying management information needs;	69743
(d) Feasibility studies, including economic and technical analysis of existing or potential computer hardware or software needs and alternatives;	69744 69745 69746
(e) Designing policies, procedures, and custom software for collecting business information, and determining how data should be summarized, sequenced, formatted, processed, controlled, and reported so that it will be meaningful to management;	69747 69748 69749 69750
(f) Developing policies and procedures that document how business events and transactions are to be authorized, executed, and controlled;	69751 69752 69753
(g) Testing of business procedures;	69754
(h) Training personnel in business procedure applications;	69755
(i) Providing credit information to users of such information by a consumer reporting agency, as defined in the "Fair Credit Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or as hereafter amended, including but not limited to gathering, organizing, analyzing, recording, and furnishing such information by any oral, written, graphic, or electronic medium;	69756 69757 69758 69759 69760 69761
(j) Providing debt collection services by any oral, written, graphic, or electronic means;	69762 69763
(k) Providing digital advertising services.	69764
The services listed in divisions (Y)(2)(a) to (k) of this section are not automatic data processing or computer services.	69765 69766
(Z) "Highway transportation for hire" means the transportation of personal property belonging to others for consideration by any of the following:	69767 69768 69769
(1) The holder of a permit or certificate issued by this	69770

state or the United States authorizing the holder to engage in transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare;

(2) A person who engages in the transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare but who could not have engaged in such transportation on December 11, 1985, unless the person was the holder of a permit or certificate of the types described in division (Z)(1) of this section;

(3) A person who leases a motor vehicle to and operates it for a person described by division (Z)(1) or (2) of this section.

(AA)(1) "Telecommunications service" means the electronic transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points. "Telecommunications service" includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing without regard to whether the service is referred to as voice-over internet protocol service or is classified by the federal communications commission as enhanced or value-added. "Telecommunications service" does not include any of the following:

(a) Data processing and information services that allow data to be generated, acquired, stored, processed, or retrieved and delivered by an electronic transmission to a consumer where the consumer's primary purpose for the underlying transaction is the processed data or information;

(b) Installation or maintenance of wiring or equipment on a

customer's premises;	69802
(c) Tangible personal property;	69803
(d) Advertising, including directory advertising;	69804
(e) Billing and collection services provided to third parties;	69805 69806
(f) Internet access service;	69807
(g) Radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance, and routing of such services by the programming service provider. Radio and television audio and video programming services include, but are not limited to, cable service, as defined in 47 U.S.C. 522(6), and audio and video programming services delivered by commercial mobile radio service providers, as defined in 47 C.F.R. 20.3;	69808 69809 69810 69811 69812 69813 69814 69815
(h) Ancillary service;	69816
(i) Digital products delivered electronically, including software, music, video, reading materials, or ring tones.	69817 69818
(2) "Ancillary service" means a service that is associated with or incidental to the provision of telecommunications service, including conference bridging service, detailed telecommunications billing service, directory assistance, vertical service, and voice mail service. As used in this division:	69819 69820 69821 69822 69823
(a) "Conference bridging service" means an ancillary service that links two or more participants of an audio or video conference call, including providing a telephone number. "Conference bridging service" does not include telecommunications services used to reach the conference bridge.	69824 69825 69826 69827 69828
(b) "Detailed telecommunications billing service" means an ancillary service of separately stating information pertaining to individual calls on a customer's billing statement.	69829 69830 69831

(c) "Directory assistance" means an ancillary service of providing telephone number or address information.

(d) "Vertical service" means an ancillary service that is offered in connection with one or more telecommunications services, which offers advanced calling features that allow customers to identify callers and manage multiple calls and call connections, including conference bridging service.

(e) "Voice mail service" means an ancillary service that enables the customer to store, send, or receive recorded messages. "Voice mail service" does not include any vertical services that the customer may be required to have in order to utilize the voice mail service.

(3) "900 service" means an inbound toll telecommunications service purchased by a subscriber that allows the subscriber's customers to call in to the subscriber's prerecorded announcement or live service, and which is typically marketed under the name "900 service" and any subsequent numbers designated by the federal communications commission. "900 service" does not include the charge for collection services provided by the seller of the telecommunications service to the subscriber, or services or products sold by the subscriber to the subscriber's customer.

(4) "Prepaid calling service" means the right to access exclusively telecommunications services, which must be paid for in advance and which enables the origination of calls using an access number or authorization code, whether manually or electronically dialed, and that is sold in predetermined units or dollars of which the number declines with use in a known amount.

(5) "Prepaid wireless calling service" means a telecommunications service that provides the right to utilize mobile telecommunications service as well as other non-telecommunications services, including the download of digital

products delivered electronically, and content and ancillary 69863
services, that must be paid for in advance and that is sold in 69864
predetermined units or dollars of which the number declines with 69865
use in a known amount. 69866

(6) "Value-added non-voice data service" means a 69867
telecommunications service in which computer processing 69868
applications are used to act on the form, content, code, or 69869
protocol of the information or data primarily for a purpose other 69870
than transmission, conveyance, or routing. 69871

(7) "Coin-operated telephone service" means a 69872
telecommunications service paid for by inserting money into a 69873
telephone accepting direct deposits of money to operate. 69874

(8) "Customer" has the same meaning as in section 5739.034 of 69875
the Revised Code. 69876

(BB) "Laundry and dry cleaning services" means removing soil 69877
or dirt from towels, linens, articles of clothing, or other fabric 69878
items that belong to others and supplying towels, linens, articles 69879
of clothing, or other fabric items. "Laundry and dry cleaning 69880
services" does not include the provision of self-service 69881
facilities for use by consumers to remove soil or dirt from 69882
towels, linens, articles of clothing, or other fabric items. 69883

(CC) "Magazines distributed as controlled circulation 69884
publications" means magazines containing at least twenty-four 69885
pages, at least twenty-five per cent editorial content, issued at 69886
regular intervals four or more times a year, and circulated 69887
without charge to the recipient, provided that such magazines are 69888
not owned or controlled by individuals or business concerns which 69889
conduct such publications as an auxiliary to, and essentially for 69890
the advancement of the main business or calling of, those who own 69891
or control them. 69892

(DD) "Landscaping and lawn care service" means the services 69893

of planting, seeding, sodding, removing, cutting, trimming, 69894
pruning, mulching, aerating, applying chemicals, watering, 69895
fertilizing, and providing similar services to establish, promote, 69896
or control the growth of trees, shrubs, flowers, grass, ground 69897
cover, and other flora, or otherwise maintaining a lawn or 69898
landscape grown or maintained by the owner for ornamentation or 69899
other nonagricultural purpose. However, "landscaping and lawn care 69900
service" does not include the providing of such services by a 69901
person who has less than five thousand dollars in sales of such 69902
services during the calendar year. 69903

(EE) "Private investigation and security service" means the 69904
performance of any activity for which the provider of such service 69905
is required to be licensed pursuant to Chapter 4749. of the 69906
Revised Code, or would be required to be so licensed in performing 69907
such services in this state, and also includes the services of 69908
conducting polygraph examinations and of monitoring or overseeing 69909
the activities on or in, or the condition of, the consumer's home, 69910
business, or other facility by means of electronic or similar 69911
monitoring devices. "Private investigation and security service" 69912
does not include special duty services provided by off-duty police 69913
officers, deputy sheriffs, and other peace officers regularly 69914
employed by the state or a political subdivision. 69915

(FF) "Information services" means providing conversation, 69916
giving consultation or advice, playing or making a voice or other 69917
recording, making or keeping a record of the number of callers, 69918
and any other service provided to a consumer by means of a nine 69919
hundred telephone call, except when the nine hundred telephone 69920
call is the means by which the consumer makes a contribution to a 69921
recognized charity. 69922

(GG) "Research and development" means designing, creating, or 69923
formulating new or enhanced products, equipment, or manufacturing 69924
processes, and also means conducting scientific or technological 69925

inquiry and experimentation in the physical sciences with the goal 69926
of increasing scientific knowledge which may reveal the bases for 69927
new or enhanced products, equipment, or manufacturing processes. 69928

(HH) "Qualified research and development equipment" means 69929
capitalized tangible personal property, and leased personal 69930
property that would be capitalized if purchased, used by a person 69931
primarily to perform research and development. Tangible personal 69932
property primarily used in testing, as defined in division (A)(4) 69933
of section 5739.011 of the Revised Code, or used for recording or 69934
storing test results, is not qualified research and development 69935
equipment unless such property is primarily used by the consumer 69936
in testing the product, equipment, or manufacturing process being 69937
created, designed, or formulated by the consumer in the research 69938
and development activity or in recording or storing such test 69939
results. 69940

(II) "Building maintenance and janitorial service" means 69941
cleaning the interior or exterior of a building and any tangible 69942
personal property located therein or thereon, including any 69943
services incidental to such cleaning for which no separate charge 69944
is made. However, "building maintenance and janitorial service" 69945
does not include the providing of such service by a person who has 69946
less than five thousand dollars in sales of such service during 69947
the calendar year. As used in this division, "cleaning" does not 69948
include sanitation services necessary for an establishment 69949
described in 21 U.S.C. 608 to comply with rules and regulations 69950
adopted pursuant to that section. 69951

(JJ) "Employment service" means providing or supplying 69952
personnel, on a temporary or long-term basis, to perform work or 69953
labor under the supervision or control of another, when the 69954
personnel so provided or supplied receive their wages, salary, or 69955
other compensation from the provider or supplier of the employment 69956
service or from a third party that provided or supplied the 69957

personnel to the provider or supplier. "Employment service" does 69958
not include: 69959

(1) Acting as a contractor or subcontractor, where the 69960
personnel performing the work are not under the direct control of 69961
the purchaser. 69962

(2) Medical and health care services. 69963

(3) Supplying personnel to a purchaser pursuant to a contract 69964
of at least one year between the service provider and the 69965
purchaser that specifies that each employee covered under the 69966
contract is assigned to the purchaser on a permanent basis. 69967

(4) Transactions between members of an affiliated group, as 69968
defined in division (B)(3)(e) of this section. 69969

(5) Transactions where the personnel so provided or supplied 69970
by a provider or supplier to a purchaser of an employment service 69971
are then provided or supplied by that purchaser to a third party 69972
as an employment service, except "employment service" does include 69973
the transaction between that purchaser and the third party. 69974

(KK) "Employment placement service" means locating or finding 69975
employment for a person or finding or locating an employee to fill 69976
an available position. 69977

(LL) "Exterminating service" means eradicating or attempting 69978
to eradicate vermin infestations from a building or structure, or 69979
the area surrounding a building or structure, and includes 69980
activities to inspect, detect, or prevent vermin infestation of a 69981
building or structure. 69982

(MM) "Physical fitness facility service" means all 69983
transactions by which a membership is granted, maintained, or 69984
renewed, including initiation fees, membership dues, renewal fees, 69985
monthly minimum fees, and other similar fees and dues, by a 69986
physical fitness facility such as an athletic club, health spa, or 69987

gymnasium, which entitles the member to use the facility for 69988
physical exercise. 69989

(NN) "Recreation and sports club service" means all 69990
transactions by which a membership is granted, maintained, or 69991
renewed, including initiation fees, membership dues, renewal fees, 69992
monthly minimum fees, and other similar fees and dues, by a 69993
recreation and sports club, which entitles the member to use the 69994
facilities of the organization. "Recreation and sports club" means 69995
an organization that has ownership of, or controls or leases on a 69996
continuing, long-term basis, the facilities used by its members 69997
and includes an aviation club, gun or shooting club, yacht club, 69998
card club, swimming club, tennis club, golf club, country club, 69999
riding club, amateur sports club, or similar organization. 70000

(OO) "Livestock" means farm animals commonly raised for food, 70001
food production, or other agricultural purposes, including, but 70002
not limited to, cattle, sheep, goats, swine, poultry, and captive 70003
deer. "Livestock" does not include invertebrates, amphibians, 70004
reptiles, domestic pets, animals for use in laboratories or for 70005
exhibition, or other animals not commonly raised for food or food 70006
production. 70007

(PP) "Livestock structure" means a building or structure used 70008
exclusively for the housing, raising, feeding, or sheltering of 70009
livestock, and includes feed storage or handling structures and 70010
structures for livestock waste handling. 70011

(QQ) "Horticulture" means the growing, cultivation, and 70012
production of flowers, fruits, herbs, vegetables, sod, mushrooms, 70013
and nursery stock. As used in this division, "nursery stock" has 70014
the same meaning as in section 927.51 of the Revised Code. 70015

(RR) "Horticulture structure" means a building or structure 70016
used exclusively for the commercial growing, raising, or 70017
overwintering of horticultural products, and includes the area 70018

used for stocking, storing, and packing horticultural products 70019
when done in conjunction with the production of those products. 70020

(SS) "Newspaper" means an unbound publication bearing a title 70021
or name that is regularly published, at least as frequently as 70022
biweekly, and distributed from a fixed place of business to the 70023
public in a specific geographic area, and that contains a 70024
substantial amount of news matter of international, national, or 70025
local events of interest to the general public. 70026

(TT) "Professional racing team" means a person that employs 70027
at least twenty full-time employees for the purpose of conducting 70028
a motor vehicle racing business for profit. The person must 70029
conduct the business with the purpose of racing one or more motor 70030
racing vehicles in at least ten competitive professional racing 70031
events each year that comprise all or part of a motor racing 70032
series sanctioned by one or more motor racing sanctioning 70033
organizations. A "motor racing vehicle" means a vehicle for which 70034
the chassis, engine, and parts are designed exclusively for motor 70035
racing, and does not include a stock or production model vehicle 70036
that may be modified for use in racing. For the purposes of this 70037
division: 70038

(1) A "competitive professional racing event" is a motor 70039
vehicle racing event sanctioned by one or more motor racing 70040
sanctioning organizations, at which aggregate cash prizes in 70041
excess of eight hundred thousand dollars are awarded to the 70042
competitors. 70043

(2) "Full-time employee" means an individual who is employed 70044
for consideration for thirty-five or more hours a week, or who 70045
renders any other standard of service generally accepted by custom 70046
or specified by contract as full-time employment. 70047

(UU)(1) "Lease" or "rental" means any transfer of the 70048
possession or control of tangible personal property for a fixed or 70049

indefinite term, for consideration. "Lease" or "rental" includes 70050
future options to purchase or extend, and agreements described in 70051
26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where 70052
the amount of consideration may be increased or decreased by 70053
reference to the amount realized upon the sale or disposition of 70054
the property. "Lease" or "rental" does not include: 70055

(a) A transfer of possession or control of tangible personal 70056
property under a security agreement or a deferred payment plan 70057
that requires the transfer of title upon completion of the 70058
required payments; 70059

(b) A transfer of possession or control of tangible personal 70060
property under an agreement that requires the transfer of title 70061
upon completion of required payments and payment of an option 70062
price that does not exceed the greater of one hundred dollars or 70063
one per cent of the total required payments; 70064

(c) Providing tangible personal property along with an 70065
operator for a fixed or indefinite period of time, if the operator 70066
is necessary for the property to perform as designed. For purposes 70067
of this division, the operator must do more than maintain, 70068
inspect, or set up the tangible personal property. 70069

(2) "Lease" and "rental," as defined in division (UU) of this 70070
section, shall not apply to leases or rentals that exist before 70071
June 26, 2003. 70072

(3) "Lease" and "rental" have the same meaning as in division 70073
(UU)(1) of this section regardless of whether a transaction is 70074
characterized as a lease or rental under generally accepted 70075
accounting principles, the Internal Revenue Code, Title XIII of 70076
the Revised Code, or other federal, state, or local laws. 70077

(VV) "Mobile telecommunications service" has the same meaning 70078
as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 70079
106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, 70080

on and after August 1, 2003, includes related fees and ancillary 70081
services, including universal service fees, detailed billing 70082
service, directory assistance, service initiation, voice mail 70083
service, and vertical services, such as caller ID and three-way 70084
calling. 70085

(WW) "Certified service provider" has the same meaning as in 70086
section 5740.01 of the Revised Code. 70087

(XX) "Satellite broadcasting service" means the distribution 70088
or broadcasting of programming or services by satellite directly 70089
to the subscriber's receiving equipment without the use of ground 70090
receiving or distribution equipment, except the subscriber's 70091
receiving equipment or equipment used in the uplink process to the 70092
satellite, and includes all service and rental charges, premium 70093
channels or other special services, installation and repair 70094
service charges, and any other charges having any connection with 70095
the provision of the satellite broadcasting service. 70096

(YY) "Tangible personal property" means personal property 70097
that can be seen, weighed, measured, felt, or touched, or that is 70098
in any other manner perceptible to the senses. For purposes of 70099
this chapter and Chapter 5741. of the Revised Code, "tangible 70100
personal property" includes motor vehicles, electricity, water, 70101
gas, steam, and prewritten computer software. 70102

(ZZ) "Municipal gas utility" means a municipal corporation 70103
that owns or operates a system for the distribution of natural 70104
gas. 70105

(AAA) "Computer" means an electronic device that accepts 70106
information in digital or similar form and manipulates it for a 70107
result based on a sequence of instructions. 70108

(BBB) "Computer software" means a set of coded instructions 70109
designed to cause a computer or automatic data processing 70110
equipment to perform a task. 70111

(CCC) "Delivered electronically" means delivery of computer software from the seller to the purchaser by means other than tangible storage media.

(DDD) "Prewritten computer software" means computer software, including prewritten upgrades, that is not designed and developed by the author or other creator to the specifications of a specific purchaser. The combining of two or more prewritten computer software programs or prewritten portions thereof does not cause the combination to be other than prewritten computer software. "Prewritten computer software" includes software designed and developed by the author or other creator to the specifications of a specific purchaser when it is sold to a person other than the purchaser. If a person modifies or enhances computer software of which the person is not the author or creator, the person shall be deemed to be the author or creator only of such person's modifications or enhancements. Prewritten computer software or a prewritten portion thereof that is modified or enhanced to any degree, where such modification or enhancement is designed and developed to the specifications of a specific purchaser, remains prewritten computer software; provided, however, that where there is a reasonable, separately stated charge or an invoice or other statement of the price given to the purchaser for the modification or enhancement, the modification or enhancement shall not constitute prewritten computer software.

(EEE)(1) "Food" means substances, whether in liquid, concentrated, solid, frozen, dried, or dehydrated form, that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value. "Food" does not include alcoholic beverages, dietary supplements, soft drinks, or tobacco.

(2) As used in division (EEE)(1) of this section:

(a) "Alcoholic beverages" means beverages that are suitable for human consumption and contain one-half of one per cent or more

of alcohol by volume. 70144

(b) "Dietary supplements" means any product, other than 70145
tobacco, that is intended to supplement the diet and that is 70146
intended for ingestion in tablet, capsule, powder, softgel, 70147
gelcap, or liquid form, or, if not intended for ingestion in such 70148
a form, is not represented as conventional food for use as a sole 70149
item of a meal or of the diet; that is required to be labeled as a 70150
dietary supplement, identifiable by the "supplement facts" box 70151
found on the label, as required by 21 C.F.R. 101.36; and that 70152
contains one or more of the following dietary ingredients: 70153

(i) A vitamin; 70154

(ii) A mineral; 70155

(iii) An herb or other botanical; 70156

(iv) An amino acid; 70157

(v) A dietary substance for use by humans to supplement the 70158
diet by increasing the total dietary intake; 70159

(vi) A concentrate, metabolite, constituent, extract, or 70160
combination of any ingredient described in divisions 70161
(EEE)(2)(b)(i) to (v) of this section. 70162

(c) "Soft drinks" means nonalcoholic beverages that contain 70163
natural or artificial sweeteners. "Soft drinks" does not include 70164
beverages that contain milk or milk products, soy, rice, or 70165
similar milk substitutes, or that contains greater than fifty per 70166
cent vegetable or fruit juice by volume. 70167

(d) "Tobacco" means cigarettes, cigars, chewing or pipe 70168
tobacco, or any other item that contains tobacco. 70169

(FFF) "Drug" means a compound, substance, or preparation, and 70170
any component of a compound, substance, or preparation, other than 70171
food, dietary supplements, or alcoholic beverages that is 70172
recognized in the official United States pharmacopoeia, official 70173

homeopathic pharmacopoeia of the United States, or official 70174
national formulary, and supplements to them; is intended for use 70175
in the diagnosis, cure, mitigation, treatment, or prevention of 70176
disease; or is intended to affect the structure or any function of 70177
the body. 70178

(GGG) "Prescription" means an order, formula, or recipe 70179
issued in any form of oral, written, electronic, or other means of 70180
transmission by a duly licensed practitioner authorized by the 70181
laws of this state to issue a prescription. 70182

(HHH) "Durable medical equipment" means equipment, including 70183
repair and replacement parts for such equipment, that can 70184
withstand repeated use, is primarily and customarily used to serve 70185
a medical purpose, generally is not useful to a person in the 70186
absence of illness or injury, and is not worn in or on the body. 70187
"Durable medical equipment" does not include mobility enhancing 70188
equipment. 70189

(III) "Mobility enhancing equipment" means equipment, 70190
including repair and replacement parts for such equipment, that is 70191
primarily and customarily used to provide or increase the ability 70192
to move from one place to another and is appropriate for use 70193
either in a home or a motor vehicle, that is not generally used by 70194
persons with normal mobility, and that does not include any motor 70195
vehicle or equipment on a motor vehicle normally provided by a 70196
motor vehicle manufacturer. "Mobility enhancing equipment" does 70197
not include durable medical equipment. 70198

(JJJ) "Prosthetic device" means a replacement, corrective, or 70199
supportive device, including repair and replacement parts for the 70200
device, worn on or in the human body to artificially replace a 70201
missing portion of the body, prevent or correct physical deformity 70202
or malfunction, or support a weak or deformed portion of the body. 70203
As used in this division, before July 1, 2019, "prosthetic device" 70204
does not include corrective eyeglasses, contact lenses, or dental 70205

prosthesis. On or after July 1, 2019, "prosthetic device" does not
include dental prosthesis but does include corrective eyeglasses
or contact lenses.

~~(KKK)(1) "Fractional aircraft ownership program" means a
program in which persons within an affiliated group sell and
manage fractional ownership program aircraft, provided that at
least one hundred airworthy aircraft are operated in the program
and the program meets all of the following criteria:~~

~~(a) Management services are provided by at least one program
manager within an affiliated group on behalf of the fractional
owners.~~

~~(b) Each program aircraft is owned or possessed by at least
one fractional owner.~~

~~(c) Each fractional owner owns or possesses at least a
one sixteenth interest in at least one fixed wing program
aircraft.~~

~~(d) A dry lease aircraft interchange arrangement is in effect
among all of the fractional owners.~~

~~(e) Multi year program agreements are in effect regarding the
fractional ownership, management services, and dry lease aircraft
interchange arrangement aspects of the program.~~

~~(2) As used in division (KKK)(1) of this section:~~

~~(a) "Affiliated group" has the same meaning as in division
(B)(3)(c) of this section.~~

~~(b) "Fractional owner" means a person that owns or possesses
at least a one sixteenth interest in a program aircraft and has
entered into the agreements described in division (KKK)(1)(c) of
this section.~~

~~(c) "Fractional ownership program aircraft" or "program
aircraft" means a turbojet aircraft that is owned or possessed by~~

~~a fractional owner and that has been included in a dry lease aircraft interchange arrangement and agreement under divisions (KKK)(1)(d) and (e) of this section, or an aircraft a program manager owns or possesses primarily for use in a fractional aircraft ownership program.~~

~~(d) "Management services" means administrative and aviation support services furnished under a fractional aircraft ownership program in accordance with a management services agreement under division (KKK)(1)(e) of this section, and offered by the program manager to the fractional owners, including, at a minimum, the establishment and implementation of safety guidelines; the coordination of the scheduling of the program aircraft and crews; program aircraft maintenance; program aircraft insurance; crew training for crews employed, furnished, or contracted by the program manager or the fractional owner; the satisfaction of record keeping requirements; and the development and use of an operations manual and a maintenance manual for the fractional aircraft ownership program.~~

~~(e) "Program manager" means the person that offers management services to fractional owners pursuant to a management services agreement under division (KKK)(1)(e) of this section.~~

~~(LLL) "Electronic publishing" means providing access to one or more of the following primarily for business customers, including the federal government or a state government or a political subdivision thereof, to conduct research: news; business, financial, legal, consumer, or credit materials; editorials, columns, reader commentary, or features; photos or images; archival or research material; legal notices, identity verification, or public records; scientific, educational, instructional, technical, professional, trade, or other literary materials; or other similar information which has been gathered and made available by the provider to the consumer in an~~

electronic format. Providing electronic publishing includes the 70268
functions necessary for the acquisition, formatting, editing, 70269
storage, and dissemination of data or information that is the 70270
subject of a sale. 70271

~~(MMM)~~(LLL) "Medicaid health insuring corporation" means a 70272
health insuring corporation that holds a certificate of authority 70273
under Chapter 1751. of the Revised Code and is under contract with 70274
the department of medicaid pursuant to section 5167.10 of the 70275
Revised Code. 70276

~~(NNN)~~(MMM) "Managed care premium" means any premium, 70277
capitation, or other payment a medicaid health insuring 70278
corporation receives for providing or arranging for the provision 70279
of health care services to its members or enrollees residing in 70280
this state. 70281

~~(OOO)~~(NNN) "Captive deer" means deer and other cervidae that 70282
have been legally acquired, or their offspring, that are privately 70283
owned for agricultural or farming purposes. 70284

~~(PPP)~~(OOO) "Gift card" means a document, card, certificate, 70285
or other record, whether tangible or intangible, that may be 70286
redeemed by a consumer for a dollar value when making a purchase 70287
of tangible personal property or services. 70288

~~(OOO)~~(PPP) "Specified digital product" means an 70289
electronically transferred digital audiovisual work, digital audio 70290
work, or digital book. 70291

As used in division ~~(OOO)~~(PPP) of this section: 70292

(1) "Digital audiovisual work" means a series of related 70293
images that, when shown in succession, impart an impression of 70294
motion, together with accompanying sounds, if any. 70295

(2) "Digital audio work" means a work that results from the 70296
fixation of a series of musical, spoken, or other sounds, 70297

including digitized sound files that are downloaded onto a device 70298
and that may be used to alert the customer with respect to a 70299
communication. 70300

(3) "Digital book" means a work that is generally recognized 70301
in the ordinary and usual sense as a book. 70302

(4) "Electronically transferred" means obtained by the 70303
purchaser by means other than tangible storage media. 70304

~~(RRR)~~(OOO) "Digital advertising services" means providing 70305
access, by means of telecommunications equipment, to computer 70306
equipment that is used to enter, upload, download, review, 70307
manipulate, store, add, or delete data for the purpose of 70308
electronically displaying, delivering, placing, or transferring 70309
promotional advertisements to potential customers about products 70310
or services or about industry or business brands. 70311

(RRR)(1) "Transportation network company," "transportation 70312
network company driver," "transportation network company rider," 70313
and "transportation network company services" have the same 70314
meanings as in section 3942.01 of the Revised Code. 70315

(2) "Transportation service" means the transportation of 70316
persons by motor vehicle or aircraft when the transportation is 70317
entirely within this state or, if providing transportation network 70318
company services, when the transportation network company rider is 70319
picked up and dropped off in this state. "Transportation service" 70320
does not include transportation provided by an ambulance service, 70321
by a transit bus, as defined in section 5735.01 of the Revised 70322
Code, and transportation provided by a citizen of the United 70323
States holding a certificate of public convenience and necessity 70324
issued under 49 U.S.C. 41102. 70325

(SSS) "Hotel intermediary" means a person that brokers, 70326
coordinates, or otherwise arranges for the purchase, sale, use, or 70327
possession of lodging at hotels to or by transient guests, but 70328

<u>does not include any of the following:</u>	70329
<u>(1) A hotel;</u>	70330
<u>(2) A person receiving a commission from a hotel; (3) A</u>	70331
<u>person imposing a charge for services described in division (SSS)</u>	70332
<u>of this section, provided the charge is separately stated on an</u>	70333
<u>invoice, bill of sale, receipt, or similar document given to the</u>	70334
<u>consumer.</u>	70335
<u>(TTT) "Lodging's fair market value" means the price that a</u>	70336
<u>hotel would charge a transient guest for lodging in the hotel had</u>	70337
<u>the transient guest purchased that lodging from the hotel and not</u>	70338
<u>from a hotel intermediary.</u>	70339
Sec. 5739.011. (A) As used in this section:	70340
(1) "Manufacturer" means a person who is engaged in	70341
manufacturing, processing, assembling, or refining a product for	70342
sale and, solely for the purposes of division (B)(12) of this	70343
section, a person who meets all the qualifications of that	70344
division.	70345
(2) "Manufacturing facility" means a single location where a	70346
manufacturing operation is conducted, including locations	70347
consisting of one or more buildings or structures in a contiguous	70348
area owned or controlled by the manufacturer.	70349
(3) "Materials handling" means the movement of the product	70350
being or to be manufactured, during which movement the product is	70351
not undergoing any substantial change or alteration in its state	70352
or form.	70353
(4) "Testing" means a process or procedure to identify the	70354
properties or assure the quality of a material or product.	70355
(5) "Completed product" means a manufactured item that is in	70356
the form and condition as it will be sold by the manufacturer. An	70357
item is completed when all processes that change or alter its	70358

state or form or enhance its value are finished, even though the 70359
item subsequently will be tested to ensure its quality or be 70360
packaged for storage or shipment. 70361

(6) "Continuous manufacturing operation" means the process in 70362
which raw materials or components are moved through the steps 70363
whereby manufacturing occurs. Materials handling of raw materials 70364
or parts from the point of receipt or preproduction storage or of 70365
a completed product, to or from storage, to or from packaging, or 70366
to the place from which the completed product will be shipped, is 70367
not a part of a continuous manufacturing operation. 70368

(7) "Food" has the same meaning as in section 3717.01 of the 70369
Revised Code. 70370

(B) For purposes of division (B)(42)(g) of section 5739.02 of 70371
the Revised Code, the "thing transferred" includes, but is not 70372
limited to, any of the following: 70373

(1) Production machinery and equipment that act upon the 70374
product or machinery and equipment that treat the materials or 70375
parts in preparation for the manufacturing operation; 70376

(2) Materials handling equipment that moves the product 70377
through a continuous manufacturing operation; equipment that 70378
temporarily stores the product during the manufacturing operation; 70379
or, excluding motor vehicles licensed to operate on public 70380
highways, equipment used in intraplant or interplant transfers of 70381
work in process where the plant or plants between which such 70382
transfers occur are manufacturing facilities operated by the same 70383
person; 70384

(3) Catalysts, solvents, water, acids, oil, and similar 70385
consumables that interact with the product and that are an 70386
integral part of the manufacturing operation; 70387

(4) Machinery, equipment, and other tangible personal 70388
property used during the manufacturing operation that control, 70389

physically support, produce power for, lubricate, or are otherwise	70390
necessary for the functioning of production machinery and	70391
equipment and the continuation of the manufacturing operation;	70392
(5) Machinery, equipment, fuel, power, material, parts, and	70393
other tangible personal property used to manufacture machinery,	70394
equipment, or other tangible personal property used in	70395
manufacturing a product for sale;	70396
(6) Machinery, equipment, and other tangible personal	70397
property used by a manufacturer to test raw materials, the product	70398
being manufactured, or the completed product;	70399
(7) Machinery and equipment used to handle or temporarily	70400
store scrap that is intended to be reused in the manufacturing	70401
operation at the same manufacturing facility;	70402
(8) Coke, gas, water, steam, and similar substances used in	70403
the manufacturing operation; machinery and equipment used for, and	70404
fuel consumed in, producing or extracting those substances;	70405
machinery, equipment, and other tangible personal property used to	70406
treat, filter, pump, or otherwise make the substance suitable for	70407
use in the manufacturing operation; and machinery and equipment	70408
used for, and fuel consumed in, producing electricity for use in	70409
the manufacturing operation;	70410
(9) Machinery, equipment, and other tangible personal	70411
property used to transport or transmit electricity, coke, gas,	70412
water, steam, or similar substances used in the manufacturing	70413
operation from the point of generation, if produced by the	70414
manufacturer, or from the point where the substance enters the	70415
manufacturing facility, if purchased by the manufacturer, to the	70416
manufacturing operation;	70417
(10) Machinery, equipment, and other tangible personal	70418
property that treats, filters, cools, refines, or otherwise	70419
renders water, steam, acid, oil, solvents, or similar substances	70420

used in the manufacturing operation reusable, provided that the 70421
substances are intended for reuse and not for disposal, sale, or 70422
transportation from the manufacturing facility; 70423

(11) Parts, components, and repair and installation services 70424
for items described in division (B) of this section; 70425

(12) Machinery and equipment, detergents, supplies, solvents, 70426
and any other tangible personal property located at a 70427
manufacturing facility that are used in the process of removing 70428
soil, dirt, or other contaminants from, or otherwise preparing in 70429
a suitable condition for use, towels, linens, articles of 70430
clothing, floor mats, mop heads, or other similar items, to be 70431
supplied to a consumer as part of laundry and dry cleaning 70432
services as defined in division (BB) of section 5739.01 of the 70433
Revised Code, only when the towels, linens, articles of clothing, 70434
floor mats, mop heads, or other similar items belong to the 70435
provider of the services; 70436

(13) Equipment and supplies used to clean processing 70437
equipment that is part of a continuous manufacturing operation to 70438
produce ~~milk, ice cream, yogurt, cheese, and similar dairy~~ 70439
~~products~~ food for human consumption; 70440

(14) Equipment, supplies, and building and janitorial 70441
services used to clean or maintain any tangible personal property, 70442
machinery, or equipment that is described in division (B) of this 70443
section and is part of a continuous manufacturing operation. 70444

(C) For purposes of division (B)(42)(g) of section 5739.02 of 70445
the Revised Code, the "thing transferred" does not include any of 70446
the following: 70447

(1) Tangible personal property used in administrative, 70448
personnel, security, inventory control, record-keeping, ordering, 70449
billing, or similar functions; 70450

(2) Tangible personal property used in storing raw materials 70451

or parts prior to the commencement of the manufacturing operation 70452
or used to handle or store a completed product, including storage 70453
that actively maintains a completed product in a marketable state 70454
or form; 70455

(3) Tangible personal property used to handle or store scrap 70456
or waste intended for disposal, sale, or other disposition, other 70457
than reuse in the manufacturing operation at the same 70458
manufacturing facility; 70459

(4) Tangible personal property that is or is to be 70460
incorporated into realty; 70461

(5) Machinery, equipment, and other tangible personal 70462
property used for ventilation, dust or gas collection, humidity or 70463
temperature regulation, or similar environmental control, except 70464
machinery, equipment, and other tangible personal property that 70465
totally regulates the environment in a special and limited area of 70466
the manufacturing facility where the regulation is essential for 70467
production to occur; 70468

(6) Tangible personal property used for the protection and 70469
safety of workers, unless the property is attached to or 70470
incorporated into machinery and equipment used in a continuous 70471
manufacturing operation; 70472

(7) Tangible personal property used to store fuel, water, 70473
solvents, acid, oil, or similar items consumed in the 70474
manufacturing operation; 70475

(8) Except as provided in ~~division~~ divisions (B)(13) and (14) 70476
of this section, machinery, equipment, and other tangible personal 70477
property used to clean, repair, or maintain real or personal 70478
property in the manufacturing facility; 70479

(9) Motor vehicles registered for operation on public 70480
highways. 70481

(D) For purposes of division (B)(42)(g) of section 5739.02 of the Revised Code, if the "thing transferred" is a machine used by a manufacturer in both a taxable and an exempt manner, it shall be totally taxable or totally exempt from taxation based upon its quantified primary use. If the "things transferred" are fungibles, they shall be taxed based upon the proportion of the fungibles used in a taxable manner.

Sec. 5739.02. For the purpose of providing revenue with which to meet the needs of the state, for the use of the general revenue fund of the state, for the purpose of securing a thorough and efficient system of common schools throughout the state, for the purpose of affording revenues, in addition to those from general property taxes, permitted under constitutional limitations, and from other sources, for the support of local governmental functions, and for the purpose of reimbursing the state for the expense of administering this chapter, an excise tax is hereby levied on each retail sale made in this state.

(A)(1) The tax shall be collected as provided in section 5739.025 of the Revised Code. The rate of the tax shall be five and three-fourths per cent. The tax applies and is collectible when the sale is made, regardless of the time when the price is paid or delivered.

(2) In the case of the lease or rental, with a fixed term of more than thirty days or an indefinite term with a minimum period of more than thirty days, of any motor vehicles designed by the manufacturer to carry a load of not more than one ton, watercraft, outboard motor, or aircraft, or of any tangible personal property, other than motor vehicles designed by the manufacturer to carry a load of more than one ton, to be used by the lessee or renter primarily for business purposes, the tax shall be collected by the vendor at the time the lease or rental is consummated and shall be

calculated by the vendor on the basis of the total amount to be 70513
paid by the lessee or renter under the lease agreement. If the 70514
total amount of the consideration for the lease or rental includes 70515
amounts that are not calculated at the time the lease or rental is 70516
executed, the tax shall be calculated and collected by the vendor 70517
at the time such amounts are billed to the lessee or renter. In 70518
the case of an open-end lease or rental, the tax shall be 70519
calculated by the vendor on the basis of the total amount to be 70520
paid during the initial fixed term of the lease or rental, and for 70521
each subsequent renewal period as it comes due. As used in this 70522
division, "motor vehicle" has the same meaning as in section 70523
4501.01 of the Revised Code, and "watercraft" includes an outdrive 70524
unit attached to the watercraft. 70525

A lease with a renewal clause and a termination penalty or 70526
similar provision that applies if the renewal clause is not 70527
exercised is presumed to be a sham transaction. In such a case, 70528
the tax shall be calculated and paid on the basis of the entire 70529
length of the lease period, including any renewal periods, until 70530
the termination penalty or similar provision no longer applies. 70531
The taxpayer shall bear the burden, by a preponderance of the 70532
evidence, that the transaction or series of transactions is not a 70533
sham transaction. 70534

(3) Except as provided in division (A)(2) of this section, in 70535
the case of a sale, the price of which consists in whole or in 70536
part of the lease or rental of tangible personal property, the tax 70537
shall be measured by the installments of that lease or rental. 70538

(4) In the case of a sale of a physical fitness facility 70539
service or recreation and sports club service, the price of which 70540
consists in whole or in part of a membership for the receipt of 70541
the benefit of the service, the tax applicable to the sale shall 70542
be measured by the installments thereof. 70543

(B) The tax does not apply to the following: 70544

- (1) Sales to the state or any of its political subdivisions, 70545
or to any other state or its political subdivisions if the laws of 70546
that state exempt from taxation sales made to this state and its 70547
political subdivisions; 70548
- (2) Sales of food for human consumption off the premises 70549
where sold; 70550
- (3) Sales of food sold to students only in a cafeteria, 70551
dormitory, fraternity, or sorority maintained in a private, 70552
public, or parochial school, college, or university; 70553
- (4) Sales of newspapers and sales or transfers of magazines 70554
distributed as controlled circulation publications; 70555
- (5) The furnishing, preparing, or serving of meals without 70556
charge by an employer to an employee provided the employer records 70557
the meals as part compensation for services performed or work 70558
done; 70559
- (6)(a) Sales of motor fuel upon receipt, use, distribution, 70560
or sale of which in this state a tax is imposed by the law of this 70561
state, but this exemption shall not apply to the sale of motor 70562
fuel on which a refund of the tax is allowable under division (A) 70563
of section 5735.14 of the Revised Code; and the tax commissioner 70564
may deduct the amount of tax levied by this section applicable to 70565
the price of motor fuel when granting a refund of motor fuel tax 70566
pursuant to division (A) of section 5735.14 of the Revised Code 70567
and shall cause the amount deducted to be paid into the general 70568
revenue fund of this state; 70569
- (b) Sales of motor fuel other than that described in division 70570
(B)(6)(a) of this section and used for powering a refrigeration 70571
unit on a vehicle other than one used primarily to provide comfort 70572
to the operator or occupants of the vehicle. 70573
- (7) Sales of natural gas by a natural gas company or 70574
municipal gas utility, of water by a water-works company, or of 70575

steam by a heating company, if in each case the thing sold is 70576
delivered to consumers through pipes or conduits, and all sales of 70577
communications services by a telegraph company, all terms as 70578
defined in section 5727.01 of the Revised Code, and sales of 70579
electricity delivered through wires; 70580

(8) Casual sales by a person, or auctioneer employed directly 70581
by the person to conduct such sales, except as to such sales of 70582
motor vehicles, watercraft or outboard motors required to be 70583
titled under section 1548.06 of the Revised Code, watercraft 70584
documented with the United States coast guard, snowmobiles, and 70585
all-purpose vehicles as defined in section 4519.01 of the Revised 70586
Code; 70587

(9)(a) Sales of services or tangible personal property, other 70588
than motor vehicles, mobile homes, and manufactured homes, by 70589
churches, organizations exempt from taxation under section 70590
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 70591
organizations operated exclusively for charitable purposes as 70592
defined in division (B)(12) of this section, provided that the 70593
number of days on which such tangible personal property or 70594
services, other than items never subject to the tax, are sold does 70595
not exceed six in any calendar year, except as otherwise provided 70596
in division (B)(9)(b) of this section. If the number of days on 70597
which such sales are made exceeds six in any calendar year, the 70598
church or organization shall be considered to be engaged in 70599
business and all subsequent sales by it shall be subject to the 70600
tax. In counting the number of days, all sales by groups within a 70601
church or within an organization shall be considered to be sales 70602
of that church or organization. 70603

(b) The limitation on the number of days on which tax-exempt 70604
sales may be made by a church or organization under division 70605
(B)(9)(a) of this section does not apply to sales made by student 70606
clubs and other groups of students of a primary or secondary 70607

school, or a parent-teacher association, booster group, or similar 70608
organization that raises money to support or fund curricular or 70609
extracurricular activities of a primary or secondary school. 70610

(c) Divisions (B)(9)(a) and (b) of this section do not apply 70611
to sales by a noncommercial educational radio or television 70612
broadcasting station. 70613

(10) Sales not within the taxing power of this state under 70614
the Constitution or laws of the United States or the Constitution 70615
of this state; 70616

(11) Except for transactions that are sales under division 70617
(B)(3)(r) of section 5739.01 of the Revised Code, the 70618
transportation of persons or property, unless the transportation 70619
is by a private investigation and security service; 70620

(12) Sales of tangible personal property or services to 70621
churches, to organizations exempt from taxation under section 70622
501(c)(3) of the Internal Revenue Code of 1986, and to any other 70623
nonprofit organizations operated exclusively for charitable 70624
purposes in this state, no part of the net income of which inures 70625
to the benefit of any private shareholder or individual, and no 70626
substantial part of the activities of which consists of carrying 70627
on propaganda or otherwise attempting to influence legislation; 70628
sales to offices administering one or more homes for the aged or 70629
one or more hospital facilities exempt under section 140.08 of the 70630
Revised Code; and sales to organizations described in division (D) 70631
of section 5709.12 of the Revised Code. 70632

"Charitable purposes" means the relief of poverty; the 70633
improvement of health through the alleviation of illness, disease, 70634
or injury; the operation of an organization exclusively for the 70635
provision of professional, laundry, printing, and purchasing 70636
services to hospitals or charitable institutions; the operation of 70637
a home for the aged, as defined in section 5701.13 of the Revised 70638

Code; the operation of a radio or television broadcasting station 70639
that is licensed by the federal communications commission as a 70640
noncommercial educational radio or television station; the 70641
operation of a nonprofit animal adoption service or a county 70642
humane society; the promotion of education by an institution of 70643
learning that maintains a faculty of qualified instructors, 70644
teaches regular continuous courses of study, and confers a 70645
recognized diploma upon completion of a specific curriculum; the 70646
operation of a parent-teacher association, booster group, or 70647
similar organization primarily engaged in the promotion and 70648
support of the curricular or extracurricular activities of a 70649
primary or secondary school; the operation of a community or area 70650
center in which presentations in music, dramatics, the arts, and 70651
related fields are made in order to foster public interest and 70652
education therein; the production of performances in music, 70653
dramatics, and the arts; or the promotion of education by an 70654
organization engaged in carrying on research in, or the 70655
dissemination of, scientific and technological knowledge and 70656
information primarily for the public. 70657

Nothing in this division shall be deemed to exempt sales to 70658
any organization for use in the operation or carrying on of a 70659
trade or business, or sales to a home for the aged for use in the 70660
operation of independent living facilities as defined in division 70661
(A) of section 5709.12 of the Revised Code. 70662

(13) Building and construction materials and services sold to 70663
construction contractors for incorporation into a structure or 70664
improvement to real property under a construction contract with 70665
this state or a political subdivision of this state, or with the 70666
United States government or any of its agencies; building and 70667
construction materials and services sold to construction 70668
contractors for incorporation into a structure or improvement to 70669
real property that are accepted for ownership by this state or any 70670

of its political subdivisions, or by the United States government 70671
or any of its agencies at the time of completion of the structures 70672
or improvements; building and construction materials sold to 70673
construction contractors for incorporation into a horticulture 70674
structure or livestock structure for a person engaged in the 70675
business of horticulture or producing livestock; building 70676
materials and services sold to a construction contractor for 70677
incorporation into a house of public worship or religious 70678
education, or a building used exclusively for charitable purposes 70679
under a construction contract with an organization whose purpose 70680
is as described in division (B)(12) of this section; building 70681
materials and services sold to a construction contractor for 70682
incorporation into a building under a construction contract with 70683
an organization exempt from taxation under section 501(c)(3) of 70684
the Internal Revenue Code of 1986 when the building is to be used 70685
exclusively for the organization's exempt purposes; building and 70686
construction materials sold for incorporation into the original 70687
construction of a sports facility under section 307.696 of the 70688
Revised Code; building and construction materials and services 70689
sold to a construction contractor for incorporation into real 70690
property outside this state if such materials and services, when 70691
sold to a construction contractor in the state in which the real 70692
property is located for incorporation into real property in that 70693
state, would be exempt from a tax on sales levied by that state; 70694
building and construction materials for incorporation into a 70695
transportation facility pursuant to a public-private agreement 70696
entered into under sections 5501.70 to 5501.83 of the Revised 70697
Code; and, until one calendar year after the construction of a 70698
convention center that qualifies for property tax exemption under 70699
section 5709.084 of the Revised Code is completed, building and 70700
construction materials and services sold to a construction 70701
contractor for incorporation into the real property comprising 70702
that convention center; 70703

(14) Sales of ships or vessels or rail rolling stock used or 70704
to be used principally in interstate or foreign commerce, and 70705
repairs, alterations, fuel, and lubricants for such ships or 70706
vessels or rail rolling stock; 70707

(15) Sales to persons primarily engaged in any of the 70708
activities mentioned in division (B)(42)(a), (g), or (h) of this 70709
section, to persons engaged in making retail sales, or to persons 70710
who purchase for sale from a manufacturer tangible personal 70711
property that was produced by the manufacturer in accordance with 70712
specific designs provided by the purchaser, of packages, including 70713
material, labels, and parts for packages, and of machinery, 70714
equipment, and material for use primarily in packaging tangible 70715
personal property produced for sale, including any machinery, 70716
equipment, and supplies used to make labels or packages, to 70717
prepare packages or products for labeling, or to label packages or 70718
products, by or on the order of the person doing the packaging, or 70719
sold at retail. "Packages" includes bags, baskets, cartons, 70720
crates, boxes, cans, bottles, bindings, wrappings, and other 70721
similar devices and containers, but does not include motor 70722
vehicles or bulk tanks, trailers, or similar devices attached to 70723
motor vehicles. "Packaging" means placing in a package. Division 70724
(B)(15) of this section does not apply to persons engaged in 70725
highway transportation for hire. 70726

(16) Sales of food to persons using supplemental nutrition 70727
assistance program benefits to purchase the food. As used in this 70728
division, "food" has the same meaning as in 7 U.S.C. 2012 and 70729
federal regulations adopted pursuant to the Food and Nutrition Act 70730
of 2008. 70731

(17) Sales to persons engaged in farming, agriculture, 70732
horticulture, or floriculture, of tangible personal property for 70733
use or consumption primarily in the production by farming, 70734
agriculture, horticulture, or floriculture of other tangible 70735

personal property for use or consumption primarily in the 70736
production of tangible personal property for sale by farming, 70737
agriculture, horticulture, or floriculture; or material and parts 70738
for incorporation into any such tangible personal property for use 70739
or consumption in production; and of tangible personal property 70740
for such use or consumption in the conditioning or holding of 70741
products produced by and for such use, consumption, or sale by 70742
persons engaged in farming, agriculture, horticulture, or 70743
floriculture, except where such property is incorporated into real 70744
property; 70745

(18) Sales of drugs for a human being that may be dispensed 70746
only pursuant to a prescription; insulin as recognized in the 70747
official United States pharmacopoeia; urine and blood testing 70748
materials when used by diabetics or persons with hypoglycemia to 70749
test for glucose or acetone; hypodermic syringes and needles when 70750
used by diabetics for insulin injections; epoetin alfa when 70751
purchased for use in the treatment of persons with medical 70752
disease; hospital beds when purchased by hospitals, nursing homes, 70753
or other medical facilities; and medical oxygen and medical 70754
oxygen-dispensing equipment when purchased by hospitals, nursing 70755
homes, or other medical facilities; 70756

(19) Sales of prosthetic devices, durable medical equipment 70757
for home use, or mobility enhancing equipment, when made pursuant 70758
to a prescription and when such devices or equipment are for use 70759
by a human being. 70760

(20) Sales of emergency and fire protection vehicles and 70761
equipment to nonprofit organizations for use solely in providing 70762
fire protection and emergency services, including trauma care and 70763
emergency medical services, for political subdivisions of the 70764
state; 70765

(21) Sales of tangible personal property manufactured in this 70766
state, if sold by the manufacturer in this state to a retailer for 70767

use in the retail business of the retailer outside of this state 70768
and if possession is taken from the manufacturer by the purchaser 70769
within this state for the sole purpose of immediately removing the 70770
same from this state in a vehicle owned by the purchaser; 70771

(22) Sales of services provided by the state or any of its 70772
political subdivisions, agencies, instrumentalities, institutions, 70773
or authorities, or by governmental entities of the state or any of 70774
its political subdivisions, agencies, instrumentalities, 70775
institutions, or authorities; 70776

(23) Sales of motor vehicles to nonresidents of this state 70777
under the circumstances described in division (B) of section 70778
5739.029 of the Revised Code; 70779

(24) Sales to persons engaged in the preparation of eggs for 70780
sale of tangible personal property used or consumed directly in 70781
such preparation, including such tangible personal property used 70782
for cleaning, sanitizing, preserving, grading, sorting, and 70783
classifying by size; packages, including material and parts for 70784
packages, and machinery, equipment, and material for use in 70785
packaging eggs for sale; and handling and transportation equipment 70786
and parts therefor, except motor vehicles licensed to operate on 70787
public highways, used in intraplant or interplant transfers or 70788
shipment of eggs in the process of preparation for sale, when the 70789
plant or plants within or between which such transfers or 70790
shipments occur are operated by the same person. "Packages" 70791
includes containers, cases, baskets, flats, fillers, filler flats, 70792
cartons, closure materials, labels, and labeling materials, and 70793
"packaging" means placing therein. 70794

(25)(a) Sales of water to a consumer for residential use; 70795

(b) Sales of water by a nonprofit corporation engaged 70796
exclusively in the treatment, distribution, and sale of water to 70797
consumers, if such water is delivered to consumers through pipes 70798

or tubing.	70799
(26) Fees charged for inspection or reinspection of motor vehicles under section 3704.14 of the Revised Code;	70800 70801
(27) Sales to persons licensed to conduct a food service operation pursuant to section 3717.43 of the Revised Code, of tangible personal property primarily used directly for the following:	70802 70803 70804 70805
(a) To prepare food for human consumption for sale;	70806
(b) To preserve food that has been or will be prepared for human consumption for sale by the food service operator, not including tangible personal property used to display food for selection by the consumer;	70807 70808 70809 70810
(c) To clean tangible personal property used to prepare or serve food for human consumption for sale.	70811 70812
(28) Sales of animals by nonprofit animal adoption services or county humane societies;	70813 70814
(29) Sales of services to a corporation described in division (A) of section 5709.72 of the Revised Code, and sales of tangible personal property that qualifies for exemption from taxation under section 5709.72 of the Revised Code;	70815 70816 70817 70818
(30) Sales and installation of agricultural land tile, as defined in division (B)(5)(a) of section 5739.01 of the Revised Code;	70819 70820 70821
(31) Sales and erection or installation of portable grain bins, as defined in division (B)(5)(b) of section 5739.01 of the Revised Code;	70822 70823 70824
(32) The sale, lease, repair, and maintenance of, parts for, or items attached to or incorporated in, motor vehicles that are primarily used for transporting tangible personal property belonging to others by a person engaged in highway transportation	70825 70826 70827 70828

for hire, except for packages and packaging used for the 70829
transportation of tangible personal property; 70830

(33) Sales to the state headquarters of any veterans' 70831
organization in this state that is either incorporated and issued 70832
a charter by the congress of the United States or is recognized by 70833
the United States veterans administration, for use by the 70834
headquarters; 70835

(34) Sales to a telecommunications service vendor, mobile 70836
telecommunications service vendor, or satellite broadcasting 70837
service vendor of tangible personal property and services used 70838
directly and primarily in transmitting, receiving, switching, or 70839
recording any interactive, one- or two-way electromagnetic 70840
communications, including voice, image, data, and information, 70841
through the use of any medium, including, but not limited to, 70842
poles, wires, cables, switching equipment, computers, and record 70843
storage devices and media, and component parts for the tangible 70844
personal property. The exemption provided in this division shall 70845
be in lieu of all other exemptions under division (B)(42)(a) or 70846
(n) of this section to which the vendor may otherwise be entitled, 70847
based upon the use of the thing purchased in providing the 70848
telecommunications, mobile telecommunications, or satellite 70849
broadcasting service. 70850

(35)(a) Sales where the purpose of the consumer is to use or 70851
consume the things transferred in making retail sales and 70852
consisting of newspaper inserts, catalogues, coupons, flyers, gift 70853
certificates, or other advertising material that prices and 70854
describes tangible personal property offered for retail sale. 70855

(b) Sales to direct marketing vendors of preliminary 70856
materials such as photographs, artwork, and typesetting that will 70857
be used in printing advertising material; and of printed matter 70858
that offers free merchandise or chances to win sweepstake prizes 70859
and that is mailed to potential customers with advertising 70860

material described in division (B)(35)(a) of this section; 70861

(c) Sales of equipment such as telephones, computers, 70862
facsimile machines, and similar tangible personal property 70863
primarily used to accept orders for direct marketing retail sales. 70864

(d) Sales of automatic food vending machines that preserve 70865
food with a shelf life of forty-five days or less by refrigeration 70866
and dispense it to the consumer. 70867

For purposes of division (B)(35) of this section, "direct 70868
marketing" means the method of selling where consumers order 70869
tangible personal property by United States mail, delivery 70870
service, or telecommunication and the vendor delivers or ships the 70871
tangible personal property sold to the consumer from a warehouse, 70872
catalogue distribution center, or similar fulfillment facility by 70873
means of the United States mail, delivery service, or common 70874
carrier. 70875

(36) Sales to a person engaged in the business of 70876
horticulture or producing livestock of materials to be 70877
incorporated into a horticulture structure or livestock structure; 70878

(37) Sales of personal computers, computer monitors, computer 70879
keyboards, modems, and other peripheral computer equipment to an 70880
individual who is licensed or certified to teach in an elementary 70881
or a secondary school in this state for use by that individual in 70882
preparation for teaching elementary or secondary school students; 70883

~~(38) Sales to a professional racing team of any of the 70884
following: 70885~~

~~(a) Motor racing vehicles; 70886~~

~~(b) Repair services for motor racing vehicles; 70887~~

~~(c) Items of property that are attached to or incorporated in 70888
motor racing vehicles, including engines, chassis, and all other 70889
components of the vehicles, and all spare, replacement, and 70890~~

~~rebuilt parts or components of the vehicles; except not including~~ 70891
~~tires, consumable fluids, paint, and accessories consisting of~~ 70892
~~instrumentation sensors and related items added to the vehicle to~~ 70893
~~collect and transmit data by means of telemetry and other forms of~~ 70894
~~communication. Sales of tangible personal property that is not~~ 70895
~~required to be registered or licensed under the laws of this state~~ 70896
~~to a citizen of a foreign nation that is not a citizen of the~~ 70897
~~United States, provided the property is delivered to a person in~~ 70898
~~this state that is not a related member of the purchaser, is~~ 70899
~~physically present in this state for the sole purpose of temporary~~ 70900
~~storage and package consolidation, and is subsequently delivered~~ 70901
~~to the purchaser at a delivery address in a foreign nation. As~~ 70902
~~used in division (B)(38) of this section, "related member" has the~~ 70903
~~same meaning as in section 5733.042 of the Revised Code, and~~ 70904
~~"temporary storage" means the storage of tangible personal~~ 70905
~~property for a period of not more than sixty days.~~ 70906

(39) Sales of used manufactured homes and used mobile homes, 70907
as defined in section 5739.0210 of the Revised Code, made on or 70908
after January 1, 2000; 70909

(40) Sales of tangible personal property and services to a 70910
provider of electricity used or consumed directly and primarily in 70911
generating, transmitting, or distributing electricity for use by 70912
others, including property that is or is to be incorporated into 70913
and will become a part of the consumer's production, transmission, 70914
or distribution system and that retains its classification as 70915
tangible personal property after incorporation; fuel or power used 70916
in the production, transmission, or distribution of electricity; 70917
energy conversion equipment as defined in section 5727.01 of the 70918
Revised Code; and tangible personal property and services used in 70919
the repair and maintenance of the production, transmission, or 70920
distribution system, including only those motor vehicles as are 70921
specially designed and equipped for such use. The exemption 70922

provided in this division shall be in lieu of all other exemptions 70923
in division (B)(42)(a) or (n) of this section to which a provider 70924
of electricity may otherwise be entitled based on the use of the 70925
tangible personal property or service purchased in generating, 70926
transmitting, or distributing electricity. 70927

(41) Sales to a person providing services under division 70928
(B)(3)(r) of section 5739.01 of the Revised Code of tangible 70929
personal property and services used directly and primarily in 70930
providing taxable services under that section. 70931

(42) Sales where the purpose of the purchaser is to do any of 70932
the following: 70933

(a) To incorporate the thing transferred as a material or a 70934
part into tangible personal property to be produced for sale by 70935
manufacturing, assembling, processing, or refining; or to use or 70936
consume the thing transferred directly in producing tangible 70937
personal property for sale by mining, including, without 70938
limitation, the extraction from the earth of all substances that 70939
are classed geologically as minerals, or directly in the rendition 70940
of a public utility service, except that the sales tax levied by 70941
this section shall be collected upon all meals, drinks, and food 70942
for human consumption sold when transporting persons. This 70943
paragraph does not exempt from "retail sale" or "sales at retail" 70944
the sale of tangible personal property that is to be incorporated 70945
into a structure or improvement to real property. 70946

(b) To hold the thing transferred as security for the 70947
performance of an obligation of the vendor; 70948

(c) To resell, hold, use, or consume the thing transferred as 70949
evidence of a contract of insurance; 70950

(d) To use or consume the thing directly in commercial 70951
fishing; 70952

(e) To incorporate the thing transferred as a material or a 70953

part into, or to use or consume the thing transferred directly in 70954
the production of, magazines distributed as controlled circulation 70955
publications; 70956

(f) To use or consume the thing transferred in the production 70957
and preparation in suitable condition for market and sale of 70958
printed, imprinted, overprinted, lithographic, multilithic, 70959
blueprinted, photostatic, or other productions or reproductions of 70960
written or graphic matter; 70961

(g) To use the thing transferred, as described in section 70962
5739.011 of the Revised Code, primarily in a manufacturing 70963
operation to produce tangible personal property for sale; 70964

(h) To use the benefit of a warranty, maintenance or service 70965
contract, or similar agreement, as described in division (B)(7) of 70966
section 5739.01 of the Revised Code, to repair or maintain 70967
tangible personal property, if all of the property that is the 70968
subject of the warranty, contract, or agreement would not be 70969
subject to the tax imposed by this section; 70970

(i) To use the thing transferred as qualified research and 70971
development equipment; 70972

(j) To use or consume the thing transferred primarily in 70973
storing, transporting, mailing, or otherwise handling purchased 70974
sales inventory in a warehouse, distribution center, or similar 70975
facility when the inventory is primarily distributed outside this 70976
state to retail stores of the person who owns or controls the 70977
warehouse, distribution center, or similar facility, to retail 70978
stores of an affiliated group of which that person is a member, or 70979
by means of direct marketing. This division does not apply to 70980
motor vehicles registered for operation on the public highways. As 70981
used in this division, "affiliated group" has the same meaning as 70982
in division (B)(3)(e) of section 5739.01 of the Revised Code and 70983
"direct marketing" has the same meaning as in division (B)(35) of 70984

this section. 70985

(k) To use or consume the thing transferred to fulfill a 70986
contractual obligation incurred by a warrantor pursuant to a 70987
warranty provided as a part of the price of the tangible personal 70988
property sold or by a vendor of a warranty, maintenance or service 70989
contract, or similar agreement the provision of which is defined 70990
as a sale under division (B)(7) of section 5739.01 of the Revised 70991
Code; 70992

(l) To use or consume the thing transferred in the production 70993
of a newspaper for distribution to the public; 70994

(m) To use tangible personal property to perform a service 70995
listed in division (B)(3) of section 5739.01 of the Revised Code, 70996
if the property is or is to be permanently transferred to the 70997
consumer of the service as an integral part of the performance of 70998
the service; 70999

(n) To use or consume the thing transferred primarily in 71000
producing tangible personal property for sale by farming, 71001
agriculture, horticulture, or floriculture. Persons engaged in 71002
rendering farming, agriculture, horticulture, or floriculture 71003
services for others are deemed engaged primarily in farming, 71004
agriculture, horticulture, or floriculture. This paragraph does 71005
not exempt from "retail sale" or "sales at retail" the sale of 71006
tangible personal property that is to be incorporated into a 71007
structure or improvement to real property. 71008

(o) To use or consume the thing transferred in acquiring, 71009
formatting, editing, storing, and disseminating data or 71010
information by electronic publishing; 71011

(p) To provide the thing transferred to the owner or lessee 71012
of a motor vehicle that is being repaired or serviced, if the 71013
thing transferred is a rented motor vehicle and the purchaser is 71014
reimbursed for the cost of the rented motor vehicle by a 71015

manufacturer, warrantor, or provider of a maintenance, service, or 71016
other similar contract or agreement, with respect to the motor 71017
vehicle that is being repaired or serviced; 71018

(q) To use or consume the thing transferred directly in 71019
production of crude oil and natural gas for sale. Persons engaged 71020
in rendering production services for others are deemed engaged in 71021
production. 71022

As used in division (B)(42)(q) of this section, "production" 71023
means operations and tangible personal property directly used to 71024
expose and evaluate an underground reservoir that may contain 71025
hydrocarbon resources, prepare the wellbore for production, and 71026
lift and control all substances yielded by the reservoir to the 71027
surface of the earth. 71028

(i) For the purposes of division (B)(42)(q) of this section, 71029
the "thing transferred" includes, but is not limited to, any of 71030
the following: 71031

(I) Services provided in the construction of permanent access 71032
roads, services provided in the construction of the well site, and 71033
services provided in the construction of temporary impoundments; 71034

(II) Equipment and rigging used for the specific purpose of 71035
creating with integrity a wellbore pathway to underground 71036
reservoirs; 71037

(III) Drilling and workover services used to work within a 71038
subsurface wellbore, and tangible personal property directly used 71039
in providing such services; 71040

(IV) Casing, tubulars, and float and centralizing equipment; 71041

(V) Trailers to which production equipment is attached; 71042

(VI) Well completion services, including cementing of casing, 71043
and tangible personal property directly used in providing such 71044
services; 71045

(VII) Wireline evaluation, mud logging, and perforation services, and tangible personal property directly used in providing such services;	71046 71047 71048
(VIII) Reservoir stimulation, hydraulic fracturing, and acidizing services, and tangible personal property directly used in providing such services, including all material pumped downhole;	71049 71050 71051 71052
(IX) Pressure pumping equipment;	71053
(X) Artificial lift systems equipment;	71054
(XI) Wellhead equipment and well site equipment used to separate, stabilize, and control hydrocarbon phases and produced water;	71055 71056 71057
(XII) Tangible personal property directly used to control production equipment.	71058 71059
(ii) For the purposes of division (B)(42)(q) of this section, the "thing transferred" does not include any of the following:	71060 71061
(I) Tangible personal property used primarily in the exploration and production of any mineral resource regulated under Chapter 1509. of the Revised Code other than oil or gas;	71062 71063 71064
(II) Tangible personal property used primarily in storing, holding, or delivering solutions or chemicals used in well stimulation as defined in section 1509.01 of the Revised Code;	71065 71066 71067
(III) Tangible personal property used primarily in preparing, installing, or reclaiming foundations for drilling or pumping equipment or well stimulation material tanks;	71068 71069 71070
(IV) Tangible personal property used primarily in transporting, delivering, or removing equipment to or from the well site or storing such equipment before its use at the well site;	71071 71072 71073 71074
(V) Tangible personal property used primarily in gathering	71075

operations occurring off the well site, including gathering	71076
pipelines transporting hydrocarbon gas or liquids away from a	71077
crude oil or natural gas production facility;	71078
(VI) Tangible personal property that is to be incorporated	71079
into a structure or improvement to real property;	71080
(VII) Well site fencing, lighting, or security systems;	71081
(VIII) Communication devices or services;	71082
(IX) Office supplies;	71083
(X) Trailers used as offices or lodging;	71084
(XI) Motor vehicles of any kind;	71085
(XII) Tangible personal property used primarily for the	71086
storage of drilling byproducts and fuel not used for production;	71087
(XIII) Tangible personal property used primarily as a safety	71088
device;	71089
(XIV) Data collection or monitoring devices;	71090
(XV) Access ladders, stairs, or platforms attached to storage	71091
tanks.	71092
The enumeration of tangible personal property in division	71093
(B)(42)(q)(ii) of this section is not intended to be exhaustive,	71094
and any tangible personal property not so enumerated shall not	71095
necessarily be construed to be a "thing transferred" for the	71096
purposes of division (B)(42)(q) of this section.	71097
The commissioner shall adopt and promulgate rules under	71098
sections 119.01 to 119.13 of the Revised Code that the	71099
commissioner deems necessary to administer division (B)(42)(q) of	71100
this section.	71101
As used in division (B)(42) of this section, "thing" includes	71102
all transactions included in divisions (B)(3)(a), (b), and (e) of	71103
section 5739.01 of the Revised Code.	71104

(43) Sales conducted through a coin operated device that 71105
activates vacuum equipment or equipment that dispenses water, 71106
whether or not in combination with soap or other cleaning agents 71107
or wax, to the consumer for the consumer's use on the premises in 71108
washing, cleaning, or waxing a motor vehicle, provided no other 71109
personal property or personal service is provided as part of the 71110
transaction. 71111

~~(44) Sales of replacement and modification parts for engines, 71112
airframes, instruments, and interiors in, and paint for, aircraft 71113
used primarily in a fractional aircraft ownership program, and 71114
sales of services for the repair, modification, and maintenance of 71115
such aircraft, and machinery, equipment, and supplies primarily 71116
used to provide those services. 71117~~

~~(45)~~ Sales of telecommunications service that is used 71118
directly and primarily to perform the functions of a call center. 71119
As used in this division, "call center" means any physical 71120
location where telephone calls are placed or received in high 71121
volume for the purpose of making sales, marketing, customer 71122
service, technical support, or other specialized business 71123
activity, and that employs at least fifty individuals that engage 71124
in call center activities on a full-time basis, or sufficient 71125
individuals to fill fifty full-time equivalent positions. 71126

~~(46)~~(45) Sales by a telecommunications service vendor of 900 71127
service to a subscriber. This division does not apply to 71128
information services, as defined in division (FF) of section 71129
5739.01 of the Revised Code. 71130

~~(47)~~(46) Sales of value-added non-voice data service. This 71131
division does not apply to any similar service that is not 71132
otherwise a telecommunications service. 71133

~~(48)~~(47)(a) Sales of machinery, equipment, and software to a 71134
qualified direct selling entity for use in a warehouse or 71135

distribution center primarily for storing, transporting, or 71136
otherwise handling inventory that is held for sale to independent 71137
salespersons who operate as direct sellers and that is held 71138
primarily for distribution outside this state; 71139

(b) As used in division (B)~~(48)~~(47)(a) of this section: 71140

(i) "Direct seller" means a person selling consumer products 71141
to individuals for personal or household use and not from a fixed 71142
retail location, including selling such product at in-home product 71143
demonstrations, parties, and other one-on-one selling. 71144

(ii) "Qualified direct selling entity" means an entity 71145
selling to direct sellers at the time the entity enters into a tax 71146
credit agreement with the tax credit authority pursuant to section 71147
122.17 of the Revised Code, provided that the agreement was 71148
entered into on or after January 1, 2007. Neither contingencies 71149
relevant to the granting of, nor later developments with respect 71150
to, the tax credit shall impair the status of the qualified direct 71151
selling entity under division (B)~~(48)~~(47) of this section after 71152
execution of the tax credit agreement by the tax credit authority. 71153

(c) Division (B)~~(48)~~(47) of this section is limited to 71154
machinery, equipment, and software first stored, used, or consumed 71155
in this state within the period commencing June 24, 2008, and 71156
ending on the date that is five years after that date. 71157

~~(49) Sales of materials, parts, equipment, or engines used in 71158
the repair or maintenance of aircraft or avionics systems of such 71159
aircraft, and sales of repair, remodeling, replacement, or 71160
maintenance services in this state performed on aircraft or on an 71161
aircraft's avionics, engine, or component materials or parts. As 71162
used in division (B)(49) of this section, "aircraft" means 71163
aircraft of more than six thousand pounds maximum certified 71164
takeoff weight or used exclusively in general aviation. 71165~~

~~(50) Sales of full flight simulators that are used for pilot 71166~~

~~or flight crew training, sales of repair or replacement parts or components, and sales of repair or maintenance services for such full flight simulators. "Full flight simulator" means a replica of a specific type, or make, model, and series of aircraft cockpit. It includes the assemblage of equipment and computer programs necessary to represent aircraft operations in ground and flight conditions, a visual system providing an out of the cockpit view, and a system that provides cues at least equivalent to those of a three degree of freedom motion system, and has the full range of capabilities of the systems installed in the device as described in appendices A and B of part 60 of chapter 1 of title 14 of the Code of Federal Regulations.~~

~~(51)(48)~~ Any transfer or lease of tangible personal property between the state and JobsOhio in accordance with section 4313.02 of the Revised Code.

~~(52)(49)~~(a) Sales to a qualifying corporation.

(b) As used in division (B)~~(52)(49)~~ of this section:

(i) "Qualifying corporation" means a nonprofit corporation organized in this state that leases from an eligible county land, buildings, structures, fixtures, and improvements to the land that are part of or used in a public recreational facility used by a major league professional athletic team or a class A to class AAA minor league affiliate of a major league professional athletic team for a significant portion of the team's home schedule, provided the following apply:

(I) The facility is leased from the eligible county pursuant to a lease that requires substantially all of the revenue from the operation of the business or activity conducted by the nonprofit corporation at the facility in excess of operating costs, capital expenditures, and reserves to be paid to the eligible county at least once per calendar year.

(II) Upon dissolution and liquidation of the nonprofit corporation, all of its net assets are distributable to the board of commissioners of the eligible county from which the corporation leases the facility. 71198
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(ii) "Eligible county" has the same meaning as in section 307.695 of the Revised Code. 71202
71203

~~(53)~~(50) Sales to or by a cable service provider, video service provider, or radio or television broadcast station regulated by the federal government of cable service or programming, video service or programming, audio service or programming, or electronically transferred digital audiovisual or audio work. As used in division (B)~~(53)~~(50) of this section, "cable service" and "cable service provider" have the same meanings as in section 1332.01 of the Revised Code, and "video service," "video service provider," and "video programming" have the same meanings as in section 1332.21 of the Revised Code. 71204
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~~(54) Sales of investment metal bullion and investment coins. "Investment metal bullion" means any bullion described in section 408(m)(3)(B) of the Internal Revenue Code, regardless of whether that bullion is in the physical possession of a trustee. "Investment coin" means any coin composed primarily of gold, silver, platinum, or palladium.~~ 71214
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~~(55)~~(51) Sales of a digital audio work electronically transferred for delivery through use of a machine, such as a juke box, that does all of the following: 71220
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(a) Accepts direct payments to operate; 71223

(b) Automatically plays a selected digital audio work for a single play upon receipt of a payment described in division (B)~~(55)~~(51)(a) of this section; 71224
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(c) Operates exclusively for the purpose of playing digital audio works in a commercial establishment. 71227
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~~(56)~~(52)(a) Sales of the following occurring on the first 71229
Friday of August and the following Saturday and Sunday of each 71230
year, beginning in 2018: 71231

(i) An item of clothing, the price of which is seventy-five 71232
dollars or less; 71233

(ii) An item of school supplies, the price of which is twenty 71234
dollars or less; 71235

(iii) An item of school instructional material, the price of 71236
which is twenty dollars or less. 71237

(b) As used in division (B)~~(56)~~(52) of this section: 71238

(i) "Clothing" means all human wearing apparel suitable for 71239
general use. "Clothing" includes, but is not limited to, aprons, 71240
household and shop; athletic supporters; baby receiving blankets; 71241
bathing suits and caps; beach capes and coats; belts and 71242
suspenders; boots; coats and jackets; costumes; diapers, children 71243
and adult, including disposable diapers; earmuffs; footlets; 71244
formal wear; garters and garter belts; girdles; gloves and mittens 71245
for general use; hats and caps; hosiery; insoles for shoes; lab 71246
coats; neckties; overshoes; pantyhose; rainwear; rubber pants; 71247
sandals; scarves; shoes and shoe laces; slippers; sneakers; socks 71248
and stockings; steel-toed shoes; underwear; uniforms, athletic and 71249
nonathletic; and wedding apparel. "Clothing" does not include 71250
items purchased for use in a trade or business; clothing 71251
accessories or equipment; protective equipment; sports or 71252
recreational equipment; belt buckles sold separately; costume 71253
masks sold separately; patches and emblems sold separately; sewing 71254
equipment and supplies including, but not limited to, knitting 71255
needles, patterns, pins, scissors, sewing machines, sewing 71256
needles, tape measures, and thimbles; and sewing materials that 71257
become part of "clothing" including, but not limited to, buttons, 71258
fabric, lace, thread, yarn, and zippers. 71259

(ii) "School supplies" means items commonly used by a student 71260
in a course of study. "School supplies" includes only the 71261
following items: binders; book bags; calculators; cellophane tape; 71262
blackboard chalk; compasses; composition books; crayons; erasers; 71263
folders, expandable, pocket, plastic, and manila; glue, paste, and 71264
paste sticks; highlighters; index cards; index card boxes; legal 71265
pads; lunch boxes; markers; notebooks; paper, loose-leaf ruled 71266
notebook paper, copy paper, graph paper, tracing paper, manila 71267
paper, colored paper, poster board, and construction paper; pencil 71268
boxes and other school supply boxes; pencil sharpeners; pencils; 71269
pens; protractors; rulers; scissors; and writing tablets. "School 71270
supplies" does not include any item purchased for use in a trade 71271
or business. 71272

(iii) "School instructional material" means written material 71273
commonly used by a student in a course of study as a reference and 71274
to learn the subject being taught. "School instructional material" 71275
includes only the following items: reference books, reference maps 71276
and globes, textbooks, and workbooks. "School instructional 71277
material" does not include any material purchased for use in a 71278
trade or business. 71279

~~(57) Sales of tangible personal property that is not required 71280
to be registered or licensed under the laws of this state to a 71281
citizen of a foreign nation that is not a citizen of the United 71282
States, provided the property is delivered to a person in this 71283
state that is not a related member of the purchaser, is physically 71284
present in this state for the sole purpose of temporary storage 71285
and package consolidation, and is subsequently delivered to the 71286
purchaser at a delivery address in a foreign nation. As used in 71287
division (B)(56) of this section, "related member" has the same 71288
meaning as in section 5733.042 of the Revised Code, and "temporary 71289
storage" means the storage of tangible personal property for a 71290
period of not more than sixty days. 71291~~

(C) For the purpose of the proper administration of this chapter, and to prevent the evasion of the tax, it is presumed that all sales made in this state are subject to the tax until the contrary is established.

(D) The levy of this tax on retail sales of recreation and sports club service shall not prevent a municipal corporation from levying any tax on recreation and sports club dues or on any income generated by recreation and sports club dues.

(E) The tax collected by the vendor from the consumer under this chapter is not part of the price, but is a tax collection for the benefit of the state, and of counties levying an additional sales tax pursuant to section 5739.021 or 5739.026 of the Revised Code and of transit authorities levying an additional sales tax pursuant to section 5739.023 of the Revised Code. Except for the discount authorized under section 5739.12 of the Revised Code and the effects of any rounding pursuant to section 5703.055 of the Revised Code, no person other than the state or such a county or transit authority shall derive any benefit from the collection or payment of the tax levied by this section or section 5739.021, 5739.023, or 5739.026 of the Revised Code.

Sec. 5739.021. (A) For the purpose of providing additional general revenues for the county, supporting criminal and administrative justice services in the county, funding a regional transportation improvement project under section 5595.06 of the Revised Code, or any combination of the foregoing, and to pay the expenses of administering such levy, any county may levy a tax at the rate of not more than one per cent upon every retail sale made in the county, except sales of watercraft and outboard motors required to be titled pursuant to Chapter 1548. of the Revised Code and sales of motor vehicles, and may increase the rate of an existing tax to not more than one per cent. The rate of any tax

levied pursuant to this section shall be a multiple of ~~one-fourth~~ 71323
~~or one-tenth~~ one-twentieth of one per cent. 71324

The tax shall be levied and the rate increased pursuant to a 71325
resolution of the board of county commissioners. The resolution 71326
shall state the purpose for which the tax is to be levied and the 71327
number of years for which the tax is to be levied, or that it is 71328
for a continuing period of time. If the tax is to be levied for 71329
the purpose of providing additional general revenues and for the 71330
purpose of supporting criminal and administrative justice 71331
services, the resolution shall state the rate or amount of the tax 71332
to be apportioned to each such purpose. The rate or amount may be 71333
different for each year the tax is to be levied, but the rates or 71334
amounts actually apportioned each year shall not be different from 71335
that stated in the resolution for that year. If the resolution is 71336
adopted as an emergency measure necessary for the immediate 71337
preservation of the public peace, health, or safety, it must 71338
receive an affirmative vote of all of the members of the board of 71339
county commissioners and shall state the reasons for such 71340
necessity. The board shall deliver a certified copy of the 71341
resolution to the tax commissioner, not later than the sixty-fifth 71342
day prior to the date on which the tax is to become effective, 71343
which shall be the first day of the calendar quarter. 71344

Prior to the adoption of any resolution under this section, 71345
the board of county commissioners shall conduct two public 71346
hearings on the resolution, the second hearing to be not less than 71347
three nor more than ten days after the first. Notice of the date, 71348
time, and place of the hearings shall be given by publication in a 71349
newspaper of general circulation in the county, or as provided in 71350
section 7.16 of the Revised Code, once a week on the same day of 71351
the week for two consecutive weeks, the second publication being 71352
not less than ten nor more than thirty days prior to the first 71353
hearing. 71354

Except as provided in division (B)(3) of this section, the resolution shall be subject to a referendum as provided in sections 305.31 to 305.41 of the Revised Code.

If a petition for a referendum is filed, the county auditor with whom the petition was filed shall, within five days, notify the board of county commissioners and the tax commissioner of the filing of the petition by certified mail. If the board of elections with which the petition was filed declares the petition invalid, the board of elections, within five days, shall notify the board of county commissioners and the tax commissioner of that declaration by certified mail. If the petition is declared to be invalid, the effective date of the tax or increased rate of tax levied by this section shall be the first day of a calendar quarter following the expiration of sixty-five days from the date the commissioner receives notice from the board of elections that the petition is invalid.

(B)(1) A resolution that is not adopted as an emergency measure may direct the board of elections to submit the question of levying the tax or increasing the rate of tax to the electors of the county at a special election held on the date specified by the board of county commissioners in the resolution, provided that the election occurs not less than ninety days after a certified copy of such resolution is transmitted to the board of elections and the election is not held in February or August of any year. Upon transmission of the resolution to the board of elections, the board of county commissioners shall notify the tax commissioner in writing of the levy question to be submitted to the electors. No resolution adopted under this division shall go into effect unless approved by a majority of those voting upon it, and, except as provided in division (B)(3) of this section, shall become effective on the first day of a calendar quarter following the expiration of sixty-five days from the date the tax commissioner

receives notice from the board of elections of the affirmative 71387
vote. 71388

(2) A resolution that is adopted as an emergency measure 71389
shall go into effect as provided in division (A) of this section, 71390
but may direct the board of elections to submit the question of 71391
repealing the tax or increase in the rate of the tax to the 71392
electors of the county at the next general election in the county 71393
occurring not less than ninety days after a certified copy of the 71394
resolution is transmitted to the board of elections. Upon 71395
transmission of the resolution to the board of elections, the 71396
board of county commissioners shall notify the tax commissioner in 71397
writing of the levy question to be submitted to the electors. The 71398
ballot question shall be the same as that prescribed in section 71399
5739.022 of the Revised Code. The board of elections shall notify 71400
the board of county commissioners and the tax commissioner of the 71401
result of the election immediately after the result has been 71402
declared. If a majority of the qualified electors voting on the 71403
question of repealing the tax or increase in the rate of the tax 71404
vote for repeal of the tax or repeal of the increase, the board of 71405
county commissioners, on the first day of a calendar quarter 71406
following the expiration of sixty-five days after the date the 71407
board and tax commissioner receive notice of the result of the 71408
election, shall, in the case of a repeal of the tax, cease to levy 71409
the tax, or, in the case of a repeal of an increase in the rate of 71410
the tax, cease to levy the increased rate and levy the tax at the 71411
rate at which it was imposed immediately prior to the increase in 71412
rate. 71413

(3) If a vendor makes a sale in this state by printed catalog 71414
and the consumer computed the tax on the sale based on local rates 71415
published in the catalog, any tax levied or repealed or rate 71416
changed under this section shall not apply to such a sale until 71417
the first day of a calendar quarter following the expiration of 71418

one hundred twenty days from the date of notice by the tax commissioner pursuant to division (H) of this section.

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(C) If a resolution is rejected at a referendum or if a resolution adopted after January 1, 1982, as an emergency measure is repealed by the electors pursuant to division (B)(2) of this section or section 5739.022 of the Revised Code, then for one year after the date of the election at which the resolution was rejected or repealed the board of county commissioners may not adopt any resolution authorized by this section as an emergency measure.

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(D) The board of county commissioners, at any time while a tax levied under this section is in effect, may by resolution reduce the rate at which the tax is levied to a lower rate authorized by this section. Any reduction in the rate at which the tax is levied shall be made effective on the first day of a calendar quarter next following the sixty-fifth day after a certified copy of the resolution is delivered to the tax commissioner.

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(E) The tax on every retail sale subject to a tax levied pursuant to this section shall be in addition to the tax levied by section 5739.02 of the Revised Code and any tax levied pursuant to section 5739.023 or 5739.026 of the Revised Code.

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A county that levies a tax pursuant to this section shall levy a tax at the same rate pursuant to section 5741.021 of the Revised Code.

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The additional tax levied by the county shall be collected pursuant to section 5739.025 of the Revised Code. If the additional tax or some portion thereof is levied for the purpose of criminal and administrative justice services, the revenue from the tax, or the amount or rate apportioned to that purpose, shall be credited to a special fund created in the county treasury for

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receipt of that revenue. 71450

Any tax levied pursuant to this section is subject to the 71451
exemptions provided in section 5739.02 of the Revised Code and in 71452
addition shall not be applicable to sales not within the taxing 71453
power of a county under the Constitution of the United States or 71454
the Ohio Constitution. 71455

(F) For purposes of this section, a copy of a resolution is 71456
"certified" when it contains a written statement attesting that 71457
the copy is a true and exact reproduction of the original 71458
resolution. 71459

(G) If a board of commissioners intends to adopt a resolution 71460
to levy a tax in whole or in part for the purpose of criminal and 71461
administrative justice services, the board shall prepare and make 71462
available at the first public hearing at which the resolution is 71463
considered a statement containing the following information: 71464

(1) For each of the two preceding fiscal years, the amount of 71465
expenditures made by the county from the county general fund for 71466
the purpose of criminal and administrative justice services; 71467

(2) For the fiscal year in which the resolution is adopted, 71468
the board's estimate of the amount of expenditures to be made by 71469
the county from the county general fund for the purpose of 71470
criminal and administrative justice services; 71471

(3) For each of the two fiscal years after the fiscal year in 71472
which the resolution is adopted, the board's preliminary plan for 71473
expenditures to be made from the county general fund for the 71474
purpose of criminal and administrative justice services, both 71475
under the assumption that the tax will be imposed for that purpose 71476
and under the assumption that the tax would not be imposed for 71477
that purpose, and for expenditures to be made from the special 71478
fund created under division (E) of this section under the 71479
assumption that the tax will be imposed for that purpose. 71480

The board shall prepare the statement and the preliminary 71481
plan using the best information available to the board at the time 71482
the statement is prepared. Neither the statement nor the 71483
preliminary plan shall be used as a basis to challenge the 71484
validity of the tax in any court of competent jurisdiction, nor 71485
shall the statement or preliminary plan limit the authority of the 71486
board to appropriate, pursuant to section 5705.38 of the Revised 71487
Code, an amount different from that specified in the preliminary 71488
plan. 71489

(H) Upon receipt from a board of county commissioners of a 71490
certified copy of a resolution required by division (A) or (D) of 71491
this section, or from the board of elections of a notice of the 71492
results of an election required by division (A) or (B)(1) or (2) 71493
of this section, the tax commissioner shall provide notice of a 71494
tax rate change in a manner that is reasonably accessible to all 71495
affected vendors. The commissioner shall provide this notice at 71496
least sixty days prior to the effective date of the rate change. 71497
The commissioner, by rule, may establish the method by which 71498
notice will be provided. 71499

(I) As used in this section, "criminal and administrative 71500
justice services" means the exercise by the county sheriff of all 71501
powers and duties vested in that office by law; the exercise by 71502
the county prosecuting attorney of all powers and duties vested in 71503
that office by law; the exercise by any court in the county of all 71504
powers and duties vested in that court; the exercise by the clerk 71505
of the court of common pleas, any clerk of a municipal court 71506
having jurisdiction throughout the county, or the clerk of any 71507
county court of all powers and duties vested in the clerk by law 71508
except, in the case of the clerk of the court of common pleas, the 71509
titling of motor vehicles or watercraft pursuant to Chapter 1548. 71510
or 4505. of the Revised Code; the exercise by the county coroner 71511
of all powers and duties vested in that office by law; making 71512

payments to any other public agency or a private, nonprofit 71513
agency, the purposes of which in the county include the diversion, 71514
adjudication, detention, or rehabilitation of criminals or 71515
juvenile offenders; the operation and maintenance of any detention 71516
facility, as defined in section 2921.01 of the Revised Code; and 71517
the construction, acquisition, equipping, or repair of such a 71518
detention facility, including the payment of any debt charges 71519
incurred in the issuance of securities pursuant to Chapter 133. of 71520
the Revised Code for the purpose of constructing, acquiring, 71521
equipping, or repairing such a facility. 71522

Sec. 5739.023. (A)(1) For the purpose of providing additional 71523
general revenues for a transit authority or funding a regional 71524
transportation improvement project under section 5595.06 of the 71525
Revised Code, or both, and to pay the expenses of administering 71526
such levy, any transit authority as defined in division (U) of 71527
section 5739.01 of the Revised Code may levy a tax upon every 71528
retail sale made in the territory of the transit authority, except 71529
sales of watercraft and outboard motors required to be titled 71530
pursuant to Chapter 1548. of the Revised Code and sales of motor 71531
vehicles, at a rate of not more than one and one-half per cent and 71532
may increase the rate of an existing tax to not more than one and 71533
one-half per cent. The rate of any tax levied pursuant to this 71534
section shall be a multiple of ~~one-fourth or one-tenth~~ 71535
one-twentieth of one per cent. The tax shall be levied and the 71536
rate increased pursuant to a resolution of the legislative 71537
authority of the transit authority and a certified copy of the 71538
resolution shall be delivered by the fiscal officer to the board 71539
of elections as provided in section 3505.071 of the Revised Code 71540
and to the tax commissioner. The resolution shall specify the 71541
number of years for which the tax is to be in effect or that the 71542
tax is for a continuing period of time, and the date of the 71543
election on the question of the tax pursuant to section 306.70 of 71544

the Revised Code. The board of elections shall certify the results of the election to the transit authority and tax commissioner.

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(2) Except as provided in division (C) of this section, the tax levied by the resolution shall become effective on the first day of a calendar quarter next following the sixty-fifth day following the date the tax commissioner receives from the board of elections the certification of the results of the election on the question of the tax.

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(B) The legislative authority may, at any time while the tax is in effect, by resolution fix the rate of the tax at any rate authorized by this section and not in excess of that approved by the voters pursuant to section 306.70 of the Revised Code. Except as provided in division (C) of this section, any change in the rate of the tax shall be made effective on the first day of a calendar quarter next following the sixty-fifth day following the date the tax commissioner receives the certification of the resolution; provided, that in any case where bonds, or notes in anticipation of bonds, of a regional transit authority have been issued under section 306.40 of the Revised Code without a vote of the electors while the tax proposed to be reduced was in effect, the board of trustees of the regional transit authority shall continue to levy and collect under authority of the original election authorizing the tax a rate of tax that the board of trustees reasonably estimates will produce an amount in that year equal to the amount of principal of and interest on those bonds as is payable in that year.

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(C) Upon receipt from the board of elections of the certification of the results of the election required by division (A) of this section, or from the legislative authority of the certification of a resolution under division (B) of this section,

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the tax commissioner shall provide notice of a tax rate change in 71576
a manner that is reasonably accessible to all affected vendors. 71577
The commissioner shall provide this notice at least sixty days 71578
prior to the effective date of the rate change. The commissioner, 71579
by rule, may establish the method by which notice will be 71580
provided. 71581

(D) If a vendor makes a sale in this state by printed catalog 71582
and the consumer computed the tax on the sale based on local rates 71583
published in the catalog, any tax levied or rate changed under 71584
this section shall not apply to such a sale until the first day of 71585
a calendar quarter following the expiration of one hundred twenty 71586
days from the date of notice by the tax commissioner pursuant to 71587
division (C) of this section. 71588

(E) The tax on every retail sale subject to a tax levied 71589
pursuant to this section is in addition to the tax levied by 71590
section 5739.02 of the Revised Code and any tax levied pursuant to 71591
section 5739.021 or 5739.026 of the Revised Code. 71592

(F) The additional tax levied by the transit authority shall 71593
be collected pursuant to section 5739.025 of the Revised Code. 71594

(G) Any tax levied pursuant to this section is subject to the 71595
exemptions provided in section 5739.02 of the Revised Code and in 71596
addition shall not be applicable to sales not within the taxing 71597
power of a transit authority under the constitution of the United 71598
States or the constitution of this state. 71599

(H) The rate of a tax levied under this section is subject to 71600
reduction under section 5739.028 of the Revised Code, if a ballot 71601
question is approved by voters pursuant to that section. 71602

Sec. 5739.025. (A) A vendor shall compute the tax on each 71603
sale by multiplying the price by the aggregate rate of taxes in 71604
effect under sections 5739.02 and 5741.02, and sections 5739.021, 71605

5739.023, 5739.026, 5741.021, 5741.022, and 5741.023 of the Revised Code. The computation shall be carried out to three decimal places. If the result is a fractional amount of a cent, the calculated tax shall be rounded to a whole cent using a method that rounds up to the next cent whenever the third decimal place is greater than four. A vendor may elect to compute the tax due on a transaction on an item or an invoice basis.

(B) In auditing a vendor, the tax commissioner shall consider the method prescribed by this section that was used by the vendor in determining and collecting the tax due under this chapter on taxable transactions. If the vendor correctly collects and remits the tax due under this chapter in accordance with the computation prescribed in division (A) of this section, the commissioner shall not assess any additional tax on those transactions.

~~(C)(1) With respect to a sale of a fractional ownership program aircraft used primarily in a fractional aircraft ownership program, including all accessories attached to such aircraft, the tax shall be calculated pursuant to division (A) of this section, provided that the tax commissioner shall modify those calculations so that the maximum tax on each program aircraft is eight hundred dollars. In the case of a sale of a fractional interest that is less than one hundred per cent of the program aircraft, the tax charged on the transaction shall be eight hundred dollars multiplied by a fraction, the numerator of which is the percentage of ownership or possession in the aircraft being purchased in the transaction, and the denominator of which is one hundred per cent.~~

~~(2) Notwithstanding any other provision of law to the contrary, the tax calculated under division (C)(1) of this section and paid with respect to the sale of a fractional ownership program aircraft used primarily in a fractional aircraft ownership program shall be credited to the general revenue fund.~~

Sec. 5739.026. (A) A board of county commissioners may levy a 71637
tax on every retail sale in the county, except sales of watercraft 71638
and outboard motors required to be titled pursuant to Chapter 71639
1548. of the Revised Code and sales of motor vehicles, at a rate 71640
of not more than one-half of one per cent and may increase the 71641
rate of an existing tax to not more than one-half of one per cent 71642
to pay the expenses of administering the tax and, except as 71643
provided in division (A)(6) of this section, for any one or more 71644
of the following purposes provided that the aggregate levy for all 71645
such purposes does not exceed one-half of one per cent: 71646

(1) To provide additional revenues for the payment of bonds 71647
or notes issued in anticipation of bonds issued by a convention 71648
facilities authority established by the board of county 71649
commissioners under Chapter 351. of the Revised Code and to 71650
provide additional operating revenues for the convention 71651
facilities authority; 71652

(2) To provide additional revenues for a transit authority 71653
operating in the county; 71654

(3) To provide additional revenue for the county's general 71655
fund; 71656

(4) To provide additional revenue for permanent improvements 71657
to be distributed by the community improvements board in 71658
accordance with section 307.283 and to pay principal, interest, 71659
and premium on bonds issued under section 307.284 of the Revised 71660
Code; 71661

(5) To provide additional revenue for the acquisition, 71662
construction, equipping, or repair of any specific permanent 71663
improvement or any class or group of permanent improvements, which 71664
improvement or class or group of improvements shall be enumerated 71665
in the resolution required by division (D) of this section, and to 71666
pay principal, interest, premium, and other costs associated with 71667

the issuance of bonds or notes in anticipation of bonds issued 71668
pursuant to Chapter 133. of the Revised Code for the acquisition, 71669
construction, equipping, or repair of the specific permanent 71670
improvement or class or group of permanent improvements; 71671

(6) To provide revenue for the implementation and operation 71672
of a 9-1-1 system in the county. If the tax is levied or the rate 71673
increased exclusively for such purpose, the tax shall not be 71674
levied or the rate increased for more than five years. At the end 71675
of the last year the tax is levied or the rate increased, any 71676
balance remaining in the special fund established for such purpose 71677
shall remain in that fund and be used exclusively for such purpose 71678
until the fund is completely expended, and, notwithstanding 71679
section 5705.16 of the Revised Code, the board of county 71680
commissioners shall not petition for the transfer of money from 71681
such special fund, and the tax commissioner shall not approve such 71682
a petition. 71683

If the tax is levied or the rate increased for such purpose 71684
for more than five years, the board of county commissioners also 71685
shall levy the tax or increase the rate of the tax for one or more 71686
of the purposes described in divisions (A)(1) to (5) of this 71687
section and shall prescribe the method for allocating the revenues 71688
from the tax each year in the manner required by division (C) of 71689
this section. 71690

(7) To provide additional revenue for the operation or 71691
maintenance of a detention facility, as that term is defined under 71692
division (F) of section 2921.01 of the Revised Code; 71693

(8) To provide revenue to finance the construction or 71694
renovation of a sports facility, but only if the tax is levied for 71695
that purpose in the manner prescribed by section 5739.028 of the 71696
Revised Code. 71697

As used in division (A)(8) of this section: 71698

(a) "Sports facility" means a facility intended to house major league professional athletic teams. 71699
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(b) "Constructing" or "construction" includes providing fixtures, furnishings, and equipment. 71701
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(9) To provide additional revenue for the acquisition of agricultural easements, as defined in section 5301.67 of the Revised Code; to pay principal, interest, and premium on bonds issued under section 133.60 of the Revised Code; and for the supervision and enforcement of agricultural easements held by the county; 71703
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(10) To provide revenue for the provision of ambulance, paramedic, or other emergency medical services; 71709
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(11) To provide revenue for the operation of a lake facilities authority and the remediation of an impacted watershed by a lake facilities authority, as provided in Chapter 353. of the Revised Code; 71711
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(12) To provide additional revenue for a regional transportation improvement project under section 5595.06 of the Revised Code. 71715
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Pursuant to section 755.171 of the Revised Code, a board of county commissioners may pledge and contribute revenue from a tax levied for the purpose of division (A)(5) of this section to the payment of debt charges on bonds issued under section 755.17 of the Revised Code. 71718
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The rate of tax shall be a multiple of ~~one-fourth or one-tenth~~ one-twentieth of one per cent, unless a portion of the rate of an existing tax levied under section 5739.023 of the Revised Code has been reduced, and the rate of tax levied under this section has been increased, pursuant to section 5739.028 of the Revised Code, in which case the aggregate of the rates of tax levied under this section and section 5739.023 of the Revised Code 71723
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shall be a multiple of ~~one fourth or one tenth~~ one-twentieth of 71730
one per cent. 71731

The tax shall be levied and the rate increased pursuant to a 71732
resolution adopted by a majority of the members of the board. The 71733
board shall deliver a certified copy of the resolution to the tax 71734
commissioner, not later than the sixty-fifth day prior to the date 71735
on which the tax is to become effective, which shall be the first 71736
day of a calendar quarter. 71737

Prior to the adoption of any resolution to levy the tax or to 71738
increase the rate of tax exclusively for the purpose set forth in 71739
division (A)(3) of this section, the board of county commissioners 71740
shall conduct two public hearings on the resolution, the second 71741
hearing to be no fewer than three nor more than ten days after the 71742
first. Notice of the date, time, and place of the hearings shall 71743
be given by publication in a newspaper of general circulation in 71744
the county, or as provided in section 7.16 of the Revised Code, 71745
once a week on the same day of the week for two consecutive weeks. 71746
The second publication shall be no fewer than ten nor more than 71747
thirty days prior to the first hearing. Except as provided in 71748
division (E) of this section, the resolution shall be subject to a 71749
referendum as provided in sections 305.31 to 305.41 of the Revised 71750
Code. If the resolution is adopted as an emergency measure 71751
necessary for the immediate preservation of the public peace, 71752
health, or safety, it must receive an affirmative vote of all of 71753
the members of the board of county commissioners and shall state 71754
the reasons for the necessity. 71755

If the tax is for more than one of the purposes set forth in 71756
divisions (A)(1) to (7), (9), (10), and (12) of this section, or 71757
is exclusively for one of the purposes set forth in division 71758
(A)(1), (2), (4), (5), (6), (7), (9), (10), or (12) of this 71759
section, the resolution shall not go into effect unless it is 71760
approved by a majority of the electors voting on the question of 71761

the tax. 71762

(B) The board of county commissioners shall adopt a 71763
resolution under section 351.02 of the Revised Code creating the 71764
convention facilities authority, or under section 307.283 of the 71765
Revised Code creating the community improvements board, before 71766
adopting a resolution levying a tax for the purpose of a 71767
convention facilities authority under division (A)(1) of this 71768
section or for the purpose of a community improvements board under 71769
division (A)(4) of this section. 71770

(C)(1) If the tax is to be used for more than one of the 71771
purposes set forth in divisions (A)(1) to (7), (9), (10), and (12) 71772
of this section, the board of county commissioners shall establish 71773
the method that will be used to determine the amount or proportion 71774
of the tax revenue received by the county during each year that 71775
will be distributed for each of those purposes, including, if 71776
applicable, provisions governing the reallocation of a convention 71777
facilities authority's allocation if the authority is dissolved 71778
while the tax is in effect. The allocation method may provide that 71779
different proportions or amounts of the tax shall be distributed 71780
among the purposes in different years, but it shall clearly 71781
describe the method that will be used for each year. Except as 71782
otherwise provided in division (C)(2) of this section, the 71783
allocation method established by the board is not subject to 71784
amendment during the life of the tax. 71785

(2) Subsequent to holding a public hearing on the proposed 71786
amendment, the board of county commissioners may amend the 71787
allocation method established under division (C)(1) of this 71788
section for any year, if the amendment is approved by the 71789
governing board of each entity whose allocation for the year would 71790
be reduced by the proposed amendment. In the case of a tax that is 71791
levied for a continuing period of time, the board may not so amend 71792
the allocation method for any year before the sixth year that the 71793

tax is in effect. 71794

(a) If the additional revenues provided to the convention 71795
facilities authority are pledged by the authority for the payment 71796
of convention facilities authority revenue bonds for as long as 71797
such bonds are outstanding, no reduction of the authority's 71798
allocation of the tax shall be made for any year except to the 71799
extent that the reduced authority allocation, when combined with 71800
the authority's other revenues pledged for that purpose, is 71801
sufficient to meet the debt service requirements for that year on 71802
such bonds. 71803

(b) If the additional revenues provided to the county are 71804
pledged by the county for the payment of bonds or notes described 71805
in division (A)(4) or (5) of this section, for as long as such 71806
bonds or notes are outstanding, no reduction of the county's or 71807
the community improvements board's allocation of the tax shall be 71808
made for any year, except to the extent that the reduced county or 71809
community improvements board allocation is sufficient to meet the 71810
debt service requirements for that year on such bonds or notes. 71811

(c) If the additional revenues provided to the transit 71812
authority are pledged by the authority for the payment of revenue 71813
bonds issued under section 306.37 of the Revised Code, for as long 71814
as such bonds are outstanding, no reduction of the authority's 71815
allocation of tax shall be made for any year, except to the extent 71816
that the authority's reduced allocation, when combined with the 71817
authority's other revenues pledged for that purpose, is sufficient 71818
to meet the debt service requirements for that year on such bonds. 71819

(d) If the additional revenues provided to the county are 71820
pledged by the county for the payment of bonds or notes issued 71821
under section 133.60 of the Revised Code, for so long as the bonds 71822
or notes are outstanding, no reduction of the county's allocation 71823
of the tax shall be made for any year, except to the extent that 71824
the reduced county allocation is sufficient to meet the debt 71825

service requirements for that year on the bonds or notes. 71826

(D)(1) The resolution levying the tax or increasing the rate 71827
of tax shall state the rate of the tax or the rate of the 71828
increase; the purpose or purposes for which it is to be levied; 71829
the number of years for which it is to be levied or that it is for 71830
a continuing period of time; the allocation method required by 71831
division (C) of this section; and if required to be submitted to 71832
the electors of the county under division (A) of this section, the 71833
date of the election at which the proposal shall be submitted to 71834
the electors of the county, which shall be not less than ninety 71835
days after the certification of a copy of the resolution to the 71836
board of elections and, if the tax is to be levied exclusively for 71837
the purpose set forth in division (A)(3) of this section, shall 71838
not occur in August of any year. Upon certification of the 71839
resolution to the board of elections, the board of county 71840
commissioners shall notify the tax commissioner in writing of the 71841
levy question to be submitted to the electors. If approved by a 71842
majority of the electors, the tax shall become effective on the 71843
first day of a calendar quarter next following the sixty-fifth day 71844
following the date the board of county commissioners and tax 71845
commissioner receive from the board of elections the certification 71846
of the results of the election, except as provided in division (E) 71847
of this section. 71848

(2)(a) A resolution specifying that the tax is to be used 71849
exclusively for the purpose set forth in division (A)(3) of this 71850
section that is not adopted as an emergency measure may direct the 71851
board of elections to submit the question of levying the tax or 71852
increasing the rate of the tax to the electors of the county at a 71853
special election held on the date specified by the board of county 71854
commissioners in the resolution, provided that the election occurs 71855
not less than ninety days after the resolution is certified to the 71856
board of elections and the election is not held in August of any 71857

year. Upon certification of the resolution to the board of 71858
elections, the board of county commissioners shall notify the tax 71859
commissioner in writing of the levy question to be submitted to 71860
the electors. No resolution adopted under division (D)(2)(a) of 71861
this section shall go into effect unless approved by a majority of 71862
those voting upon it and, except as provided in division (E) of 71863
this section, not until the first day of a calendar quarter 71864
following the expiration of sixty-five days from the date the tax 71865
commissioner receives notice from the board of elections of the 71866
affirmative vote. 71867

(b) A resolution specifying that the tax is to be used 71868
exclusively for the purpose set forth in division (A)(3) of this 71869
section that is adopted as an emergency measure shall become 71870
effective as provided in division (A) of this section, but may 71871
direct the board of elections to submit the question of repealing 71872
the tax or increase in the rate of the tax to the electors of the 71873
county at the next general election in the county occurring not 71874
less than ninety days after the resolution is certified to the 71875
board of elections. Upon certification of the resolution to the 71876
board of elections, the board of county commissioners shall notify 71877
the tax commissioner in writing of the levy question to be 71878
submitted to the electors. The ballot question shall be the same 71879
as that prescribed in section 5739.022 of the Revised Code. The 71880
board of elections shall notify the board of county commissioners 71881
and the tax commissioner of the result of the election immediately 71882
after the result has been declared. If a majority of the qualified 71883
electors voting on the question of repealing the tax or increase 71884
in the rate of the tax vote for repeal of the tax or repeal of the 71885
increase, the board of county commissioners, on the first day of a 71886
calendar quarter following the expiration of sixty-five days after 71887
the date the board and tax commissioner received notice of the 71888
result of the election, shall, in the case of a repeal of the tax, 71889
cease to levy the tax, or, in the case of a repeal of an increase 71890

in the rate of the tax, cease to levy the increased rate and levy 71891
the tax at the rate at which it was imposed immediately prior to 71892
the increase in rate. 71893

(c) A board of county commissioners, by resolution, may 71894
reduce the rate of a tax levied exclusively for the purpose set 71895
forth in division (A)(3) of this section to a lower rate 71896
authorized by this section. Any such reduction shall be made 71897
effective on the first day of the calendar quarter next following 71898
the sixty-fifth day after the tax commissioner receives a 71899
certified copy of the resolution from the board. 71900

(E) If a vendor makes a sale in this state by printed catalog 71901
and the consumer computed the tax on the sale based on local rates 71902
published in the catalog, any tax levied or repealed or rate 71903
changed under this section shall not apply to such a sale until 71904
the first day of a calendar quarter following the expiration of 71905
one hundred twenty days from the date of notice by the tax 71906
commissioner pursuant to division (G) of this section. 71907

(F) The tax levied pursuant to this section shall be in 71908
addition to the tax levied by section 5739.02 of the Revised Code 71909
and any tax levied pursuant to section 5739.021 or 5739.023 of the 71910
Revised Code. 71911

A county that levies a tax pursuant to this section shall 71912
levy a tax at the same rate pursuant to section 5741.023 of the 71913
Revised Code. 71914

The additional tax levied by the county shall be collected 71915
pursuant to section 5739.025 of the Revised Code. 71916

Any tax levied pursuant to this section is subject to the 71917
exemptions provided in section 5739.02 of the Revised Code and in 71918
addition shall not be applicable to sales not within the taxing 71919
power of a county under the Constitution of the United States or 71920
the Ohio Constitution. 71921

(G) Upon receipt from a board of county commissioners of a certified copy of a resolution required by division (A) of this section, or from the board of elections a notice of the results of an election required by division (D)(1), (2)(a), (b), or (c) of this section, the tax commissioner shall provide notice of a tax rate change in a manner that is reasonably accessible to all affected vendors. The commissioner shall provide this notice at least sixty days prior to the effective date of the rate change. The commissioner, by rule, may establish the method by which notice will be provided.

Sec. 5739.03. (A) Except as provided in section 5739.05 or section 5739.051 of the Revised Code, the tax imposed by or pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code shall be paid by the consumer to the vendor, and each vendor shall collect from the consumer, as a trustee for the state of Ohio, the full and exact amount of the tax payable on each taxable sale, in the manner and at the times provided as follows:

(1) If the price is, at or prior to the provision of the service or the delivery of possession of the thing sold to the consumer, paid in currency passed from hand to hand by the consumer or the consumer's agent to the vendor or the vendor's agent, the vendor or the vendor's agent shall collect the tax with and at the same time as the price;

(2) If the price is otherwise paid or to be paid, the vendor or the vendor's agent shall, at or prior to the provision of the service or the delivery of possession of the thing sold to the consumer, charge the tax imposed by or pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code to the account of the consumer, which amount shall be collected by the vendor from the consumer in addition to the price. Such sale

shall be reported on and the amount of the tax applicable thereto 71953
shall be remitted with the return for the period in which the sale 71954
is made, and the amount of the tax shall become a legal charge in 71955
favor of the vendor and against the consumer. 71956

(B)(1)(a) If any sale is claimed to be exempt under division 71957
(E) of section 5739.01 of the Revised Code or under section 71958
5739.02 of the Revised Code, with the exception of divisions 71959
(B)(1) to (11), (28), or ~~(56)~~(52) of section 5739.02 of the 71960
Revised Code, or if the consumer claims the transaction is not a 71961
taxable sale due to one or more of the exclusions provided under 71962
divisions (JJ)(1) to (5) of section 5739.01 of the Revised Code, 71963
the consumer must provide to the vendor, and the vendor must 71964
obtain from the consumer, a certificate specifying the reason that 71965
the sale is not legally subject to the tax. The certificate shall 71966
be in such form, and shall be provided either in a hard copy form 71967
or electronic form, as the tax commissioner prescribes. 71968

(b) A vendor that obtains a fully completed exemption 71969
certificate from a consumer is relieved of liability for 71970
collecting and remitting tax on any sale covered by that 71971
certificate. If it is determined the exemption was improperly 71972
claimed, the consumer shall be liable for any tax due on that sale 71973
under section 5739.02, 5739.021, 5739.023, or 5739.026 or Chapter 71974
5741. of the Revised Code. Relief under this division from 71975
liability does not apply to any of the following: 71976

(i) A vendor that fraudulently fails to collect tax; 71977

(ii) A vendor that solicits consumers to participate in the 71978
unlawful claim of an exemption; 71979

(iii) A vendor that accepts an exemption certificate from a 71980
consumer that claims an exemption based on who purchases or who 71981
sells property or a service, when the subject of the transaction 71982
sought to be covered by the exemption certificate is actually 71983

received by the consumer at a location operated by the vendor in 71984
this state, and this state has posted to its web site an exemption 71985
certificate form that clearly and affirmatively indicates that the 71986
claimed exemption is not available in this state; 71987

(iv) A vendor that accepts an exemption certificate from a 71988
consumer who claims a multiple points of use exemption under 71989
division (D) of section 5739.033 of the Revised Code, if the item 71990
purchased is tangible personal property, other than prewritten 71991
computer software. 71992

(2) The vendor shall maintain records, including exemption 71993
certificates, of all sales on which a consumer has claimed an 71994
exemption, and provide them to the tax commissioner on request. 71995

(3) The tax commissioner may establish an identification 71996
system whereby the commissioner issues an identification number to 71997
a consumer that is exempt from payment of the tax. The consumer 71998
must present the number to the vendor, if any sale is claimed to 71999
be exempt as provided in this section. 72000

(4) If no certificate is provided or obtained within ninety 72001
days after the date on which such sale is consummated, it shall be 72002
presumed that the tax applies. Failure to have so provided or 72003
obtained a certificate shall not preclude a vendor, within one 72004
hundred twenty days after the tax commissioner gives written 72005
notice of intent to levy an assessment, from either establishing 72006
that the sale is not subject to the tax, or obtaining, in good 72007
faith, a fully completed exemption certificate. 72008

(5) Certificates need not be obtained nor provided where the 72009
identity of the consumer is such that the transaction is never 72010
subject to the tax imposed or where the item of tangible personal 72011
property sold or the service provided is never subject to the tax 72012
imposed, regardless of use, or when the sale is in interstate 72013
commerce. 72014

(6) If a transaction is claimed to be exempt under division 72015
(B)(13) of section 5739.02 of the Revised Code, the contractor 72016
shall obtain certification of the claimed exemption from the 72017
contractee. This certification shall be in addition to an 72018
exemption certificate provided by the contractor to the vendor. A 72019
contractee that provides a certification under this division shall 72020
be deemed to be the consumer of all items purchased by the 72021
contractor under the claim of exemption, if it is subsequently 72022
determined that the exemption is not properly claimed. The 72023
certification shall be in such form as the tax commissioner 72024
prescribes. 72025

(C) As used in this division, "contractee" means a person who 72026
seeks to enter or enters into a contract or agreement with a 72027
contractor or vendor for the construction of real property or for 72028
the sale and installation onto real property of tangible personal 72029
property. 72030

Any contractor or vendor may request from any contractee a 72031
certification of what portion of the property to be transferred 72032
under such contract or agreement is to be incorporated into the 72033
realty and what portion will retain its status as tangible 72034
personal property after installation is completed. The contractor 72035
or vendor shall request the certification by certified mail 72036
delivered to the contractee, return receipt requested. Upon 72037
receipt of such request and prior to entering into the contract or 72038
agreement, the contractee shall provide to the contractor or 72039
vendor a certification sufficiently detailed to enable the 72040
contractor or vendor to ascertain the resulting classification of 72041
all materials purchased or fabricated by the contractor or vendor 72042
and transferred to the contractee. This requirement applies to a 72043
contractee regardless of whether the contractee holds a direct 72044
payment permit under section 5739.031 of the Revised Code or 72045
provides to the contractor or vendor an exemption certificate as 72046

provided under this section. 72047

For the purposes of the taxes levied by this chapter and 72048
Chapter 5741. of the Revised Code, the contractor or vendor may in 72049
good faith rely on the contractee's certification. Notwithstanding 72050
division (B) of section 5739.01 of the Revised Code, if the tax 72051
commissioner determines that certain property certified by the 72052
contractee as tangible personal property pursuant to this division 72053
is, in fact, real property, the contractee shall be considered to 72054
be the consumer of all materials so incorporated into that real 72055
property and shall be liable for the applicable tax, and the 72056
contractor or vendor shall be excused from any liability on those 72057
materials. 72058

If a contractee fails to provide such certification upon the 72059
request of the contractor or vendor, the contractor or vendor 72060
shall comply with the provisions of this chapter and Chapter 5741. 72061
of the Revised Code without the certification. If the tax 72062
commissioner determines that such compliance has been performed in 72063
good faith and that certain property treated as tangible personal 72064
property by the contractor or vendor is, in fact, real property, 72065
the contractee shall be considered to be the consumer of all 72066
materials so incorporated into that real property and shall be 72067
liable for the applicable tax, and the construction contractor or 72068
vendor shall be excused from any liability on those materials. 72069

This division does not apply to any contract or agreement 72070
where the tax commissioner determines as a fact that a 72071
certification under this division was made solely on the decision 72072
or advice of the contractor or vendor. 72073

(D) Notwithstanding division (B) of section 5739.01 of the 72074
Revised Code, whenever the total rate of tax imposed under this 72075
chapter is increased after the date after a construction contract 72076
is entered into, the contractee shall reimburse the construction 72077
contractor for any additional tax paid on tangible property 72078

consumed or services received pursuant to the contract. 72079

(E) A vendor who files a petition for reassessment contesting 72080
the assessment of tax on sales for which the vendor obtained no 72081
valid exemption certificates and for which the vendor failed to 72082
establish that the sales were properly not subject to the tax 72083
during the one-hundred-twenty-day period allowed under division 72084
(B) of this section, may present to the tax commissioner 72085
additional evidence to prove that the sales were properly subject 72086
to a claim of exception or exemption. The vendor shall file such 72087
evidence within ninety days of the receipt by the vendor of the 72088
notice of assessment, except that, upon application and for 72089
reasonable cause, the period for submitting such evidence shall be 72090
extended thirty days. 72091

The commissioner shall consider such additional evidence in 72092
reaching the final determination on the assessment and petition 72093
for reassessment. 72094

(F) Whenever a vendor refunds the price, minus any separately 72095
stated delivery charge, of an item of tangible personal property 72096
on which the tax imposed under this chapter has been paid, the 72097
vendor shall also refund the amount of tax paid, minus the amount 72098
of tax attributable to the delivery charge. 72099

Sec. 5739.05. (A)(1) The tax commissioner shall enforce and 72100
administer sections 5739.01 to 5739.31 of the Revised Code, which 72101
are hereby declared to be sections which the commissioner is 72102
required to administer within the meaning of sections 5703.17 to 72103
5703.37, 5703.39, 5703.41, and 5703.45 of the Revised Code. The 72104
commissioner may adopt and promulgate, in accordance with sections 72105
119.01 to 119.13 of the Revised Code, such rules as the 72106
commissioner deems necessary to administer sections 5739.01 to 72107
5739.31 of the Revised Code. 72108

(2) On or before the first day of May of each year, the 72109

commissioner shall make available to vendors a notice explaining 72110
the three-day exemption period required under division (B)~~(56)~~(52) 72111
of section 5739.02 of the Revised Code. 72112

(B) Upon application, the commissioner may authorize a vendor 72113
to pay on a predetermined basis the tax levied by or pursuant to 72114
section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised 72115
Code upon sales of things produced or distributed or services 72116
provided by such vendor, and the commissioner may waive the 72117
collection of the tax from the consumer. The commissioner shall 72118
not grant such authority unless the commissioner finds that the 72119
granting of the authority would improve compliance and increase 72120
the efficiency of the administration of the tax. The person to 72121
whom such authority is granted shall post a notice, if required by 72122
the commissioner, at the location where the product is offered for 72123
sale that the tax is included in the selling price. The 72124
commissioner may adopt rules to administer this division. 72125

(C) Upon application, the commissioner may authorize a vendor 72126
to remit, on the basis of a prearranged agreement under this 72127
division, the tax levied by section 5739.02 or pursuant to section 72128
5739.021, 5739.023, or 5739.026 of the Revised Code. The 72129
proportions and ratios in a prearranged agreement shall be 72130
determined either by a test check conducted by the commissioner 72131
under terms and conditions agreed to by the commissioner and the 72132
vendor or by any other method agreed upon by the vendor and the 72133
commissioner. If the parties are unable to agree to the terms and 72134
conditions of the test check or other method, the application 72135
shall be denied. 72136

If used, the test check shall determine the proportion that 72137
taxable retail sales bear to all of the vendor's retail sales and 72138
the ratio which the tax required to be collected under sections 72139
5739.02, 5739.021, 5739.023, and 5739.026 of the Revised Code 72140
bears to the receipts from the vendor's taxable retail sales. 72141

The vendor's liability for remitting the tax shall be based 72142
solely upon the proportions and ratios established in the 72143
agreement until such time that the vendor or the commissioner 72144
believes that the nature of the vendor's business has so changed 72145
as to make the agreement no longer representative. The 72146
commissioner may give notice to the vendor at any time that the 72147
authorization is revoked or the vendor may notify the commissioner 72148
that the vendor no longer elects to report under the 72149
authorization. Such notice shall be delivered to the other party 72150
personally or by registered mail. The revocation or cancellation 72151
is effective the last day of the month in which the vendor or the 72152
commissioner receives the notice. 72153

Sec. 5739.082. A tax levied by a board of township trustees 72154
or the legislative authority of a municipal corporation pursuant 72155
to section 5739.08 of the Revised Code on transactions by which 72156
lodging by a hotel is or is to be furnished to transient guests, 72157
if the transaction is conducted through a hotel intermediary, 72158
shall be levied on the basis of the lodging's fair market value. 72159
The hotel intermediary shall collect the tax due from the 72160
purchaser and remit it to the township or municipal corporation. 72161

Sec. 5739.09. (A)(1) A board of county commissioners may, by 72162
resolution adopted by a majority of the members of the board, levy 72163
an excise tax not to exceed three per cent on transactions by 72164
which lodging by a hotel is or is to be furnished to transient 72165
guests. The board shall establish all regulations necessary to 72166
provide for the administration and allocation of the tax. The 72167
regulations may prescribe the time for payment of the tax, and may 72168
provide for the imposition of a penalty or interest, or both, for 72169
late payments, provided that the penalty does not exceed ten per 72170
cent of the amount of tax due, and the rate at which interest 72171
accrues does not exceed the rate per annum prescribed pursuant to 72172

section 5703.47 of the Revised Code. Except as provided in 72173
divisions (A)(2), (3), (4), (5), (6), (7), (8), (9), (10), (11), 72174
and (12) of this section, the regulations shall provide, after 72175
deducting the real and actual costs of administering the tax, for 72176
the return to each municipal corporation or township that does not 72177
levy an excise tax on the transactions, a uniform percentage of 72178
the tax collected in the municipal corporation or in the 72179
unincorporated portion of the township from each transaction, not 72180
to exceed thirty-three and one-third per cent. The remainder of 72181
the revenue arising from the tax shall be deposited in a separate 72182
fund and shall be spent solely to make contributions to the 72183
convention and visitors' bureau operating within the county, 72184
including a pledge and contribution of any portion of the 72185
remainder pursuant to an agreement authorized by section 307.678 72186
or 307.695 of the Revised Code, provided that if the board of 72187
county commissioners of an eligible county as defined in section 72188
307.678 or 307.695 of the Revised Code adopts a resolution 72189
amending a resolution levying a tax under this division to provide 72190
that revenue from the tax shall be used by the board as described 72191
in either division (D) of section 307.678 or division (H) of 72192
section 307.695 of the Revised Code, the remainder of the revenue 72193
shall be used as described in the resolution making that 72194
amendment. Except as provided in division (A)(2), (3), (4), (5), 72195
(6), (7), (8), (9), (10), or (11) or (H) of this section, on and 72196
after May 10, 1994, a board of county commissioners may not levy 72197
an excise tax pursuant to this division in any municipal 72198
corporation or township located wholly or partly within the county 72199
that has in effect an ordinance or resolution levying an excise 72200
tax pursuant to division (B) of this section. The board of a 72201
county that has levied a tax under division (C) of this section 72202
may, by resolution adopted within ninety days after July 15, 1985, 72203
by a majority of the members of the board, amend the resolution 72204

levying a tax under this division to provide for a portion of that 72205
tax to be pledged and contributed in accordance with an agreement 72206
entered into under section 307.695 of the Revised Code. A tax, any 72207
revenue from which is pledged pursuant to such an agreement, shall 72208
remain in effect at the rate at which it is imposed for the 72209
duration of the period for which the revenue from the tax has been 72210
so pledged. 72211

The board of county commissioners of an eligible county as 72212
defined in section 307.695 of the Revised Code may, by resolution 72213
adopted by a majority of the members of the board, amend a 72214
resolution levying a tax under this division to provide that the 72215
revenue from the tax shall be used by the board as described in 72216
division (H) of section 307.695 of the Revised Code, in which case 72217
the tax shall remain in effect at the rate at which it was imposed 72218
for the duration of any agreement entered into by the board under 72219
section 307.695 of the Revised Code, the duration during which any 72220
securities issued by the board under that section are outstanding, 72221
or the duration of the period during which the board owns a 72222
project as defined in section 307.695 of the Revised Code, 72223
whichever duration is longest. 72224

The board of county commissioners of an eligible county as 72225
defined in section 307.678 of the Revised Code may, by resolution, 72226
amend a resolution levying a tax under this division to provide 72227
that revenue from the tax, not to exceed five hundred thousand 72228
dollars each year, may be used as described in division (E) of 72229
section 307.678 of the Revised Code. 72230

Notwithstanding division (A)(1) of this section, the board of 72231
county commissioners of a county described in division (A)(8)(a) 72232
of this section may, by resolution, amend a resolution levying a 72233
tax under this division to provide that all or a portion of the 72234
revenue from the tax, including any revenue otherwise required to 72235

be returned to townships or municipal corporations under this 72236
division, may be used or pledged for the payment of debt service 72237
on securities issued to pay the costs of constructing, operating, 72238
and maintaining sports facilities described in division (A)(8)(b) 72239
of this section. 72240

The board of county commissioners of a county described in 72241
division (A)(9) of this section may, by resolution, amend a 72242
resolution levying a tax under this division to provide that all 72243
or a portion of the revenue from the tax may be used for the 72244
purposes described in section 307.679 of the Revised Code. 72245

(2) A board of county commissioners that levies an excise tax 72246
under division (A)(1) of this section on June 30, 1997, at a rate 72247
of three per cent, and that has pledged revenue from the tax to an 72248
agreement entered into under section 307.695 of the Revised Code 72249
or, in the case of the board of county commissioners of an 72250
eligible county as defined in section 307.695 of the Revised Code, 72251
has amended a resolution levying a tax under division (C) of this 72252
section to provide that proceeds from the tax shall be used by the 72253
board as described in division (H) of section 307.695 of the 72254
Revised Code, may, at any time by a resolution adopted by a 72255
majority of the members of the board, amend the resolution levying 72256
a tax under division (A)(1) of this section to provide for an 72257
increase in the rate of that tax up to seven per cent on each 72258
transaction; to provide that revenue from the increase in the rate 72259
shall be used as described in division (H) of section 307.695 of 72260
the Revised Code or be spent solely to make contributions to the 72261
convention and visitors' bureau operating within the county to be 72262
used specifically for promotion, advertising, and marketing of the 72263
region in which the county is located; and to provide that the 72264
rate in excess of the three per cent levied under division (A)(1) 72265
of this section shall remain in effect at the rate at which it is 72266
imposed for the duration of the period during which any agreement 72267

is in effect that was entered into under section 307.695 of the Revised Code by the board of county commissioners levying a tax under division (A)(1) of this section, the duration of the period during which any securities issued by the board under division (I) of section 307.695 of the Revised Code are outstanding, or the duration of the period during which the board owns a project as defined in section 307.695 of the Revised Code, whichever duration is longest. The amendment also shall provide that no portion of that revenue need be returned to townships or municipal corporations as would otherwise be required under division (A)(1) of this section.

(3) A board of county commissioners that levies a tax under division (A)(1) of this section on March 18, 1999, at a rate of three per cent may, by resolution adopted not later than forty-five days after March 18, 1999, amend the resolution levying the tax to provide for all of the following:

(a) That the rate of the tax shall be increased by not more than an additional four per cent on each transaction;

(b) That all of the revenue from the increase in the rate shall be pledged and contributed to a convention facilities authority established by the board of county commissioners under Chapter 351. of the Revised Code on or before November 15, 1998, and used to pay costs of constructing, maintaining, operating, and promoting a facility in the county, including paying bonds, or notes issued in anticipation of bonds, as provided by that chapter;

(c) That no portion of the revenue arising from the increase in rate need be returned to municipal corporations or townships as otherwise required under division (A)(1) of this section;

(d) That the increase in rate shall not be subject to diminution by initiative or referendum or by law while any bonds,

or notes in anticipation of bonds, issued by the authority under 72299
Chapter 351. of the Revised Code to which the revenue is pledged, 72300
remain outstanding in accordance with their terms, unless 72301
provision is made by law or by the board of county commissioners 72302
for an adequate substitute therefor that is satisfactory to the 72303
trustee if a trust agreement secures the bonds. 72304

Division (A)(3) of this section does not apply to the board 72305
of county commissioners of any county in which a convention center 72306
or facility exists or is being constructed on November 15, 1998, 72307
or of any county in which a convention facilities authority levies 72308
a tax pursuant to section 351.021 of the Revised Code on that 72309
date. 72310

As used in division (A)(3) of this section, "cost" and 72311
"facility" have the same meanings as in section 351.01 of the 72312
Revised Code, and "convention center" has the same meaning as in 72313
section 307.695 of the Revised Code. 72314

(4)(a) A board of county commissioners that levies a tax 72315
under division (A)(1) of this section on June 30, 2002, at a rate 72316
of three per cent may, by resolution adopted not later than 72317
September 30, 2002, amend the resolution levying the tax to 72318
provide for all of the following: 72319

(i) That the rate of the tax shall be increased by not more 72320
than an additional three and one-half per cent on each 72321
transaction; 72322

(ii) That all of the revenue from the increase in rate shall 72323
be pledged and contributed to a convention facilities authority 72324
established by the board of county commissioners under Chapter 72325
351. of the Revised Code on or before May 15, 2002, and be used to 72326
pay costs of constructing, expanding, maintaining, operating, or 72327
promoting a convention center in the county, including paying 72328
bonds, or notes issued in anticipation of bonds, as provided by 72329

that chapter; 72330

(iii) That no portion of the revenue arising from the 72331
increase in rate need be returned to municipal corporations or 72332
townships as otherwise required under division (A)(1) of this 72333
section; 72334

(iv) That the increase in rate shall not be subject to 72335
diminution by initiative or referendum or by law while any bonds, 72336
or notes in anticipation of bonds, issued by the authority under 72337
Chapter 351. of the Revised Code to which the revenue is pledged, 72338
remain outstanding in accordance with their terms, unless 72339
provision is made by law or by the board of county commissioners 72340
for an adequate substitute therefor that is satisfactory to the 72341
trustee if a trust agreement secures the bonds. 72342

(b) Any board of county commissioners that, pursuant to 72343
division (A)(4)(a) of this section, has amended a resolution 72344
levying the tax authorized by division (A)(1) of this section may 72345
further amend the resolution to provide that the revenue referred 72346
to in division (A)(4)(a)(ii) of this section shall be pledged and 72347
contributed both to a convention facilities authority to pay the 72348
costs of constructing, expanding, maintaining, or operating one or 72349
more convention centers in the county, including paying bonds, or 72350
notes issued in anticipation of bonds, as provided in Chapter 351. 72351
of the Revised Code, and to a convention and visitors' bureau to 72352
pay the costs of promoting one or more convention centers in the 72353
county. 72354

As used in division (A)(4) of this section, "cost" has the 72355
same meaning as in section 351.01 of the Revised Code, and 72356
"convention center" has the same meaning as in section 307.695 of 72357
the Revised Code. 72358

(5)(a) As used in division (A)(5) of this section: 72359

(i) "Port authority" means a port authority created under 72360

Chapter 4582. of the Revised Code. 72361

(ii) "Port authority military-use facility" means port 72362
authority facilities on which or adjacent to which is located an 72363
installation of the armed forces of the United States, a reserve 72364
component thereof, or the national guard and at least part of 72365
which is made available for use, for consideration, by the armed 72366
forces of the United States, a reserve component thereof, or the 72367
national guard. 72368

(b) For the purpose of contributing revenue to pay operating 72369
expenses of a port authority that operates a port authority 72370
military-use facility, the board of county commissioners of a 72371
county that created, participated in the creation of, or has 72372
joined such a port authority may do one or both of the following: 72373

(i) Amend a resolution previously adopted under division 72374
(A)(1) of this section to designate some or all of the revenue 72375
from the tax levied under the resolution to be used for that 72376
purpose, notwithstanding that division; 72377

(ii) Amend a resolution previously adopted under division 72378
(A)(1) of this section to increase the rate of the tax by not more 72379
than an additional two per cent and use the revenue from the 72380
increase exclusively for that purpose. 72381

(c) If a board of county commissioners amends a resolution to 72382
increase the rate of a tax as authorized in division (A)(5)(b)(ii) 72383
of this section, the board also may amend the resolution to 72384
specify that the increase in rate of the tax does not apply to 72385
"hotels," as otherwise defined in section 5739.01 of the Revised 72386
Code, having fewer rooms used for the accommodation of guests than 72387
a number of rooms specified by the board. 72388

(6) A board of county commissioners of a county organized 72389
under a county charter adopted pursuant to Article X, Section 3, 72390
Ohio Constitution, and that levies an excise tax under division 72391

(A)(1) of this section at a rate of three per cent and levies an additional excise tax under division (E) of this section at a rate of one and one-half per cent may, by resolution adopted not later than January 1, 2008, by a majority of the members of the board, amend the resolution levying a tax under division (A)(1) of this section to provide for an increase in the rate of that tax by not more than an additional one per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. Notwithstanding divisions (A)(1) and (E) of this section, the resolution shall provide that all of the revenue from the increase in rate, after deducting the real and actual costs of administering the tax, shall be used to pay the costs of improving, expanding, equipping, financing, or operating a convention center by a convention and visitors' bureau in the county. The increase in rate shall remain in effect for the period specified in the resolution, not to exceed ten years, and may be extended for an additional period of time not to exceed ten years thereafter by a resolution adopted by a majority of the members of the board. The increase in rate shall be subject to the regulations adopted under division (A)(1) of this section, except that the resolution may provide that no portion of the revenue from the increase in the rate shall be returned to townships or municipal corporations as would otherwise be required under that division.

(7) Division (A)(7) of this section applies only to a county with a population greater than sixty-five thousand and less than seventy thousand according to the most recent federal decennial census and in which, on December 31, 2006, an excise tax is levied under division (A)(1) of this section at a rate not less than and not greater than three per cent, and in which the most recent increase in the rate of that tax was enacted or took effect in November 1984.

The board of county commissioners of a county to which this 72424
division applies, by resolution adopted by a majority of the 72425
members of the board, may increase the rate of the tax by not more 72426
than one per cent on transactions by which lodging by a hotel is 72427
or is to be furnished to transient guests. The increase in rate 72428
shall be for the purpose of paying expenses deemed necessary by 72429
the convention and visitors' bureau operating in the county to 72430
promote travel and tourism. The increase in rate shall remain in 72431
effect for the period specified in the resolution, not to exceed 72432
twenty years, provided that the increase in rate may not continue 72433
beyond the time when the purpose for which the increase is levied 72434
ceases to exist. If revenue from the increase in rate is pledged 72435
to the payment of debt charges on securities, the increase in rate 72436
is not subject to diminution by initiative or referendum or by law 72437
for so long as the securities are outstanding, unless provision is 72438
made by law or by the board of county commissioners for an 72439
adequate substitute for that revenue that is satisfactory to the 72440
trustee if a trust agreement secures payment of the debt charges. 72441
The increase in rate shall be subject to the regulations adopted 72442
under division (A)(1) of this section, except that the resolution 72443
may provide that no portion of the revenue from the increase in 72444
the rate shall be returned to townships or municipal corporations 72445
as would otherwise be required under division (A)(1) of this 72446
section. A resolution adopted under division (A)(7) of this 72447
section is subject to referendum under sections 305.31 to 305.99 72448
of the Revised Code. 72449

(8)(a) Division (A)(8) of this section applies only to a 72450
county satisfying all of the following: 72451

(i) The population of the county is greater than one hundred 72452
seventy-five thousand and less than two hundred twenty-five 72453
thousand according to the most recent federal decennial census. 72454

(ii) An amusement park with an average yearly attendance in 72455

excess of two million guests is located in the county. 72456

(iii) On December 31, 2014, an excise tax was levied in the 72457
county under division (A)(1) of this section at a rate of three 72458
per cent. 72459

(b) The board of county commissioners of a county to which 72460
this division applies, by resolution adopted by a majority of the 72461
members of the board, may increase the rate of the tax by not more 72462
than one per cent on transactions by which lodging by a hotel is 72463
or is to be furnished to transient guests. The increase in rate 72464
shall be used to pay the costs of constructing and maintaining 72465
facilities owned by the county or by a port authority created 72466
under Chapter 4582. of the Revised Code, and designed to host 72467
sporting events and expenses deemed necessary by the convention 72468
and visitors' bureau operating in the county to promote travel and 72469
tourism with reference to the sports facilities, and to pay or 72470
pledge to the payment of debt service on securities issued to pay 72471
the costs of constructing, operating, and maintaining the sports 72472
facilities. The increase in rate shall remain in effect for the 72473
period specified in the resolution. If revenue from the increase 72474
in rate is pledged to the payment of debt charges on securities, 72475
the increase in rate is not subject to diminution by initiative or 72476
referendum or by law for so long as the securities are 72477
outstanding, unless provision is made by law or by the board of 72478
county commissioners for an adequate substitute for that revenue 72479
that is satisfactory to the trustee if a trust agreement secures 72480
payment of the debt charges. The increase in rate shall be subject 72481
to the regulations adopted under division (A)(1) of this section, 72482
except that the resolution may provide that no portion of the 72483
revenue from the increase in the rate shall be returned to 72484
townships or municipal corporations as would otherwise be required 72485
under division (A)(1) of this section. 72486

(9) The board of county commissioners of a county with a 72487

population greater than seventy-five thousand and less than 72488
seventy-eight thousand, by resolution adopted by a majority of the 72489
members of the board not later than October 15, 2015, may increase 72490
the rate of the tax by not more than one per cent on transactions 72491
by which lodging by a hotel is or is to be furnished to transient 72492
guests. The increase in rate shall be for the purposes described 72493
in section 307.679 of the Revised Code or for the promotion of 72494
travel and tourism in the county, including travel and tourism to 72495
sports facilities. The increase in rate shall remain in effect for 72496
the period specified in the resolution and as necessary to fulfill 72497
the county's obligations under a cooperative agreement entered 72498
into under section 307.679 of the Revised Code. If the resolution 72499
is adopted by the board before September 29, 2015, but after that 72500
enactment becomes law, the increase in rate shall become effective 72501
beginning on September 29, 2015. If revenue from the increase in 72502
rate is pledged to the payment of debt charges on securities, or 72503
to substitute for other revenues pledged to the payment of such 72504
debt, the increase in rate is not subject to diminution by 72505
initiative or referendum or by law for so long as the securities 72506
are outstanding, unless provision is made by law or by the board 72507
of county commissioners for an adequate substitute for that 72508
revenue that is satisfactory to the trustee if a trust agreement 72509
secures payment of the debt charges. The increase in rate shall be 72510
subject to the regulations adopted under division (A)(1) of this 72511
section, except that no portion of the revenue from the increase 72512
in the rate shall be returned to townships or municipal 72513
corporations as would otherwise be required under division (A)(1) 72514
of this section. 72515

(10) Division (A)(10) of this section applies only to 72516
counties satisfying either of the following: 72517

(a) A county that, on July 1, 2015, does not levy an excise 72518
tax under division (A)(1) of this section and that has a 72519

population of at least thirty-nine thousand but not more than 72520
forty thousand according to the 2010 federal decennial census; 72521

(b) A county that, on July 1, 2015, levies an excise tax 72522
under division (A)(1) of this section at a rate of three per cent 72523
and that has a population of at least seventy-one thousand but not 72524
more than seventy-five thousand according to 2010 federal 72525
decennial census. 72526

The board of county commissioners of a county to which 72527
division (A)(10) of this section applies, by resolution adopted by 72528
a majority of the members of the board, may levy an excise tax at 72529
a rate not to exceed three per cent on transactions by which 72530
lodging by a hotel is or is to be furnished to transient guests 72531
for the purpose of acquiring, constructing, equipping, or 72532
repairing permanent improvements, as defined in section 133.01 of 72533
the Revised Code. If the board does not levy a tax under division 72534
(A)(1) of this section, the board shall establish regulations 72535
necessary to provide for the administration of the tax, which may 72536
prescribe the time for payment of the tax and the imposition of 72537
penalty or interest subject to the limitations on penalty and 72538
interest provided in division (A)(1) of this section. No portion 72539
of the revenue shall be returned to townships or municipal 72540
corporations in the county unless otherwise provided by resolution 72541
of the board. The tax shall apply throughout the territory of the 72542
county, including in any township or municipal corporation levying 72543
an excise tax under division (B) of this section or division (A) 72544
of section 5739.08 of the Revised Code. The levy of the tax is 72545
subject to referendum as provided under section 305.31 of the 72546
Revised Code. 72547

The tax shall remain in effect for the period specified in 72548
the resolution. If revenue from the increase in rate is pledged to 72549
the payment of debt charges on securities, the increase in rate is 72550
not subject to diminution by initiative or referendum or by law 72551

for so long as the securities are outstanding unless provision is 72552
made by law or by the board for an adequate substitute for that 72553
revenue that is satisfactory to the trustee if a trust agreement 72554
secures payment of the debt charges. 72555

(11) The board of county commissioners of an eligible county, 72556
as defined in section 307.678 of the Revised Code, that levies an 72557
excise tax under division (A)(1) of this section on July 1, 2017, 72558
at a rate of three per cent may, by resolution adopted by a 72559
majority of the members of the board, amend the resolution levying 72560
the tax to increase the rate of the tax by not more than an 72561
additional three per cent on each transaction. No portion of the 72562
revenue shall be returned to townships or municipal corporations 72563
in the county unless otherwise provided by resolution of the 72564
board. Otherwise, the revenue from the increase in the rate shall 72565
be distributed and used in the same manner described under 72566
division (A)(1) of this section or distributed or used to provide 72567
credit enhancement facilities as authorized under section 307.678 72568
of the Revised Code. The increase in rate shall remain in effect 72569
for the period specified in the resolution. If revenue from the 72570
increase in rate is pledged to the payment of debt charges on 72571
securities, the increase in rate is not subject to diminution by 72572
initiative or referendum or by law for so long as the securities 72573
are outstanding unless provision is made by law or by the board 72574
for an adequate substitute for that revenue that is satisfactory 72575
to the trustee if a trust agreement secures payment of the debt 72576
charges. 72577

(12)(a) As used in this division: 72578

(i) "Eligible county" means a county that has a population 72579
greater than one hundred ninety thousand and less than two hundred 72580
thousand according to the 2010 federal decennial census and that 72581
levies an excise tax under division (A)(1) of this section at a 72582
rate of three per cent. 72583

(ii) "Professional sports facility" means a sports facility 72584
that is intended to house major or minor league professional 72585
athletic teams, including a stadium, together with all parking 72586
facilities, walkways, and other auxiliary facilities, real and 72587
personal property, property rights, easements, and interests that 72588
may be appropriate for, or used in connection with, the operation 72589
of the facility. 72590

(b) Subject to division (A)(12)(c) of this section, the board 72591
of county commissioners of an eligible county, by resolution 72592
adopted by a majority of the members of the board, may increase 72593
the rate of the tax by not more than one per cent on transactions 72594
by which lodging by a hotel is or is to be furnished to transient 72595
guests. Revenue from the increase in rate shall be used for the 72596
purposes of paying the costs of constructing, improving, and 72597
maintaining a professional sports facility in the county and 72598
paying expenses considered necessary by the convention and 72599
visitors' bureau operating in the county to promote travel and 72600
tourism with respect to that professional sports facility. The tax 72601
shall take effect only after the convention and visitors' bureau 72602
enters into a contract for the construction, improvement, or 72603
maintenance of a professional sports facility that is or will be 72604
located on property acquired, in whole or in part, with revenue 72605
from the increased rate, and thereafter shall remain in effect for 72606
the period specified in the resolution. If revenue from the 72607
increase in rate is pledged to the payment of debt charges on 72608
securities, the increase in rate is not subject to diminution by 72609
initiative or referendum or by law for so long as the securities 72610
are outstanding, unless a provision is made by law or by the board 72611
of county commissioners for an adequate substitute for that 72612
revenue that is satisfactory to the trustee if a trust agreement 72613
secures payment of the debt charges. The increase in rate shall be 72614
subject to the regulations adopted under division (A)(1) of this 72615
section, except that the resolution may provide that no portion of 72616

the revenue from the increase in the rate shall be returned to 72617
townships or municipal corporations as would otherwise be required 72618
under division (A)(1) of this section. 72619

(c) If, on December 31, 2019, the convention and visitors' 72620
bureau has not entered into a contract for the construction, 72621
improvement, or maintenance of a professional sports facility that 72622
is or will be located on property acquired, in whole or in part, 72623
with revenue from the increased rate, the authority to levy the 72624
tax under division (A)(12)(b) of this section is hereby repealed 72625
on that date. 72626

(B)(1) The legislative authority of a municipal corporation 72627
or the board of trustees of a township that is not wholly or 72628
partly located in a county that has in effect a resolution levying 72629
an excise tax pursuant to division (A)(1) of this section may, by 72630
ordinance or resolution, levy an excise tax not to exceed three 72631
per cent on transactions by which lodging by a hotel is or is to 72632
be furnished to transient guests. The legislative authority of the 72633
municipal corporation or the board of trustees of the township 72634
shall deposit at least fifty per cent of the revenue from the tax 72635
levied pursuant to this division into a separate fund, which shall 72636
be spent solely to make contributions to convention and visitors' 72637
bureaus operating within the county in which the municipal 72638
corporation or township is wholly or partly located, and the 72639
balance of that revenue shall be deposited in the general fund. 72640
The municipal corporation or township shall establish all 72641
regulations necessary to provide for the administration and 72642
allocation of the tax. The regulations may prescribe the time for 72643
payment of the tax, and may provide for the imposition of a 72644
penalty or interest, or both, for late payments, provided that the 72645
penalty does not exceed ten per cent of the amount of tax due, and 72646
the rate at which interest accrues does not exceed the rate per 72647
annum prescribed pursuant to section 5703.47 of the Revised Code. 72648

The levy of a tax under this division is in addition to any tax 72649
imposed on the same transaction by a municipal corporation or a 72650
township as authorized by division (A) of section 5739.08 of the 72651
Revised Code. 72652

(2)(a) The legislative authority of the most populous 72653
municipal corporation located wholly or partly in a county in 72654
which the board of county commissioners has levied a tax under 72655
division (A)(4) of this section may amend, on or before September 72656
30, 2002, that municipal corporation's ordinance or resolution 72657
that levies an excise tax on transactions by which lodging by a 72658
hotel is or is to be furnished to transient guests, to provide for 72659
all of the following: 72660

(i) That the rate of the tax shall be increased by not more 72661
than an additional one per cent on each transaction; 72662

(ii) That all of the revenue from the increase in rate shall 72663
be pledged and contributed to a convention facilities authority 72664
established by the board of county commissioners under Chapter 72665
351. of the Revised Code on or before May 15, 2002, and be used to 72666
pay costs of constructing, expanding, maintaining, operating, or 72667
promoting a convention center in the county, including paying 72668
bonds, or notes issued in anticipation of bonds, as provided by 72669
that chapter; 72670

(iii) That the increase in rate shall not be subject to 72671
diminution by initiative or referendum or by law while any bonds, 72672
or notes in anticipation of bonds, issued by the authority under 72673
Chapter 351. of the Revised Code to which the revenue is pledged, 72674
remain outstanding in accordance with their terms, unless 72675
provision is made by law, by the board of county commissioners, or 72676
by the legislative authority, for an adequate substitute therefor 72677
that is satisfactory to the trustee if a trust agreement secures 72678
the bonds. 72679

(b) The legislative authority of a municipal corporation 72680
that, pursuant to division (B)(2)(a) of this section, has amended 72681
its ordinance or resolution to increase the rate of the tax 72682
authorized by division (B)(1) of this section may further amend 72683
the ordinance or resolution to provide that the revenue referred 72684
to in division (B)(2)(a)(ii) of this section shall be pledged and 72685
contributed both to a convention facilities authority to pay the 72686
costs of constructing, expanding, maintaining, or operating one or 72687
more convention centers in the county, including paying bonds, or 72688
notes issued in anticipation of bonds, as provided in Chapter 351. 72689
of the Revised Code, and to a convention and visitors' bureau to 72690
pay the costs of promoting one or more convention centers in the 72691
county. 72692

As used in division (B)(2) of this section, "cost" has the 72693
same meaning as in section 351.01 of the Revised Code, and 72694
"convention center" has the same meaning as in section 307.695 of 72695
the Revised Code. 72696

(3) The legislative authority of an eligible municipal 72697
corporation may amend, on or before December 31, 2017, that 72698
municipal corporation's ordinance or resolution that levies an 72699
excise tax on transactions by which lodging by a hotel is or is to 72700
be furnished to transient guests, to provide for the following: 72701

(a) That the rate of the tax shall be increased by not more 72702
than an additional three per cent on each transaction; 72703

(b) That all of the revenue from the increase in rate shall 72704
be used by the municipal corporation for economic development and 72705
tourism-related purposes. 72706

As used in division (B)(3) of this section, "eligible 72707
municipal corporation" means a municipal corporation that, on the 72708
effective date of the amendment of this section by H.B. 49 of the 72709
132nd general assembly, September 29, 2017, levied a tax under 72710

division (B)(1) of this section at a rate of three per cent and 72711
that is located in a county that, on that date, levied a tax under 72712
division (A) of this section at a rate of three per cent and that 72713
has, according to the most recent federal decennial census, a 72714
population exceeding three hundred thousand but not greater than 72715
three hundred fifty thousand. 72716

(C) For the purposes described in section 307.695 of the 72717
Revised Code and to cover the costs of administering the tax, a 72718
board of county commissioners of a county where a tax imposed 72719
under division (A)(1) of this section is in effect may, by 72720
resolution adopted within ninety days after July 15, 1985, by a 72721
majority of the members of the board, levy an additional excise 72722
tax not to exceed three per cent on transactions by which lodging 72723
by a hotel is or is to be furnished to transient guests. The tax 72724
authorized by this division shall be in addition to any tax that 72725
is levied pursuant to division (A) of this section, but it shall 72726
not apply to transactions subject to a tax levied by a municipal 72727
corporation or township pursuant to the authorization granted by 72728
division (A) of section 5739.08 of the Revised Code. The board 72729
shall establish all regulations necessary to provide for the 72730
administration and allocation of the tax. The regulations may 72731
prescribe the time for payment of the tax, and may provide for the 72732
imposition of a penalty or interest, or both, for late payments, 72733
provided that the penalty does not exceed ten per cent of the 72734
amount of tax due, and the rate at which interest accrues does not 72735
exceed the rate per annum prescribed pursuant to section 5703.47 72736
of the Revised Code. All revenues arising from the tax shall be 72737
expended in accordance with section 307.695 of the Revised Code. 72738
The board of county commissioners of an eligible county as defined 72739
in section 307.695 of the Revised Code may, by resolution adopted 72740
by a majority of the members of the board, amend the resolution 72741
levying a tax under this division to provide that the revenue from 72742
the tax shall be used by the board as described in division (H) of 72743

section 307.695 of the Revised Code. A tax imposed under this 72744
division shall remain in effect at the rate at which it is imposed 72745
for the duration of the period during which any agreement entered 72746
into by the board under section 307.695 of the Revised Code is in 72747
effect, the duration of the period during which any securities 72748
issued by the board under division (I) of section 307.695 of the 72749
Revised Code are outstanding, or the duration of the period during 72750
which the board owns a project as defined in section 307.695 of 72751
the Revised Code, whichever duration is longest. 72752

(D) For the purpose of providing contributions under division 72753
(B)(1) of section 307.671 of the Revised Code to enable the 72754
acquisition, construction, and equipping of a port authority 72755
educational and cultural facility in the county and, to the extent 72756
provided for in the cooperative agreement authorized by that 72757
section, for the purpose of paying debt service charges on bonds, 72758
or notes in anticipation of bonds, described in division (B)(1)(b) 72759
of that section, a board of county commissioners, by resolution 72760
adopted within ninety days after December 22, 1992, by a majority 72761
of the members of the board, may levy an additional excise tax not 72762
to exceed one and one-half per cent on transactions by which 72763
lodging by a hotel is or is to be furnished to transient guests. 72764
The excise tax authorized by this division shall be in addition to 72765
any tax that is levied pursuant to divisions (A), (B), and (C) of 72766
this section, to any excise tax levied pursuant to section 5739.08 72767
of the Revised Code, and to any excise tax levied pursuant to 72768
section 351.021 of the Revised Code. The board of county 72769
commissioners shall establish all regulations necessary to provide 72770
for the administration and allocation of the tax that are not 72771
inconsistent with this section or section 307.671 of the Revised 72772
Code. The regulations may prescribe the time for payment of the 72773
tax, and may provide for the imposition of a penalty or interest, 72774
or both, for late payments, provided that the penalty does not 72775
exceed ten per cent of the amount of tax due, and the rate at 72776

which interest accrues does not exceed the rate per annum 72777
prescribed pursuant to section 5703.47 of the Revised Code. All 72778
revenues arising from the tax shall be expended in accordance with 72779
section 307.671 of the Revised Code and division (D) of this 72780
section. The levy of a tax imposed under this division may not 72781
commence prior to the first day of the month next following the 72782
execution of the cooperative agreement authorized by section 72783
307.671 of the Revised Code by all parties to that agreement. The 72784
tax shall remain in effect at the rate at which it is imposed for 72785
the period of time described in division (C) of section 307.671 of 72786
the Revised Code for which the revenue from the tax has been 72787
pledged by the county to the corporation pursuant to that section, 72788
but, to any extent provided for in the cooperative agreement, for 72789
no lesser period than the period of time required for payment of 72790
the debt service charges on bonds, or notes in anticipation of 72791
bonds, described in division (B)(1)(b) of that section. 72792

(E) For the purpose of paying the costs of acquiring, 72793
constructing, equipping, and improving a municipal educational and 72794
cultural facility, including debt service charges on bonds 72795
provided for in division (B) of section 307.672 of the Revised 72796
Code, and for any additional purposes determined by the county in 72797
the resolution levying the tax or amendments to the resolution, 72798
including subsequent amendments providing for paying costs of 72799
acquiring, constructing, renovating, rehabilitating, equipping, 72800
and improving a port authority educational and cultural performing 72801
arts facility, as defined in section 307.674 of the Revised Code, 72802
and including debt service charges on bonds provided for in 72803
division (B) of section 307.674 of the Revised Code, the 72804
legislative authority of a county, by resolution adopted within 72805
ninety days after June 30, 1993, by a majority of the members of 72806
the legislative authority, may levy an additional excise tax not 72807
to exceed one and one-half per cent on transactions by which 72808
lodging by a hotel is or is to be furnished to transient guests. 72809

The excise tax authorized by this division shall be in addition to 72810
any tax that is levied pursuant to divisions (A), (B), (C), and 72811
(D) of this section, to any excise tax levied pursuant to section 72812
5739.08 of the Revised Code, and to any excise tax levied pursuant 72813
to section 351.021 of the Revised Code. The legislative authority 72814
of the county shall establish all regulations necessary to provide 72815
for the administration and allocation of the tax. The regulations 72816
may prescribe the time for payment of the tax, and may provide for 72817
the imposition of a penalty or interest, or both, for late 72818
payments, provided that the penalty does not exceed ten per cent 72819
of the amount of tax due, and the rate at which interest accrues 72820
does not exceed the rate per annum prescribed pursuant to section 72821
5703.47 of the Revised Code. All revenues arising from the tax 72822
shall be expended in accordance with section 307.672 of the 72823
Revised Code and this division. The levy of a tax imposed under 72824
this division shall not commence prior to the first day of the 72825
month next following the execution of the cooperative agreement 72826
authorized by section 307.672 of the Revised Code by all parties 72827
to that agreement. The tax shall remain in effect at the rate at 72828
which it is imposed for the period of time determined by the 72829
legislative authority of the county. That period of time shall not 72830
exceed fifteen years, except that the legislative authority of a 72831
county with a population of less than two hundred fifty thousand 72832
according to the most recent federal decennial census, by 72833
resolution adopted by a majority of its members before the 72834
original tax expires, may extend the duration of the tax for an 72835
additional period of time. The additional period of time by which 72836
a legislative authority extends a tax levied under this division 72837
shall not exceed fifteen years. 72838

(F) The legislative authority of a county that has levied a 72839
tax under division (E) of this section may, by resolution adopted 72840
within one hundred eighty days after January 4, 2001, by a 72841
majority of the members of the legislative authority, amend the 72842

resolution levying a tax under that division to provide for the 72843
use of the proceeds of that tax, to the extent that it is no 72844
longer needed for its original purpose as determined by the 72845
parties to a cooperative agreement amendment pursuant to division 72846
(D) of section 307.672 of the Revised Code, to pay costs of 72847
acquiring, constructing, renovating, rehabilitating, equipping, 72848
and improving a port authority educational and cultural performing 72849
arts facility, including debt service charges on bonds provided 72850
for in division (B) of section 307.674 of the Revised Code, and to 72851
pay all obligations under any guaranty agreements, reimbursement 72852
agreements, or other credit enhancement agreements described in 72853
division (C) of section 307.674 of the Revised Code. The 72854
resolution may also provide for the extension of the tax at the 72855
same rate for the longer of the period of time determined by the 72856
legislative authority of the county, but not to exceed an 72857
additional twenty-five years, or the period of time required to 72858
pay all debt service charges on bonds provided for in division (B) 72859
of section 307.672 of the Revised Code and on port authority 72860
revenue bonds provided for in division (B) of section 307.674 of 72861
the Revised Code. All revenues arising from the amendment and 72862
extension of the tax shall be expended in accordance with section 72863
307.674 of the Revised Code, this division, and division (E) of 72864
this section. 72865

(G) For purposes of a tax levied by a county, township, or 72866
municipal corporation under this section or section 5739.08 of the 72867
Revised Code, a board of county commissioners, board of township 72868
trustees, or the legislative authority of a municipal corporation 72869
may adopt a resolution or ordinance at any time specifying that 72870
"hotel," as otherwise defined in section 5739.01 of the Revised 72871
Code, includes the following: 72872

(1) Establishments in which fewer than five rooms are used 72873
for the accommodation of guests. 72874

(2) Establishments at which rooms are used for the 72875
accommodation of guests regardless of whether each room is 72876
accessible through its own keyed entry or several rooms are 72877
accessible through the same keyed entry; and, in determining the 72878
number of rooms, all rooms are included regardless of the number 72879
of structures in which the rooms are situated or the number of 72880
parcels of land on which the structures are located if the 72881
structures are under the same ownership and the structures are not 72882
identified in advertisements of the accommodations as distinct 72883
establishments. For the purposes of division (G)(2) of this 72884
section, two or more structures are under the same ownership if 72885
they are owned by the same person, or if they are owned by two or 72886
more persons the majority of the ownership interests of which are 72887
owned by the same person. 72888

The resolution or ordinance may apply to a tax imposed 72889
pursuant to this section prior to the adoption of the resolution 72890
or ordinance if the resolution or ordinance so states, but the tax 72891
shall not apply to transactions by which lodging by such an 72892
establishment is provided to transient guests prior to the 72893
adoption of the resolution or ordinance. 72894

(H)(1) As used in this division: 72895

(a) "Convention facilities authority" has the same meaning as 72896
in section 351.01 of the Revised Code. 72897

(b) "Convention center" has the same meaning as in section 72898
307.695 of the Revised Code. 72899

(2) Notwithstanding any contrary provision of division (D) of 72900
this section, the legislative authority of a county with a 72901
population of one million or more according to the most recent 72902
federal decennial census that has levied a tax under division (D) 72903
of this section may, by resolution adopted by a majority of the 72904
members of the legislative authority, provide for the extension of 72905

such levy and may provide that the proceeds of that tax, to the extent that they are no longer needed for their original purpose as defined by a cooperative agreement entered into under section 307.671 of the Revised Code, shall be deposited into the county general revenue fund. The resolution shall provide for the extension of the tax at a rate not to exceed the rate specified in division (D) of this section for a period of time determined by the legislative authority of the county, but not to exceed an additional forty years.

(3) The legislative authority of a county with a population of one million or more that has levied a tax under division (A)(1) of this section may, by resolution adopted by a majority of the members of the legislative authority, increase the rate of the tax levied by such county under division (A)(1) of this section to a rate not to exceed five per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. Notwithstanding any contrary provision of division (A)(1) of this section, the resolution may provide that all collections resulting from the rate levied in excess of three per cent, after deducting the real and actual costs of administering the tax, shall be deposited in the county general fund.

(4) The legislative authority of a county with a population of one million or more that has levied a tax under division (A)(1) of this section may, by resolution adopted on or before August 30, 2004, by a majority of the members of the legislative authority, provide that all or a portion of the proceeds of the tax levied under division (A)(1) of this section, after deducting the real and actual costs of administering the tax and the amounts required to be returned to townships and municipal corporations with respect to the first three per cent levied under division (A)(1) of this section, shall be deposited in the county general fund, provided that such proceeds shall be used to satisfy any pledges

made in connection with an agreement entered into under section 72938
307.695 of the Revised Code. 72939

(5) No amount collected from a tax levied, extended, or 72940
required to be deposited in the county general fund under division 72941
(H) of this section shall be contributed to a convention 72942
facilities authority, corporation, or other entity created after 72943
July 1, 2003, for the principal purpose of constructing, 72944
improving, expanding, equipping, financing, or operating a 72945
convention center unless the mayor of the municipal corporation in 72946
which the convention center is to be operated by that convention 72947
facilities authority, corporation, or other entity has consented 72948
to the creation of that convention facilities authority, 72949
corporation, or entity. Notwithstanding any contrary provision of 72950
section 351.04 of the Revised Code, if a tax is levied by a county 72951
under division (H) of this section, the board of county 72952
commissioners of that county may determine the manner of 72953
selection, the qualifications, the number, and terms of office of 72954
the members of the board of directors of any convention facilities 72955
authority, corporation, or other entity described in division 72956
(H)(5) of this section. 72957

(6)(a) No amount collected from a tax levied, extended, or 72958
required to be deposited in the county general fund under division 72959
(H) of this section may be used for any purpose other than paying 72960
the direct and indirect costs of constructing, improving, 72961
expanding, equipping, financing, or operating a convention center 72962
and for the real and actual costs of administering the tax, 72963
unless, prior to the adoption of the resolution of the legislative 72964
authority of the county authorizing the levy, extension, increase, 72965
or deposit, the county and the mayor of the most populous 72966
municipal corporation in that county have entered into an 72967
agreement as to the use of such amounts, provided that such 72968
agreement has been approved by a majority of the mayors of the 72969

other municipal corporations in that county. The agreement shall 72970
provide that the amounts to be used for purposes other than paying 72971
the convention center or administrative costs described in 72972
division (H)(6)(a) of this section be used only for the direct and 72973
indirect costs of capital improvements, including the financing of 72974
capital improvements. 72975

(b) If the county in which the tax is levied has an 72976
association of mayors and city managers, the approval of that 72977
association of an agreement described in division (H)(6)(a) of 72978
this section shall be considered to be the approval of the 72979
majority of the mayors of the other municipal corporations for 72980
purposes of that division. 72981

(7) Each year, the auditor of state shall conduct an audit of 72982
the uses of any amounts collected from taxes levied, extended, or 72983
deposited under division (H) of this section and shall prepare a 72984
report of the auditor of state's findings. The auditor of state 72985
shall submit the report to the legislative authority of the county 72986
that has levied, extended, or deposited the tax, the speaker of 72987
the house of representatives, the president of the senate, and the 72988
leaders of the minority parties of the house of representatives 72989
and the senate. 72990

(I)(1) As used in this division: 72991

(a) "Convention facilities authority" has the same meaning as 72992
in section 351.01 of the Revised Code. 72993

(b) "Convention center" has the same meaning as in section 72994
307.695 of the Revised Code. 72995

(2) Notwithstanding any contrary provision of division (D) of 72996
this section, the legislative authority of a county with a 72997
population of one million two hundred thousand or more according 72998
to the most recent federal decennial census or the most recent 72999
annual population estimate published or released by the United 73000

States census bureau at the time the resolution is adopted placing 73001
the levy on the ballot, that has levied a tax under division (D) 73002
of this section may, by resolution adopted by a majority of the 73003
members of the legislative authority, provide for the extension of 73004
such levy and may provide that the proceeds of that tax, to the 73005
extent that the proceeds are no longer needed for their original 73006
purpose as defined by a cooperative agreement entered into under 73007
section 307.671 of the Revised Code and after deducting the real 73008
and actual costs of administering the tax, shall be used for 73009
paying the direct and indirect costs of constructing, improving, 73010
expanding, equipping, financing, or operating a convention center. 73011
The resolution shall provide for the extension of the tax at a 73012
rate not to exceed the rate specified in division (D) of this 73013
section for a period of time determined by the legislative 73014
authority of the county, but not to exceed an additional forty 73015
years. 73016

(3) The legislative authority of a county with a population 73017
of one million two hundred thousand or more that has levied a tax 73018
under division (A)(1) of this section may, by resolution adopted 73019
by a majority of the members of the legislative authority, 73020
increase the rate of the tax levied by such county under division 73021
(A)(1) of this section to a rate not to exceed five per cent on 73022
transactions by which lodging by a hotel is or is to be furnished 73023
to transient guests. Notwithstanding any contrary provision of 73024
division (A)(1) of this section, the resolution shall provide that 73025
all collections resulting from the rate levied in excess of three 73026
per cent, after deducting the real and actual costs of 73027
administering the tax, shall be used for paying the direct and 73028
indirect costs of constructing, improving, expanding, equipping, 73029
financing, or operating a convention center. 73030

(4) The legislative authority of a county with a population 73031
of one million two hundred thousand or more that has levied a tax 73032

under division (A)(1) of this section may, by resolution adopted 73033
on or before July 1, 2008, by a majority of the members of the 73034
legislative authority, provide that all or a portion of the 73035
proceeds of the tax levied under division (A)(1) of this section, 73036
after deducting the real and actual costs of administering the tax 73037
and the amounts required to be returned to townships and municipal 73038
corporations with respect to the first three per cent levied under 73039
division (A)(1) of this section, shall be used to satisfy any 73040
pledges made in connection with an agreement entered into under 73041
section 307.695 of the Revised Code or shall otherwise be used for 73042
paying the direct and indirect costs of constructing, improving, 73043
expanding, equipping, financing, or operating a convention center. 73044

(5) Any amount collected from a tax levied or extended under 73045
division (I) of this section may be contributed to a convention 73046
facilities authority created before July 1, 2005, but no amount 73047
collected from a tax levied or extended under division (I) of this 73048
section may be contributed to a convention facilities authority, 73049
corporation, or other entity created after July 1, 2005, unless 73050
the mayor of the municipal corporation in which the convention 73051
center is to be operated by that convention facilities authority, 73052
corporation, or other entity has consented to the creation of that 73053
convention facilities authority, corporation, or entity. 73054

(J)(1) Except as provided in division (J)(2) of this section, 73055
money collected by a county and distributed under this section to 73056
a convention and visitors' bureau in existence as of June 30, 73057
2013, the effective date of H.B. 59 of the 130th general assembly, 73058
except for any such money pledged, as of that effective date, to 73059
the payment of debt service charges on bonds, notes, securities, 73060
or lease agreements, shall be used solely for tourism sales, 73061
marketing and promotion, and their associated costs, including, 73062
but not limited to, operational and administrative costs of the 73063
bureau, sales and marketing, and maintenance of the physical 73064

bureau structure. 73065

(2) A convention and visitors' bureau that has entered into 73066
an agreement under section 307.678 of the Revised Code may use 73067
revenue it receives from a tax levied under division (A)(1) of 73068
this section as described in division (E) of section 307.678 of 73069
the Revised Code. 73070

(K) The board of county commissioners of a county with a 73071
population between one hundred three thousand and one hundred 73072
seven thousand according to the most recent federal decennial 73073
census, by resolution adopted by a majority of the members of the 73074
board within six months after September 15, 2014, the effective 73075
date of H.B. 483 of the 130th general assembly, may levy a tax not 73076
to exceed three per cent on transactions by which a hotel is or is 73077
to be furnished to transient guests. The purpose of the tax shall 73078
be to pay the costs of expanding, maintaining, or operating a 73079
soldiers' memorial and the costs of administering the tax. All 73080
revenue arising from the tax shall be credited to one or more 73081
special funds in the county treasury and shall be spent solely for 73082
the purposes of paying those costs. The board of county 73083
commissioners shall adopt all rules necessary to provide for the 73084
administration of the tax subject to the same limitations on 73085
imposing penalty or interest under division (A)(1) of this 73086
section. 73087

As used in this division "soldiers' memorial" means a 73088
memorial constructed and funded under Chapter 345. of the Revised 73089
Code. 73090

(L) A board of county commissioners of an eligible county, by 73091
resolution adopted by a majority of the members of the board, may 73092
levy an excise tax at the rate of up to three per cent on 73093
transactions by which lodging by a hotel is or is to be furnished 73094
to transient guests for the purpose of paying the costs of 73095
permanent improvements at sites at which one or more agricultural 73096

societies conduct fairs or exhibits, paying the costs of 73097
maintaining or operating such permanent improvements, and paying 73098
the costs of administering the tax. A resolution adopted under 73099
this division, other than a resolution that only extends the 73100
period of time for which the tax is levied, shall direct the board 73101
of elections to submit the question of the proposed lodging tax to 73102
the electors of the county at a special election held on the date 73103
specified by the board in the resolution, provided that the 73104
election occurs not less than ninety days after a certified copy 73105
of the resolution is transmitted to the board of elections. A 73106
resolution submitted to the electors under this division shall not 73107
go into effect unless it is approved by a majority of those voting 73108
upon it. The resolution takes effect on the date the board of 73109
county commissioners receives notification from the board of 73110
elections of an affirmative vote. 73111

The tax shall remain in effect for the period specified in 73112
the resolution, not to exceed five years, and may be extended for 73113
an additional period of time not to exceed fifteen years 73114
thereafter by a resolution adopted by a majority of the members of 73115
the board. A resolution extending the period of time for which the 73116
tax is in effect is not subject to approval of the electors of the 73117
county, but is subject to referendum under sections 305.31 to 73118
305.99 of the Revised Code. All revenue arising from the tax shall 73119
be credited to one or more special funds in the county treasury 73120
and shall be spent solely for the purposes of paying the costs of 73121
such permanent improvements and maintaining or operating the 73122
improvements. Revenue allocated for the use of a county 73123
agricultural society may be credited to the county agricultural 73124
society fund created in section 1711.16 of the Revised Code upon 73125
appropriation by the board. If revenue is credited to that fund, 73126
it shall be expended only as provided in that section. 73127

The board of county commissioners shall adopt all rules 73128

necessary to provide for the administration of the tax. The rules 73129
may prescribe the time for payment of the tax, and may provide for 73130
the imposition or penalty or interest, or both, for late payments, 73131
provided that the penalty does not exceed ten per cent of the 73132
amount of tax due, and the rate at which interest accrues does not 73133
exceed the rate per annum prescribed in section 5703.47 of the 73134
Revised Code. 73135

As used in this division, "eligible county" means a county in 73136
which a county agricultural society or independent agricultural 73137
society is organized under section 1711.01 or 1711.02 of the 73138
Revised Code, provided the agricultural society owns a facility or 73139
site in the county at which an annual harness horse race is 73140
conducted where one-day attendance equals at least forty thousand 73141
attendees. 73142

(M) As used in this division, "eligible county" means a 73143
county in which a tax is levied under division (A) of this section 73144
at a rate of three per cent and whose territory includes a part of 73145
Lake Erie the shoreline of which represents at least fifty per 73146
cent of the linear length of the county's border with other 73147
counties of this state. 73148

The board of county commissioners of an eligible county that 73149
has entered into an agreement with a port authority in the county 73150
under section 4582.56 of the Revised Code may levy an additional 73151
lodging tax on transactions by which lodging by a hotel is or is 73152
to be furnished to transient guests for the purpose of financing 73153
lakeshore improvement projects constructed or financed by the port 73154
authority under that section. The resolution levying the tax shall 73155
specify the purpose of the tax, the rate of the tax, which shall 73156
not exceed two per cent, and the number of years the tax will be 73157
levied or that it will be levied for a continuing period of time. 73158
The tax shall be administered pursuant to the regulations adopted 73159
by the board under division (A) of this section, except that all 73160

the proceeds of the tax levied under this division shall be 73161
pledged to the payment of the costs, including debt charges, of 73162
lakeshore improvements undertaken by a port authority pursuant to 73163
the agreement under section 4582.56 of the Revised Code. No 73164
revenue from the tax may be used to pay the current expenses of 73165
the port authority. 73166

A resolution levying a tax under this division is subject to 73167
referendum under sections 305.31 to 305.41 and 305.99 of the 73168
Revised Code. 73169

(N)(1)(a) Notwithstanding division (A) of this section, the 73170
board of county commissioners, board of township trustees, or 73171
legislative authority of any county, township, or municipal 73172
corporation that levies a lodging tax on September 29, 2017, and 73173
in which any part of a tourism development district is located on 73174
or after that date shall amend the ordinance or resolution levying 73175
the tax to require either of the following: 73176

(i) In the case of a tax levied by a county, that all tourism 73177
development district lodging tax proceeds from that tax be used 73178
exclusively to foster and develop tourism in the tourism 73179
development district; 73180

(ii) In the case of a tax levied by a township or municipal 73181
corporation, that all tourism development district lodging tax 73182
proceeds from that tax be used exclusively to foster and develop 73183
tourism in the tourism development district. 73184

(b) Notwithstanding division (A) of this section, any 73185
ordinance or resolution levying a lodging tax adopted on or after 73186
September 29, 2017, by a county, township, or municipal 73187
corporation in which any part of a tourism development district is 73188
located on or after that date shall require that all tourism 73189
development district lodging tax proceeds from that tax be used 73190
exclusively to foster and develop tourism in the tourism 73191

development district. 73192

(c) A county shall not use any of the proceeds described in 73193
division (N)(1)(a)(i) or (N)(1)(b) of this section unless the 73194
convention and visitors' bureau operating within the county 73195
approves the manner in which such proceeds are used to foster and 73196
develop tourism in the tourism development district. Upon 73197
obtaining such approval, the county may pay such proceeds to the 73198
bureau to use for the agreed-upon purpose. 73199

A municipal corporation or township shall not use any of the 73200
proceeds described in division (N)(1)(a)(ii) or (N)(1)(b) of this 73201
section unless the convention and visitors' bureau operating 73202
within the municipal corporation or township approves the manner 73203
in which such proceeds are used to foster and develop tourism in 73204
the tourism development district. Upon obtaining such approval, 73205
the municipal corporation or township may pay such proceeds to the 73206
bureau to use for the agreed-upon purpose. 73207

(2)(a) Notwithstanding division (A) of this section, the 73208
board of county commissioners of an eligible county that levies a 73209
lodging tax on March 23, 2018, may amend the resolution levying 73210
that tax to require that all or a portion of the proceeds of that 73211
tax otherwise required to be spent solely to make contributions to 73212
the convention and visitors' bureau operating within the county 73213
shall be used to foster and develop tourism in a tourism 73214
development district. 73215

(b) Notwithstanding division (A) of this section, the board 73216
of county commissioners of an eligible county that adopts a 73217
resolution levying a lodging tax on or after March 23, 2018, may 73218
require that all or a portion of the proceeds of that tax 73219
otherwise required to be spent solely to make contributions to the 73220
convention and visitors' bureau operating within the county 73221
pursuant to division (A) of this section shall be used to foster 73222
and develop tourism in a tourism development district. 73223

(c) A county shall not use any of the proceeds in the manner described in division (N)(2)(a) or (b) of this section unless the convention and visitors' bureau operating within the county approves the manner in which such proceeds are used to foster and develop tourism in the tourism development district. Upon obtaining such approval, the county may pay such proceeds to the bureau to use for the agreed upon purpose.

(3) As used in division (N) of this section:

(a) "Tourism development district" means a district designated by a municipal corporation under section 715.014 of the Revised Code or by a township under section 503.56 of the Revised Code.

(b) "Lodging tax" means a tax levied pursuant to this section or section 5739.08 of the Revised Code.

(c) "Tourism development district lodging tax proceeds" means all proceeds of a lodging tax derived from transactions by which lodging by a hotel located in a tourism development district is or is to be provided to transient guests.

(d) "Eligible county" has the same meaning as in section 307.678 of the Revised Code.

(O) A tax levied pursuant to this section on transactions by which lodging by a hotel is or is to be furnished to transient guests, if the transaction is conducted through a hotel intermediary, shall be levied on the basis of the lodging's fair market value. The hotel intermediary shall collect the tax due from the purchaser and remit it to the subdivision levying the tax.

Sec. 5741.01. As used in this chapter:

(A) "Person" includes individuals, receivers, assignees, trustees in bankruptcy, estates, firms, partnerships,

associations, joint-stock companies, joint ventures, clubs, 73254
societies, corporations, business trusts, governments, and 73255
combinations of individuals of any form. 73256

(B) "Storage" means and includes any keeping or retention in 73257
this state for use or other consumption in this state. 73258

(C) "Use" means and includes the exercise of any right or 73259
power incidental to the ownership of the thing used. A thing is 73260
also "used" in this state if its consumer gives or otherwise 73261
distributes it, without charge, to recipients in this state. 73262

(D) "Purchase" means acquired or received for a 73263
consideration, whether such acquisition or receipt was effected by 73264
a transfer of title, or of possession, or of both, or a license to 73265
use or consume; whether such transfer was absolute or conditional, 73266
and by whatever means the transfer was effected; and whether the 73267
consideration was money, credit, barter, or exchange. Purchase 73268
includes production, even though the article produced was used, 73269
stored, or consumed by the producer. The transfer of copyrighted 73270
motion picture films for exhibition purposes is not a purchase, 73271
except such films as are used solely for advertising purposes. 73272

(E) "Seller" means the person from whom a purchase is made, 73273
and includes every person engaged in this state or elsewhere in 73274
the business of selling tangible personal property or providing a 73275
service for storage, use, or other consumption or benefit in this 73276
state; and when, in the opinion of the tax commissioner, it is 73277
necessary for the efficient administration of this chapter, to 73278
regard any salesperson, representative, peddler, or canvasser as 73279
the agent of a dealer, distributor, supervisor, or employer under 73280
whom the person operates, or from whom the person obtains tangible 73281
personal property, sold by the person for storage, use, or other 73282
consumption in this state, irrespective of whether or not the 73283
person is making such sales on the person's own behalf, or on 73284
behalf of such dealer, distributor, supervisor, or employer, the 73285

commissioner may regard the person as such agent, and may regard 73286
such dealer, distributor, supervisor, or employer as the seller. 73287
~~"Seller"~~ A marketplace facilitator shall be treated as the 73288
"seller" with respect to all sales facilitated by the marketplace 73289
facilitator on behalf of one or more marketplace sellers on and 73290
after the first day of the first month that begins at least thirty 73291
days after the marketplace facilitator first has substantial nexus 73292
with this state. Otherwise, "seller" does not include any person 73293
to the extent the person provides a communications medium, such 73294
as, but not limited to, newspapers, magazines, radio, television, 73295
or cable television, by means of which sellers solicit purchases 73296
of their goods or services. 73297

(F) "Consumer" means any person who has purchased tangible 73298
personal property or has been provided a service for storage, use, 73299
or other consumption or benefit in this state. "Consumer" does not 73300
include a person who receives, without charge, tangible personal 73301
property or a service. 73302

A person who performs a facility management or similar 73303
service contract for a contractee is a consumer of all tangible 73304
personal property and services purchased for use in connection 73305
with the performance of such contract, regardless of whether title 73306
to any such property vests in the contractee. The purchase of such 73307
property and services is not subject to the exception for resale 73308
under division (E) of section 5739.01 of the Revised Code. 73309

(G)(1) "Price," except as provided in divisions (G)(2) to (6) 73310
of this section, has the same meaning as in division (H)(1) of 73311
section 5739.01 of the Revised Code. 73312

(2) In the case of watercraft, outboard motors, or new motor 73313
vehicles, "price" has the same meaning as in divisions (H)(2) and 73314
(3) of section 5739.01 of the Revised Code. 73315

(3) In the case of a nonresident business consumer that 73316

purchases and uses tangible personal property outside this state 73317
and subsequently temporarily stores, uses, or otherwise consumes 73318
such tangible personal property in the conduct of business in this 73319
state, the consumer or the tax commissioner may determine the 73320
price based on the value of the temporary storage, use, or other 73321
consumption, in lieu of determining the price pursuant to division 73322
(G)(1) of this section. A price determination made by the consumer 73323
is subject to review and redetermination by the commissioner. 73324

(4) In the case of tangible personal property held in this 73325
state as inventory for sale or lease, and that is temporarily 73326
stored, used, or otherwise consumed in a taxable manner, the price 73327
is the value of the temporary use. A price determination made by 73328
the consumer is subject to review and redetermination by the 73329
commissioner. 73330

(5) In the case of tangible personal property originally 73331
purchased and used by the consumer outside this state, and that 73332
becomes permanently stored, used, or otherwise consumed in this 73333
state more than six months after its acquisition by the consumer, 73334
the consumer or the commissioner may determine the price based on 73335
the current value of such tangible personal property, in lieu of 73336
determining the price pursuant to division (G)(1) of this section. 73337
A price determination made by the consumer is subject to review 73338
and redetermination by the commissioner. 73339

(6) If a consumer produces tangible personal property for 73340
sale and removes that property from inventory for the consumer's 73341
own use, the price is the produced cost of that tangible personal 73342
property. 73343

(H) "Nexus with this state" means that the seller engages in 73344
continuous and widespread solicitation of purchases from residents 73345
of this state or otherwise purposefully directs its business 73346
activities at residents of this state. 73347

(I)(1) "Substantial nexus with this state" means that the seller has sufficient contact with this state, in accordance with Section 8 of Article I of the Constitution of the United States, to allow the state to require the seller to collect and remit use tax on sales of tangible personal property or services made to consumers in this state.

(2) "Substantial nexus with this state" is presumed to exist when the seller does any of the following:

(a) Uses an office, distribution facility, warehouse, storage facility, or similar place of business within this state, whether operated by the seller or any other person, other than a common carrier acting in its capacity as a common carrier.

(b) Regularly uses employees, agents, representatives, solicitors, installers, repairers, salespersons, or other persons in this state for the purpose of conducting the business of the seller or either to engage in a business with the same or a similar industry classification as the seller selling a similar product or line of products as the seller, or to use trademarks, service marks, or trade names in this state that are the same or substantially similar to those used by the seller.

(c) Uses any person, other than a common carrier acting in its capacity as a common carrier, in this state for any of the following purposes:

(i) Receiving or processing orders of the seller's goods or services;

(ii) Using that person's employees or facilities in this state to advertise, promote, or facilitate sales by the seller to customers;

(iii) Delivering, installing, assembling, or performing maintenance services for the seller's customers;

(iv) Facilitating the seller's delivery of tangible personal property to customers in this state by allowing the seller's customers to pick up property sold by the seller at an office, distribution facility, warehouse, storage facility, or similar place of business. 73378
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(d) Makes regular deliveries of tangible personal property into this state by means other than common carrier. 73383
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(e) Has an affiliated person that has substantial nexus with this state. 73385
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(f) Owns tangible personal property that is rented or leased to a consumer in this state, or offers tangible personal property, on approval, to consumers in this state. 73387
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~~(g) Enters into an agreement with one or more residents of this state under which the resident, for a commission or other consideration, directly or indirectly refers potential customers to the seller, whether by a link on a web site, an in person oral presentation, telemarketing, or otherwise, provided the cumulative gross receipts from sales to consumers referred to the seller by all such residents exceeded ten thousand dollars during the preceding twelve months.~~ 73390
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~~(h) Uses in state software to sell or lease taxable tangible personal property or services to consumers, provided the seller has~~ Has gross receipts in excess of ~~five~~ one hundred thousand dollars in the current or preceding calendar year from the sale of tangible personal property for storage, use, or consumption in this state or from providing services the benefit of which is realized in this state. 73398
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~~(i) Provides or enters into an agreement with another person to provide a content distribution network in this state to accelerate or enhance the delivery of the seller's web site to consumers, provided the seller has gross receipts in excess of~~ 73405
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~~five hundred thousand dollars~~ (h) Engages, in the current or 73409
preceding calendar year ~~from the sale of~~ , in two hundred or more 73410
separate transactions selling tangible personal property for 73411
storage, use, or consumption in this state or ~~from~~ providing 73412
services the benefit of which is realized in this state. 73413

(3) A seller presumed to have substantial nexus with this 73414
state under divisions (I)(2)(a) to (f), (g), and (h), ~~and (i)~~ of 73415
this section may rebut that presumption by demonstrating that 73416
activities described in any of those divisions that are conducted 73417
by a person in this state on the seller's behalf are not 73418
significantly associated with the seller's ability to establish or 73419
maintain a market in this state for the seller's sales. 73420

~~(4) A seller presumed to have substantial nexus with this~~ 73421
~~state under division (I)(2)(g) of this section may rebut that~~ 73422
~~presumption by submitting proof that each resident engaged by the~~ 73423
~~seller as described in that division did not engage in any~~ 73424
~~activity within this state during the preceding twelve months that~~ 73425
~~was significantly associated with the seller's ability to~~ 73426
~~establish or maintain the seller's market in this state during the~~ 73427
~~preceding twelve months. Such proof may consist of sworn written~~ 73428
~~statements from all the residents with whom the seller has an~~ 73429
~~agreement stating that the resident did not engage in any~~ 73430
~~solicitation in this state on behalf of the seller during the~~ 73431
~~preceding twelve months if such statements are provided and~~ 73432
~~obtained in good faith. A marketplace facilitator is presumed to~~ 73433
~~have substantial nexus with this state if either of the following~~ 73434
~~apply in the current or preceding calendar year:~~ 73435

(a) The aggregate gross receipts derived from sales of 73436
tangible personal property for storage, use, or consumption in 73437
this state or services the benefit of which is realized in this 73438
state, including sales made by the marketplace facilitator on its 73439
own behalf and sales facilitated by the marketplace facilitator on 73440

behalf of one or more marketplace sellers, exceed one hundred thousand dollars; 73441
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(b) The marketplace facilitator engages in on its own behalf, or facilitates on behalf of one or more marketplace sellers, two hundred or more separate transactions selling tangible personal property for storage, use, or consumption in this state or services the benefit of which is realized in this state. 73443
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(5) A seller that does not have substantial nexus with this state, and any affiliated person of the seller, before selling or leasing tangible personal property or services to a state agency, shall register with the tax commissioner in the same manner as a seller described in division (A)(1) of section 5741.17 of the Revised Code. 73448
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(6) As used in division (I) of this section: 73454

(a) "Affiliated person" means any person that is a member of the same controlled group of corporations as the seller or any other person that, notwithstanding the form of organization, bears the same ownership relationship to the seller as a corporation that is a member of the same controlled group of corporations. 73455
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(b) "Controlled group of corporations" has the same meaning as in section 1563(a) of the Internal Revenue Code. 73460
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(c) "State agency" has the same meaning as in section 1.60 of the Revised Code. 73462
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~~(d) "In state software" means computer software, as that term is defined in section 5739.01 of the Revised Code, that is stored on property in this state or is distributed within this state for the purpose of facilitating a seller's sales.~~ 73464
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~~(e) "Content delivery network" means a system of distributed servers that deliver web sites and other web content to a user based on the geographic location of the user, the origin of the~~ 73468
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~~web site or web content, and a content delivery server.~~ 73471

(J) "Fiscal officer" means, with respect to a regional 73472
transit authority, the secretary-treasurer thereof, and with 73473
respect to a county which is a transit authority, the fiscal 73474
officer of the county transit board appointed pursuant to section 73475
306.03 of the Revised Code or, if the board of county 73476
commissioners operates the county transit system, the county 73477
auditor. 73478

(K) "Territory of the transit authority" means all of the 73479
area included within the territorial boundaries of a transit 73480
authority as they from time to time exist. Such territorial 73481
boundaries must at all times include all the area of a single 73482
county or all the area of the most populous county which is a part 73483
of such transit authority. County population shall be measured by 73484
the most recent census taken by the United States census bureau. 73485

(L) "Transit authority" means a regional transit authority 73486
created pursuant to section 306.31 of the Revised Code or a county 73487
in which a county transit system is created pursuant to section 73488
306.01 of the Revised Code. For the purposes of this chapter, a 73489
transit authority must extend to at least the entire area of a 73490
single county. A transit authority which includes territory in 73491
more than one county must include all the area of the most 73492
populous county which is a part of such transit authority. County 73493
population shall be measured by the most recent census taken by 73494
the United States census bureau. 73495

(M) "Providing a service" has the same meaning as in section 73496
5739.01 of the Revised Code. 73497

(N) "Other consumption" includes receiving the benefits of a 73498
service. 73499

(O) "Lease" or "rental" has the same meaning as in section 73500
5739.01 of the Revised Code. 73501

(P) "Certified service provider" has the same meaning as in section 5740.01 of the Revised Code. 73502
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(Q) "Remote sale" means a sale for which the seller could not be legally required to pay, collect, or remit a tax imposed under this chapter or Chapter 5739. of the Revised Code, unless otherwise provided by the laws of the United States. 73504
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(R) "Remote seller" means a seller that lacks substantial nexus with this state but is required to register with the tax commissioner under section 5741.17 of the Revised Code pursuant to federal law authorizing states to require such sellers to register, collect, and remit use tax. A seller that is not required to register with the commissioner under division (A) of section 5741.17 of the Revised Code but registers voluntarily under division (B) of that section is not a "remote seller." A seller that registers with the commissioner under section 5741.17 of the Revised Code after the effective date of any federal law that authorizes states to require sellers that lack substantial nexus with the state to register, collect, and remit use tax is presumed to be a "remote seller." The seller or the commissioner may rebut this presumption with evidence that the seller has substantial nexus with this state. 73508
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(S) "Remote small seller" means a remote seller that has gross annual receipts from remote sales in the United States not exceeding one million dollars for the preceding calendar year. For the purposes of determining whether a person is a small remote seller, the sales of all persons related within the meaning of subsection (b) or (c) of section 267 or section 707(b)(1) of the Internal Revenue Code shall be aggregated, and persons with one or more ownership relationships shall be aggregated if those relationships were designed with the principal purpose to qualify as a remote small seller. 73523
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(T) "Marketplace facilitator" means a person that owns, 73533

operates, or controls a physical or electronic marketplace through 73534
which retail sales are facilitated on behalf of one or more 73535
marketplace sellers, or an affiliate of such a person. 73536

(U) "Marketplace seller" means a person on behalf of which a 73537
marketplace facilitator facilitates the sale of tangible personal 73538
property for storage, use, or consumption in this state or 73539
services the benefit of which are realized in this state, 73540
regardless of whether or not the person has a substantial nexus 73541
with this state. 73542

(V) "Electronic marketplace" includes digital distribution 73543
services, digital distribution platforms, online portals, 73544
application stores, computer software applications, in-app 73545
purchase mechanisms, or other digital products. 73546

(W) A sale is "facilitated" by a marketplace facilitator on 73547
behalf of a marketplace seller if it satisfies divisions (W)(1), 73548
(2), and (3) of this section: 73549

(1) The marketplace facilitator, directly or indirectly, does 73550
any of the following: 73551

(a) Lists, makes available, or advertises the tangible 73552
personal property or services that are the subject of the sale in 73553
a physical or electronic marketplace owned, operated, or 73554
controlled by the marketplace facilitator; 73555

(b) Transmits or otherwise communicates an offer or 73556
acceptance of the sale between the marketplace seller and the 73557
purchaser in a shop, store, booth, catalog, internet site, or 73558
other similar forum; 73559

(c) Owns, rents, licenses, makes available, or operates any 73560
electronic or physical infrastructure or any property, process, 73561
method, copyright, trademark, or patent that connects the 73562
marketplace seller to the purchaser for the purpose of making 73563
sales; 73564

<u>(d) Provides the marketplace in which the sale was made or</u>	73565
<u>otherwise facilitates the sale regardless of ownership or control</u>	73566
<u>of the tangible personal property or services that are the subject</u>	73567
<u>of the sale;</u>	73568
<u>(e) Provides software development or research and development</u>	73569
<u>services directly related to a physical or electronic marketplace</u>	73570
<u>that is involved in one or more of the activities described in</u>	73571
<u>division (W)(1) of this section;</u>	73572
<u>(f) Provides fulfillment or storage services for the</u>	73573
<u>marketplace seller that are related to the tangible personal</u>	73574
<u>property or services that are the subject of the sale;</u>	73575
<u>(g) Sets the price of the sale on behalf of the marketplace</u>	73576
<u>seller;</u>	73577
<u>(h) Provides or offers customer service to the marketplace</u>	73578
<u>seller or the marketplace seller's customers, or accepts or</u>	73579
<u>assists with taking orders, returns, or exchanges of the tangible</u>	73580
<u>personal property or services that are the subject of the sale;</u>	73581
<u>(i) Brands or otherwise identifies the sale as a sale of the</u>	73582
<u>marketplace facilitator.</u>	73583
<u>(2) The marketplace facilitator, directly or indirectly, does</u>	73584
<u>any of the following:</u>	73585
<u>(a) Collects the price of the tangible personal property or</u>	73586
<u>services sold to the consumer;</u>	73587
<u>(b) Provides payment processing services for the sale;</u>	73588
<u>(c) Charges, collects, or otherwise receives selling fees,</u>	73589
<u>listing fees, referral fees, closing fees, fees for inserting or</u>	73590
<u>making available the tangible personal property or services on a</u>	73591
<u>marketplace, or other consideration from the facilitation of the</u>	73592
<u>sale regardless of ownership or control of the tangible personal</u>	73593
<u>property or services that are the subject of the sale;</u>	73594

(d) Collects payment in connection with the sale from the consumer through terms and conditions, agreements, or arrangements with a third party, and transmits that payment to the marketplace seller, regardless of whether the person collecting and transmitting such payment receives compensation or other consideration in exchange for the service; 73595
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(e) Provides virtual currency that consumers are allowed or required to use to purchase the tangible personal property or services that are the subject of the sale. 73601
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(3) The subject of the sale is tangible personal property or services other than lodging by a hotel that is or is to be furnished to transient guests. 73604
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Sec. 5741.04. Every seller required to register with the tax commissioner pursuant to section 5741.17 of the Revised Code who is engaged in the business of selling or facilitating the sale of tangible personal property in this state for storage, use, or other consumption in this state, to which section 5741.02 of the Revised Code applies, or which is subject to a tax levied pursuant to section 5741.021, 5741.022, or 5741.023 of the Revised Code, shall, and any other seller who is authorized by rule of the tax commissioner to do so may, collect from the consumer the full and exact amount of the tax payable on each such storage, use, or consumption, in the manner and at the times provided as follows: 73607
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(A) If the price is, at or prior to the delivery of possession of the thing sold to the consumer, paid in currency passed from hand to hand by the consumer or the consumer's agent, to the seller or the seller's agent, the seller or the seller's agent shall collect the tax with and at the same time as the price. 73618
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(B) If the price is otherwise paid or to be paid, the seller or the seller's agent shall, at or prior to the delivery of 73624
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possession of the thing sold to the consumer, charge the tax 73626
imposed by or pursuant to section 5741.02, 5741.021, 5741.022, or 73627
5741.023 of the Revised Code to the account of the consumer, which 73628
amount shall be collected by the seller from the consumer in 73629
addition to the price. Such transaction shall be reported on the 73630
return for the period in which the transaction occurred, and the 73631
amount of tax applicable to the transaction shall be remitted with 73632
the return or, if the consumer is subject to section 5741.121 of 73633
the Revised Code, in the manner prescribed by that section. The 73634
amount of the tax shall become a legal charge in favor of the 73635
seller and against the consumer. 73636

(C) It shall be the obligation of each consumer, as required 73637
by section 5741.12 of the Revised Code, to report and pay the 73638
taxes levied by sections 5741.021, 5741.022, and 5741.023 of the 73639
Revised Code, if applicable, on any storage, use, or other 73640
consumption of tangible personal property purchased in this state 73641
from a vendor required to be licensed pursuant to section 5739.17 73642
of the Revised Code. 73643

Sec. 5741.05. As used in this section, "receive" means taking 73644
possession of tangible personal property or making first use of a 73645
service. "Receive" does not include possession by a shipping 73646
company on behalf of a consumer. 73647

(A) ~~A~~ Except as otherwise provided in division (B) of this 73648
section, a seller that collects the tax levied by sections 73649
5741.02, 5741.021, 5741.022, or 5741.023 of the Revised Code on 73650
transactions, other than sales of titled motor vehicles, titled 73651
watercraft, or titled outboard motors, shall determine under 73652
section 5739.033 or 5739.034 of the Revised Code the jurisdiction 73653
for which to collect the tax. ~~A~~ 73654

(B) A marketplace facilitator that collects the tax levied by 73655
sections 5741.02, 5741.021, 5741.022, or 5741.023 of the Revised 73656

Code on sales facilitated by the marketplace facilitator, other than sales of titled motor vehicles, titled watercraft, or titled outboard motors, shall determine the jurisdiction for which to collect the tax as follows: 73657
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(1) The location known to the marketplace facilitator where the consumer or the donee designated by the consumer receives the tangible personal property or service, including the location indicated by instructions for delivery to the consumer or the consumer's donee; 73661
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(2) If division (B)(1) of this section does not apply, the location indicated by an address for the consumer that is available from the marketplace facilitator's business records that are maintained in the ordinary course of the marketplace facilitator's business, when use of that address does not constitute bad faith; 73666
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(3) If divisions (B)(1) and (2) of this section do not apply, the location indicated by an address for the consumer obtained during the consummation of the sale, including the address associated with the consumer's payment instrument, if no other address is available, when use of that address does not constitute bad faith. 73672
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(4) If divisions (B)(1), (2), and (3) of this section do not apply, including in the circumstance where the marketplace facilitator is without sufficient information to apply any of those divisions, the address from which tangible personal property was shipped, or from which the service was provided, disregarding any location that merely provided the electronic transfer of the property sold or service provided. 73678
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(C) A vendor or seller of motor vehicles, watercraft, or outboard motors required to be titled in this state shall collect the tax levied by section 5739.02 or 5741.02 of the Revised Code 73685
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and the additional taxes levied by division (A)(1) of section 73688
5741.021, division (A)(1) of section 5741.022, and division (A)(1) 73689
of section 5741.023 of the Revised Code for the consumer's county 73690
of residence as provided in section 1548.06 and division (B) of 73691
section 4505.06 of the Revised Code. 73692

~~(B)~~(D) A vendor or seller is not responsible for collecting 73693
or remitting additional tax if a consumer subsequently stores, 73694
uses, or consumes the tangible personal property or service in 73695
another jurisdiction with a rate of tax imposed by sections 73696
5741.02, 5741.021, 5741.022, or 5741.023 of the Revised Code that 73697
is higher than the amount collected by the vendor or seller 73698
pursuant to Chapter 5739. or 5741. of the Revised Code. 73699

Sec. 5741.07. Except as otherwise provided in section 5741.11 73700
of the Revised Code, a marketplace facilitator that is treated as 73701
a seller pursuant to division (E) of section 5741.01 of the 73702
Revised Code has the same rights and obligations under this 73703
chapter as other sellers. Such obligations include registering 73704
with the tax commissioner under section 5741.17 of the Revised 73705
Code and collecting and remitting the taxes levied under this 73706
chapter on sales facilitated by the marketplace facilitator in 73707
accordance with section 5741.04 of the Revised Code. A marketplace 73708
facilitator's rights and obligations regarding a sale are not 73709
affected by the amount of the price paid by the consumer that will 73710
accrue to or benefit the marketplace facilitator as compared to 73711
the marketplace seller for which the sale is facilitated, or by 73712
whether or not such marketplace seller has substantial nexus with 73713
this state, registers with the tax commissioner under section 73714
5741.17 of the Revised Code, or collects and remits taxes on sales 73715
not facilitated by a marketplace facilitator in accordance with 73716
section 5741.04 of the Revised Code. 73717

A marketplace seller that is required to collect and remit 73718

the taxes levied under this chapter shall continue to do so for 73719
all sales other than those facilitated by a marketplace 73720
facilitator that is treated as a seller pursuant to division (E) 73721
of section 5741.01 of the Revised Code, including sales 73722
facilitated before the first day of the first month that begins at 73723
least thirty days after the marketplace facilitator first has 73724
substantial nexus with this state. 73725

Sec. 5741.11. ~~If~~ (A) Except as otherwise provided in 73726
divisions (B) and (C) of this section, if any seller who is 73727
required or authorized to collect the tax imposed by or pursuant 73728
to section 5741.02, 5741.021, 5741.022, or 5741.023 of the Revised 73729
Code fails to do so, ~~he~~ the seller shall be liable personally for 73730
such amount as ~~he~~ the seller failed to collect. If any seller 73731
collects the tax imposed by or pursuant to any such section and 73732
fails to remit the same to the state as prescribed, ~~he~~ the seller 73733
shall be personally liable for any amount collected ~~which he~~ that 73734
the seller failed to remit. The tax commissioner may make an 73735
assessment against such seller, based upon any information within 73736
~~his~~ the commissioner's possession. The commissioner shall give to 73737
the seller written notice of such assessment. Such notice may be 73738
served upon the seller personally or by certified mail. 73739

(B) A marketplace facilitator is relieved of all liability 73740
under division (A) of this section for failure to collect the tax 73741
imposed by or pursuant to section 5741.02, 5741.021, 5741.022, or 73742
5741.023 of the Revised Code on a sale facilitated by the 73743
marketplace facilitator on behalf of an unaffiliated marketplace 73744
seller if it is demonstrated to the satisfaction of the 73745
commissioner that the marketplace facilitator made a reasonable 73746
effort to obtain accurate information about the sale from the 73747
marketplace seller and that the marketplace facilitator failed to 73748
collect the correct amount of tax because of incorrect information 73749
provided by the marketplace seller. 73750

If a marketplace facilitator is relieved of liability under this division, the marketplace seller for which the sale was facilitated and the purchaser are personally liable for any amount of tax that is not properly collected, paid, or remitted.

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(C) Division (B) of this section does not absolve a marketplace facilitator, marketplace seller, or any other person from personal liability for collecting but failing to remit the tax imposed by or pursuant to section 5741.02, 5741.021, 5741.022, or 5741.023 of the Revised Code.

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(D) No class action may be brought against a marketplace facilitator in any court of this state on behalf of consumers arising from or in any way related to an overpayment of the tax imposed by or pursuant to sections 5741.02, 5741.021, 5741.022, or 5741.023 of the Revised Code on sales facilitated by the marketplace facilitator, regardless of whether the claim is characterized as a tax refund claim.

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Sec. 5741.13. (A) Except as provided in division (B) of this section:

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(1) If any person required by section 5741.12 of the Revised Code to make a return to the tax commissioner fails to make such return at the time required by or under authority of such section, the commissioner may make an assessment against such person, based upon any information within the commissioner's possession. The commissioner shall give to such person written notice of the assessment as provided in section 5703.37 of the Revised Code.

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(2) If information in the possession of the commissioner indicates that the tax paid by any consumer is less than that due, the commissioner may audit a representative sample of that consumer's purchases and may issue an assessment based thereon. The commissioner shall make a good faith effort to reach agreement with the consumer on selecting a representative sample.

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(3) If information in the possession of the commissioner 73782
indicates that the amount required to be collected or paid under 73783
this chapter is greater than the amount remitted by the seller, 73784
the commissioner may audit a representative sample of the seller's 73785
sales to determine the per cent of exempt or taxable transactions 73786
or the effective tax rate and may issue an assessment based on the 73787
audit. The commissioner shall make a good faith effort to reach 73788
agreement with the seller in selecting a representative sample. 73789

(B) The commissioner may audit only the marketplace 73790
facilitator for sales with respect to which the marketplace 73791
facilitator is treated as the seller pursuant to division (E) of 73792
section 5741.01 of the Revised Code and may not audit the 73793
marketplace seller on behalf of which the sale was facilitated. 73794
This division does not absolve a marketplace seller or the 73795
purchaser from personal liability under division (B) of section 73796
5741.11 of the Revised Code for taxes that are not properly 73797
collected, paid, or remitted due to the inability of the 73798
marketplace facilitator to obtain accurate information about the 73799
sale from the marketplace seller. 73800

Sec. 5741.17. (A)(1) Except as otherwise provided in 73801
divisions (A)(2), (3), and (4) of this section, every seller of 73802
tangible personal property or services who has substantial nexus 73803
with this state shall register with the tax commissioner and 73804
supply any information concerning the seller's contacts with this 73805
state that may be required by the commissioner. 73806

(2) A seller who is licensed as a vendor pursuant to section 73807
5739.17 of the Revised Code shall not be required to register with 73808
the commissioner pursuant to this section if all sales to 73809
consumers in this state are made under the authority of the 73810
seller's vendor's license. 73811

~~(3) Unless the seller has substantial nexus with this state 73812~~

~~pursuant to division (I)(2)(g) of section 5741.01 of the Revised Code,~~ a A seller is not required to register under this section if the seller has no contact with this state other than an agency relationship with a person engaged in the business of telemarketing in this state and engaged by the seller exclusively for the purpose of solicitation of customers in other states.

(4) A seller is not required to register under this section if the seller has no contact with this state other than the ownership of property that is located at the facility of a printer with which the seller has contracted for printing and that consists of the final printed product, property that becomes a part of the final printed product, or copy from which the final printed product is produced.

(B) A seller who does not have substantial nexus with this state may voluntarily register with the commissioner. A seller who voluntarily registers with the commissioner under this section is entitled to the same benefits and is subject to the same duties and requirements as a seller required to be registered with the commissioner under this chapter.

The commissioner shall maintain an alphabetical index of all sellers registered under this chapter and records of the use tax reported and paid. Upon request, this information shall be made available to the treasurer of state.

(C) A remote small seller is not required to register under this section.

Sec. 5743.62. (A) To provide revenue for the general revenue fund of the state, an excise tax is hereby levied on the seller of tobacco products in this state at one of the following rates:

(1) For tobacco products other than little cigars or premium cigars, seventeen per cent of the wholesale price of the tobacco

product whenever the tobacco product is delivered to a consumer in 73843
this state for the storage, use, or other consumption of such 73844
tobacco products. 73845

(2) For little cigars, thirty-seven per cent of the wholesale 73846
price of the little cigars whenever the little cigars are 73847
delivered to a consumer in this state for the storage, use, or 73848
other consumption of the little cigars. 73849

(3) For premium cigars, whenever the premium cigars are 73850
delivered to a consumer in this state for the storage, use, or 73851
other consumption of the premium cigars, the lesser of seventeen 73852
per cent of the wholesale price of such premium cigars or the 73853
maximum tax amount per each such premium cigar. 73854

The tax imposed by this section applies only to sellers 73855
having substantial nexus ~~in~~ with this state, as defined in section 73856
5741.01 of the Revised Code. 73857

(B) A seller of tobacco products who has substantial nexus ~~in~~ 73858
with this state as defined in section 5741.01 of the Revised Code 73859
shall register with the tax commissioner and supply any 73860
information concerning the seller's contacts with this state as 73861
may be required by the tax commissioner. A seller who does not 73862
have substantial nexus ~~in~~ with this state may voluntarily register 73863
with the tax commissioner. A seller who voluntarily registers with 73864
the tax commissioner is entitled to the same benefits and is 73865
subject to the same duties and requirements as a seller required 73866
to be registered with the tax commissioner under this division. 73867

(C) Each seller of tobacco products subject to the tax levied 73868
by this section, on or before the last day of each month, shall 73869
file with the tax commissioner a return for the preceding month 73870
showing any information the tax commissioner finds necessary for 73871
the proper administration of sections 5743.51 to 5743.66 of the 73872
Revised Code, together with remittance of the tax due, payable to 73873

the treasurer of state. The return and payment of the tax required 73874
by this section shall be filed in such a manner that it is 73875
received by the tax commissioner on or before the last day of the 73876
month following the reporting period. If the return is filed and 73877
the amount of the tax shown on the return to be due is paid on or 73878
before the date the return is required to be filed, the seller is 73879
entitled to a discount equal to two and five-tenths per cent of 73880
the amount shown on the return to be due. 73881

(D) The tax commissioner shall immediately forward to the 73882
treasurer of state all money received from the tax levied by this 73883
section, and the treasurer shall credit the amount to the general 73884
revenue fund. 73885

(E) Each seller of tobacco products subject to the tax levied 73886
by this section shall mark on the invoices of tobacco products 73887
sold that the tax levied by that section has been paid and shall 73888
indicate the seller's account number as assigned by the tax 73889
commissioner. 73890

Sec. 5745.05. (A) Prior to the first day of March, June, 73891
September, and December, the tax commissioner shall certify to the 73892
director of budget and management the amount to be paid to each 73893
municipal corporation, as indicated on the declaration of 73894
estimated tax reports and annual reports received under sections 73895
5745.03 and 5745.04 of the Revised Code, less any amounts 73896
previously distributed and net of any audit adjustments made by 73897
the tax commissioner. Not later than the first day of March, June, 73898
September, and December, the director of budget and management 73899
shall provide for payment of the amount certified to each 73900
municipal corporation from the municipal income tax fund, plus a 73901
pro rata share of any investment earnings accruing to the fund 73902
since the previous payment under this section apportioned among 73903
municipal corporations entitled to such payments in proportion to 73904

the amount certified by the tax commissioner, and minus any 73905
reduction required by the commissioner under division (D) of 73906
section 718.83 of the Revised Code. All investment earnings on 73907
money in the municipal income tax fund shall be credited to that 73908
fund. 73909

(B) If the tax commissioner determines that the amount of tax 73910
paid by a taxpayer and distributed to a municipal corporation 73911
under this section for a taxable year exceeds the amount payable 73912
to that municipal corporation under this chapter after accounting 73913
for amounts remitted with the annual report and as estimated 73914
taxes, the tax commissioner shall permit the taxpayer to credit 73915
the excess against the taxpayer's payments to the municipal 73916
corporation of estimated taxes remitted for an ensuing taxable 73917
year under section 5745.04 of the Revised Code. If, upon the 73918
written request of the taxpayer, the tax commissioner determines 73919
that the excess to be so credited is likely to exceed the amount 73920
of estimated taxes payable by the taxpayer to the municipal 73921
corporation during the ensuing twelve months, the tax commissioner 73922
shall so notify the municipal corporation and the municipal 73923
corporation shall issue a refund of the excess to the taxpayer 73924
within ninety days after receiving such a notice. Interest shall 73925
accrue on the amount to be refunded and is payable to the taxpayer 73926
at the rate per annum prescribed by section 5703.47 of the Revised 73927
Code from the ninety-first day after the notice is received by the 73928
municipal corporation until the day the refund is paid. 73929
Immediately after notifying a municipal corporation under this 73930
division of an excess to be refunded, the commissioner also shall 73931
notify the director of budget and management of the amount of the 73932
excess, and the director shall transfer from the municipal income 73933
tax administrative fund to the municipal income tax fund one and 73934
one-half per cent of the amount of the excess. The commissioner 73935
shall include the transferred amount in the computation of the 73936
amount due the municipal corporation in the next certification to 73937

the director under division (A) of this section. 73938

Sec. 5747.01. Except as otherwise expressly provided or 73939
clearly appearing from the context, any term used in this chapter 73940
that is not otherwise defined in this section has the same meaning 73941
as when used in a comparable context in the laws of the United 73942
States relating to federal income taxes or if not used in a 73943
comparable context in those laws, has the same meaning as in 73944
section 5733.40 of the Revised Code. Any reference in this chapter 73945
to the Internal Revenue Code includes other laws of the United 73946
States relating to federal income taxes. 73947

As used in this chapter: 73948

(A) "Adjusted gross income" or "Ohio adjusted gross income" 73949
means federal adjusted gross income, as defined and used in the 73950
Internal Revenue Code, adjusted as provided in this section: 73951

(1) Add interest or dividends on obligations or securities of 73952
any state or of any political subdivision or authority of any 73953
state, other than this state and its subdivisions and authorities. 73954

(2) Add interest or dividends on obligations of any 73955
authority, commission, instrumentality, territory, or possession 73956
of the United States to the extent that the interest or dividends 73957
are exempt from federal income taxes but not from state income 73958
taxes. 73959

(3) Deduct interest or dividends on obligations of the United 73960
States and its territories and possessions or of any authority, 73961
commission, or instrumentality of the United States to the extent 73962
that the interest or dividends are included in federal adjusted 73963
gross income but exempt from state income taxes under the laws of 73964
the United States. 73965

(4) Deduct disability and survivor's benefits to the extent 73966
included in federal adjusted gross income. 73967

(5) Deduct benefits under Title II of the Social Security Act 73968
and tier 1 railroad retirement benefits to the extent included in 73969
federal adjusted gross income under section 86 of the Internal 73970
Revenue Code. 73971

(6) In the case of a taxpayer who is a beneficiary of a trust 73972
that makes an accumulation distribution as defined in section 665 73973
of the Internal Revenue Code, add, for the beneficiary's taxable 73974
years beginning before 2002, the portion, if any, of such 73975
distribution that does not exceed the undistributed net income of 73976
the trust for the three taxable years preceding the taxable year 73977
in which the distribution is made to the extent that the portion 73978
was not included in the trust's taxable income for any of the 73979
trust's taxable years beginning in 2002 or thereafter. 73980
"Undistributed net income of a trust" means the taxable income of 73981
the trust increased by (a)(i) the additions to adjusted gross 73982
income required under division (A) of this section and (ii) the 73983
personal exemptions allowed to the trust pursuant to section 73984
642(b) of the Internal Revenue Code, and decreased by (b)(i) the 73985
deductions to adjusted gross income required under division (A) of 73986
this section, (ii) the amount of federal income taxes attributable 73987
to such income, and (iii) the amount of taxable income that has 73988
been included in the adjusted gross income of a beneficiary by 73989
reason of a prior accumulation distribution. Any undistributed net 73990
income included in the adjusted gross income of a beneficiary 73991
shall reduce the undistributed net income of the trust commencing 73992
with the earliest years of the accumulation period. 73993

(7) Deduct the amount of wages and salaries, if any, not 73994
otherwise allowable as a deduction but that would have been 73995
allowable as a deduction in computing federal adjusted gross 73996
income for the taxable year, had the targeted jobs credit allowed 73997
and determined under sections 38, 51, and 52 of the Internal 73998
Revenue Code not been in effect. 73999

(8) Deduct any interest or interest equivalent on public obligations and purchase obligations to the extent that the interest or interest equivalent is included in federal adjusted gross income. 74000
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(9) Add any loss or deduct any gain resulting from the sale, exchange, or other disposition of public obligations to the extent that the loss has been deducted or the gain has been included in computing federal adjusted gross income. 74004
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(10) Deduct or add amounts, as provided under section 5747.70 of the Revised Code, related to contributions to variable college savings program accounts made or tuition units purchased pursuant to Chapter 3334. of the Revised Code. 74008
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(11)(a) Deduct, to the extent not otherwise allowable as a deduction or exclusion in computing federal or Ohio adjusted gross income for the taxable year, the amount the taxpayer paid during the taxable year for medical care insurance and qualified long-term care insurance for the taxpayer, the taxpayer's spouse, and dependents. No deduction for medical care insurance under division (A)(11) of this section shall be allowed either to any taxpayer who is eligible to participate in any subsidized health plan maintained by any employer of the taxpayer or of the taxpayer's spouse, or to any taxpayer who is entitled to, or on application would be entitled to, benefits under part A of Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended. For the purposes of division (A)(11)(a) of this section, "subsidized health plan" means a health plan for which the employer pays any portion of the plan's cost. The deduction allowed under division (A)(11)(a) of this section shall be the net of any related premium refunds, related premium reimbursements, or related insurance premium dividends received during the taxable year. 74012
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(b) Deduct, to the extent not otherwise deducted or excluded 74031

in computing federal or Ohio adjusted gross income during the 74032
taxable year, the amount the taxpayer paid during the taxable 74033
year, not compensated for by any insurance or otherwise, for 74034
medical care of the taxpayer, the taxpayer's spouse, and 74035
dependents, to the extent the expenses exceed seven and one-half 74036
per cent of the taxpayer's federal adjusted gross income. 74037

(c) Deduct, to the extent not otherwise deducted or excluded 74038
in computing federal or Ohio adjusted gross income, any amount 74039
included in federal adjusted gross income under section 105 or not 74040
excluded under section 106 of the Internal Revenue Code solely 74041
because it relates to an accident and health plan for a person who 74042
otherwise would be a "qualifying relative" and thus a "dependent" 74043
under section 152 of the Internal Revenue Code but for the fact 74044
that the person fails to meet the income and support limitations 74045
under section 152(d)(1)(B) and (C) of the Internal Revenue Code. 74046

(d) For purposes of division (A)(11) of this section, 74047
"medical care" has the meaning given in section 213 of the 74048
Internal Revenue Code, subject to the special rules, limitations, 74049
and exclusions set forth therein, and "qualified long-term care" 74050
has the same meaning given in section 7702B(c) of the Internal 74051
Revenue Code. Solely for purposes of divisions (A)(11)(a) and (c) 74052
of this section, "dependent" includes a person who otherwise would 74053
be a "qualifying relative" and thus a "dependent" under section 74054
152 of the Internal Revenue Code but for the fact that the person 74055
fails to meet the income and support limitations under section 74056
152(d)(1)(B) and (C) of the Internal Revenue Code. 74057

(12)(a) Deduct any amount included in federal adjusted gross 74058
income solely because the amount represents a reimbursement or 74059
refund of expenses that in any year the taxpayer had deducted as 74060
an itemized deduction pursuant to section 63 of the Internal 74061
Revenue Code and applicable United States department of the 74062
treasury regulations. The deduction otherwise allowed under 74063

division (A)(12)(a) of this section shall be reduced to the extent 74064
the reimbursement is attributable to an amount the taxpayer 74065
deducted under this section in any taxable year. 74066

(b) Add any amount not otherwise included in Ohio adjusted 74067
gross income for any taxable year to the extent that the amount is 74068
attributable to the recovery during the taxable year of any amount 74069
deducted or excluded in computing federal or Ohio adjusted gross 74070
income in any taxable year. 74071

(13) Deduct any portion of the deduction described in section 74072
1341(a)(2) of the Internal Revenue Code, for repaying previously 74073
reported income received under a claim of right, that meets both 74074
of the following requirements: 74075

(a) It is allowable for repayment of an item that was 74076
included in the taxpayer's adjusted gross income for a prior 74077
taxable year and did not qualify for a credit under division (A) 74078
or (B) of section 5747.05 of the Revised Code for that year; 74079

(b) It does not otherwise reduce the taxpayer's adjusted 74080
gross income for the current or any other taxable year. 74081

(14) Deduct an amount equal to the deposits made to, and net 74082
investment earnings of, a medical savings account during the 74083
taxable year, in accordance with section 3924.66 of the Revised 74084
Code. The deduction allowed by division (A)(14) of this section 74085
does not apply to medical savings account deposits and earnings 74086
otherwise deducted or excluded for the current or any other 74087
taxable year from the taxpayer's federal adjusted gross income. 74088

(15)(a) Add an amount equal to the funds withdrawn from a 74089
medical savings account during the taxable year, and the net 74090
investment earnings on those funds, when the funds withdrawn were 74091
used for any purpose other than to reimburse an account holder 74092
for, or to pay, eligible medical expenses, in accordance with 74093
section 3924.66 of the Revised Code; 74094

(b) Add the amounts distributed from a medical savings account under division (A)(2) of section 3924.68 of the Revised Code during the taxable year. 74095
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(16) Add any amount claimed as a credit under section 5747.059 or 5747.65 of the Revised Code to the extent that such amount satisfies either of the following: 74098
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(a) The amount was deducted or excluded from the computation of the taxpayer's federal adjusted gross income as required to be reported for the taxpayer's taxable year under the Internal Revenue Code; 74101
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(b) The amount resulted in a reduction of the taxpayer's federal adjusted gross income as required to be reported for any of the taxpayer's taxable years under the Internal Revenue Code. 74105
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(17) Deduct the amount contributed by the taxpayer to an individual development account program established by a county department of job and family services pursuant to sections 329.11 to 329.14 of the Revised Code for the purpose of matching funds deposited by program participants. On request of the tax commissioner, the taxpayer shall provide any information that, in the tax commissioner's opinion, is necessary to establish the amount deducted under division (A)(17) of this section. 74108
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(18) Beginning in taxable year 2001 but not for any taxable year beginning after December 31, 2005, if the taxpayer is married and files a joint return and the combined federal adjusted gross income of the taxpayer and the taxpayer's spouse for the taxable year does not exceed one hundred thousand dollars, or if the taxpayer is single and has a federal adjusted gross income for the taxable year not exceeding fifty thousand dollars, deduct amounts paid during the taxable year for qualified tuition and fees paid to an eligible institution for the taxpayer, the taxpayer's spouse, or any dependent of the taxpayer, who is a resident of 74116
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this state and is enrolled in or attending a program that 74126
culminates in a degree or diploma at an eligible institution. The 74127
deduction may be claimed only to the extent that qualified tuition 74128
and fees are not otherwise deducted or excluded for any taxable 74129
year from federal or Ohio adjusted gross income. The deduction may 74130
not be claimed for educational expenses for which the taxpayer 74131
claims a credit under section 5747.27 of the Revised Code. 74132

(19) Add any reimbursement received during the taxable year 74133
of any amount the taxpayer deducted under division (A)(18) of this 74134
section in any previous taxable year to the extent the amount is 74135
not otherwise included in Ohio adjusted gross income. 74136

(20)(a)(i) Subject to divisions (A)(20)(a)(iii), (iv), and 74137
(v) of this section, add five-sixths of the amount of depreciation 74138
expense allowed by subsection (k) of section 168 of the Internal 74139
Revenue Code, including the taxpayer's proportionate or 74140
distributive share of the amount of depreciation expense allowed 74141
by that subsection to a pass-through entity in which the taxpayer 74142
has a direct or indirect ownership interest. 74143

(ii) Subject to divisions (A)(20)(a)(iii), (iv), and (v) of 74144
this section, add five-sixths of the amount of qualifying section 74145
179 depreciation expense, including the taxpayer's proportionate 74146
or distributive share of the amount of qualifying section 179 74147
depreciation expense allowed to any pass-through entity in which 74148
the taxpayer has a direct or indirect ownership interest. 74149

(iii) Subject to division (A)(20)(a)(v) of this section, for 74150
taxable years beginning in 2012 or thereafter, if the increase in 74151
income taxes withheld by the taxpayer is equal to or greater than 74152
ten per cent of income taxes withheld by the taxpayer during the 74153
taxpayer's immediately preceding taxable year, "two-thirds" shall 74154
be substituted for "five-sixths" for the purpose of divisions 74155
(A)(20)(a)(i) and (ii) of this section. 74156

(iv) Subject to division (A)(20)(a)(v) of this section, for taxable years beginning in 2012 or thereafter, a taxpayer is not required to add an amount under division (A)(20) of this section if the increase in income taxes withheld by the taxpayer and by any pass-through entity in which the taxpayer has a direct or indirect ownership interest is equal to or greater than the sum of (I) the amount of qualifying section 179 depreciation expense and (II) the amount of depreciation expense allowed to the taxpayer by subsection (k) of section 168 of the Internal Revenue Code, and including the taxpayer's proportionate or distributive shares of such amounts allowed to any such pass-through entities.

(v) If a taxpayer directly or indirectly incurs a net operating loss for the taxable year for federal income tax purposes, to the extent such loss resulted from depreciation expense allowed by subsection (k) of section 168 of the Internal Revenue Code and by qualifying section 179 depreciation expense, "the entire" shall be substituted for "five-sixths of the" for the purpose of divisions (A)(20)(a)(i) and (ii) of this section.

The tax commissioner, under procedures established by the commissioner, may waive the add-backs related to a pass-through entity if the taxpayer owns, directly or indirectly, less than five per cent of the pass-through entity.

(b) Nothing in division (A)(20) of this section shall be construed to adjust or modify the adjusted basis of any asset.

(c) To the extent the add-back required under division (A)(20)(a) of this section is attributable to property generating nonbusiness income or loss allocated under section 5747.20 of the Revised Code, the add-back shall be situated to the same location as the nonbusiness income or loss generated by the property for the purpose of determining the credit under division (A) of section 5747.05 of the Revised Code. Otherwise, the add-back shall be apportioned, subject to one or more of the four alternative

methods of apportionment enumerated in section 5747.21 of the Revised Code. 74189
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(d) For the purposes of division (A)(20)(a)(v) of this section, net operating loss carryback and carryforward shall not include the allowance of any net operating loss deduction carryback or carryforward to the taxable year to the extent such loss resulted from depreciation allowed by section 168(k) of the Internal Revenue Code and by the qualifying section 179 depreciation expense amount. 74191
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(e) For the purposes of divisions (A)(20) and (21) of this section: 74198
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(i) "Income taxes withheld" means the total amount withheld and remitted under sections 5747.06 and 5747.07 of the Revised Code by an employer during the employer's taxable year. 74200
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(ii) "Increase in income taxes withheld" means the amount by which the amount of income taxes withheld by an employer during the employer's current taxable year exceeds the amount of income taxes withheld by that employer during the employer's immediately preceding taxable year. 74203
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(iii) "Qualifying section 179 depreciation expense" means the difference between (I) the amount of depreciation expense directly or indirectly allowed to a taxpayer under section 179 of the Internal Revised Code, and (II) the amount of depreciation expense directly or indirectly allowed to the taxpayer under section 179 of the Internal Revenue Code as that section existed on December 31, 2002. 74208
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(21)(a) If the taxpayer was required to add an amount under division (A)(20)(a) of this section for a taxable year, deduct one of the following: 74215
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(i) One-fifth of the amount so added for each of the five succeeding taxable years if the amount so added was five-sixths of 74218
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qualifying section 179 depreciation expense or depreciation 74220
expense allowed by subsection (k) of section 168 of the Internal 74221
Revenue Code; 74222

(ii) One-half of the amount so added for each of the two 74223
succeeding taxable years if the amount so added was two-thirds of 74224
such depreciation expense; 74225

(iii) One-sixth of the amount so added for each of the six 74226
succeeding taxable years if the entire amount of such depreciation 74227
expense was so added. 74228

(b) If the amount deducted under division (A)(21)(a) of this 74229
section is attributable to an add-back allocated under division 74230
(A)(20)(c) of this section, the amount deducted shall be sitused 74231
to the same location. Otherwise, the add-back shall be apportioned 74232
using the apportionment factors for the taxable year in which the 74233
deduction is taken, subject to one or more of the four alternative 74234
methods of apportionment enumerated in section 5747.21 of the 74235
Revised Code. 74236

(c) No deduction is available under division (A)(21)(a) of 74237
this section with regard to any depreciation allowed by section 74238
168(k) of the Internal Revenue Code and by the qualifying section 74239
179 depreciation expense amount to the extent that such 74240
depreciation results in or increases a federal net operating loss 74241
carryback or carryforward. If no such deduction is available for a 74242
taxable year, the taxpayer may carry forward the amount not 74243
deducted in such taxable year to the next taxable year and add 74244
that amount to any deduction otherwise available under division 74245
(A)(21)(a) of this section for that next taxable year. The 74246
carryforward of amounts not so deducted shall continue until the 74247
entire addition required by division (A)(20)(a) of this section 74248
has been deducted. 74249

(d) No refund shall be allowed as a result of adjustments 74250

made by division (A)(21) of this section. 74251

(22) Deduct, to the extent not otherwise deducted or excluded 74252
in computing federal or Ohio adjusted gross income for the taxable 74253
year, the amount the taxpayer received during the taxable year as 74254
reimbursement for life insurance premiums under section 5919.31 of 74255
the Revised Code. 74256

(23) Deduct, to the extent not otherwise deducted or excluded 74257
in computing federal or Ohio adjusted gross income for the taxable 74258
year, the amount the taxpayer received during the taxable year as 74259
a death benefit paid by the adjutant general under section 5919.33 74260
of the Revised Code. 74261

(24) Deduct, to the extent included in federal adjusted gross 74262
income and not otherwise allowable as a deduction or exclusion in 74263
computing federal or Ohio adjusted gross income for the taxable 74264
year, military pay and allowances received by the taxpayer during 74265
the taxable year for active duty service in the United States 74266
army, air force, navy, marine corps, or coast guard or reserve 74267
components thereof or the national guard. The deduction may not be 74268
claimed for military pay and allowances received by the taxpayer 74269
while the taxpayer is stationed in this state. 74270

(25) Deduct, to the extent not otherwise allowable as a 74271
deduction or exclusion in computing federal or Ohio adjusted gross 74272
income for the taxable year and not otherwise compensated for by 74273
any other source, the amount of qualified organ donation expenses 74274
incurred by the taxpayer during the taxable year, not to exceed 74275
ten thousand dollars. A taxpayer may deduct qualified organ 74276
donation expenses only once for all taxable years beginning with 74277
taxable years beginning in 2007. 74278

For the purposes of division (A)(25) of this section: 74279

(a) "Human organ" means all or any portion of a human liver, 74280
pancreas, kidney, intestine, or lung, and any portion of human 74281

bone marrow. 74282

(b) "Qualified organ donation expenses" means travel 74283
expenses, lodging expenses, and wages and salary forgone by a 74284
taxpayer in connection with the taxpayer's donation, while living, 74285
of one or more of the taxpayer's human organs to another human 74286
being. 74287

(26) Deduct, to the extent not otherwise deducted or excluded 74288
in computing federal or Ohio adjusted gross income for the taxable 74289
year, amounts received by the taxpayer as retired personnel pay 74290
for service in the uniformed services or reserve components 74291
thereof, or the national guard, or received by the surviving 74292
spouse or former spouse of such a taxpayer under the survivor 74293
benefit plan on account of such a taxpayer's death. If the 74294
taxpayer receives income on account of retirement paid under the 74295
federal civil service retirement system or federal employees 74296
retirement system, or under any successor retirement program 74297
enacted by the congress of the United States that is established 74298
and maintained for retired employees of the United States 74299
government, and such retirement income is based, in whole or in 74300
part, on credit for the taxpayer's uniformed service, the 74301
deduction allowed under this division shall include only that 74302
portion of such retirement income that is attributable to the 74303
taxpayer's uniformed service, to the extent that portion of such 74304
retirement income is otherwise included in federal adjusted gross 74305
income and is not otherwise deducted under this section. Any 74306
amount deducted under division (A)(26) of this section is not 74307
included in a taxpayer's adjusted gross income for the purposes of 74308
section 5747.055 of the Revised Code. No amount may be deducted 74309
under division (A)(26) of this section on the basis of which a 74310
credit was claimed under section 5747.055 of the Revised Code. 74311

(27) Deduct, to the extent not otherwise deducted or excluded 74312
in computing federal or Ohio adjusted gross income for the taxable 74313

year, the amount the taxpayer received during the taxable year 74314
from the military injury relief fund created in section 5902.05 of 74315
the Revised Code. 74316

(28) Deduct, to the extent not otherwise deducted or excluded 74317
in computing federal or Ohio adjusted gross income for the taxable 74318
year, the amount the taxpayer received as a veterans bonus during 74319
the taxable year from the Ohio department of veterans services as 74320
authorized by Section 2r of Article VIII, Ohio Constitution. 74321

(29) Deduct, to the extent not otherwise deducted or excluded 74322
in computing federal or Ohio adjusted gross income for the taxable 74323
year, any income derived from a transfer agreement or from the 74324
enterprise transferred under that agreement under section 4313.02 74325
of the Revised Code. 74326

(30) Deduct, to the extent not otherwise deducted or excluded 74327
in computing federal or Ohio adjusted gross income for the taxable 74328
year, Ohio college opportunity or federal Pell grant amounts 74329
received by the taxpayer or the taxpayer's spouse or dependent 74330
pursuant to section 3333.122 of the Revised Code or 20 U.S.C. 74331
1070a, et seq., and used to pay room or board furnished by the 74332
educational institution for which the grant was awarded at the 74333
institution's facilities, including meal plans administered by the 74334
institution. For the purposes of this division, receipt of a grant 74335
includes the distribution of a grant directly to an educational 74336
institution and the crediting of the grant to the enrollee's 74337
account with the institution. 74338

~~(31)(a) For taxable years beginning in 2015, deduct from the 74339
portion of an individual's adjusted gross income that is business 74340
income, to the extent not otherwise deducted or excluded in 74341
computing federal or Ohio adjusted gross income for the taxable 74342
year, the lesser of the following amounts: 74343~~

~~(i) Seventy five per cent of the individual's business 74344~~

income; 74345

~~(ii) Ninety three thousand seven hundred fifty dollars for 74346
each spouse if spouses file separate returns under section 5747.08 74347
of the Revised Code or one hundred eighty seven thousand five 74348
hundred dollars for all other individuals. 74349~~

~~(b) For taxable years beginning in 2016 or thereafter, deduct 74350
Deduct from the portion of an individual's adjusted gross income 74351
that is business income, to the extent not otherwise deducted or 74352
excluded in computing federal adjusted gross income for the 74353
taxable year, ~~one hundred twenty five~~ fifty thousand dollars for 74354
each spouse if spouses file separate returns under section 5747.08 74355
of the Revised Code or ~~two~~ one hundred ~~fifty~~ thousand dollars for 74356
all other individuals. 74357~~

(32) Deduct, as provided under section 5747.78 of the Revised 74358
Code, contributions to ABLE savings accounts made in accordance 74359
with sections 113.50 to 113.56 of the Revised Code. 74360

(33)(a) Deduct, to the extent not otherwise deducted or 74361
excluded in computing federal or Ohio adjusted gross income during 74362
the taxable year, all of the following: 74363

(i) Compensation paid to a qualifying employee described in 74364
division (A)(14)(a) of section 5703.94 of the Revised Code to the 74365
extent such compensation is for disaster work conducted in this 74366
state during a disaster response period pursuant to a qualifying 74367
solicitation received by the employee's employer; 74368

(ii) Compensation paid to a qualifying employee described in 74369
division (A)(14)(b) of section 5703.94 of the Revised Code to the 74370
extent such compensation is for disaster work conducted in this 74371
state by the employee during the disaster response period on 74372
critical infrastructure owned or used by the employee's employer; 74373

(iii) Income received by an out-of-state disaster business 74374
for disaster work conducted in this state during a disaster 74375

response period, or, if the out-of-state disaster business is a 74376
pass-through entity, a taxpayer's distributive share of the 74377
pass-through entity's income from the business conducting disaster 74378
work in this state during a disaster response period, if, in 74379
either case, the disaster work is conducted pursuant to a 74380
qualifying solicitation received by the business. 74381

(b) All terms used in division (A)(33) of this section have 74382
the same meanings as in section 5703.94 of the Revised Code. 74383

(B) "Business income" means income, including gain or loss, 74384
arising from transactions, activities, and sources in the regular 74385
course of a trade or business and includes income, gain, or loss 74386
from real property, tangible property, and intangible property if 74387
the acquisition, rental, management, and disposition of the 74388
property constitute integral parts of the regular course of a 74389
trade or business operation. "Business income" includes income, 74390
including gain or loss, from a partial or complete liquidation of 74391
a business, including, but not limited to, gain or loss from the 74392
sale or other disposition of goodwill. 74393

(C) "Nonbusiness income" means all income other than business 74394
income and may include, but is not limited to, compensation, rents 74395
and royalties from real or tangible personal property, capital 74396
gains, interest, dividends and distributions, patent or copyright 74397
royalties, or lottery winnings, prizes, and awards. 74398

(D) "Compensation" means any form of remuneration paid to an 74399
employee for personal services. 74400

(E) "Fiduciary" means a guardian, trustee, executor, 74401
administrator, receiver, conservator, or any other person acting 74402
in any fiduciary capacity for any individual, trust, or estate. 74403

(F) "Fiscal year" means an accounting period of twelve months 74404
ending on the last day of any month other than December. 74405

(G) "Individual" means any natural person. 74406

(H) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 74407
74408

(I) "Resident" means any of the following, provided that division (I)(3) of this section applies only to taxable years of a trust beginning in 2002 or thereafter: 74409
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74411

(1) An individual who is domiciled in this state, subject to section 5747.24 of the Revised Code; 74412
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(2) The estate of a decedent who at the time of death was domiciled in this state. The domicile tests of section 5747.24 of the Revised Code are not controlling for purposes of division (I)(2) of this section. 74414
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(3) A trust that, in whole or part, resides in this state. If only part of a trust resides in this state, the trust is a resident only with respect to that part. 74418
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For the purposes of division (I)(3) of this section: 74421

(a) A trust resides in this state for the trust's current taxable year to the extent, as described in division (I)(3)(d) of this section, that the trust consists directly or indirectly, in whole or in part, of assets, net of any related liabilities, that were transferred, or caused to be transferred, directly or indirectly, to the trust by any of the following: 74422
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(i) A person, a court, or a governmental entity or instrumentality on account of the death of a decedent, but only if the trust is described in division (I)(3)(e)(i) or (ii) of this section; 74428
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74431

(ii) A person who was domiciled in this state for the purposes of this chapter when the person directly or indirectly transferred assets to an irrevocable trust, but only if at least one of the trust's qualifying beneficiaries is domiciled in this state for the purposes of this chapter during all or some portion 74432
74433
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of the trust's current taxable year; 74437

(iii) A person who was domiciled in this state for the 74438
purposes of this chapter when the trust document or instrument or 74439
part of the trust document or instrument became irrevocable, but 74440
only if at least one of the trust's qualifying beneficiaries is a 74441
resident domiciled in this state for the purposes of this chapter 74442
during all or some portion of the trust's current taxable year. If 74443
a trust document or instrument became irrevocable upon the death 74444
of a person who at the time of death was domiciled in this state 74445
for purposes of this chapter, that person is a person described in 74446
division (I)(3)(a)(iii) of this section. 74447

(b) A trust is irrevocable to the extent that the transferor 74448
is not considered to be the owner of the net assets of the trust 74449
under sections 671 to 678 of the Internal Revenue Code. 74450

(c) With respect to a trust other than a charitable lead 74451
trust, "qualifying beneficiary" has the same meaning as "potential 74452
current beneficiary" as defined in section 1361(e)(2) of the 74453
Internal Revenue Code, and with respect to a charitable lead trust 74454
"qualifying beneficiary" is any current, future, or contingent 74455
beneficiary, but with respect to any trust "qualifying 74456
beneficiary" excludes a person or a governmental entity or 74457
instrumentality to any of which a contribution would qualify for 74458
the charitable deduction under section 170 of the Internal Revenue 74459
Code. 74460

(d) For the purposes of division (I)(3)(a) of this section, 74461
the extent to which a trust consists directly or indirectly, in 74462
whole or in part, of assets, net of any related liabilities, that 74463
were transferred directly or indirectly, in whole or part, to the 74464
trust by any of the sources enumerated in that division shall be 74465
ascertained by multiplying the fair market value of the trust's 74466
assets, net of related liabilities, by the qualifying ratio, which 74467
shall be computed as follows: 74468

(i) The first time the trust receives assets, the numerator 74469
of the qualifying ratio is the fair market value of those assets 74470
at that time, net of any related liabilities, from sources 74471
enumerated in division (I)(3)(a) of this section. The denominator 74472
of the qualifying ratio is the fair market value of all the 74473
trust's assets at that time, net of any related liabilities. 74474

(ii) Each subsequent time the trust receives assets, a 74475
revised qualifying ratio shall be computed. The numerator of the 74476
revised qualifying ratio is the sum of (1) the fair market value 74477
of the trust's assets immediately prior to the subsequent 74478
transfer, net of any related liabilities, multiplied by the 74479
qualifying ratio last computed without regard to the subsequent 74480
transfer, and (2) the fair market value of the subsequently 74481
transferred assets at the time transferred, net of any related 74482
liabilities, from sources enumerated in division (I)(3)(a) of this 74483
section. The denominator of the revised qualifying ratio is the 74484
fair market value of all the trust's assets immediately after the 74485
subsequent transfer, net of any related liabilities. 74486

(iii) Whether a transfer to the trust is by or from any of 74487
the sources enumerated in division (I)(3)(a) of this section shall 74488
be ascertained without regard to the domicile of the trust's 74489
beneficiaries. 74490

(e) For the purposes of division (I)(3)(a)(i) of this 74491
section: 74492

(i) A trust is described in division (I)(3)(e)(i) of this 74493
section if the trust is a testamentary trust and the testator of 74494
that testamentary trust was domiciled in this state at the time of 74495
the testator's death for purposes of the taxes levied under 74496
Chapter 5731. of the Revised Code. 74497

(ii) A trust is described in division (I)(3)(e)(ii) of this 74498
section if the transfer is a qualifying transfer described in any 74499

of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an
irrevocable inter vivos trust, and at least one of the trust's
qualifying beneficiaries is domiciled in this state for purposes
of this chapter during all or some portion of the trust's current
taxable year.

(f) For the purposes of division (I)(3)(e)(ii) of this
section, a "qualifying transfer" is a transfer of assets, net of
any related liabilities, directly or indirectly to a trust, if the
transfer is described in any of the following:

(i) The transfer is made to a trust, created by the decedent
before the decedent's death and while the decedent was domiciled
in this state for the purposes of this chapter, and, prior to the
death of the decedent, the trust became irrevocable while the
decedent was domiciled in this state for the purposes of this
chapter.

(ii) The transfer is made to a trust to which the decedent,
prior to the decedent's death, had directly or indirectly
transferred assets, net of any related liabilities, while the
decedent was domiciled in this state for the purposes of this
chapter, and prior to the death of the decedent the trust became
irrevocable while the decedent was domiciled in this state for the
purposes of this chapter.

(iii) The transfer is made on account of a contractual
relationship existing directly or indirectly between the
transferor and either the decedent or the estate of the decedent
at any time prior to the date of the decedent's death, and the
decedent was domiciled in this state at the time of death for
purposes of the taxes levied under Chapter 5731. of the Revised
Code.

(iv) The transfer is made to a trust on account of a
contractual relationship existing directly or indirectly between

the transferor and another person who at the time of the 74531
decedent's death was domiciled in this state for purposes of this 74532
chapter. 74533

(v) The transfer is made to a trust on account of the will of 74534
a testator who was domiciled in this state at the time of the 74535
testator's death for purposes of the taxes levied under Chapter 74536
5731. of the Revised Code. 74537

(vi) The transfer is made to a trust created by or caused to 74538
be created by a court, and the trust was directly or indirectly 74539
created in connection with or as a result of the death of an 74540
individual who, for purposes of the taxes levied under Chapter 74541
5731. of the Revised Code, was domiciled in this state at the time 74542
of the individual's death. 74543

(g) The tax commissioner may adopt rules to ascertain the 74544
part of a trust residing in this state. 74545

(J) "Nonresident" means an individual or estate that is not a 74546
resident. An individual who is a resident for only part of a 74547
taxable year is a nonresident for the remainder of that taxable 74548
year. 74549

(K) "Pass-through entity" has the same meaning as in section 74550
5733.04 of the Revised Code. 74551

(L) "Return" means the notifications and reports required to 74552
be filed pursuant to this chapter for the purpose of reporting the 74553
tax due and includes declarations of estimated tax when so 74554
required. 74555

(M) "Taxable year" means the calendar year or the taxpayer's 74556
fiscal year ending during the calendar year, or fractional part 74557
thereof, upon which the adjusted gross income is calculated 74558
pursuant to this chapter. 74559

(N) "Taxpayer" means any person subject to the tax imposed by 74560

section 5747.02 of the Revised Code or any pass-through entity 74561
that makes the election under division (D) of section 5747.08 of 74562
the Revised Code. 74563

(O) "Dependents" means dependents as defined in the Internal 74564
Revenue Code and as claimed in the taxpayer's federal income tax 74565
return for the taxable year or which the taxpayer would have been 74566
permitted to claim had the taxpayer filed a federal income tax 74567
return. 74568

(P) "Principal county of employment" means, in the case of a 74569
nonresident, the county within the state in which a taxpayer 74570
performs services for an employer or, if those services are 74571
performed in more than one county, the county in which the major 74572
portion of the services are performed. 74573

(Q) As used in sections 5747.50 to 5747.55 of the Revised 74574
Code: 74575

(1) "Subdivision" means any county, municipal corporation, 74576
park district, or township. 74577

(2) "Essential local government purposes" includes all 74578
functions that any subdivision is required by general law to 74579
exercise, including like functions that are exercised under a 74580
charter adopted pursuant to the Ohio Constitution. 74581

(R) "Overpayment" means any amount already paid that exceeds 74582
the figure determined to be the correct amount of the tax. 74583

(S) "Taxable income" or "Ohio taxable income" applies only to 74584
estates and trusts, and means federal taxable income, as defined 74585
and used in the Internal Revenue Code, adjusted as follows: 74586

(1) Add interest or dividends, net of ordinary, necessary, 74587
and reasonable expenses not deducted in computing federal taxable 74588
income, on obligations or securities of any state or of any 74589
political subdivision or authority of any state, other than this 74590

state and its subdivisions and authorities, but only to the extent 74591
that such net amount is not otherwise includible in Ohio taxable 74592
income and is described in either division (S)(1)(a) or (b) of 74593
this section: 74594

(a) The net amount is not attributable to the S portion of an 74595
electing small business trust and has not been distributed to 74596
beneficiaries for the taxable year; 74597

(b) The net amount is attributable to the S portion of an 74598
electing small business trust for the taxable year. 74599

(2) Add interest or dividends, net of ordinary, necessary, 74600
and reasonable expenses not deducted in computing federal taxable 74601
income, on obligations of any authority, commission, 74602
instrumentality, territory, or possession of the United States to 74603
the extent that the interest or dividends are exempt from federal 74604
income taxes but not from state income taxes, but only to the 74605
extent that such net amount is not otherwise includible in Ohio 74606
taxable income and is described in either division (S)(1)(a) or 74607
(b) of this section; 74608

(3) Add the amount of personal exemption allowed to the 74609
estate pursuant to section 642(b) of the Internal Revenue Code; 74610

(4) Deduct interest or dividends, net of related expenses 74611
deducted in computing federal taxable income, on obligations of 74612
the United States and its territories and possessions or of any 74613
authority, commission, or instrumentality of the United States to 74614
the extent that the interest or dividends are exempt from state 74615
taxes under the laws of the United States, but only to the extent 74616
that such amount is included in federal taxable income and is 74617
described in either division (S)(1)(a) or (b) of this section; 74618

(5) Deduct the amount of wages and salaries, if any, not 74619
otherwise allowable as a deduction but that would have been 74620
allowable as a deduction in computing federal taxable income for 74621

the taxable year, had the targeted jobs credit allowed under 74622
sections 38, 51, and 52 of the Internal Revenue Code not been in 74623
effect, but only to the extent such amount relates either to 74624
income included in federal taxable income for the taxable year or 74625
to income of the S portion of an electing small business trust for 74626
the taxable year; 74627

(6) Deduct any interest or interest equivalent, net of 74628
related expenses deducted in computing federal taxable income, on 74629
public obligations and purchase obligations, but only to the 74630
extent that such net amount relates either to income included in 74631
federal taxable income for the taxable year or to income of the S 74632
portion of an electing small business trust for the taxable year; 74633

(7) Add any loss or deduct any gain resulting from sale, 74634
exchange, or other disposition of public obligations to the extent 74635
that such loss has been deducted or such gain has been included in 74636
computing either federal taxable income or income of the S portion 74637
of an electing small business trust for the taxable year; 74638

(8) Except in the case of the final return of an estate, add 74639
any amount deducted by the taxpayer on both its Ohio estate tax 74640
return pursuant to section 5731.14 of the Revised Code, and on its 74641
federal income tax return in determining federal taxable income; 74642

(9)(a) Deduct any amount included in federal taxable income 74643
solely because the amount represents a reimbursement or refund of 74644
expenses that in a previous year the decedent had deducted as an 74645
itemized deduction pursuant to section 63 of the Internal Revenue 74646
Code and applicable treasury regulations. The deduction otherwise 74647
allowed under division (S)(9)(a) of this section shall be reduced 74648
to the extent the reimbursement is attributable to an amount the 74649
taxpayer or decedent deducted under this section in any taxable 74650
year. 74651

(b) Add any amount not otherwise included in Ohio taxable 74652

income for any taxable year to the extent that the amount is 74653
attributable to the recovery during the taxable year of any amount 74654
deducted or excluded in computing federal or Ohio taxable income 74655
in any taxable year, but only to the extent such amount has not 74656
been distributed to beneficiaries for the taxable year. 74657

(10) Deduct any portion of the deduction described in section 74658
1341(a)(2) of the Internal Revenue Code, for repaying previously 74659
reported income received under a claim of right, that meets both 74660
of the following requirements: 74661

(a) It is allowable for repayment of an item that was 74662
included in the taxpayer's taxable income or the decedent's 74663
adjusted gross income for a prior taxable year and did not qualify 74664
for a credit under division (A) or (B) of section 5747.05 of the 74665
Revised Code for that year. 74666

(b) It does not otherwise reduce the taxpayer's taxable 74667
income or the decedent's adjusted gross income for the current or 74668
any other taxable year. 74669

(11) Add any amount claimed as a credit under section 74670
5747.059 or 5747.65 of the Revised Code to the extent that the 74671
amount satisfies either of the following: 74672

(a) The amount was deducted or excluded from the computation 74673
of the taxpayer's federal taxable income as required to be 74674
reported for the taxpayer's taxable year under the Internal 74675
Revenue Code; 74676

(b) The amount resulted in a reduction in the taxpayer's 74677
federal taxable income as required to be reported for any of the 74678
taxpayer's taxable years under the Internal Revenue Code. 74679

(12) Deduct any amount, net of related expenses deducted in 74680
computing federal taxable income, that a trust is required to 74681
report as farm income on its federal income tax return, but only 74682
if the assets of the trust include at least ten acres of land 74683

satisfying the definition of "land devoted exclusively to agricultural use" under section 5713.30 of the Revised Code, regardless of whether the land is valued for tax purposes as such land under sections 5713.30 to 5713.38 of the Revised Code. If the trust is a pass-through entity investor, section 5747.231 of the Revised Code applies in ascertaining if the trust is eligible to claim the deduction provided by division (S)(12) of this section in connection with the pass-through entity's farm income.

Except for farm income attributable to the S portion of an electing small business trust, the deduction provided by division (S)(12) of this section is allowed only to the extent that the trust has not distributed such farm income. Division (S)(12) of this section applies only to taxable years of a trust beginning in 2002 or thereafter.

(13) Add the net amount of income described in section 641(c) of the Internal Revenue Code to the extent that amount is not included in federal taxable income.

(14) Add or deduct the amount the taxpayer would be required to add or deduct under division (A)(20) or (21) of this section if the taxpayer's Ohio taxable income were computed in the same manner as an individual's Ohio adjusted gross income is computed under this section. In the case of a trust, division (S)(14) of this section applies only to any of the trust's taxable years beginning in 2002 or thereafter.

(T) "School district income" and "school district income tax" have the same meanings as in section 5748.01 of the Revised Code.

(U) As used in divisions (A)(8), (A)(9), (S)(6), and (S)(7) of this section, "public obligations," "purchase obligations," and "interest or interest equivalent" have the same meanings as in section 5709.76 of the Revised Code.

(V) "Limited liability company" means any limited liability

company formed under Chapter 1705. of the Revised Code or under 74715
the laws of any other state. 74716

(W) "Pass-through entity investor" means any person who, 74717
during any portion of a taxable year of a pass-through entity, is 74718
a partner, member, shareholder, or equity investor in that 74719
pass-through entity. 74720

(X) "Banking day" has the same meaning as in section 1304.01 74721
of the Revised Code. 74722

(Y) "Month" means a calendar month. 74723

(Z) "Quarter" means the first three months, the second three 74724
months, the third three months, or the last three months of the 74725
taxpayer's taxable year. 74726

(AA)(1) "Eligible institution" means a state university or 74727
state institution of higher education as defined in section 74728
3345.011 of the Revised Code, or a private, nonprofit college, 74729
university, or other post-secondary institution located in this 74730
state that possesses a certificate of authorization issued by the 74731
chancellor of higher education pursuant to Chapter 1713. of the 74732
Revised Code or a certificate of registration issued by the state 74733
board of career colleges and schools under Chapter 3332. of the 74734
Revised Code. 74735

(2) "Qualified tuition and fees" means tuition and fees 74736
imposed by an eligible institution as a condition of enrollment or 74737
attendance, not exceeding two thousand five hundred dollars in 74738
each of the individual's first two years of post-secondary 74739
education. If the individual is a part-time student, "qualified 74740
tuition and fees" includes tuition and fees paid for the academic 74741
equivalent of the first two years of post-secondary education 74742
during a maximum of five taxable years, not exceeding a total of 74743
five thousand dollars. "Qualified tuition and fees" does not 74744
include: 74745

(a) Expenses for any course or activity involving sports, 74746
games, or hobbies unless the course or activity is part of the 74747
individual's degree or diploma program; 74748

(b) The cost of books, room and board, student activity fees, 74749
athletic fees, insurance expenses, or other expenses unrelated to 74750
the individual's academic course of instruction; 74751

(c) Tuition, fees, or other expenses paid or reimbursed 74752
through an employer, scholarship, grant in aid, or other 74753
educational benefit program. 74754

(BB)(1) "Modified business income" means the business income 74755
included in a trust's Ohio taxable income after such taxable 74756
income is first reduced by the qualifying trust amount, if any. 74757

(2) "Qualifying trust amount" of a trust means capital gains 74758
and losses from the sale, exchange, or other disposition of equity 74759
or ownership interests in, or debt obligations of, a qualifying 74760
investee to the extent included in the trust's Ohio taxable 74761
income, but only if the following requirements are satisfied: 74762

(a) The book value of the qualifying investee's physical 74763
assets in this state and everywhere, as of the last day of the 74764
qualifying investee's fiscal or calendar year ending immediately 74765
prior to the date on which the trust recognizes the gain or loss, 74766
is available to the trust. 74767

(b) The requirements of section 5747.011 of the Revised Code 74768
are satisfied for the trust's taxable year in which the trust 74769
recognizes the gain or loss. 74770

Any gain or loss that is not a qualifying trust amount is 74771
modified business income, qualifying investment income, or 74772
modified nonbusiness income, as the case may be. 74773

(3) "Modified nonbusiness income" means a trust's Ohio 74774
taxable income other than modified business income, other than the 74775

qualifying trust amount, and other than qualifying investment 74776
income, as defined in section 5747.012 of the Revised Code, to the 74777
extent such qualifying investment income is not otherwise part of 74778
modified business income. 74779

(4) "Modified Ohio taxable income" applies only to trusts, 74780
and means the sum of the amounts described in divisions (BB)(4)(a) 74781
to (c) of this section: 74782

(a) The fraction, calculated under section 5747.013, and 74783
applying section 5747.231 of the Revised Code, multiplied by the 74784
sum of the following amounts: 74785

(i) The trust's modified business income; 74786

(ii) The trust's qualifying investment income, as defined in 74787
section 5747.012 of the Revised Code, but only to the extent the 74788
qualifying investment income does not otherwise constitute 74789
modified business income and does not otherwise constitute a 74790
qualifying trust amount. 74791

(b) The qualifying trust amount multiplied by a fraction, the 74792
numerator of which is the sum of the book value of the qualifying 74793
investee's physical assets in this state on the last day of the 74794
qualifying investee's fiscal or calendar year ending immediately 74795
prior to the day on which the trust recognizes the qualifying 74796
trust amount, and the denominator of which is the sum of the book 74797
value of the qualifying investee's total physical assets 74798
everywhere on the last day of the qualifying investee's fiscal or 74799
calendar year ending immediately prior to the day on which the 74800
trust recognizes the qualifying trust amount. If, for a taxable 74801
year, the trust recognizes a qualifying trust amount with respect 74802
to more than one qualifying investee, the amount described in 74803
division (BB)(4)(b) of this section shall equal the sum of the 74804
products so computed for each such qualifying investee. 74805

(c)(i) With respect to a trust or portion of a trust that is 74806

a resident as ascertained in accordance with division (I)(3)(d) of 74807
this section, its modified nonbusiness income. 74808

(ii) With respect to a trust or portion of a trust that is 74809
not a resident as ascertained in accordance with division 74810
(I)(3)(d) of this section, the amount of its modified nonbusiness 74811
income satisfying the descriptions in divisions (B)(2) to (5) of 74812
section 5747.20 of the Revised Code, except as otherwise provided 74813
in division (BB)(4)(c)(ii) of this section. With respect to a 74814
trust or portion of a trust that is not a resident as ascertained 74815
in accordance with division (I)(3)(d) of this section, the trust's 74816
portion of modified nonbusiness income recognized from the sale, 74817
exchange, or other disposition of a debt interest in or equity 74818
interest in a section 5747.212 entity, as defined in section 74819
5747.212 of the Revised Code, without regard to division (A) of 74820
that section, shall not be allocated to this state in accordance 74821
with section 5747.20 of the Revised Code but shall be apportioned 74822
to this state in accordance with division (B) of section 5747.212 74823
of the Revised Code without regard to division (A) of that 74824
section. 74825

If the allocation and apportionment of a trust's income under 74826
divisions (BB)(4)(a) and (c) of this section do not fairly 74827
represent the modified Ohio taxable income of the trust in this 74828
state, the alternative methods described in division (C) of 74829
section 5747.21 of the Revised Code may be applied in the manner 74830
and to the same extent provided in that section. 74831

(5)(a) Except as set forth in division (BB)(5)(b) of this 74832
section, "qualifying investee" means a person in which a trust has 74833
an equity or ownership interest, or a person or unit of government 74834
the debt obligations of either of which are owned by a trust. For 74835
the purposes of division (BB)(2)(a) of this section and for the 74836
purpose of computing the fraction described in division (BB)(4)(b) 74837
of this section, all of the following apply: 74838

(i) If the qualifying investee is a member of a qualifying controlled group on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, then "qualifying investee" includes all persons in the qualifying controlled group on such last day.

(ii) If the qualifying investee, or if the qualifying investee and any members of the qualifying controlled group of which the qualifying investee is a member on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, separately or cumulatively own, directly or indirectly, on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the qualifying trust amount, more than fifty per cent of the equity of a pass-through entity, then the qualifying investee and the other members are deemed to own the proportionate share of the pass-through entity's physical assets which the pass-through entity directly or indirectly owns on the last day of the pass-through entity's calendar or fiscal year ending within or with the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the qualifying trust amount.

(iii) For the purposes of division (BB)(5)(a)(iii) of this section, "upper level pass-through entity" means a pass-through entity directly or indirectly owning any equity of another pass-through entity, and "lower level pass-through entity" means that other pass-through entity.

An upper level pass-through entity, whether or not it is also a qualifying investee, is deemed to own, on the last day of the upper level pass-through entity's calendar or fiscal year, the proportionate share of the lower level pass-through entity's

physical assets that the lower level pass-through entity directly 74871
or indirectly owns on the last day of the lower level pass-through 74872
entity's calendar or fiscal year ending within or with the last 74873
day of the upper level pass-through entity's fiscal or calendar 74874
year. If the upper level pass-through entity directly and 74875
indirectly owns less than fifty per cent of the equity of the 74876
lower level pass-through entity on each day of the upper level 74877
pass-through entity's calendar or fiscal year in which or with 74878
which ends the calendar or fiscal year of the lower level 74879
pass-through entity and if, based upon clear and convincing 74880
evidence, complete information about the location and cost of the 74881
physical assets of the lower pass-through entity is not available 74882
to the upper level pass-through entity, then solely for purposes 74883
of ascertaining if a gain or loss constitutes a qualifying trust 74884
amount, the upper level pass-through entity shall be deemed as 74885
owning no equity of the lower level pass-through entity for each 74886
day during the upper level pass-through entity's calendar or 74887
fiscal year in which or with which ends the lower level 74888
pass-through entity's calendar or fiscal year. Nothing in division 74889
(BB)(5)(a)(iii) of this section shall be construed to provide for 74890
any deduction or exclusion in computing any trust's Ohio taxable 74891
income. 74892

(b) With respect to a trust that is not a resident for the 74893
taxable year and with respect to a part of a trust that is not a 74894
resident for the taxable year, "qualifying investee" for that 74895
taxable year does not include a C corporation if both of the 74896
following apply: 74897

(i) During the taxable year the trust or part of the trust 74898
recognizes a gain or loss from the sale, exchange, or other 74899
disposition of equity or ownership interests in, or debt 74900
obligations of, the C corporation. 74901

(ii) Such gain or loss constitutes nonbusiness income. 74902

(6) "Available" means information is such that a person is 74903
able to learn of the information by the due date plus extensions, 74904
if any, for filing the return for the taxable year in which the 74905
trust recognizes the gain or loss. 74906

(CC) "Qualifying controlled group" has the same meaning as in 74907
section 5733.04 of the Revised Code. 74908

(DD) "Related member" has the same meaning as in section 74909
5733.042 of the Revised Code. 74910

(EE)(1) For the purposes of division (EE) of this section: 74911

(a) "Qualifying person" means any person other than a 74912
qualifying corporation. 74913

(b) "Qualifying corporation" means any person classified for 74914
federal income tax purposes as an association taxable as a 74915
corporation, except either of the following: 74916

(i) A corporation that has made an election under subchapter 74917
S, chapter one, subtitle A, of the Internal Revenue Code for its 74918
taxable year ending within, or on the last day of, the investor's 74919
taxable year; 74920

(ii) A subsidiary that is wholly owned by any corporation 74921
that has made an election under subchapter S, chapter one, 74922
subtitle A of the Internal Revenue Code for its taxable year 74923
ending within, or on the last day of, the investor's taxable year. 74924

(2) For the purposes of this chapter, unless expressly stated 74925
otherwise, no qualifying person indirectly owns any asset directly 74926
or indirectly owned by any qualifying corporation. 74927

(FF) For purposes of this chapter and Chapter 5751. of the 74928
Revised Code: 74929

(1) "Trust" does not include a qualified pre-income tax 74930
trust. 74931

(2) A "qualified pre-income tax trust" is any pre-income tax 74932

trust that makes a qualifying pre-income tax trust election as 74933
described in division (FF)(3) of this section. 74934

(3) A "qualifying pre-income tax trust election" is an 74935
election by a pre-income tax trust to subject to the tax imposed 74936
by section 5751.02 of the Revised Code the pre-income tax trust 74937
and all pass-through entities of which the trust owns or controls, 74938
directly, indirectly, or constructively through related interests, 74939
five per cent or more of the ownership or equity interests. The 74940
trustee shall notify the tax commissioner in writing of the 74941
election on or before April 15, 2006. The election, if timely 74942
made, shall be effective on and after January 1, 2006, and shall 74943
apply for all tax periods and tax years until revoked by the 74944
trustee of the trust. 74945

(4) A "pre-income tax trust" is a trust that satisfies all of 74946
the following requirements: 74947

(a) The document or instrument creating the trust was 74948
executed by the grantor before January 1, 1972; 74949

(b) The trust became irrevocable upon the creation of the 74950
trust; and 74951

(c) The grantor was domiciled in this state at the time the 74952
trust was created. 74953

(GG) "Uniformed services" has the same meaning as in 10 74954
U.S.C. 101. 74955

~~(HH) "Taxable business income" means the amount by which an 74956
individual's business income that is included in federal adjusted 74957
gross income exceeds the amount of business income the individual 74958
is authorized to deduct under division (A)(31) of this section for 74959
the taxable year. 74960~~

~~(II) "Employer" does not include a franchisor with respect to 74961
the franchisor's relationship with a franchisee or an employee of 74962~~

a franchisee, unless the franchisor agrees to assume that role in 74963
writing or a court of competent jurisdiction determines that the 74964
franchisor exercises a type or degree of control over the 74965
franchisee or the franchisee's employees that is not customarily 74966
exercised by a franchisor for the purpose of protecting the 74967
franchisor's trademark, brand, or both. For purposes of this 74968
division, "franchisor" and "franchisee" have the same meanings as 74969
in 16 C.F.R. 436.1. 74970

(II) "Modified adjusted gross income" means Ohio adjusted 74971
gross income plus any amount deducted under division (A)(31) of 74972
this section for the taxable year. 74973

Sec. 5747.02. (A) For the purpose of providing revenue for 74974
the support of schools and local government functions, to provide 74975
relief to property taxpayers, to provide revenue for the general 74976
revenue fund, and to meet the expenses of administering the tax 74977
levied by this chapter, there is hereby levied on every 74978
individual, trust, and estate residing in or earning or receiving 74979
income in this state, on every individual, trust, and estate 74980
earning or receiving lottery winnings, prizes, or awards pursuant 74981
to Chapter 3770. of the Revised Code, on every individual, trust, 74982
and estate earning or receiving winnings on casino gaming, and on 74983
every individual, trust, and estate otherwise having nexus with or 74984
in this state under the Constitution of the United States, an 74985
annual tax measured as prescribed in divisions (A)(1) to ~~(4)~~(3) of 74986
this section. 74987

(1) In the case of trusts, the tax imposed by this section 74988
shall be measured by modified Ohio taxable income under division 74989
(D) of this section and levied in the same amount as the tax is 74990
imposed on estates as prescribed in division (A)(2) of this 74991
section. 74992

(2) In the case of estates, the tax imposed by this section 74993

shall be measured by Ohio taxable income and levied at the rate of 74994
~~seven thousand four hundred twenty five ten~~ one and three hundred 74995
~~seventy-four~~ thousandths per cent for the first ~~ten~~ twenty-two 74996
thousand ~~five~~ two hundred fifty dollars of such income and, for 74997
income in excess of that amount, at the same rates prescribed in 74998
division (A)(3) of this section for individuals. 74999

(3) In the case of individuals, ~~for taxable years beginning~~ 75000
~~in 2017 or thereafter~~, the tax imposed by this section ~~on income~~ 75001
~~other than taxable business income~~ shall be measured by Ohio 75002
adjusted gross income, ~~less taxable business income and~~ less an 75003
exemption for the taxpayer, the taxpayer's spouse, and each 75004
dependent as provided in section 5747.025 of the Revised Code. If 75005
the balance thus obtained is equal to or less than ~~ten~~ twenty-two 75006
thousand ~~five~~ two hundred fifty dollars, no tax shall be imposed 75007
on that balance. If the balance thus obtained is greater than ~~ten~~ 75008
twenty-two thousand ~~five~~ two hundred fifty dollars, the tax is 75009
hereby levied as follows: 75010

OHIO ADJUSTED GROSS INCOME LESS 75011

~~TAXABLE BUSINESS INCOME AND~~
EXEMPTIONS (INDIVIDUALS)

OR 75012

MODIFIED OHIO 75013

TAXABLE INCOME (TRUSTS) 75014

OR 75015

OHIO TAXABLE INCOME (ESTATES) TAX 75016

75017

75018

~~More than \$10,500 but not more~~ ~~\$77.96 plus 1.980%~~ ~~of the amount~~ 75019
~~than \$15,800~~ ~~in excess of \$10,500~~

~~More than \$15,800 but not more~~ ~~\$182.90 plus 2.476%~~ ~~of the~~ 75020
~~than \$21,100~~ ~~amount in excess of \$15,800~~

More than ~~\$21,100~~ 22,250 but not ~~\$314.13~~ 309.12 plus ~~2.969~~ 2.773% 75021

more than \$42,100 <u>44,400</u>	of the amount in excess of	
	\$21,100 <u>22,250</u>	
More than \$42,100 <u>44,400</u> but not	\$937.62 <u>923.34</u> plus 3.46 <u>3.236</u> %	75022
more than \$84,200 <u>88,800</u>	of the amount in excess of	
	\$42,100 <u>44,400</u>	
More than \$84,200 <u>88,800</u> but not	\$2,396.39 <u>2,360.12</u> plus	75023
more than \$105,300 <u>111,100</u>	3.96 <u>3.699</u> % of the amount in	
	excess of \$84,200 <u>88,800</u>	
More than \$105,300 <u>111,100</u> but not	\$3,231.95 <u>3,185.00</u> plus	75024
more than \$210,600 <u>222,200</u>	4.59 <u>4.294</u> % of the amount in	
	excess of \$105,300 <u>111,100</u>	
More than \$210,600 <u>222,200</u>	\$8,072.59 <u>7,955.63</u> plus	75025
	4.99 <u>4.667</u> % of the amount in	
	excess of \$210,600 <u>222,200</u>	
(4)(a) In the case of individuals, for taxable years		75026
beginning in 2016 or thereafter, the tax imposed by this section		75027
on taxable business income shall equal three per cent of the		75028
result obtained by subtracting any amount allowed under division		75029
(A)(4)(b) of this section from the individual's taxable business		75030
income.		75031
(b) If the exemptions allowed to an individual under division		75032
(A)(3) of this section exceed the taxpayer's Ohio adjusted gross		75033
income less taxable business income, the excess shall be deducted		75034
from taxable business income before computing the tax under		75035
division (A)(4)(a) of this section.		75036
(5) Except as otherwise provided in this division, in August		75037
of each year, the tax commissioner shall make a new adjustment to		75038
the income amounts prescribed in divisions (A)(2) and (3) of this		75039
section by multiplying the percentage increase in the gross		75040
domestic product deflator computed that year under section		75041
5747.025 of the Revised Code by each of the income amounts		75042
resulting from the adjustment under this division in the preceding		75043

year, adding the resulting product to the corresponding income 75044
amount resulting from the adjustment in the preceding year, and 75045
rounding the resulting sum to the nearest multiple of fifty 75046
dollars. The tax commissioner also shall recompute each of the tax 75047
dollar amounts to the extent necessary to reflect the new 75048
adjustment of the income amounts. To recompute the tax dollar 75049
amount corresponding to the lowest tax rate in division (A)(3) of 75050
this section, the commissioner shall multiply the tax rate 75051
prescribed in division (A)(2) of this section by the income amount 75052
specified in that division and as adjusted according to this 75053
paragraph. The rates of taxation shall not be adjusted. 75054

The adjusted amounts apply to taxable years beginning in the 75055
calendar year in which the adjustments are made and to taxable 75056
years beginning in each ensuing calendar year until a calendar 75057
year in which a new adjustment is made pursuant to this division. 75058
The tax commissioner shall not make a new adjustment in any year 75059
in which the amount resulting from the adjustment would be less 75060
than the amount resulting from the adjustment in the preceding 75061
year. 75062

(B) If the director of budget and management makes a 75063
certification to the tax commissioner under division (B) of 75064
section 131.44 of the Revised Code, the amount of tax as 75065
determined under divisions (A)(1) to (3) of this section shall be 75066
reduced by the percentage prescribed in that certification for 75067
taxable years beginning in the calendar year in which that 75068
certification is made. 75069

(C) The levy of this tax on income does not prevent a 75070
municipal corporation, a joint economic development zone created 75071
under section 715.691, or a joint economic development district 75072
created under section 715.70, 715.71, or 715.72 of the Revised 75073
Code from levying a tax on income. 75074

(D) This division applies only to taxable years of a trust 75075

beginning in 2002 or thereafter. 75076

(1) The tax imposed by this section on a trust shall be 75077
computed by multiplying the Ohio modified taxable income of the 75078
trust by the rates prescribed by division (A) of this section. 75079

(2) A resident trust may claim a credit against the tax 75080
computed under division (D) of this section equal to the lesser of 75081
(a) the tax paid to another state or the District of Columbia on 75082
the resident trust's modified nonbusiness income, other than the 75083
portion of the resident trust's nonbusiness income that is 75084
qualifying investment income as defined in section 5747.012 of the 75085
Revised Code, or (b) the effective tax rate, based on modified 75086
Ohio taxable income, multiplied by the resident trust's modified 75087
nonbusiness income other than the portion of the resident trust's 75088
nonbusiness income that is qualifying investment income. The 75089
credit applies before any other applicable credits. 75090

(3) The credits ~~enumerated in divisions (A)(1) to (9) and~~ 75091
~~(A)(18) to (20) of section 5747.98~~ authorized by the following 75092
sections of the Revised Code do not apply to a trust subject to 75093
division (D) of this section: section 5747.022, 5747.05, 5747.054, 75094
5747.055, 5747.27, 5747.37, 5747.66, or 5747.71 of the Revised 75095
Code. Any ~~credits enumerated in other divisions of credit~~ 75096
authorized against the tax imposed by this section 5747.98 of the 75097
~~Revised Code~~ apply applies to a trust subject to division (D) of 75098
this section that otherwise qualifies for such a credit. To the 75099
extent that the trust distributes income for the taxable year for 75100
which a credit is available to the trust, the credit shall be 75101
shared by the trust and its beneficiaries. The tax commissioner 75102
and the trust shall be guided by applicable regulations of the 75103
United States treasury regarding the sharing of credits. 75104

(E) For the purposes of this section, "trust" means any trust 75105
described in Subchapter J of Chapter 1 of the Internal Revenue 75106
Code, excluding trusts that are not irrevocable as defined in 75107

division (I)(3)(b) of section 5747.01 of the Revised Code and that 75108
have no modified Ohio taxable income for the taxable year, 75109
charitable remainder trusts, qualified funeral trusts and preneed 75110
funeral contract trusts established pursuant to sections 4717.31 75111
to 4717.38 of the Revised Code that are not qualified funeral 75112
trusts, endowment and perpetual care trusts, qualified settlement 75113
trusts and funds, designated settlement trusts and funds, and 75114
trusts exempted from taxation under section 501(a) of the Internal 75115
Revenue Code. 75116

(F) Nothing in division (A)(3) of this section shall prohibit 75117
an individual with an Ohio adjusted gross income, less ~~taxable~~ 75118
~~business income and~~ exemptions, of ~~ten~~ twenty-two thousand ~~five~~ 75119
two hundred fifty dollars or less from filing a return under this 75120
chapter to receive a refund of taxes withheld or to claim any 75121
refundable credit allowed under this chapter. 75122

Sec. 5747.022. An individual subject to the tax imposed by 75123
section 5747.02 of the Revised Code whose ~~Ohio~~ modified adjusted 75124
gross income, less applicable exemptions under section 5747.025 of 75125
the Revised Code, for the taxable year as shown on an individual 75126
or joint annual return is less than thirty thousand dollars may 75127
claim a credit equal to twenty dollars times the number of 75128
exemptions allowed for the taxpayer, the taxpayer's spouse, and 75129
each dependent under section 5747.02 of the Revised Code. The 75130
credit shall be claimed in the order required under section 75131
5747.98 of the Revised Code. The credit shall not be considered in 75132
determining the taxes required to be withheld under section 75133
5747.06 of the Revised Code or the estimated taxes required to be 75134
paid under section 5747.09 of the Revised Code. In the case of an 75135
individual with respect to whom an exemption under section 5747.02 75136
of the Revised Code is allowable to another taxpayer for a taxable 75137
year beginning in the calendar year in which the individual's 75138
taxable year begins, the "number of exemptions allowed" for 75139

purposes of calculating the credit allowed under this section to 75140
such individual for the individual's taxable year shall not 75141
include an exemption for the individual. 75142

Sec. 5747.025. (A) For taxable years beginning in 2014 or 75143
2015, the personal exemption for the taxpayer, the taxpayer's 75144
spouse, and each dependent shall be one of the following amounts: 75145

(1) Two thousand two hundred dollars if the taxpayer's ~~Ohio~~ 75146
modified adjusted gross income for the taxable year as shown on an 75147
individual or joint annual return is less than or equal to forty 75148
thousand dollars; 75149

(2) One thousand nine hundred fifty dollars if the taxpayer's 75150
~~Ohio~~ modified adjusted gross income for the taxable year as shown 75151
on an individual or joint annual return is greater than forty 75152
thousand dollars but less than or equal to eighty thousand 75153
dollars; 75154

(3) One thousand seven hundred dollars if the taxpayer's ~~Ohio~~ 75155
modified adjusted gross income for the taxable year as shown on an 75156
individual or joint annual return is greater than eighty thousand 75157
dollars. 75158

(B) For taxable years beginning in 2016 and thereafter, the 75159
personal exemption amounts prescribed in division (A) of this 75160
section shall be adjusted each year in the manner prescribed in 75161
division (C) of this section. In the case of an individual with 75162
respect to whom an exemption under section 5747.02 of the Revised 75163
Code is allowable to another taxpayer for a taxable year beginning 75164
in the calendar year in which the individual's taxable year 75165
begins, the exemption amount applicable to such individual for 75166
such individual's taxable year shall be zero. 75167

(C) Except as otherwise provided in this division, in August 75168
of each year, the tax commissioner shall determine the percentage 75169

increase in the gross domestic product deflator determined by the 75170
bureau of economic analysis of the United States department of 75171
commerce from the first day of January of the preceding calendar 75172
year to the last day of December of the preceding year, and make a 75173
new adjustment to the personal exemption amount for taxable years 75174
beginning in the current calendar year by multiplying that amount 75175
by the percentage increase in the gross domestic product deflator 75176
for that period; adding the resulting product to the personal 75177
exemption amount for taxable years beginning in the preceding 75178
calendar year; and rounding the resulting sum upward to the 75179
nearest multiple of fifty dollars. The adjusted amount applies to 75180
taxable years beginning in the calendar year in which the 75181
adjustment is made and to taxable years beginning in each ensuing 75182
calendar year until a calendar year in which a new adjustment is 75183
made pursuant to this division. The commissioner shall not make a 75184
new adjustment in any calendar year in which the amount resulting 75185
from the adjustment would be less than the amount resulting from 75186
the adjustment in the preceding calendar year. 75187

Sec. 5747.05. As used in this section, "income tax" includes 75188
both a tax on net income and a tax measured by net income. 75189

The following credits shall be allowed against the aggregate 75190
income tax liability imposed by section 5747.02 of the Revised 75191
Code on individuals and estates: 75192

(A)(1) The amount of tax otherwise due under section 5747.02 75193
of the Revised Code on such portion of the combined adjusted gross 75194
income and business income of any nonresident taxpayer that is not 75195
allocable or apportionable to this state pursuant to sections 75196
5747.20 to 5747.23 of the Revised Code. The credit provided under 75197
this division shall not exceed the total tax due under section 75198
5747.02 of the Revised Code. 75199

(2) The tax commissioner may enter into an agreement with the 75200

taxing authorities of any state or of the District of Columbia 75201
that imposes an income tax to provide that compensation paid in 75202
this state to a nonresident taxpayer shall not be subject to the 75203
tax levied in section 5747.02 of the Revised Code so long as 75204
compensation paid in such other state or in the District of 75205
Columbia to a resident taxpayer shall likewise not be subject to 75206
the income tax of such other state or of the District of Columbia. 75207

(B) The lesser of division (B)(1) or (2) of this section: 75208

(1) The aggregate amount of tax otherwise due under section 75209
5747.02 of the Revised Code on such portion of the combined 75210
adjusted gross income and business income of a resident taxpayer 75211
that in another state or in the District of Columbia is subjected 75212
to an income tax. The credit provided under division (B)(1) of 75213
this section shall not exceed the total tax due under section 75214
5747.02 of the Revised Code. 75215

(2) The amount of income tax liability to another state or 75216
the District of Columbia on the portion of the combined adjusted 75217
gross income and business income of a resident taxpayer that in 75218
another state or in the District of Columbia is subjected to an 75219
income tax. The credit provided under division (B)(2) of this 75220
section shall not exceed the total amount of tax otherwise due 75221
under section 5747.02 of the Revised Code. 75222

(3) If the credit provided under division (B) of this section 75223
is affected by a change in either the portion of the combined 75224
adjusted gross income and business income of a resident taxpayer 75225
subjected to an income tax in another state or the District of 75226
Columbia or the amount of income tax liability that has been paid 75227
to another state or the District of Columbia, the taxpayer shall 75228
report the change to the tax commissioner within sixty days of the 75229
change in such form as the commissioner requires. 75230

(a) In the case of an underpayment, the report shall be 75231

accompanied by payment of any additional tax due as a result of 75232
the reduction in credit together with interest on the additional 75233
tax and is a return subject to assessment under section 5747.13 of 75234
the Revised Code solely for the purpose of assessing any 75235
additional tax due under this division, together with any 75236
applicable penalty and interest. It shall not reopen the 75237
computation of the taxpayer's tax liability under this chapter 75238
from a previously filed return no longer subject to assessment 75239
except to the extent that such liability is affected by an 75240
adjustment to the credit allowed by division (B) of this section. 75241

(b) In the case of an overpayment, an application for refund 75242
may be filed under this division within the sixty-day period 75243
prescribed for filing the report even if it is beyond the period 75244
prescribed in section 5747.11 of the Revised Code if it otherwise 75245
conforms to the requirements of such section. An application filed 75246
under this division shall only claim refund of overpayments 75247
resulting from an adjustment to the credit allowed by division (B) 75248
of this section unless it is also filed within the time prescribed 75249
in section 5747.11 of the Revised Code. It shall not reopen the 75250
computation of the taxpayer's tax liability except to the extent 75251
that such liability is affected by an adjustment to the credit 75252
allowed by division (B) of this section. 75253

(4) No credit shall be allowed under division (B) of this 75254
section: 75255

(a) For income tax paid or accrued to another state or to the 75256
District of Columbia if the taxpayer, when computing federal 75257
adjusted gross income, has directly or indirectly deducted, or was 75258
required to directly or indirectly deduct, the amount of that 75259
income tax; 75260

(b) For compensation that is not subject to the income tax of 75261
another state or the District of Columbia as the result of an 75262
agreement entered into by the tax commissioner under division 75263

(A)(3) of this section; or 75264

(c) For income tax paid or accrued to another state or the District of Columbia if the taxpayer fails to furnish such proof as the tax commissioner shall require that such income tax liability has been paid. 75265
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(C) An individual who is a resident for part of a taxable year and a nonresident for the remainder of the taxable year is allowed the credits under divisions (A) and (B) of this section in accordance with rules prescribed by the tax commissioner. In no event shall the same income be subject to both credits. 75269
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(D) The credit allowed under division (A) of this section shall be calculated based upon the amount of tax due under section 5747.02 of the Revised Code after subtracting any other credits that precede the credit under that division in the order required under section 5747.98 of the Revised Code. The credit allowed under division (B) of this section shall be calculated based upon the amount of tax due under section 5747.02 of the Revised Code after subtracting any other credits that precede the credit under that division in the order required under section 5747.98 of the Revised Code. 75274
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(E)(1) On a joint return filed by a husband and wife, each of whom had adjusted gross income of at least five hundred dollars, exclusive of interest, dividends and distributions, royalties, rent, and capital gains, a credit equal to the lesser of six hundred fifty dollars or the percentage shown in column B that corresponds with the taxpayer's modified adjusted gross income, less exemptions for the taxable year, of the total amount of tax due after allowing for any other credit that precedes this credit as required under section 5747.98 of the Revised Code: 75284
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A. B. 75293

IF THE MODIFIED ADJUSTED GROSS THE CREDIT FOR THE TAXABLE 75294

INCOME, LESS EXEMPTIONS, FOR THE YEAR IS:

TAX YEAR IS:

\$25,000 or less	20%	75295
More than \$25,000 but not more than \$50,000	15%	75296
More than \$50,000 but not more than \$75,000	10%	75297
More than \$75,000	5%	75298

(2) The credit shall be claimed in the order required under section 5747.98 of the Revised Code. 75299
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(F) No claim for credit under this section shall be allowed unless the claimant furnishes such supporting information as the tax commissioner prescribes by rules. 75301
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Sec. 5747.054. In addition to all other credits allowed by this chapter, a credit shall be allowed against a taxpayer's aggregate tax liability under section 5747.02 of the Revised Code for taxpayers with modified adjusted gross income of less than forty thousand dollars. The amount of the credit shall equal twenty-five per cent of the federal dependent care credit for which the taxpayer is eligible for the taxable year under section 21 of the Internal Revenue Code, 26 U.S.C.A. 21; except that the amount of the credit for a taxpayer with modified adjusted gross income of less than twenty thousand dollars shall equal the federal credit for which the taxpayer is eligible, in any case without regard to any limitation imposed by section 26 of the Internal Revenue Code, 26 U.S.C.A. 26. 75304
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The credit allowed by this section shall be claimed in the order required under section 5747.98 of the Revised Code. 75317
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Sec. 5747.055. (A) As used in this section "retirement income" means retirement benefits, annuities, or distributions 75319
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that are made from or pursuant to a pension, retirement, or profit-sharing plan and that:

(1) In the case of an individual, are received by the individual on account of retirement and are included in the individual's adjusted gross income;

(2) In the case of an estate, are payable to the estate for the benefit of the surviving spouse of the decedent and are included in the estate's taxable income.

(B) A credit shall be allowed against a taxpayer's aggregate tax liability under section 5747.02 of the Revised Code for taxpayers who received retirement income during the taxable year and whose modified adjusted gross income for the taxable year, less applicable exemptions under section 5747.025 of the Revised Code, as shown on an individual or joint annual return is less than one hundred thousand dollars. Only one such credit shall be allowed for each return, and the amount of the credit shall be computed in accordance with the following schedule:

AMOUNT OF RETIREMENT INCOME RECEIVED DURING THE TAXABLE YEAR	CREDIT FOR THE TAXABLE YEAR
\$500 or less	\$ 0
Over \$500 but not more than \$1,500	\$ 25
Over \$1,500 but not more than \$3,000	\$ 50
Over \$3,000 but not more than \$5,000	\$ 80
Over \$5,000 but not more than \$8,000	\$130
Over \$8,000	\$200

(C) A taxpayer who received a lump-sum distribution from a pension, retirement, or profit-sharing plan in the taxable year and whose modified adjusted gross income for the taxable year, less applicable exemptions under section 5747.025 of the Revised Code, as shown on an individual or joint annual return is less than one hundred thousand dollars, may elect to receive a credit

under this division in lieu of the credit allowed under division 75352
(B) of this section. A taxpayer making such an election is not 75353
entitled to the credit authorized under this division or division 75354
(B) of this section in subsequent taxable years. A taxpayer 75355
electing the credit under this division shall receive a credit for 75356
the taxable year against the taxpayer's aggregate tax liability 75357
under section 5747.02 of the Revised Code computed as follows: 75358

(1) Divide the amount of retirement income received during 75359
the taxable year by the taxpayer's expected remaining life on the 75360
last day of the taxable year, as shown by annuity tables issued 75361
under the provisions of the Internal Revenue Code and in effect 75362
for the calendar year that includes the last day of the taxable 75363
year; 75364

(2) Using the quotient thus obtained as the amount of 75365
retirement income received during the taxable year, compute the 75366
credit for the taxable year in accordance with division (B) of 75367
this section; 75368

(3) Multiply the credit thus obtained by the taxpayer's 75369
expected remaining life. The product thus obtained shall be the 75370
credit under this division for the taxable year. 75371

(D) If the credit under division (C) or (E) of this section 75372
exceeds the taxpayer's aggregate tax liability under section 75373
5747.02 of the Revised Code for the taxable year after allowing 75374
for any other credit that precedes that credit in the order 75375
required under section 5747.98 of the Revised Code, the taxpayer 75376
may elect to receive a credit for each subsequent taxable year. 75377
The amount of the credit for each such year shall be computed as 75378
follows: 75379

(1) Determine the amount by which the unused credit elected 75380
under division (C) or (E) of this section exceeded the total tax 75381
due for the taxable year after allowing for any preceding credit 75382

in the required order; 75383

(2) Divide the amount of such excess by one year less than 75384
the taxpayer's expected remaining life on the last day of the 75385
taxable year of the distribution for which the credit was allowed 75386
under division (C) or (E) of this section. The quotient thus 75387
obtained shall be the credit for each subsequent year. 75388

(E) If subsequent to the receipt of a lump-sum distribution 75389
and an election under division (C) of this section an individual 75390
receives another lump-sum distribution within one taxable year, 75391
and the taxpayer's modified adjusted gross income for the taxable 75392
year, less applicable exemptions under section 5747.025 of the 75393
Revised Code, as shown on an individual or joint annual return is 75394
less than one hundred thousand dollars, the taxpayer may elect to 75395
receive a credit for that taxable year. The credit shall equal the 75396
lesser of: 75397

(1) A credit computed in the manner prescribed in division 75398
(C) of this section; 75399

(2) The amount of credit, if any, to which the taxpayer would 75400
otherwise be entitled for the taxable year under division (D) of 75401
this section times the taxpayer's expected remaining life on the 75402
last day of the taxable year. A taxpayer who elects to receive a 75403
credit under this division is not entitled to a credit under this 75404
division or division (B) or (C) of this section for any subsequent 75405
year except as provided in division (D) of this section. 75406

(F) A credit equal to fifty dollars for each return required 75407
to be filed under section 5747.08 of the Revised Code shall be 75408
allowed against a taxpayer's aggregate tax liability under section 75409
5747.02 of the Revised Code for taxpayers sixty-five years of age 75410
or older during the taxable year whose modified adjusted gross 75411
income, less applicable exemptions under section 5747.025 of the 75412
Revised Code, as shown on an individual or joint annual return is 75413

less than one hundred thousand dollars for that taxable year. 75414

(G) A taxpayer sixty-five years of age or older during the 75415
taxable year who has received a lump-sum distribution from a 75416
pension, retirement, or profit-sharing plan in the taxable year, 75417
and whose modified adjusted gross income, less applicable 75418
exemptions under section 5747.025 of the Revised Code, as shown on 75419
an individual or joint annual return is less than one hundred 75420
thousand dollars for that taxable year may elect to receive a 75421
credit under this division in lieu of the credit to which the 75422
taxpayer is entitled under division (F) of this section. A 75423
taxpayer making such an election shall receive a credit for the 75424
taxable year against the taxpayer's aggregate tax liability under 75425
section 5747.02 of the Revised Code equal to fifty dollars times 75426
the taxpayer's expected remaining life as shown by annuity tables 75427
issued under the Internal Revenue Code and in effect for the 75428
calendar year that includes the last day of the taxable year. A 75429
taxpayer making an election under this division is not entitled to 75430
the credit authorized under this division or division (F) of this 75431
section in subsequent taxable years. 75432

(H) The credits allowed by this section shall be claimed in 75433
the order required under section 5747.98 of the Revised Code. The 75434
tax commissioner may require a taxpayer to furnish any information 75435
necessary to support a claim for credit under this section, and no 75436
credit shall be allowed unless such information is provided. 75437

Sec. 5747.08. An annual return with respect to the tax 75438
imposed by section 5747.02 of the Revised Code and each tax 75439
imposed under Chapter 5748. of the Revised Code shall be made by 75440
every taxpayer for any taxable year for which the taxpayer is 75441
liable for the tax imposed by that section or under that chapter, 75442
unless the total credits allowed under division (E) of section 75443
5747.05 and divisions (F) and (G) of section 5747.055 of the 75444

Revised Code for the year are equal to or exceed the tax imposed 75445
by section 5747.02 of the Revised Code, in which case no return 75446
shall be required unless the taxpayer is liable for a tax imposed 75447
pursuant to Chapter 5748. of the Revised Code. 75448

(A) If an individual is deceased, any return or notice 75449
required of that individual under this chapter shall be made and 75450
filed by that decedent's executor, administrator, or other person 75451
charged with the property of that decedent. 75452

(B) If an individual is unable to make a return or notice 75453
required by this chapter, the return or notice required of that 75454
individual shall be made and filed by the individual's duly 75455
authorized agent, guardian, conservator, fiduciary, or other 75456
person charged with the care of the person or property of that 75457
individual. 75458

(C) Returns or notices required of an estate or a trust shall 75459
be made and filed by the fiduciary of the estate or trust. 75460

(D)(1)(a) Except as otherwise provided in division (D)(1)(b) 75461
of this section, any pass-through entity may file a single return 75462
on behalf of one or more of the entity's investors other than an 75463
investor that is a person subject to the tax imposed under section 75464
5733.06 of the Revised Code. The single return shall set forth the 75465
name, address, and social security number or other identifying 75466
number of each of those pass-through entity investors and shall 75467
indicate the distributive share of each of those pass-through 75468
entity investor's income taxable in this state in accordance with 75469
sections 5747.20 to 5747.231 of the Revised Code. Such 75470
pass-through entity investors for whom the pass-through entity 75471
elects to file a single return are not entitled to the exemption 75472
or credit provided for by sections 5747.02 and 5747.022 of the 75473
Revised Code; shall calculate the tax before business credits at 75474
the highest rate of tax set forth in section 5747.02 of the 75475
Revised Code for the taxable year for which the return is filed; 75476

and are entitled to only their distributive share of the business 75477
credits as defined in division (D)(2) of this section. A single 75478
check drawn by the pass-through entity shall accompany the return 75479
in full payment of the tax due, as shown on the single return, for 75480
such investors, other than investors who are persons subject to 75481
the tax imposed under section 5733.06 of the Revised Code. 75482

(b)(i) A pass-through entity shall not include in such a 75483
single return any investor that is a trust to the extent that any 75484
direct or indirect current, future, or contingent beneficiary of 75485
the trust is a person subject to the tax imposed under section 75486
5733.06 of the Revised Code. 75487

(ii) A pass-through entity shall not include in such a single 75488
return any investor that is itself a pass-through entity to the 75489
extent that any direct or indirect investor in the second 75490
pass-through entity is a person subject to the tax imposed under 75491
section 5733.06 of the Revised Code. 75492

(c) Nothing in division (D) of this section precludes the tax 75493
commissioner from requiring such investors to file the return and 75494
make the payment of taxes and related interest, penalty, and 75495
interest penalty required by this section or section 5747.02, 75496
5747.09, or 5747.15 of the Revised Code. Nothing in division (D) 75497
of this section precludes such an investor from filing the annual 75498
return under this section, utilizing the refundable credit equal 75499
to the investor's proportionate share of the tax paid by the 75500
pass-through entity on behalf of the investor under division (I) 75501
of this section, and making the payment of taxes imposed under 75502
section 5747.02 of the Revised Code. Nothing in division (D) of 75503
this section shall be construed to provide to such an investor or 75504
pass-through entity any additional deduction or credit, other than 75505
the credit provided by division (I) of this section, solely on 75506
account of the entity's filing a return in accordance with this 75507
section. Such a pass-through entity also shall make the filing and 75508

payment of estimated taxes on behalf of the pass-through entity 75509
investors other than an investor that is a person subject to the 75510
tax imposed under section 5733.06 of the Revised Code. 75511

(2) For the purposes of this section, "business credits" 75512
means the credits listed in section 5747.98 of the Revised Code 75513
excluding the following credits: 75514

(a) The retirement income credit under division (B) of 75515
section 5747.055 of the Revised Code; 75516

(b) The senior citizen credit under division (F) of section 75517
5747.055 of the Revised Code; 75518

(c) The lump sum distribution credit under division (G) of 75519
section 5747.055 of the Revised Code; 75520

(d) The dependent care credit under section 5747.054 of the 75521
Revised Code; 75522

(e) The lump sum retirement income credit under division (C) 75523
of section 5747.055 of the Revised Code; 75524

(f) The lump sum retirement income credit under division (D) 75525
of section 5747.055 of the Revised Code; 75526

(g) The lump sum retirement income credit under division (E) 75527
of section 5747.055 of the Revised Code; 75528

(h) The credit for displaced workers who pay for job training 75529
under section 5747.27 of the Revised Code; 75530

(i) The twenty-dollar personal exemption credit under section 75531
5747.022 of the Revised Code; 75532

(j) The joint filing credit under division (E) of section 75533
5747.05 of the Revised Code; 75534

(k) The nonresident credit under division (A) of section 75535
5747.05 of the Revised Code; 75536

(l) The credit for a resident's out-of-state income under 75537

division (B) of section 5747.05 of the Revised Code; 75538

(m) The earned income tax credit under section 5747.71 of the Revised Code; 75539
Revised Code; 75540

(n) The lead abatement credit under section 5747.26 of the Revised Code. 75541
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(3) The election provided for under division (D) of this section applies only to the taxable year for which the election is made by the pass-through entity. Unless the tax commissioner provides otherwise, this election, once made, is binding and irrevocable for the taxable year for which the election is made. Nothing in this division shall be construed to provide for any deduction or credit that would not be allowable if a nonresident pass-through entity investor were to file an annual return. 75543
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(4) If a pass-through entity makes the election provided for under division (D) of this section, the pass-through entity shall be liable for any additional taxes, interest, interest penalty, or penalties imposed by this chapter if the tax commissioner finds that the single return does not reflect the correct tax due by the pass-through entity investors covered by that return. Nothing in this division shall be construed to limit or alter the liability, if any, imposed on pass-through entity investors for unpaid or underpaid taxes, interest, interest penalty, or penalties as a result of the pass-through entity's making the election provided for under division (D) of this section. For the purposes of division (D) of this section, "correct tax due" means the tax that would have been paid by the pass-through entity had the single return been filed in a manner reflecting the commissioner's findings. Nothing in division (D) of this section shall be construed to make or hold a pass-through entity liable for tax attributable to a pass-through entity investor's income from a source other than the pass-through entity electing to file the single return. 75551
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(E) If a husband and wife file a joint federal income tax return for a taxable year, they shall file a joint return under this section for that taxable year, and their liabilities are joint and several, but, if the federal income tax liability of either spouse is determined on a separate federal income tax return, they shall file separate returns under this section.

If either spouse is not required to file a federal income tax return and either or both are required to file a return pursuant to this chapter, they may elect to file separate or joint returns, and, pursuant to that election, their liabilities are separate or joint and several. If a husband and wife file separate returns pursuant to this chapter, each must claim the taxpayer's own exemption, but not both, as authorized under section 5747.02 of the Revised Code on the taxpayer's own return.

(F) Each return or notice required to be filed under this section shall contain the signature of the taxpayer or the taxpayer's duly authorized agent and of the person who prepared the return for the taxpayer, and shall include the taxpayer's social security number. Each return shall be verified by a declaration under the penalties of perjury. The tax commissioner shall prescribe the form that the signature and declaration shall take.

(G) Each return or notice required to be filed under this section shall be made and filed as required by section 5747.04 of the Revised Code, on or before the fifteenth day of April of each year, on forms that the tax commissioner shall prescribe, together with remittance made payable to the treasurer of state in the combined amount of the state and all school district income taxes shown to be due on the form.

Upon good cause shown, the commissioner may extend the period for filing any notice or return required to be filed under this section and may adopt rules relating to extensions. If the

extension results in an extension of time for the payment of any 75602
state or school district income tax liability with respect to 75603
which the return is filed, the taxpayer shall pay at the time the 75604
tax liability is paid an amount of interest computed at the rate 75605
per annum prescribed by section 5703.47 of the Revised Code on 75606
that liability from the time that payment is due without extension 75607
to the time of actual payment. Except as provided in section 75608
5747.132 of the Revised Code, in addition to all other interest 75609
charges and penalties, all taxes imposed under this chapter or 75610
Chapter 5748. of the Revised Code and remaining unpaid after they 75611
become due, except combined amounts due of one dollar or less, 75612
bear interest at the rate per annum prescribed by section 5703.47 75613
of the Revised Code until paid or until the day an assessment is 75614
issued under section 5747.13 of the Revised Code, whichever occurs 75615
first. 75616

If the commissioner considers it necessary in order to ensure 75617
the payment of the tax imposed by section 5747.02 of the Revised 75618
Code or any tax imposed under Chapter 5748. of the Revised Code, 75619
the commissioner may require returns and payments to be made 75620
otherwise than as provided in this section. 75621

To the extent that any provision in this division conflicts 75622
with any provision in section 5747.026 of the Revised Code, the 75623
provision in that section prevails. 75624

(H) The amounts withheld by an employer pursuant to section 75625
5747.06 of the Revised Code, a casino operator pursuant to section 75626
5747.063 of the Revised Code, or a lottery sales agent pursuant to 75627
section 5747.064 of the Revised Code shall be allowed to the 75628
recipient of the compensation casino winnings, or lottery prize 75629
award as credits against payment of the appropriate taxes imposed 75630
on the recipient by section 5747.02 and under Chapter 5748. of the 75631
Revised Code. 75632

(I) If a pass-through entity elects to file a single return 75633

under division (D) of this section and if any investor is required 75634
to file the annual return and make the payment of taxes required 75635
by this chapter on account of the investor's other income that is 75636
not included in a single return filed by a pass-through entity or 75637
any other investor elects to file the annual return, the investor 75638
is entitled to a refundable credit equal to the investor's 75639
proportionate share of the tax paid by the pass-through entity on 75640
behalf of the investor. The investor shall claim the credit for 75641
the investor's taxable year in which or with which ends the 75642
taxable year of the pass-through entity. Nothing in this chapter 75643
shall be construed to allow any credit provided in this chapter to 75644
be claimed more than once. For the purpose of computing any 75645
interest, penalty, or interest penalty, the investor shall be 75646
deemed to have paid the refundable credit provided by this 75647
division on the day that the pass-through entity paid the 75648
estimated tax or the tax giving rise to the credit. 75649

(J) The tax commissioner shall ensure that each return 75650
required to be filed under this section includes a box that the 75651
taxpayer may check to authorize a paid tax preparer who prepared 75652
the return to communicate with the department of taxation about 75653
matters pertaining to the return. The return or instructions 75654
accompanying the return shall indicate that by checking the box 75655
the taxpayer authorizes the department of taxation to contact the 75656
preparer concerning questions that arise during the processing of 75657
the return and authorizes the preparer only to provide the 75658
department with information that is missing from the return, to 75659
contact the department for information about the processing of the 75660
return or the status of the taxpayer's refund or payments, and to 75661
respond to notices about mathematical errors, offsets, or return 75662
preparation that the taxpayer has received from the department and 75663
has shown to the preparer. 75664

(K) The tax commissioner shall permit individual taxpayers to 75665

instruct the department of taxation to cause any refund of 75666
overpaid taxes to be deposited directly into a checking account, 75667
savings account, or an individual retirement account or individual 75668
retirement annuity, or preexisting college savings plan or program 75669
account offered by the Ohio tuition trust authority under Chapter 75670
3334. of the Revised Code, as designated by the taxpayer, when the 75671
taxpayer files the annual return required by this section 75672
electronically. 75673

(L) The tax commissioner may adopt rules to administer this 75674
section. 75675

Sec. 5747.10. ~~¶~~ (A) As used in this section: 75676

(1) "Administrative adjustment request" means an 75677
administrative adjustment request filed by a partnership under 75678
section 6227 of the Internal Revenue Code. 75679

(2) "Audited partnership" means a partnership subject to a 75680
partnership level audit resulting in a federal adjustment. 75681

(3) "Direct partner" means a partner that holds a direct 75682
interest in a partnership or other pass-through entity. 75683

(4) "Exempt partner" means a partner that is not subject to 75684
the tax levied by section 5747.02 of the Revised Code. 75685

(5) "Federal adjustment" means a change to an item or amount 75686
required to be determined under the Internal Revenue Code that 75687
affects a taxpayer's aggregate tax liability under section 5747.02 75688
or Chapter 5748. of the Revised Code and that results from an 75689
action by the internal revenue service, including a partnership 75690
level audit, or from the filing of an amended federal tax return, 75691
a claim for a federal tax refund, or an administrative adjustment 75692
request. A federal adjustment is positive to the extent that it 75693
increases a taxpayer's aggregate tax liability under section 75694
5747.02 or Chapter 5748. of the Revised Code and is negative to 75695

the extent that it decreases a taxpayer's aggregate tax liability. 75696

(6) "Federal adjustments report" means the form or other 75697
document prescribed by the tax commissioner for use by a taxpayer 75698
in reporting final federal adjustments. 75699

(7) "Federal partnership representative" means the person 75700
designated as the partnership's representative for federal income 75701
tax purposes pursuant to section 6223(a) of the Internal Revenue 75702
Code. 75703

(8) "Final determination date" means one of the following: 75704

(a) If the federal adjustment arises from an audit or other 75705
action by the internal revenue service, the first day on which no 75706
federal adjustments arising from that audit or action remain to be 75707
finally determined, whether by decision of the internal revenue 75708
service with respect to which all rights of appeal have been 75709
waived or exhausted, by agreement, or, if appealed or contested, 75710
by a final decision with respect to which all rights of appeal 75711
have been waived or exhausted. For agreements required to be 75712
signed by the internal revenue service and the taxpayer, the final 75713
determination date is the date on which the last party signed the 75714
agreement. 75715

(b) If the federal adjustment arises from the filing of an 75716
amended federal return, a claim for a federal tax refund, an 75717
administrative adjustment request, or a similar report filed 75718
pursuant to section 6225(c) of the Internal Revenue Code, the date 75719
on which the amended return, refund claim, administrative 75720
adjustment request, or similar report was filed. 75721

(9) "Final federal adjustment" means a federal adjustment 75722
after the final determination date for that federal adjustment has 75723
passed. 75724

(10) "Indirect partner" means a partner in a partnership or 75725
other pass-through entity that itself holds an interest directly, 75726

or through another indirect partner, in a partnership or other 75727
pass-through entity. 75728

(11) "Nonresident partner" means a partner that is not a 75729
resident partner. 75730

(12) "Partner" means a person that holds an interest directly 75731
or indirectly in a partnership or other pass-through entity. 75732

(13) "Partnership" means an entity subject to taxation under 75733
subchapter K of the Internal Revenue Code. 75734

(14) "Partnership level audit" means an examination by the 75735
internal revenue service at the partnership level pursuant to 75736
subchapter C, chapter 63, subtitle F of the Internal Revenue Code 75737
that results in final federal adjustments. 75738

(15) "Resident partner" means a partner that is a resident 75739
under this chapter. 75740

(16) "Reviewed year" means the taxable year of a partnership 75741
that is subject to a partnership level audit that results in final 75742
federal adjustments. 75743

(17) "Taxpayer" includes a partnership that is subject to a 75744
partnership level audit or that has filed an administrative 75745
adjustment request, and any tiered partner of such a partnership. 75746

(18) "Tiered partner" means a partner that is a partnership 75747
or other pass-through entity. 75748

(B) Except in the case of final federal adjustments that are 75749
required to be reported by a partnership and its partners under 75750
division (C) of this section, if any of the facts, figures, 75751
computations, or attachments required in a taxpayer's annual 75752
return to determine the tax charged by this chapter or Chapter 75753
5748. of the Revised Code must be altered as the result of ~~an a~~ 75754
final federal adjustment ~~to the taxpayer's federal income tax~~ 75755
~~return, whether initiated by the taxpayer or the internal revenue~~ 75756

~~service, and such alteration affects the taxpayer's tax liability~~ 75757
~~under this chapter or Chapter 5748. of the Revised Code, the~~ 75758
~~taxpayer shall file an amended return with the tax commissioner in~~ 75759
~~such form as the commissioner requires. The amended return shall~~ 75760
~~be filed not later than sixty one hundred eighty days after the~~ 75761
~~adjustment has been agreed to or finally determined for federal~~ 75762
~~income tax purposes or any federal income tax deficiency or~~ 75763
~~refund, or the abatement or credit resulting therefrom, has been~~ 75764
~~assessed or paid, whichever occurs first final determination date.~~ 75765

~~(A) In the case of an underpayment, the amended return shall~~ 75766
~~be accompanied by payment of any combined additional tax due~~ 75767
~~together with interest thereon. An amended return required by this~~ 75768
~~section is a return subject to assessment under section 5747.13 of~~ 75769
~~the Revised Code for the purpose of assessing any additional tax~~ 75770
~~due under this section, together with any applicable penalty and~~ 75771
~~interest. It shall not reopen those facts, figures, computations,~~ 75772
~~or attachments from a previously filed return no longer subject to~~ 75773
~~assessment that are not affected, either directly or indirectly,~~ 75774
~~by the adjustment to the taxpayer's federal income tax return.~~ 75775

~~(B) In the case of an overpayment, an application for refund~~ 75776
~~may be filed under this division within the sixty day period~~ 75777
~~prescribed for filing the amended return even if it is filed~~ 75778
~~beyond the period prescribed in section 5747.11 of the Revised~~ 75779
~~Code if it otherwise conforms to the requirements of such section.~~ 75780
~~An application filed under this division shall claim refund of~~ 75781
~~overpayments resulting from alterations to only those facts,~~ 75782
~~figures, computations, or attachments required in the taxpayer's~~ 75783
~~annual return that are affected, either directly or indirectly, by~~ 75784
~~the adjustment to the taxpayer's federal income tax return unless~~ 75785
~~it is also filed within the time prescribed in section 5747.11 of~~ 75786
~~the Revised Code. It shall not reopen those facts, figures,~~ 75787
~~computations, or attachments that are not affected, either~~ 75788

~~directly or indirectly, by the adjustment to the taxpayer's
federal income tax return.~~ 75789
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(C) Except for adjustments required to be reported for
federal purposes pursuant to section 6225(a)(2) of the Internal
Revenue Code and adjustments that are taken into account on a
federal amended return or similar report filed pursuant to section
6225(c)(2) of the Internal Revenue Code, partnerships and partners
shall report final federal adjustments arising from a partnership
level audit or an administrative adjustment request and make
payments as required under division (C) of this section. 75791
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(1)(a) With respect to an action required or permitted to be
taken by a partnership under this section, and any petition for
reassessment or appeal to the board of tax appeals or any court
with respect to such an action, the state partnership
representative shall have the sole authority to act on behalf of
the partnership, and the partnership's direct partners and
indirect partners shall be bound by those actions. 75799
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(b) A partnership's state partnership representative for a
reviewed year shall be the partnership's federal partnership
representative for that year, unless the partnership designates,
on the form prescribed by the tax commissioner, another person as
the state partnership representative. 75806
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(c) The tax commissioner may establish reasonable
qualifications and procedures for the designation of a person
other than the federal partnership representative as a
partnership's state partnership representative. 75811
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(2)(a) Unless an audited partnership makes the election under
division (C)(3) of this section, the audited partnership shall do
all of the following within ninety days after a final
determination date: 75815
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(i) File a federal adjustments report with the tax 75819

commissioner; 75820

(ii) Notify each of its direct partners of their distributive share of the final federal adjustments; 75821
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(iii) File an amended tax return on behalf of its partners and pay any additional tax that would have been due under section 5747.41 of the Revised Code with respect to those partners had the final federal adjustments been reported properly. 75823
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(b) Unless a partnership or tiered partner paid an amount on behalf of its partners under division (C)(3) of this section, each direct partner that is subject to the tax levied by section 5747.02 of the Revised Code shall do all of the following within one hundred eighty days after a final determination date: 75827
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(i) File a federal adjustments report that reports the distributive share of the adjustments reported to the direct partner under division (C)(2)(a)(ii) of this section; 75832
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(ii) Pay any additional tax that would have been due from the direct partner had the final federal adjustments been reported properly, less any amounts paid on the direct partner's behalf under division (C)(2)(a)(iii) of this section. 75835
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(3) If an audited partnership or a tiered partner makes the election under division (C)(3) of this section, the partnership or tiered partner shall do all of the following: 75839
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(a) Within ninety days after a final determination date, file a federal adjustments report and notify the tax commissioner that the partnership or tiered partner is making the election under division (C)(3) of this section; 75842
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(b) Pay the amount described in division (C)(3)(b)(iv) of this section, calculated as follows: 75846
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(i) Exclude from final federal adjustments each exempt partner's distributive share of such adjustments that are 75848
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allocable or apportionable to this state; 75850

(ii) Determine each nonresident direct partner's and tiered partner's distributive share of the remaining final federal adjustments that are allocable or apportionable to this state. 75851
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(iii) Determine each resident direct partner's distributive share of the remaining final federal adjustments; 75854
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(iv) Add the amounts computed under division (C)(3)(b)(ii) and (iii) of this section, and multiply the resulting sum by the highest rate of tax set forth in section 5747.02 of the Revised Code. 75856
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An audited partnership shall pay the amount within one hundred eighty days after the final determination date. A tiered partnership shall pay the amount within ninety days after the deadline for filing and furnishing statements to tiered partners and their partners under section 6226 of the Internal Revenue Code and regulations adopted pursuant thereto. 75860
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(4) Upon application by an audited partnership or tiered partner, the tax commissioner may enter into an agreement with a partnership or tiered partner under which the partnership or tiered partner uses a reporting and payment method that is different than those specified in divisions (C)(2) and (3) of this section. The application must be submitted before the applicable deadline for payment under division (C)(3)(b) of this section. 75866
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(5) An election made under division (C)(3) of this section is irrevocable, unless the tax commissioner determines otherwise. 75873
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(6)(a) If properly reported and paid by the audited partnership or tiered partner, an amount paid pursuant to division (C)(3) or (4) of this section shall be treated as paid in lieu of the taxes due from such person's partners with respect to the reported final federal adjustments. No partner may take any deduction or credit for such amount paid, claim a refund of such 75875
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amount, or include such amount on the partner's return in any 75881
manner. 75882

(b) Nothing in division (C)(6) of this section shall preclude 75883
a resident direct partner from claiming a credit against taxes 75884
paid to this state for any amounts paid by the audited partnership 75885
or tiered partner on such partner's behalf to another state as 75886
otherwise authorized by this chapter. 75887

(7) Nothing in division (C) of this section precludes the tax 75888
commissioner from issuing an assessment under this chapter against 75889
any direct partner or indirect partner for taxes due from the 75890
partner in the event that an audited partnership or tiered 75891
partnership fails to timely make any report or payment required by 75892
this section for any reason. 75893

(D) A federal adjustments report or amended return required 75894
by this section is a return subject to assessment under section 75895
5747.13 of the Revised Code for the purpose of assessing any 75896
additional tax due under this section, together with any 75897
applicable penalty and interest. It shall not reopen those facts, 75898
figures, computations, or attachments from a previously filed 75899
return no longer subject to assessment that are not affected, 75900
either directly or indirectly, by the federal adjustments reported 75901
on the federal adjustments report or amended return. 75902
Notwithstanding section 5747.13 of the Revised Code, the tax 75903
commissioner shall assess any additional tax, interest, and 75904
penalties arising from final federal adjustments on or before the 75905
later of the dates described in division (D)(1) or (2) of this 75906
section if the taxpayer timely filed the federal adjustments 75907
report or amended return, or the later of the dates described in 75908
division (D)(1), (2), or (3) of this section if the taxpayer 75909
failed to timely file a federal adjustments report or amended 75910
return as required under this section, omits final federal 75911
adjustments on a report, or understates the amount of tax due on a 75912

report. 75913

(1) The expiration of the period for issuing an assessment under section 5747.13 of the Revised Code; 75914
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(2) The expiration of the one-year period after the date on which the taxpayer filed a federal adjustments report or amended return with the tax commissioner; 75916
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(3) Absent fraud, the expiration of the six-year period after the final determination date. 75919
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(E) The tax commissioner may accept estimated payments of the tax arising from federal adjustments expected to result from a pending partnership level audit before the date for filing a federal adjustments report. The commissioner may adopt rules for the payment of such estimated taxes. 75921
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(F) Except for final federal adjustments described in section 6225(a)(2) of the Internal Revenue Code, a taxpayer may apply for a refund of any overpayment made under this chapter arising from federal adjustments made by the internal revenue service on or before the later of the following dates: 75926
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(1) The deadline for filing a refund application under section 5747.11 of the Revised Code; 75931
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(2) The expiration of the one-year period after the date the taxpayer was required to file a federal adjustments report or amended return under this section. 75933
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An application filed under this division shall claim a refund of overpayments resulting from alterations to only those facts, figures, computations, or attachments required in the taxpayer's annual return that are affected, either directly or indirectly, by the federal adjustments unless it is also filed within the time prescribed in section 5747.11 of the Revised Code. It shall not reopen those facts, figures, computations, or attachments that are 75936
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not affected, either directly or indirectly, by the federal 75943
adjustments. 75944

(G)(1) Unless otherwise agreed in writing by the taxpayer and 75945
the tax commissioner, or except as provided in division (G)(2) of 75946
this section, any adjustments made by either party after the end 75947
of the period for issuing an assessment under section 5747.13 of 75948
the Revised Code are limited to changes to the taxpayer's 75949
aggregate tax liability under section 5747.02 of the Revised Code 75950
arising from federal adjustments. 75951

(2) The deadline specified in division (G)(1) of this section 75952
shall be extended by sixty days if an audited partnership or 75953
tiered partner with ten thousand or more direct partners submits a 75954
request for extension before that deadline. 75955

(3) Any extension authorized under this section shall also 75956
extend the period for issuing assessments or applying for a refund 75957
by the same amount of time. 75958

Sec. 5747.26. (A) Terms used in this section have the same 75959
meanings as in section 3742.50 of the Revised Code. 75960

(B) There is hereby allowed a nonrefundable credit against a 75961
taxpayer's aggregate tax liability under section 5747.02 of the 75962
Revised Code for a taxpayer to whom a lead abatement tax credit 75963
certificate was issued under section 3742.50 of the Revised Code. 75964
The credit equals the amount listed on the certificate and shall 75965
be claimed for the taxable year in which the certificate was 75966
issued. 75967

The credit shall be claimed in the order required under 75968
section 5747.98 of the Revised Code. If the credit exceeds the 75969
taxpayer's aggregate tax due under section 5747.02 of the Revised 75970
Code for that taxable year after allowing for credits that precede 75971
the credit under this section in that order, such excess shall be 75972

allowed as a credit in each of the ensuing seven taxable years, 75973
but the amount of any excess credit allowed in any such taxable 75974
year shall be deducted from the balance carried forward to the 75975
ensuing taxable year. 75976

(C) The taxpayer shall provide, upon request of the tax 75977
commissioner, any documentation necessary to verify the taxpayer 75978
is entitled to the credit under this section. 75979

Sec. 5747.41. For the same purposes for which the tax is 75980
levied under section 5747.02 of the Revised Code, there is hereby 75981
levied a withholding tax on every qualifying pass-through entity 75982
having at least one qualifying investor who is an individual and 75983
on every qualifying trust having at least one qualifying 75984
beneficiary who is an individual. The withholding tax imposed by 75985
this section is imposed on the sum of the adjusted qualifying 75986
amounts of a qualifying pass-through entity's qualifying investors 75987
who are individuals and on the sum of the adjusted qualifying 75988
amounts of a qualifying trust's qualifying beneficiaries, at the 75989
rate of ~~five~~ three per cent of that sum. 75990

The tax imposed by this section applies only if the 75991
qualifying entity has nexus with this state under the Constitution 75992
of the United States for any portion of the qualifying entity's 75993
qualifying taxable year, and the sum of the qualifying entity's 75994
adjusted qualifying amounts exceeds one thousand dollars for the 75995
qualifying entity's qualifying taxable year. 75996

The levy of the tax under this section does not prevent a 75997
municipal corporation or a joint economic development district 75998
created under section 715.70, 715.71, or 715.72 of the Revised 75999
Code from levying a tax on income. 76000

Sec. 5747.461. There is hereby created in the state treasury 76001
the local government audit support fund. The fund shall consist of 76002

revenue credited pursuant to section 131.511 of the Revised Code 76003
and any other revenue as provided by law. The auditor of state 76004
shall use the fund to support the cost of financial audits, 76005
performance audits, and other audits of local public offices 76006
performed pursuant to Chapter 117. of the Revised Code or as 76007
otherwise provided by law. 76008

The fund shall be used in a manner to be determined by the 76009
auditor of state to offset the audit costs that would otherwise be 76010
charged to local public offices in the absence of the fund. 76011

Sec. 5747.73. There is hereby allowed a nonrefundable credit 76012
against a taxpayer's aggregate tax liability under section 5747.02 76013
of the Revised Code equal to thirty per cent of the amount of the 76014
credit the taxpayer claims for the taxable year under section 51 76015
of the Internal Revenue Code on the basis of service rendered by a 76016
qualified ex-felon, as that term is defined under that section. 76017
The credit shall be claimed in the order required under section 76018
5747.98 of the Revised Code. Any credit amount in excess of the 76019
tax due, after allowing for other credits preceding the credit in 76020
that order, may be carried forward for seven taxable years, but 76021
the amount of the excess credit allowed in any such year shall be 76022
deducted from the balance carried forward to the next year. 76023

Sec. 5747.98. (A) To provide a uniform procedure for 76024
calculating a taxpayer's aggregate tax liability under section 76025
5747.02 of the Revised Code, a taxpayer shall claim any credits to 76026
which the taxpayer is entitled in the following order: 76027

(1) Either the retirement income credit under division (B) of 76028
section 5747.055 of the Revised Code or the lump sum retirement 76029
income credits under divisions (C), (D), and (E) of that section; 76030

(2) Either the senior citizen credit under division (F) of 76031
section 5747.055 of the Revised Code or the lump sum distribution 76032

credit under division (G) of that section;	76033
(3) The dependent care credit under section 5747.054 of the Revised Code;	76034 76035
(4) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	76036 76037
(5) The campaign contribution credit under section 5747.29 of the Revised Code;	76038 76039
(6) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	76040 76041
(7) <u>(6)</u> The joint filing credit under division (G) of section 5747.05 of the Revised Code;	76042 76043
(8) <u>(7)</u> The earned income credit under section 5747.71 of the Revised Code;	76044 76045
(9) <u>(8)</u> The credit for adoption of a minor child under section 5747.37 of the Revised Code;	76046 76047
(10) <u>(9)</u> The nonrefundable job retention credit under division (B) of section 5747.058 of the Revised Code;	76048 76049
(11) <u>(10)</u> The enterprise zone credit under section 5709.66 of the Revised Code;	76050 76051
(12) <u>(11)</u> The ethanol plant investment credit under section 5747.75 of the Revised Code;	76052 76053
(13) <u>(12)</u> The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	76054 76055
(14) <u>(13)</u> The small business investment credit under section 5747.81 of the Revised Code;	76056 76057
(15) <u>(14)</u> The nonrefundable lead abatement credit under section 5747.26 of the Revised Code;	76058 76059
<u>(15) The opportunity zone investment credit under section 122.84 of the Revised Code;</u>	76060 76061

<u>(16)</u> The nonrefundable credit for employing ex-felons under section 5747.73 of the Revised Code;	76062 76063
<u>(17)</u> The enterprise zone credits under section 5709.65 of the Revised Code;	76064 76065
(16) <u>(18)</u> The research and development credit under section 5747.331 of the Revised Code;	76066 76067
(17) <u>(19)</u> The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	76068 76069
(18) <u>(20)</u> The nonresident credit under division (A) of section 5747.05 of the Revised Code;	76070 76071
(19) <u>(21)</u> The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	76072 76073
(20) <u>(22)</u> The refundable motion picture production credit under section 5747.66 of the Revised Code;	76074 76075
(21) <u>(23)</u> The refundable jobs creation credit or job retention credit under division (A) of section 5747.058 of the Revised Code;	76076 76077
(22) <u>(24)</u> The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;	76078 76079
(23) <u>(25)</u> The refundable credits for taxes paid by a qualifying pass-through entity granted under division (I) of section 5747.08 of the Revised Code;	76080 76081 76082
(24) <u>(26)</u> The refundable credit under section 5747.80 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;	76083 76084 76085
(25) <u>(27)</u> The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	76086 76087
(26) The refundable credit for financial institution taxes paid by a pass through entity granted under section 5747.65 of the Revised Code.	76088 76089 76090

(B) For any credit, except the refundable credits enumerated 76091
in this section and the credit granted under division (H) of 76092
section 5747.08 of the Revised Code, the amount of the credit for 76093
a taxable year shall not exceed the taxpayer's aggregate amount of 76094
tax due under section 5747.02 of the Revised Code, after allowing 76095
for any other credit that precedes it in the order required under 76096
this section. Any excess amount of a particular credit may be 76097
carried forward if authorized under the section creating that 76098
credit. Nothing in this chapter shall be construed to allow a 76099
taxpayer to claim, directly or indirectly, a credit more than once 76100
for a taxable year. 76101

Sec. 5748.01. As used in this chapter: 76102

(A) "School district income tax" means an income tax adopted 76103
under one of the following: 76104

(1) Former section 5748.03 of the Revised Code as it existed 76105
prior to its repeal by Amended Substitute House Bill No. 291 of 76106
the 115th general assembly; 76107

(2) Section 5748.03 of the Revised Code as enacted in 76108
Substitute Senate Bill No. 28 of the 118th general assembly; 76109

(3) Section 5748.08 of the Revised Code as enacted in Amended 76110
Substitute Senate Bill No. 17 of the 122nd general assembly; 76111

(4) Section 5748.021 of the Revised Code; 76112

(5) Section 5748.081 of the Revised Code; 76113

(6) Section 5748.09 of the Revised Code. 76114

(B) "Individual" means an individual subject to the tax 76115
levied by section 5747.02 of the Revised Code. 76116

(C) "Estate" means an estate subject to the tax levied by 76117
section 5747.02 of the Revised Code. 76118

(D) "Taxable year" means a taxable year as defined in 76119

division (M) of section 5747.01 of the Revised Code.	76120
(E) "Taxable income" means:	76121
(1) In the case of an individual, one of the following, as specified in the resolution imposing the tax:	76122 76123
(a) Ohio <u>Modified</u> adjusted gross income for the taxable year, as defined in division (A) of section 5747.01 of the Revised Code, less the exemptions provided by section 5747.02 of the Revised Code, plus any amount deducted under division (A)(31) of section 5747.01 of the Revised Code for the taxable year;	76124 76125 76126 76127 76128
(b) Wages, salaries, tips, and other employee compensation to the extent included in Ohio <u>modified</u> adjusted gross income as defined in section 5747.01 of the Revised Code, and net earnings from self-employment, as defined in section 1402(a) of the Internal Revenue Code, to the extent included in Ohio <u>modified</u> adjusted gross income.	76129 76130 76131 76132 76133 76134
(2) In the case of an estate, taxable income for the taxable year as defined in division (S) of section 5747.01 of the Revised Code.	76135 76136 76137
(F) "Resident" of the school district means:	76138
(1) An individual who is a resident of this state as defined in division (I) of section 5747.01 of the Revised Code during all or a portion of the taxable year and who, during all or a portion of such period of state residency, is domiciled in the school district or lives in and maintains a permanent place of abode in the school district;	76139 76140 76141 76142 76143 76144
(2) An estate of a decedent who, at the time of death, was domiciled in the school district.	76145 76146
(G) "School district income" means:	76147
(1) With respect to an individual, the portion of the taxable income of an individual that is received by the individual during	76148 76149

the portion of the taxable year that the individual is a resident 76150
of the school district and the school district income tax is in 76151
effect in that school district. An individual may have school 76152
district income with respect to more than one school district. 76153

(2) With respect to an estate, the taxable income of the 76154
estate for the portion of the taxable year that the school 76155
district income tax is in effect in that school district. 76156

(H) "Taxpayer" means an individual or estate having school 76157
district income upon which a school district income tax is 76158
imposed. 76159

(I) "School district purposes" means any of the purposes for 76160
which a tax may be levied pursuant to division (A) of section 76161
5705.21 of the Revised Code, including the combined purposes 76162
authorized by section 5705.217 of the Revised Code. 76163

Sec. 5751.02. (A) For the purpose of funding the needs of 76164
this state and its local governments, there is hereby levied a 76165
commercial activity tax on each person with taxable gross receipts 76166
for the privilege of doing business in this state. For the 76167
purposes of this chapter, "doing business" means engaging in any 76168
activity, whether legal or illegal, that is conducted for, or 76169
results in, gain, profit, or income, at any time during a calendar 76170
year. Persons on which the commercial activity tax is levied 76171
include, but are not limited to, persons with substantial nexus 76172
with this state. The tax imposed under this section is not a 76173
transactional tax and is not subject to Public Law No. 86-272, 73 76174
Stat. 555. The tax imposed under this section is in addition to 76175
any other taxes or fees imposed under the Revised Code. The tax 76176
levied under this section is imposed on the person receiving the 76177
gross receipts and is not a tax imposed directly on a purchaser. 76178
The tax imposed by this section is an annual privilege tax for the 76179
calendar year that, in the case of calendar year taxpayers, is the 76180

annual tax period and, in the case of calendar quarter taxpayers, 76181
contains all quarterly tax periods in the calendar year. A 76182
taxpayer is subject to the annual privilege tax for doing business 76183
during any portion of such calendar year. 76184

(B) The tax imposed by this section is a tax on the taxpayer 76185
and shall not be billed or invoiced to another person. Even if the 76186
tax or any portion thereof is billed or invoiced and separately 76187
stated, such amounts remain part of the price for purposes of the 76188
sales and use taxes levied under Chapters 5739. and 5741. of the 76189
Revised Code. Nothing in division (B) of this section prohibits: 76190

(1) A person from including in the price charged for a good 76191
or service an amount sufficient to recover the tax imposed by this 76192
section; or 76193

(2) A lessor from including an amount sufficient to recover 76194
the tax imposed by this section in a lease payment charged, or 76195
from including such an amount on a billing or invoice pursuant to 76196
the terms of a written lease agreement providing for the recovery 76197
of the lessor's tax costs. The recovery of such costs shall be 76198
based on an estimate of the total tax cost of the lessor during 76199
the tax period, as the tax liability of the lessor cannot be 76200
calculated until the end of that period. 76201

(C)(1) The commercial activities tax receipts fund is hereby 76202
created in the state treasury and shall consist of money arising 76203
from the tax imposed under this chapter. ~~Seventy-five~~ Sixty-five 76204
one-hundredths of one per cent of the money credited to that fund 76205
shall be credited to the revenue enhancement fund and shall be 76206
used to defray the costs incurred by the department of taxation in 76207
administering the tax imposed by this chapter and in implementing 76208
tax reform measures. The remainder of the money in the commercial 76209
activities tax receipts fund shall first be credited to the 76210
commercial activity tax motor fuel receipts fund, pursuant to 76211

division (C)(2) of this section, and the remainder shall be 76212
 credited in the following percentages each fiscal year to the 76213
 general revenue fund, to the school district tangible property tax 76214
 replacement fund, which is hereby created in the state treasury 76215
 for the purpose of making the payments described in section 76216
 5709.92 of the Revised Code, and to the local government tangible 76217
 property tax replacement fund, which is hereby created in the 76218
 state treasury for the purpose of making the payments described in 76219
 section 5709.93 of the Revised Code, in the following percentages: 76220

Fiscal year	General Revenue Fund	School District Tangible Property Tax Replacement Fund	Local Government Tangible Property Tax Replacement Fund	
2014 and 2015	50.0%	35.0%	15.0%	76222
2016 and 2017	75.0%	20.0%	5.0%	76223
2018 and thereafter	85.0%	13.0%	2.0%	76224

(2) Not later than the twentieth day of February, May, 76225
 August, and November of each year, the commissioner shall provide 76226
 for payment from the commercial activities tax receipts fund to 76227
 the commercial activity tax motor fuel receipts fund an amount 76228
 that bears the same ratio to the balance in the commercial 76229
 activities tax receipts fund that (a) the taxable gross receipts 76230
 attributed to motor fuel used for propelling vehicles on public 76231
 highways as indicated by returns filed by the tenth day of that 76232
 month for a liability that is due and payable on or after July 1, 76233
 2013, for a tax period ending before July 1, 2014, bears to (b) 76234
 all taxable gross receipts as indicated by those returns for such 76235
 liabilities. 76236

(D)(1) If the total amount in the school district tangible 76237
 property tax replacement fund is insufficient to make all payments 76238
 under section 5709.92 of the Revised Code at the times the 76239

payments are to be made, the director of budget and management 76240
shall transfer from the general revenue fund to the school 76241
district tangible property tax replacement fund the difference 76242
between the total amount to be paid and the amount in the school 76243
district tangible property tax replacement fund. 76244

(2) If the total amount in the local government tangible 76245
property tax replacement fund is insufficient to make all payments 76246
under section 5709.93 of the Revised Code at the times the 76247
payments are to be made, the director of budget and management 76248
shall transfer from the general revenue fund to the local 76249
government tangible property tax replacement fund the difference 76250
between the total amount to be paid and the amount in the local 76251
government tangible property tax replacement fund. 76252

(E)(1) On or after the first day of June of each year, the 76253
director of budget and management may transfer any balance in the 76254
school district tangible property tax replacement fund to the 76255
general revenue fund. 76256

(2) On or after the first day of June of each year, the 76257
director of budget and management may transfer any balance in the 76258
local government tangible property tax replacement fund to the 76259
general revenue fund. 76260

(F)(1) There is hereby created in the state treasury the 76261
commercial activity tax motor fuel receipts fund. 76262

(2) On or before the fifteenth day of June of each fiscal 76263
year beginning with fiscal year 2015, the director of the Ohio 76264
public works commission shall certify to the director of budget 76265
and management the amount of debt service paid from the general 76266
revenue fund in the current fiscal year on bonds issued to finance 76267
or assist in the financing of the cost of local subdivision public 76268
infrastructure capital improvement projects, as provided for in 76269
Sections 2k, 2m, 2p, and 2s of Article VIII, Ohio Constitution, 76270

that are attributable to costs for construction, reconstruction, 76271
maintenance, or repair of public highways and bridges and other 76272
statutory highway purposes. That certification shall allocate the 76273
total amount of debt service paid from the general revenue fund 76274
and attributable to those costs in the current fiscal year 76275
according to the applicable section of the Ohio Constitution under 76276
which the bonds were originally issued. 76277

(3) On or before the thirtieth day of June of each fiscal 76278
year beginning with fiscal year 2015, the director of budget and 76279
management shall determine an amount up to but not exceeding the 76280
amount certified under division (F)(2) of this section and shall 76281
reserve that amount from the cash balance in the petroleum 76282
activity tax public highways fund or the commercial activity tax 76283
motor fuel receipts fund for transfer to the general revenue fund 76284
at times and in amounts to be determined by the director. The 76285
director shall transfer the cash balance in the petroleum activity 76286
tax public highways fund or the commercial activity tax motor fuel 76287
receipts fund in excess of the amount so reserved to the highway 76288
operating fund on or before the thirtieth day of June of the 76289
current fiscal year. 76290

Sec. 5903.12. (A) As used in this section: 76291

"Continuing education" means continuing education required of 76292
a licensee by law and includes, but is not limited to, the 76293
continuing education required of licensees under sections 76294
3737.881, 3781.10, 4701.11, 4715.141, 4715.25, 4717.09, 4723.24, 76295
4725.16, 4725.51, 4730.14, 4730.49, 4731.155, 4731.282, 4734.25, 76296
4735.141, 4736.11, 4741.16, 4741.19, ~~4751.07~~, 4751.24, 4751.25, 76297
4755.63, 4757.33, 4759.06, 4761.06, and 4763.07 of the Revised 76298
Code. 76299

"Reporting period" means the period of time during which a 76300
licensee must complete the number of hours of continuing education 76301

required of the licensee by law. 76302

(B) A licensee may submit an application to a licensing 76303
agency, stating that the licensee requires an extension of the 76304
current reporting period because the licensee has served on active 76305
duty during the current or a prior reporting period. The licensee 76306
shall submit proper documentation certifying the active duty 76307
service and the length of that active duty service. Upon receiving 76308
the application and proper documentation, the licensing agency 76309
shall extend the current reporting period by an amount of time 76310
equal to the total number of months that the licensee spent on 76311
active duty during the current reporting period. For purposes of 76312
this division, any portion of a month served on active duty shall 76313
be considered one full month. 76314

Sec. 5910.01. As used in this chapter and section 5919.34 of 76315
the Revised Code: 76316

(A) "Child" includes natural and adopted children and 76317
stepchildren who have not been legally adopted by the veteran 76318
parent provided that the relationship between the stepchild and 76319
the veteran parent meets the following criteria: 76320

(1) The veteran parent is married to the child's natural or 76321
adoptive parent at the time application for a scholarship granted 76322
under this chapter is made; or if the veteran parent is deceased, 76323
the child's natural or adoptive parent was married to the veteran 76324
parent at the time of the veteran parent's death; 76325

(2) The child resided with the veteran parent for a period of 76326
not less than ten consecutive years immediately prior to making 76327
application for the scholarship; or if the veteran parent is 76328
deceased, the child resided with the veteran parent for a period 76329
of not less than ten consecutive years immediately prior to the 76330
veteran parent's death; 76331

(3) The child received financial support from the veteran parent for a period of not less than ten consecutive years immediately prior to making application for the scholarship; or if the veteran parent is deceased, the child received financial support from the veteran parent for a period of not less than ten consecutive years immediately prior to the veteran parent's death.

(B) "Veteran" includes any of the following:

(1) Any person who was a member of the armed services of the United States for a period of ninety days or more, or who was discharged from the armed services due to a disability incurred while a member with less than ninety days' service, or who died while a member of the armed services; provided that such service, disability, or death occurred during one of the following periods: April 6, 1917, to November 11, 1918; December 7, 1941, to December 31, 1946; June 25, 1950, to January 31, 1955; January 1, 1960, to May 7, 1975; August 2, 1990, to the end of operations conducted as a result of the invasion of Kuwait by Iraq, including support for operation desert shield and operation desert storm, as declared by the president of the United States or the congress; October 7, 2001, to the end of operation enduring freedom as declared by the president of the United States or the congress; March 20, 2003, to the end of operation Iraqi freedom as declared by the president of the United States or the congress; or any other period of conflict established by the United States department of veterans affairs for pension purposes;

(2) Any person who was a member of the armed services of the United States and participated in an operation for which the armed forces expeditionary medal was awarded;

(3) Any person who served as a member of the United States merchant marine and to whom either of the following applies:

(a) The person has an honorable report of separation from the

active duty military service, form DD214 or DD215. 76363

(b) The person served in the United States merchant marine 76364
between December 7, 1941, and December 31, 1946, and died on 76365
active duty while serving in a war zone during that period of 76366
service. 76367

(C) "Armed services of the United States" or "United States 76368
armed forces" includes the army, air force, navy, marine corps, 76369
coast guard, and such other military service branch as may be 76370
designated by congress as a part of the armed forces of the United 76371
States. 76372

(D) "Board" means the Ohio war orphans and severely disabled 76373
veterans' children scholarship board created by section 5910.02 of 76374
the Revised Code. 76375

(E) "Disabled" means having a sixty per cent or greater 76376
service-connected disability or receiving benefits for permanent 76377
and total nonservice-connected disability, as determined by the 76378
United States department of veterans affairs. 76379

(F) "United States merchant marine" includes the United 76380
States army transport service and the United States naval 76381
transport service. 76382

Sec. 5910.02. There is hereby created an Ohio war orphans and 76383
severely disabled veterans' children scholarship board as part of 76384
the department of veterans services. The board consists of eight 76385
members as follows: the chancellor of the Ohio board of regents or 76386
the chancellor's designee; the director of veterans services or 76387
the director's designee; one member of the house of 76388
representatives, appointed by the speaker; one member of the 76389
senate, appointed by the president of the senate; and four members 76390
appointed by the governor, one of whom shall be a representative 76391
of the American Legion, one of whom shall be a representative of 76392

the Veterans of Foreign Wars, one of whom shall be a 76393
representative of the Disabled American Veterans, and one of whom 76394
shall be a representative of the AMVETS. At least ninety days 76395
prior to the expiration of the term of office of the 76396
representative of a veterans organization appointed by the 76397
governor, the governor shall notify the state headquarters of the 76398
affected organization of the need for an appointment and request 76399
the organization to make at least three nominations. Within sixty 76400
days after making the request for nominations, the governor may 76401
make the appointment from the nominations received, or may reject 76402
all the nominations and request at least three new nominations, 76403
from which the governor shall make an appointment within thirty 76404
days after making the request for the new nominations. If the 76405
governor receives no nominations during this thirty-day period, 76406
the governor may appoint any veteran. 76407

Terms of office for the four members appointed by the 76408
governor shall be for four years, commencing on the first day of 76409
January and ending on the thirty-first day of December, except 76410
that the term of the AMVETS representative shall expire December 76411
31, 1998, and the new term that succeeds it shall commence on 76412
January 1, 1999, and end on December 31, 2002. Each member shall 76413
hold office from the date of the member's appointment until the 76414
end of the term for which the member was appointed. The other 76415
members shall serve during their terms of office. Any vacancy 76416
shall be filled by appointment in the same manner as by original 76417
appointment. Any member appointed to fill a vacancy occurring 76418
prior to the expiration of the term for which the member's 76419
predecessor was appointed shall hold office for the remainder of 76420
such term. Any appointed member shall continue in office 76421
subsequent to the expiration date of the member's term until the 76422
member's successor takes office, or until a period of sixty days 76423
has elapsed, whichever occurs first. The members of the board 76424
shall serve without pay but shall be reimbursed for travel 76425

expenses and for other actual and necessary expenses incurred in 76426
the performance of their duties, not to exceed ten dollars per day 76427
for ten days in any one year to be appropriated out of any moneys 76428
in the state treasury to the credit of the general revenue fund. 76429

The chancellor of the board of regents shall act as secretary 76430
to the board and shall furnish such clerical and other assistance 76431
as may be necessary to the performance of the duties of the board. 76432

The board shall determine the number of scholarships to be 76433
made available, receive applications for scholarships, pass upon 76434
the eligibility of applicants, decide which applicants are to 76435
receive scholarships, and do all other things necessary for the 76436
proper administration of this chapter. 76437

The board may apply for, and may receive and accept, grants, 76438
and may receive and accept gifts, bequests, and contributions, 76439
from public and private sources, including agencies and 76440
instrumentalities of the United States and this state, and shall 76441
deposit the grants, gifts, bequests, or contributions into the 76442
Ohio war orphans and severely disabled veterans' children 76443
scholarship donation fund. 76444

Sec. 5910.031. War orphans⁺ and severely disabled veterans' 76445
children scholarships provided in sections 5910.01 to 5910.06 of 76446
the Revised Code, shall be granted to children of members of the 76447
Ohio national guard and the reserve components of any of the armed 76448
services of the United States who are killed or permanently and 76449
totally disabled while on active duty pursuant to bona fide orders 76450
of the governor or the president of the United States, or who are 76451
killed or permanently and totally disabled while at a scheduled 76452
training assembly, a field training period of any duration or 76453
length, or active duty for training, pursuant to bona fide orders 76454
issued by a competent authority. Such scholarships shall be 76455
granted within the total number of scholarships provided under 76456

section 5910.05 of the Revised Code and are available only to 76457
children who further qualify pursuant to divisions (A), (B), and 76458
(C), ~~and (D)~~ of section 5910.03 of the Revised Code. 76459

As used in this section, "permanently and totally disabled" 76460
means having a disability which renders the person incapable of 76461
engaging in substantially gainful employment and which is presumed 76462
to be permanent, as determined by a special board of three 76463
officers of the Ohio national guard named by the governor, one of 76464
whom shall be a medical officer licensed to practice in this 76465
state. 76466

Sec. 5910.032. (A) A war orphans and severely disabled 76467
veterans' children scholarship, as provided under sections 5910.01 76468
to 5910.06 of the Revised Code, shall be granted to the child of 76469
any person who, in the course of honorable service in the armed 76470
services of the United States, was declared by the United States 76471
department of defense to be a prisoner of war or missing in action 76472
as a result of the United States' participation in armed conflict 76473
on or after January 1, 1960, if either of the following apply: 76474

(1) The parent, at the time of entry into the armed services 76475
of the United States, or at the time the parent was declared to be 76476
a prisoner of war or missing in action, was a resident of Ohio; 76477

(2) If the parent did not enter the armed services as a 76478
resident of Ohio and was not a resident of Ohio when declared a 76479
prisoner of war or missing in action, the child has resided in 76480
Ohio for the year immediately preceding the year in which the 76481
application for the scholarship is made and any four of the last 76482
ten years. 76483

The scholarships shall be in addition to the total number of 76484
scholarships provided under section 5910.05 of the Revised Code. 76485
Notwithstanding section 5910.03 of the Revised Code, scholarships 76486
provided under this section shall be made to any such child who, 76487

at the time of application, has attained the sixteenth, but not 76488
the twenty-first, birthday. The termination of a child's parent or 76489
guardian's status as a prisoner of war or being missing in action 76490
does not affect such child's eligibility for the benefit provided 76491
by this section. 76492

(B) Scholarships provided under this section shall consist of 76493
either of the following: 76494

(1) A scholarship of the type described in division (A) of 76495
section 5910.04 of the Revised Code together with reasonable and 76496
necessary expenses for room, board, books, and laboratory fees. 76497
The additional amount for such expenses shall be paid from moneys 76498
appropriated by the general assembly for such purpose. 76499

(2) A scholarship of the type described in division (B) of 76500
section 5910.04 of the Revised Code together with an additional 76501
grant equal to the average value of the reasonable and necessary 76502
expenses granted under division (B)(1) of this section during the 76503
preceding year for room, board, books, and laboratory fees. The 76504
additional grant shall be paid from moneys appropriated by the 76505
general assembly for such purpose, and shall be paid to the child 76506
through the institution in which the child is enrolled. In no case 76507
shall the additional grant exceed the amount actually expended by 76508
the child for room, board, books, and laboratory fees. 76509

Sec. 5910.04. Scholarships granted under sections 5910.01 to 76510
5910.06 of the Revised Code shall consist of either of the 76511
following: 76512

(A) An exemption from the payment of one hundred per cent of 76513
the general and instructional fees at colleges and universities 76514
which receive support from the state of Ohio and are approved by 76515
the chancellor of the board of regents, except that the percentage 76516
may be reduced by the war orphans and severely disabled veterans' 76517
children scholarship board in any year that insufficient funds are 76518

appropriated to fully fund scholarships for all eligible students; 76519

(B) A grant to an eligible child who is enrolled in an 76520
institution that has received a certificate of authorization from 76521
the board of regents under Chapter 1713. of the Revised Code, or a 76522
private institution exempt from regulation under Chapter 3332. of 76523
the Revised Code as prescribed in section 3333.046 of the Revised 76524
Code, or an institution that has received a certificate of 76525
registration from the state board of ~~proprietary school~~ 76526
~~registration~~ career colleges and schools. Students who attend an 76527
institution that holds a certificate of registration shall be 76528
enrolled in either a program leading to an associate degree or a 76529
program leading to a bachelor's degree for which associate or 76530
bachelor's degree program the institution has received program 76531
authorization issued under section 3332.05 of the Revised Code to 76532
offer such degree program. The grant shall be paid to the child 76533
through the institution in which the child is enrolled, and shall 76534
equal one hundred per cent of the average value of all 76535
scholarships granted under division (A) of this section during the 76536
preceding year, except that the percentage may be reduced by the 76537
war orphans and severely disabled veterans' children scholarship 76538
board in any year that insufficient funds are appropriated to 76539
fully fund scholarships for all eligible students. In no case 76540
shall the grant exceed the total general and instructional charges 76541
of the institution. 76542

The board shall not reduce the percentage to be paid for 76543
scholarships awarded pursuant to section 5910.032 of the Revised 76544
Code below one hundred per cent. 76545

Sec. 5910.05. The Ohio war orphans and severely disabled 76546
veterans' children scholarship board shall determine how many 76547
scholarships are to be granted based upon available funds provided 76548
by the Ohio general assembly. If funds are available all eligible 76549

applicants shall be granted a scholarship. There shall be no 76550
limitation on the number of scholarships granted under section 76551
5910.032 of the Revised Code, nor any limitation on the number of 76552
scholarships granted to any college or university under such 76553
section. No person shall be granted a scholarship for more than 76554
five academic years of education, which shall be at the 76555
undergraduate level. The board shall provide minimum scholastic 76556
requirements for recipients and shall withdraw the aid from any 76557
person who fails to maintain such requirements. 76558

Sec. 5910.06. The Ohio war orphans and severely disabled 76559
veterans' children scholarship board shall make a complete report 76560
of its administration of this chapter, to each first regular 76561
session of the general assembly. 76562

Sec. 5910.07. The Ohio war orphans and severely disabled 76563
veterans' children scholarship donation fund is created in the 76564
state treasury. The fund shall consist of gifts, bequests, grants, 76565
and contributions made to the fund under section 5910.02 of the 76566
Revised Code. Investment earnings of the fund shall be deposited 76567
into the fund. The fund shall be used to operate the war orphans 76568
and severely disabled veterans' children scholarship program and 76569
to provide grants under sections 5910.01 to 5910.06 of the Revised 76570
Code. 76571

Sec. 5910.08. There is hereby created in the state treasury 76572
the war orphans and severely disabled veterans' children 76573
scholarship reserve fund. As soon as possible following the end of 76574
each fiscal year, the chancellor of higher education shall certify 76575
to the director of budget and management the unencumbered balance 76576
of the general revenue fund appropriations made in the immediately 76577
preceding fiscal year for purposes of the war orphans and severely 76578
disabled veterans' children scholarship program created in Chapter 76579

5910. of the Revised Code. Upon receipt of the certification, the 76580
director of budget and management may transfer an amount not 76581
exceeding the certified amount from the general revenue fund to 76582
the war orphans and severely disabled veterans' children 76583
scholarship reserve fund. Moneys in the war orphans and severely 76584
disabled veterans' children scholarship reserve fund shall be used 76585
to pay scholarship obligations in excess of the general revenue 76586
fund appropriations made for that purpose. 76587

The director of budget and management may transfer any 76588
unencumbered balance from the war orphans and severely disabled 76589
veterans' children scholarship reserve fund to the general revenue 76590
fund. 76591

If it is determined that general revenue fund appropriations 76592
are insufficient to meet the obligations of the war orphans and 76593
severely disabled veterans' children scholarship in a fiscal year, 76594
the director of budget and management may transfer funds from the 76595
war orphans and severely disabled veterans' children scholarship 76596
reserve fund to the general revenue fund in order to meet those 76597
obligations. The amount transferred is hereby appropriated. If the 76598
funds transferred from the war orphans and severely disabled 76599
veterans' children scholarship reserve fund are not needed, the 76600
director of budget and management may transfer the unexpended 76601
balance from the general revenue fund back to the war orphans and 76602
severely disabled veterans' children scholarship reserve fund. 76603

Section 101.02. That existing sections 101.15, 101.38, 76604
102.021, 103.41, 103.416, 103.50, 107.036, 109.572, 111.15, 76605
111.28, 113.50, 113.51, 113.53, 113.55, 113.56, 117.13, 120.04, 76606
120.06, 120.18, 120.28, 120.33, 120.34, 120.35, 120.52, 120.521, 76607
120.53, 121.083, 121.22, 121.37, 122.075, 122.175, 122.85, 122.86, 76608
123.21, 124.132, 124.82, 124.824, 125.01, 125.14, 125.18, 125.25, 76609
125.66, 125.661, 126.48, 131.02, 131.35, 133.06, 141.04, 141.16, 76610

145.11, 145.591, 149.11, 149.43, 153.02, 166.01, 167.03, 169.06, 76611
173.04, 173.27, 173.38, 173.391, 177.02, 183.18, 183.33, 307.622, 76612
319.16, 319.302, 321.24, 323.151, 323.155, 341.34, 351.021, 76613
353.06, 505.262, 505.37, 505.371, 701.10, 711.131, 718.83, 718.85, 76614
718.90, 742.114, 753.21, 905.31, 1321.73, 1347.08, 1349.43, 76615
1505.09, 1509.28, 1509.31, 1509.36, 1509.50, 1533.09, 1533.10, 76616
1533.11, 1533.111, 1533.112, 1533.32, 1533.321, 1561.011, 1707.01, 76617
1707.03, 1707.04, 1707.042, 1707.10, 1707.13, 1707.161, 1707.17, 76618
1707.19, 1707.20, 1707.21, 1707.23, 1707.24, 1707.25, 1707.26, 76619
1707.261, 1707.27, 1707.28, 1707.29, 1707.30, 1707.31, 1707.32, 76620
1707.34, 1707.35, 1707.38, 1707.39, 1707.391, 1707.40, 1707.431, 76621
1707.44, 1707.99, 1711.52, 1711.53, 1724.02, 1739.05, 1751.77, 76622
1901.123, 1901.26, 1907.143, 1907.24, 2151.23, 2151.353, 2151.421, 76623
2151.424, 2151.86, 2303.201, 2305.231, 2305.41, 2317.54, 2323.52, 76624
2925.01, 2927.02, 2927.022, 2929.13, 2929.15, 2929.34, 2941.51, 76625
2950.08, 3107.14, 3119.023, 3119.05, 3119.23, 3119.27, 3119.29, 76626
3119.30, 3119.302, 3119.31, 3119.32, 3125.25, 3301.07, 3301.0710, 76627
3301.0711, 3301.0714, 3301.52, 3301.53, 3302.01, 3302.021, 76628
3302.03, 3302.036, 3302.042, 3302.061, 3302.16, 3302.17, 3302.18, 76629
3307.152, 3309.157, 3310.03, 3311.29, 3312.01, 3313.411, 3313.413, 76630
3313.5315, 3313.603, 3313.608, 3313.61, 3313.611, 3313.612, 76631
3313.618, 3313.813, 3313.834, 3313.978, 3314.016, 3314.017, 76632
3314.02, 3314.03, 3314.034, 3314.08, 3314.085, 3314.102, 3314.18, 76633
3314.19, 3314.21, 3314.35, 3317.016, 3317.02, 3317.022, 3317.023, 76634
3317.028, 3317.03, 3317.06, 3317.13, 3317.16, 3317.25, 3317.40, 76635
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5747.41, 5747.98, 5748.01, 5751.02, 5903.12, 5910.01, 5910.02, 76698
5910.031, 5910.032, 5910.04, 5910.05, 5910.06, 5910.07, and 76699
5910.08 of the Revised Code are hereby repealed. 76700

Section 105.01. That sections 166.30, 191.01, 191.02, 191.04, 76701
191.06, 191.08, 191.09, 191.10, 1505.12, 1505.13, 1561.24, 76702
2151.861, 3302.10, 3302.101, 3302.102, 3302.11, 3302.12, 3319.271, 76703
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4501.16, 4731.292, 4731.296, 4751.02, 4751.04, 4751.09, 5104.035, 76706
5104.036, 5104.20, 5104.37, 5120.135, 5162.58, 5162.60, 5162.62, 76707
5162.64, 5164.37, 5167.16, 5167.25, 5747.031, 5747.29, and 5747.65 76708
of the Revised Code are hereby repealed. 76709
76710

Section 125.10. Section 103.416 of the Revised Code is hereby 76711
repealed, effective July 1, 2020. The amendment by this act to 76712
section 103.416 of the Revised Code does not affect this repeal. 76713

Section 130.10. That sections 921.06, 955.43, 3301.07, 76714
3301.071, 3301.0711, 3301.16, 3301.162, 3301.164, 3301.52, 76715
3301.541, 3302.07, 3302.41, 3310.01, 3312.01, 3312.04, 3312.05, 76716
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3313.719, 3313.7111, 3313.7112, 3313.7114, 3313.813, 3313.86, 76719
3313.976, 3317.024, 3317.03, 3317.06, 3317.062, 3317.063, 3317.13, 76720
3319.311, 3319.313, 3319.314, 3319.317, 3319.39, 3319.391, 76721
3319.392, 3319.40, 3319.52, 3321.01, 3326.01, 3326.03, 3326.032, 76722
3326.04, 3326.09, 3327.07, 3327.10, 3365.01, 3365.02, 3701.133, 76723
3781.106, 3781.11, 4729.513, 4729.541, 5104.01, 5104.02, and 76724
5139.18 be amended and section 3301.165 of the Revised Code be 76725
enacted to read as follows: 76726

Sec. 921.06. (A)(1) No individual shall do any of the 76727
following without having a commercial applicator license issued by 76728
the director of agriculture: 76729

(a) Apply pesticides for a pesticide business without direct 76730
supervision; 76731

(b) Apply pesticides as part of the individual's duties while 76732
acting as an employee of the United States government, a state, 76733
county, township, or municipal corporation, or a park district, 76734

port authority, or sanitary district created under Chapter 1545., 76735
4582., or 6115. of the Revised Code, respectively; 76736

(c) Apply restricted use pesticides. Division (A)(1)(c) of 76737
this section does not apply to a private applicator or an 76738
immediate family member or a subordinate employee of a private 76739
applicator who is acting under the direct supervision of that 76740
private applicator. 76741

(d) If the individual is the owner of a business other than a 76742
pesticide business or an employee of such an owner, apply 76743
pesticides at any of the following publicly accessible sites that 76744
are located on the property: 76745

(i) Food service operations that are licensed under Chapter 76746
3717. of the Revised Code; 76747

(ii) Retail food establishments that are licensed under 76748
Chapter 3717. of the Revised Code; 76749

(iii) Golf courses; 76750

(iv) Rental properties of more than four apartment units at 76751
one location; 76752

(v) Hospitals or medical facilities as defined in section 76753
3701.01 of the Revised Code; 76754

(vi) Child day-care centers or school child day-care centers 76755
as defined in section 5104.01 of the Revised Code; 76756

(vii) Facilities owned or operated by a school district 76757
established under Chapter 3311. of the Revised Code, including an 76758
educational service center, a community school established under 76759
Chapter 3314. of the Revised Code, ~~or~~ a chartered or nonchartered 76760
nonpublic school that meets minimum standards established by the 76761
state board of education, or an accredited nonpublic school as 76762
described in section 3301.165 of the Revised Code; 76763

(viii) State institutions of higher education as defined in 76764

section 3345.011 of the Revised Code, nonprofit institutions 76765
holding a certificate of authorization pursuant to Chapter 1713. 76766
of the Revised Code, institutions holding a certificate of 76767
registration from the state board of career colleges and schools 76768
and program authorization for an associate or bachelor's degree 76769
program issued under section 3332.05 of the Revised Code, and 76770
private institutions exempt from regulation under Chapter 3332. of 76771
the Revised Code as prescribed in section 3333.046 of the Revised 76772
Code; 76773

(ix) Food processing establishments as defined in section 76774
3715.021 of the Revised Code; 76775

(x) Any other site designated by rule. 76776

(e) Conduct authorized diagnostic inspections. 76777

(2) Divisions (A)(1)(a) to (d) of this section do not apply 76778
to an individual who is acting as a trained serviceperson under 76779
the direct supervision of a commercial applicator. 76780

(3) Licenses shall be issued for a period of time established 76781
by rule and shall be renewed in accordance with deadlines 76782
established by rule. The fee for each such license shall be 76783
established by rule. If a license is not issued or renewed, the 76784
application fee shall be retained by the state as payment for the 76785
reasonable expense of processing the application. The director 76786
shall by rule classify by pesticide-use category licenses to be 76787
issued under this section. A single license may include more than 76788
one pesticide-use category. No individual shall be required to pay 76789
an additional license fee if the individual is licensed for more 76790
than one category. 76791

The fee for each license or renewal does not apply to an 76792
applicant who is an employee of the department of agriculture 76793
whose job duties require licensure as a commercial applicator as a 76794
condition of employment. 76795

(B) Application for a commercial applicator license shall be 76796
made on a form prescribed by the director. Each application for a 76797
license shall state the pesticide-use category or categories of 76798
license for which the applicant is applying and other information 76799
that the director determines essential to the administration of 76800
this chapter. 76801

(C) If the director finds that the applicant is competent to 76802
apply pesticides and conduct diagnostic inspections and that the 76803
applicant has passed both the general examination and each 76804
applicable pesticide-use category examination as required under 76805
division (A) of section 921.12 of the Revised Code, the director 76806
shall issue a commercial applicator license limited to the 76807
pesticide-use category or categories for which the applicant is 76808
found to be competent. If the director rejects an application, the 76809
director may explain why the application was rejected, describe 76810
the additional requirements necessary for the applicant to obtain 76811
a license, and return the application. The applicant may resubmit 76812
the application without payment of any additional fee. 76813

(D)(1) A person who is a commercial applicator shall be 76814
deemed to hold a private applicator's license for purposes of 76815
applying pesticides on agricultural commodities that are produced 76816
by the commercial applicator. 76817

(2) A commercial applicator shall apply pesticides only in 76818
the pesticide-use category or categories in which the applicator 76819
is licensed under this chapter. 76820

(E) All money collected under this section shall be credited 76821
to the pesticide, fertilizer, and lime program fund created in 76822
section 921.22 of the Revised Code. 76823

Sec. 955.43. (A) When either a blind, deaf or hearing 76824
impaired, or mobility impaired person or a trainer of an 76825
assistance dog is accompanied by an assistance dog, the person or 76826

the trainer, as applicable, is entitled to the full and equal 76827
accommodations, advantages, facilities, and privileges of all 76828
public conveyances, hotels, lodging places, all places of public 76829
accommodation, amusement, or resort, all institutions of 76830
education, and other places to which the general public is 76831
invited, and may take the dog into such conveyances and places, 76832
subject only to the conditions and limitations applicable to all 76833
persons not so accompanied, except that: 76834

(1) The dog shall not occupy a seat in any public conveyance. 76835

(2) The dog shall be upon a leash while using the facilities 76836
of a common carrier. 76837

(3) Any dog in training to become an assistance dog shall be 76838
covered by a liability insurance policy provided by the nonprofit 76839
special agency engaged in such work protecting members of the 76840
public against personal injury or property damage caused by the 76841
dog. 76842

(B) No person shall deprive a blind, deaf or hearing 76843
impaired, or mobility impaired person or a trainer of an 76844
assistance dog who is accompanied by an assistance dog of any of 76845
the advantages, facilities, or privileges provided in division (A) 76846
of this section, nor charge the person or trainer a fee or charge 76847
for the dog. 76848

(C) As used in this section, "institutions of education" 76849
means: 76850

(1) Any state university or college as defined in section 76851
3345.32 of the Revised Code; 76852

(2) Any private college or university that holds a 76853
certificate of authorization issued by the Ohio board of regents 76854
pursuant to Chapter 1713. of the Revised Code; 76855

(3) Any elementary or secondary school operated by a board of 76856

education; 76857

(4) Any chartered, accredited, or nonchartered nonpublic 76858
elementary or secondary school⁺. As used in this section, 76859
"accredited nonpublic school" means an accredited nonpublic school 76860
as described in section 3301.165 of the Revised Code. 76861

(5) Any school issued a certificate of registration by the 76862
state board of career colleges and schools. 76863

Sec. 3301.07. The state board of education shall exercise 76864
under the acts of the general assembly general supervision of the 76865
system of public education in the state. In addition to the powers 76866
otherwise imposed on the state board under the provisions of law, 76867
the board shall have the powers described in this section. 76868

(A) The state board shall exercise policy forming, planning, 76869
and evaluative functions for the public schools of the state 76870
except as otherwise provided by law. 76871

(B)(1) The state board shall exercise leadership in the 76872
improvement of public education in this state, and administer the 76873
educational policies of this state relating to public schools, and 76874
relating to instruction and instructional material, building and 76875
equipment, transportation of pupils, administrative 76876
responsibilities of school officials and personnel, and finance 76877
and organization of school districts, educational service centers, 76878
and territory. Consultative and advisory services in such matters 76879
shall be provided by the board to school districts and educational 76880
service centers of this state. 76881

(2) The state board also shall develop a standard of 76882
financial reporting which shall be used by each school district 76883
board of education and each governing board of an educational 76884
service center, each governing authority of a community school 76885
established under Chapter 3314., each governing body of a STEM 76886

school established under Chapter 3328., and each board of trustees 76887
of a college-preparatory boarding school established under Chapter 76888
3328. of the Revised Code to make its financial information and 76889
annual budgets for each school building under its control 76890
available to the public in a format understandable by the average 76891
citizen. The format shall show, both at the district and at the 76892
school building level, revenue by source; expenditures for 76893
salaries, wages, and benefits of employees, showing such amounts 76894
separately for classroom teachers, other employees required to 76895
hold licenses issued pursuant to sections 3319.22 to 3319.31 of 76896
the Revised Code, and all other employees; expenditures other than 76897
for personnel, by category, including utilities, textbooks and 76898
other educational materials, equipment, permanent improvements, 76899
pupil transportation, extracurricular athletics, and other 76900
extracurricular activities; and per pupil expenditures. The format 76901
shall also include information on total revenue and expenditures, 76902
per pupil revenue, and expenditures for both classroom and 76903
nonclassroom purposes, as defined by the standards adopted under 76904
section 3302.20 of the Revised Code in the aggregate and for each 76905
subgroup of students, as defined by section 3317.40 of the Revised 76906
Code, that receives services provided for by state or federal 76907
funding. 76908

(3) Each school district board, governing authority, 76909
governing body, or board of trustees, or its respective designee, 76910
shall annually report, to the department of education, all 76911
financial information required by the standards for financial 76912
reporting, as prescribed by division (B)(2) of this section and 76913
adopted by the state board. The department shall make all reports 76914
submitted pursuant to this division available in such a way that 76915
allows for comparison between financial information included in 76916
these reports and financial information included in reports 76917
produced prior to July 1, 2013. The department shall post these 76918
reports in a prominent location on its web site and shall notify 76919

each school when reports are made available. 76920

(C) The state board shall administer and supervise the 76921
allocation and distribution of all state and federal funds for 76922
public school education under the provisions of law, and may 76923
prescribe such systems of accounting as are necessary and proper 76924
to this function. It may require county auditors and treasurers, 76925
boards of education, educational service center governing boards, 76926
treasurers of such boards, teachers, and other school officers and 76927
employees, or other public officers or employees, to file with it 76928
such reports as it may prescribe relating to such funds, or to the 76929
management and condition of such funds. 76930

(D)(1) Wherever in Titles IX, XXIII, XXIX, XXXIII, XXXVII, 76931
XLVII, and LI of the Revised Code a reference is made to standards 76932
prescribed under this section or division (D) of this section, 76933
that reference shall be construed to refer to the standards 76934
prescribed under division (D)(2) of this section, unless the 76935
context specifically indicates a different meaning or intent. 76936

(2) The state board shall formulate and prescribe minimum 76937
standards to be applied to all elementary and secondary schools in 76938
this state for the purpose of providing children access to a 76939
general education of high quality according to the learning needs 76940
of each individual, including students with disabilities, 76941
economically disadvantaged students, limited English proficient 76942
students, and students identified as gifted. Such standards shall 76943
provide adequately for: the licensing of teachers, administrators, 76944
and other professional personnel and their assignment according to 76945
training and qualifications; efficient and effective instructional 76946
materials and equipment, including library facilities; the proper 76947
organization, administration, and supervision of each school, 76948
including regulations for preparing all necessary records and 76949
reports and the preparation of a statement of policies and 76950
objectives for each school; the provision of safe buildings, 76951

grounds, health and sanitary facilities and services; admission of 76952
pupils, and such requirements for their promotion from grade to 76953
grade as will assure that they are capable and prepared for the 76954
level of study to which they are certified; requirements for 76955
graduation; and such other factors as the board finds necessary. 76956

The state board shall base any standards governing the 76957
promotion of students or requirements for graduation on the 76958
ability of students, at any grade level, to earn credits or 76959
advance upon demonstration of mastery of knowledge and skills 76960
through competency-based learning models. Credits of grade level 76961
advancement shall not require a minimum number of days or hours in 76962
a classroom. 76963

The state board shall base any standards governing the 76964
assignment of staff on ensuring each school has a sufficient 76965
number of teachers to ensure a student has an appropriate level of 76966
interaction to meet each student's personal learning goals. 76967

In the formulation and administration of such standards for 76968
nonpublic schools the board shall also consider the particular 76969
needs, methods and objectives of those schools, provided they do 76970
not conflict with the provision of a general education of a high 76971
quality and provided that regular procedures shall be followed for 76972
promotion from grade to grade of pupils who have met the 76973
educational requirements prescribed. 76974

All chartered, nonchartered, and accredited nonpublic schools 76975
shall comply with the minimum education standards adopted by the 76976
state board under this division. However, the state board shall 76977
not prescribe additional operating standards for nonchartered or 76978
accredited nonpublic schools. As used in this section, "accredited 76979
nonpublic school" means an accredited nonpublic school as 76980
described in section 3301.165 of the Revised Code. 76981

(3) In addition to the minimum standards required by division 76982

(D)(2) of this section, the state board may formulate and 76983
prescribe the following additional minimum operating standards for 76984
school districts: 76985

(a) Standards for the effective and efficient organization, 76986
administration, and supervision of each school district with a 76987
commitment to high expectations for every student based on the 76988
learning needs of each individual, including students with 76989
disabilities, economically disadvantaged students, limited English 76990
proficient students, and students identified as gifted, and 76991
commitment to closing the achievement gap without suppressing the 76992
achievement levels of higher achieving students so that all 76993
students achieve core knowledge and skills in accordance with the 76994
statewide academic standards adopted under section 3301.079 of the 76995
Revised Code; 76996

(b) Standards for the establishment of business advisory 76997
councils under section 3313.82 of the Revised Code; 76998

(c) Standards for school district buildings that may require 76999
the effective and efficient organization, administration, and 77000
supervision of each school district building with a commitment to 77001
high expectations for every student based on the learning needs of 77002
each individual, including students with disabilities, 77003
economically disadvantaged students, limited English proficient 77004
students, and students identified as gifted, and commitment to 77005
closing the achievement gap without suppressing the achievement 77006
levels of higher achieving students so that all students achieve 77007
core knowledge and skills in accordance with the statewide 77008
academic standards adopted under section 3301.079 of the Revised 77009
Code. 77010

(E) The state board may require as part of the health 77011
curriculum information developed under section 2108.34 of the 77012
Revised Code promoting the donation of anatomical gifts pursuant 77013
to Chapter 2108. of the Revised Code and may provide the 77014

information to high schools, educational service centers, and 77015
joint vocational school district boards of education; 77016

(F) The state board shall prepare and submit annually to the 77017
governor and the general assembly a report on the status, needs, 77018
and major problems of the public schools of the state, with 77019
recommendations for necessary legislative action and a ten-year 77020
projection of the state's public and nonpublic school enrollment, 77021
by year and by grade level. 77022

(G) The state board shall prepare and submit to the director 77023
of budget and management the biennial budgetary requests of the 77024
state board of education, for its agencies and for the public 77025
schools of the state. 77026

(H) The state board shall cooperate with federal, state, and 77027
local agencies concerned with the health and welfare of children 77028
and youth of the state. 77029

(I) The state board shall require such reports from school 77030
districts and educational service centers, school officers, and 77031
employees as are necessary and desirable. The superintendents and 77032
treasurers of school districts and educational service centers 77033
shall certify as to the accuracy of all reports required by law or 77034
state board or state department of education rules to be submitted 77035
by the district or educational service center and which contain 77036
information necessary for calculation of state funding. Any 77037
superintendent who knowingly falsifies such report shall be 77038
subject to license revocation pursuant to section 3319.31 of the 77039
Revised Code. 77040

(J) In accordance with Chapter 119. of the Revised Code, the 77041
state board shall adopt procedures, standards, and guidelines for 77042
the education of children with disabilities pursuant to Chapter 77043
3323. of the Revised Code, including procedures, standards, and 77044
guidelines governing programs and services operated by county 77045

boards of developmental disabilities pursuant to section 3323.09 77046
of the Revised Code. 77047

(K) For the purpose of encouraging the development of special 77048
programs of education for academically gifted children, the state 77049
board shall employ competent persons to analyze and publish data, 77050
promote research, advise and counsel with boards of education, and 77051
encourage the training of teachers in the special instruction of 77052
gifted children. The board may provide financial assistance out of 77053
any funds appropriated for this purpose to boards of education and 77054
educational service center governing boards for developing and 77055
conducting programs of education for academically gifted children. 77056

(L) The state board shall require that all public schools 77057
emphasize and encourage, within existing units of study, the 77058
teaching of energy and resource conservation as recommended to 77059
each district board of education by leading business persons 77060
involved in energy production and conservation, beginning in the 77061
primary grades. 77062

(M) The state board shall formulate and prescribe minimum 77063
standards requiring the use of phonics as a technique in the 77064
teaching of reading in grades kindergarten through three. In 77065
addition, the state board shall provide in-service training 77066
programs for teachers on the use of phonics as a technique in the 77067
teaching of reading in grades kindergarten through three. 77068

(N) The state board may adopt rules necessary for carrying 77069
out any function imposed on it by law, and may provide rules as 77070
are necessary for its government and the government of its 77071
employees, and may delegate to the superintendent of public 77072
instruction the management and administration of any function 77073
imposed on it by law. It may provide for the appointment of board 77074
members to serve on temporary committees established by the board 77075
for such purposes as are necessary. Permanent or standing 77076
committees shall not be created. 77077

(O) Upon application from the board of education of a school district, the superintendent of public instruction may issue a waiver exempting the district from compliance with the standards adopted under divisions (B)(2) and (D) of this section, as they relate to the operation of a school operated by the district. The state board shall adopt standards for the approval or disapproval of waivers under this division. The state superintendent shall consider every application for a waiver, and shall determine whether to grant or deny a waiver in accordance with the state board's standards. For each waiver granted, the state superintendent shall specify the period of time during which the waiver is in effect, which shall not exceed five years. A district board may apply to renew a waiver.

Sec. 3301.071. (A)(1) In the case of nontax-supported schools other than accredited nonpublic schools, as described in section 3301.165 of the Revised Code, standards for teacher certification prescribed under section 3301.07 of the Revised Code shall provide for certification, without further educational requirements, of any administrator, supervisor, or teacher who has attended and received a bachelor's degree from a college or university accredited by a national or regional association in the United States except that, at the discretion of the state board of education, this requirement may be met by having an equivalent degree from a foreign college or university of comparable standing. Standards for certification of any administrator, supervisor, or teacher of an accredited nonpublic school shall require compliance with the educational qualifications prescribed by the independent schools association of the central states. However, nothing in this section exempts an accredited nonpublic school from the requirement that each applicant undergo a criminal records check under section 3319.39 of the Revised Code.

(2) In the case of nonchartered, nontax-supported schools,

the standards for teacher certification prescribed under section 77110
3301.07 of the Revised Code shall provide for certification, 77111
without further educational requirements, of any administrator, 77112
supervisor, or teacher who has attended and received a diploma 77113
from a "bible college" or "bible institute" described in division 77114
(E) of section 1713.02 of the Revised Code. 77115

(3) A certificate issued under division (A)(3) of this 77116
section shall be valid only for teaching foreign language, music, 77117
religion, computer technology, or fine arts. 77118

Notwithstanding division (A)(1) of this section, the 77119
standards for teacher certification prescribed under section 77120
3301.07 of the Revised Code shall provide for certification of a 77121
person as a teacher upon receipt by the state board of an 77122
affidavit signed by the chief administrative officer of a 77123
chartered nonpublic school seeking to employ the person, stating 77124
that the person meets one of the following conditions: 77125

(a) The person has specialized knowledge, skills, or 77126
expertise that qualifies the person to provide instruction. 77127

(b) The person has provided to the chief administrative 77128
officer evidence of at least three years of teaching experience in 77129
a public or nonpublic school. 77130

(c) The person has provided to the chief administrative 77131
officer evidence of completion of a teacher training program named 77132
in the affidavit. 77133

(B) Each person applying for a certificate under this section 77134
for purposes of serving in a nonpublic school chartered by the 77135
state board under section 3301.16 of the Revised Code shall pay a 77136
fee in the amount established under division (A) of section 77137
3319.51 of the Revised Code. Any fees received under this division 77138
shall be paid into the state treasury to the credit of the state 77139
board of education certification fund established under division 77140

(B) of section 3319.51 of the Revised Code. 77141

(C) A person applying for or holding any certificate pursuant 77142
to this section for purposes of serving in a nonpublic school 77143
chartered by the state board is subject to sections 3123.41 to 77144
3123.50 of the Revised Code and any applicable rules adopted under 77145
section 3123.63 of the Revised Code and sections 3319.31 and 77146
3319.311 of the Revised Code. 77147

(D) Divisions (B) and (C) of this section and sections 77148
3319.291, 3319.31, and 3319.311 of the Revised Code do not apply 77149
to any administrators, supervisors, or teachers in nonchartered, 77150
nontax-supported schools. 77151

Sec. 3301.0711. (A) The department of education shall: 77152

(1) Annually furnish to, grade, and score all assessments 77153
required by divisions (A)(1) and (B)(1) of section 3301.0710 of 77154
the Revised Code to be administered by city, local, exempted 77155
village, and joint vocational school districts, except that each 77156
district shall score any assessment administered pursuant to 77157
division (B)(10) of this section. Each assessment so furnished 77158
shall include the data verification code of the student to whom 77159
the assessment will be administered, as assigned pursuant to 77160
division (D)(2) of section 3301.0714 of the Revised Code. In 77161
furnishing the practice versions of Ohio graduation tests 77162
prescribed by division (D) of section 3301.0710 of the Revised 77163
Code, the department shall make the tests available on its web 77164
site for reproduction by districts. In awarding contracts for 77165
grading assessments, the department shall give preference to 77166
Ohio-based entities employing Ohio residents. 77167

(2) Adopt rules for the ethical use of assessments and 77168
prescribing the manner in which the assessments prescribed by 77169
section 3301.0710 of the Revised Code shall be administered to 77170
students. 77171

(B) Except as provided in divisions (C) and (J) of this section, the board of education of each city, local, and exempted village school district shall, in accordance with rules adopted under division (A) of this section:

(1) Administer the English language arts assessments prescribed under division (A)(1)(a) of section 3301.0710 of the Revised Code twice annually to all students in the third grade who have not attained the score designated for that assessment under division (A)(2)(c) of section 3301.0710 of the Revised Code.

(2) Administer the mathematics assessment prescribed under division (A)(1)(a) of section 3301.0710 of the Revised Code at least once annually to all students in the third grade.

(3) Administer the assessments prescribed under division (A)(1)(b) of section 3301.0710 of the Revised Code at least once annually to all students in the fourth grade.

(4) Administer the assessments prescribed under division (A)(1)(c) of section 3301.0710 of the Revised Code at least once annually to all students in the fifth grade.

(5) Administer the assessments prescribed under division (A)(1)(d) of section 3301.0710 of the Revised Code at least once annually to all students in the sixth grade.

(6) Administer the assessments prescribed under division (A)(1)(e) of section 3301.0710 of the Revised Code at least once annually to all students in the seventh grade.

(7) Administer the assessments prescribed under division (A)(1)(f) of section 3301.0710 of the Revised Code at least once annually to all students in the eighth grade.

(8) Except as provided in division (B)(9) of this section, administer any assessment prescribed under division (B)(1) of section 3301.0710 of the Revised Code as follows:

(a) At least once annually to all tenth grade students and at least twice annually to all students in eleventh or twelfth grade who have not yet attained the score on that assessment designated under that division;

(b) To any person who has successfully completed the curriculum in any high school or the individualized education program developed for the person by any high school pursuant to section 3323.08 of the Revised Code but has not received a high school diploma and who requests to take such assessment, at any time such assessment is administered in the district.

(9) In lieu of the board of education of any city, local, or exempted village school district in which the student is also enrolled, the board of a joint vocational school district shall administer any assessment prescribed under division (B)(1) of section 3301.0710 of the Revised Code at least twice annually to any student enrolled in the joint vocational school district who has not yet attained the score on that assessment designated under that division. A board of a joint vocational school district may also administer such an assessment to any student described in division (B)(8)(b) of this section.

(10) If the district has a three-year average graduation rate of not more than seventy-five per cent, administer each assessment prescribed by division (D) of section 3301.0710 of the Revised Code in September to all ninth grade students who entered ninth grade prior to July 1, 2014.

Except as provided in section 3313.614 of the Revised Code for administration of an assessment to a person who has fulfilled the curriculum requirement for a high school diploma but has not passed one or more of the required assessments, the assessments prescribed under division (B)(1) of section 3301.0710 of the Revised Code shall not be administered after the date specified in the rules adopted by the state board of education under division

(D)(1) of section 3301.0712 of the Revised Code. 77234

(11)(a) Except as provided in division (B)(11)(b) of this 77235
section, administer the assessments prescribed by division (B)(2) 77236
of section 3301.0710 and section 3301.0712 of the Revised Code in 77237
accordance with the timeline and plan for implementation of those 77238
assessments prescribed by rule of the state board adopted under 77239
division (D)(1) of section 3301.0712 of the Revised Code; 77240

(b) A student who has presented evidence to the district or 77241
school of having satisfied the condition prescribed by division 77242
(A)(1) of section 3313.618 of the Revised Code to qualify for a 77243
high school diploma prior to the date of the administration of the 77244
assessment prescribed under division (B)(1) of section 3301.0712 77245
of the Revised Code shall not be required to take that assessment. 77246
However, no board shall prohibit a student who is not required to 77247
take such assessment from taking the assessment. 77248

(C)(1)(a) In the case of a student receiving special 77249
education services under Chapter 3323. of the Revised Code, the 77250
individualized education program developed for the student under 77251
that chapter shall specify the manner in which the student will 77252
participate in the assessments administered under this section, 77253
except that a student with significant cognitive disabilities to 77254
whom an alternate assessment is administered in accordance with 77255
division (C)(1) of this section and a student determined to have a 77256
disability that includes an intellectual disability as outlined in 77257
guidance issued by the department shall not be required to take 77258
the assessment prescribed under division (B)(1) of section 77259
3301.0712 of the Revised Code. The individualized education 77260
program may excuse the student from taking any particular 77261
assessment required to be administered under this section if it 77262
instead specifies an alternate assessment method approved by the 77263
department of education as conforming to requirements of federal 77264
law for receipt of federal funds for disadvantaged pupils. To the 77265

extent possible, the individualized education program shall not 77266
excuse the student from taking an assessment unless no reasonable 77267
accommodation can be made to enable the student to take the 77268
assessment. No board shall prohibit a student who is not required 77269
to take an assessment under division (C)(1) of this section from 77270
taking the assessment. 77271

(b) Any alternate assessment approved by the department for a 77272
student under this division shall produce measurable results 77273
comparable to those produced by the assessment it replaces in 77274
order to allow for the student's results to be included in the 77275
data compiled for a school district or building under section 77276
3302.03 of the Revised Code. 77277

(c)(i) Any student enrolled in a chartered nonpublic school 77278
or an accredited nonpublic school who has been identified, based 77279
on an evaluation conducted in accordance with section 3323.03 of 77280
the Revised Code or section 504 of the "Rehabilitation Act of 77281
1973," 87 Stat. 355, 29 U.S.C.A. 794, as amended, as a child with 77282
a disability shall be excused from taking any particular 77283
assessment required to be administered under this section if a 77284
plan developed for the student pursuant to rules adopted by the 77285
state board excuses the student from taking that assessment. 77286

(ii) A student with significant cognitive disabilities to 77287
whom an alternate assessment is administered in accordance with 77288
division (C)(1) of this section and a student determined to have a 77289
disability that includes an intellectual disability as outlined in 77290
guidance issued by the department shall not be required to take 77291
the assessment prescribed under division (B)(1) of section 77292
3301.0712 of the Revised Code. 77293

(iii) In the case of any student who is enrolled in a 77294
chartered nonpublic school and is so excused from taking an 77295
assessment under division (C)(1)(c) of this section, the ~~chartered~~ 77296
~~nonpublic~~ school shall not prohibit the student from taking the 77297

assessment. 77298

(2) A district board may, for medical reasons or other good 77299
cause, excuse a student from taking an assessment administered 77300
under this section on the date scheduled, but that assessment 77301
shall be administered to the excused student not later than nine 77302
days following the scheduled date. The district board shall 77303
annually report the number of students who have not taken one or 77304
more of the assessments required by this section to the state 77305
board not later than the thirtieth day of June. 77306

(3) As used in this division, "limited English proficient 77307
student" has the same meaning as in 20 U.S.C. 7801. 77308

No school district board shall excuse any limited English 77309
proficient student from taking any particular assessment required 77310
to be administered under this section, except as follows: 77311

(a) Any limited English proficient student who has been 77312
enrolled in United States schools for less than two years and for 77313
whom no appropriate accommodations are available based on guidance 77314
issued by the department shall not be required to take the 77315
assessment prescribed under division (B)(1) of section 3301.0712 77316
of the Revised Code. 77317

(b) Any limited English proficient student who has been 77318
enrolled in United States schools for less than one full school 77319
year shall not be required to take any reading, writing, or 77320
English language arts assessment. 77321

However, no board shall prohibit a limited English proficient 77322
student who is not required to take an assessment under division 77323
(C)(3) of this section from taking the assessment. A board may 77324
permit any limited English proficient student to take an 77325
assessment required to be administered under this section with 77326
appropriate accommodations, as determined by the department. For 77327
each limited English proficient student, each school district 77328

shall annually assess that student's progress in learning English, 77329
in accordance with procedures approved by the department. 77330

(4)(a) The governing authority of a chartered nonpublic or an 77331
accredited nonpublic school may excuse a limited English 77332
proficient student from taking any assessment administered under 77333
this section. 77334

(b) No governing authority of a chartered nonpublic school 77335
shall require a limited English proficient student who has been 77336
enrolled in United States schools for less than two years and for 77337
whom no appropriate accommodations are available based on guidance 77338
issued by the department to take the assessment prescribed under 77339
division (B)(1) of section 3301.0712 of the Revised Code. 77340

(c) No governing authority of a chartered nonpublic school 77341
shall prohibit a limited English proficient student from taking an 77342
assessment from which the student was excused under division 77343
(C)(4) of this section. 77344

(D)(1) In the school year next succeeding the school year in 77345
which the assessments prescribed by division (A)(1) or (B)(1) of 77346
section 3301.0710 of the Revised Code or former division (A)(1), 77347
(A)(2), or (B) of section 3301.0710 of the Revised Code as it 77348
existed prior to September 11, 2001, are administered to any 77349
student, the board of education of any school district in which 77350
the student is enrolled in that year shall provide to the student 77351
intervention services commensurate with the student's performance, 77352
including any intensive intervention required under section 77353
3313.608 of the Revised Code, in any skill in which the student 77354
failed to demonstrate at least a score at the proficient level on 77355
the assessment. 77356

(2) Following any administration of the assessments 77357
prescribed by division (D) of section 3301.0710 of the Revised 77358
Code to ninth grade students, each school district that has a 77359

three-year average graduation rate of not more than seventy-five 77360
per cent shall determine for each high school in the district 77361
whether the school shall be required to provide intervention 77362
services to any students who took the assessments. In determining 77363
which high schools shall provide intervention services based on 77364
the resources available, the district shall consider each school's 77365
graduation rate and scores on the practice assessments. The 77366
district also shall consider the scores received by ninth grade 77367
students on the English language arts and mathematics assessments 77368
prescribed under division (A)(1)(f) of section 3301.0710 of the 77369
Revised Code in the eighth grade in determining which high schools 77370
shall provide intervention services. 77371

Each high school selected to provide intervention services 77372
under this division shall provide intervention services to any 77373
student whose results indicate that the student is failing to make 77374
satisfactory progress toward being able to attain scores at the 77375
proficient level on the Ohio graduation tests. Intervention 77376
services shall be provided in any skill in which a student 77377
demonstrates unsatisfactory progress and shall be commensurate 77378
with the student's performance. Schools shall provide the 77379
intervention services prior to the end of the school year, during 77380
the summer following the ninth grade, in the next succeeding 77381
school year, or at any combination of those times. 77382

(E) Except as provided in section 3313.608 of the Revised 77383
Code and division (N) of this section, no school district board of 77384
education shall utilize any student's failure to attain a 77385
specified score on an assessment administered under this section 77386
as a factor in any decision to deny the student promotion to a 77387
higher grade level. However, a district board may choose not to 77388
promote to the next grade level any student who does not take an 77389
assessment administered under this section or make up an 77390
assessment as provided by division (C)(2) of this section and who 77391

is not exempt from the requirement to take the assessment under 77392
division (C)(3) of this section. 77393

(F) No person shall be charged a fee for taking any 77394
assessment administered under this section. 77395

(G)(1) Each school district board shall designate one 77396
location for the collection of assessments administered in the 77397
spring under division (B)(1) of this section and those 77398
administered under divisions (B)(2) to (7) of this section. Each 77399
district board shall submit the assessments to the entity with 77400
which the department contracts for the scoring of the assessments 77401
as follows: 77402

(a) If the district's total enrollment in grades kindergarten 77403
through twelve during the first full school week of October was 77404
less than two thousand five hundred, not later than the Friday 77405
after all of the assessments have been administered; 77406

(b) If the district's total enrollment in grades kindergarten 77407
through twelve during the first full school week of October was 77408
two thousand five hundred or more, but less than seven thousand, 77409
not later than the Monday after all of the assessments have been 77410
administered; 77411

(c) If the district's total enrollment in grades kindergarten 77412
through twelve during the first full school week of October was 77413
seven thousand or more, not later than the Tuesday after all of 77414
the assessments have been administered. 77415

However, any assessment that a student takes during the 77416
make-up period described in division (C)(2) of this section shall 77417
be submitted not later than the Friday following the day the 77418
student takes the assessment. 77419

(2) The department or an entity with which the department 77420
contracts for the scoring of the assessment shall send to each 77421
school district board a list of the individual scores of all 77422

persons taking a state achievement assessment as follows: 77423

(a) Except as provided in division (G)(2)(b) or (c) of this 77424
section, within forty-five days after the administration of the 77425
assessments prescribed by sections 3301.0710 and 3301.0712 of the 77426
Revised Code, but in no case shall the scores be returned later 77427
than the thirtieth day of June following the administration; 77428

(b) In the case of the third-grade English language arts 77429
assessment, within forty-five days after the administration of 77430
that assessment, but in no case shall the scores be returned later 77431
than the fifteenth day of June following the administration; 77432

(c) In the case of the writing component of an assessment or 77433
end-of-course examination in the area of English language arts, 77434
except for the third-grade English language arts assessment, the 77435
results may be sent after forty-five days of the administration of 77436
the writing component, but in no case shall the scores be returned 77437
later than the thirtieth day of June following the administration. 77438

(3) For assessments administered under this section by a 77439
joint vocational school district, the department or entity shall 77440
also send to each city, local, or exempted village school district 77441
a list of the individual scores of any students of such city, 77442
local, or exempted village school district who are attending 77443
school in the joint vocational school district. 77444

(4) Beginning with the 2019-2020 school year, a school 77445
district, other public school, ~~or~~ chartered nonpublic school, or 77446
accredited nonpublic school may administer the third-grade English 77447
language arts or mathematics assessment, or both, in a paper 77448
format in any school year for which the district board of 77449
education or school governing body adopts a resolution indicating 77450
that the district or school chooses to administer the assessment 77451
in a paper format. The board or governing body shall submit a copy 77452
of the resolution to the department of education not later than 77453

the first day of May prior to the school year for which it will 77454
apply. If the resolution is submitted, the district or school 77455
shall administer the assessment in a paper format to all students 77456
in the third grade, except that any student whose individualized 77457
education program or plan developed under section 504 of the 77458
"Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as 77459
amended, specifies that taking the assessment in an online format 77460
is an appropriate accommodation for the student may take the 77461
assessment in an online format. 77462

(H) Individual scores on any assessments administered under 77463
this section shall be released by a district board only in 77464
accordance with section 3319.321 of the Revised Code and the rules 77465
adopted under division (A) of this section. No district board or 77466
its employees shall utilize individual or aggregate results in any 77467
manner that conflicts with rules for the ethical use of 77468
assessments adopted pursuant to division (A) of this section. 77469

(I) Except as provided in division (G) of this section, the 77470
department or an entity with which the department contracts for 77471
the scoring of the assessment shall not release any individual 77472
scores on any assessment administered under this section. The 77473
state board shall adopt rules to ensure the protection of student 77474
confidentiality at all times. The rules may require the use of the 77475
data verification codes assigned to students pursuant to division 77476
(D)(2) of section 3301.0714 of the Revised Code to protect the 77477
confidentiality of student scores. 77478

(J) Notwithstanding division (D) of section 3311.52 of the 77479
Revised Code, this section does not apply to the board of 77480
education of any cooperative education school district except as 77481
provided under rules adopted pursuant to this division. 77482

(1) In accordance with rules that the state board shall 77483
adopt, the board of education of any city, exempted village, or 77484
local school district with territory in a cooperative education 77485

school district established pursuant to divisions (A) to (C) of 77486
section 3311.52 of the Revised Code may enter into an agreement 77487
with the board of education of the cooperative education school 77488
district for administering any assessment prescribed under this 77489
section to students of the city, exempted village, or local school 77490
district who are attending school in the cooperative education 77491
school district. 77492

(2) In accordance with rules that the state board shall 77493
adopt, the board of education of any city, exempted village, or 77494
local school district with territory in a cooperative education 77495
school district established pursuant to section 3311.521 of the 77496
Revised Code shall enter into an agreement with the cooperative 77497
district that provides for the administration of any assessment 77498
prescribed under this section to both of the following: 77499

(a) Students who are attending school in the cooperative 77500
district and who, if the cooperative district were not 77501
established, would be entitled to attend school in the city, 77502
local, or exempted village school district pursuant to section 77503
3313.64 or 3313.65 of the Revised Code; 77504

(b) Persons described in division (B)(8)(b) of this section. 77505

Any assessment of students pursuant to such an agreement 77506
shall be in lieu of any assessment of such students or persons 77507
pursuant to this section. 77508

(K)(1) Except as otherwise provided in division (K)(1) or (2) 77509
of this section, each chartered nonpublic school for which at 77510
least sixty-five per cent of its total enrollment is made up of 77511
students who are participating in state scholarship programs shall 77512
administer the elementary assessments prescribed by section 77513
3301.0710 of the Revised Code. In accordance with procedures and 77514
deadlines prescribed by the department, the parent or guardian of 77515
a student enrolled in the school who is not participating in a 77516

state scholarship program may submit notice to the chief 77517
administrative officer of the school that the parent or guardian 77518
does not wish to have the student take the elementary assessments 77519
prescribed for the student's grade level under division (A) of 77520
section 3301.0710 of the Revised Code. If a parent or guardian 77521
submits an opt-out notice, the school shall not administer the 77522
assessments to that student. This option does not apply to any 77523
assessment required for a high school diploma under section 77524
3313.612 of the Revised Code. 77525

(2) A chartered nonpublic school may submit to the 77526
superintendent of public instruction a request for a waiver from 77527
administering the elementary assessments prescribed by division 77528
(A) of section 3301.0710 of the Revised Code. The state 77529
superintendent shall approve or disapprove a request for a waiver 77530
submitted under division (K)(2) of this section. No waiver shall 77531
be approved for any school year prior to the 2015-2016 school 77532
year. 77533

To be eligible to submit a request for a waiver, a chartered 77534
nonpublic school shall meet the following conditions: 77535

(a) At least ninety-five per cent of the students enrolled in 77536
the school are children with disabilities, as defined under 77537
section 3323.01 of the Revised Code, or have received a diagnosis 77538
by a school district or from a physician, including a 77539
neuropsychiatrist or psychiatrist, or a psychologist who is 77540
authorized to practice in this or another state as having a 77541
condition that impairs academic performance, such as dyslexia, 77542
dyscalculia, attention deficit hyperactivity disorder, or 77543
Asperger's syndrome. 77544

(b) The school has solely served a student population 77545
described in division (K)(1)(a) of this section for at least ten 77546
years. 77547

(c) The school provides to the department at least five years of records of internal testing conducted by the school that affords the department data required for accountability purposes, including diagnostic assessments and nationally standardized norm-referenced achievement assessments that measure reading and math skills.

(3) Any chartered nonpublic school that is not subject to division (K)(1) of this section may participate in the assessment program by administering any of the assessments prescribed by division (A) of section 3301.0710 of the Revised Code. The chief administrator of the school shall specify which assessments the school will administer. Such specification shall be made in writing to the superintendent of public instruction prior to the first day of August of any school year in which assessments are administered and shall include a pledge that the nonpublic school will administer the specified assessments in the same manner as public schools are required to do under this section and rules adopted by the department.

(4) The department of education shall furnish the assessments prescribed by section 3301.0710 of the Revised Code to each chartered nonpublic school that is subject to division (K)(1) of this section or participates under division (K)(3) of this section.

(L) If a chartered or accredited nonpublic school is educating students in grades nine through twelve, the following shall apply:

(1) Except as provided in division (L)(4) of this section, for a student who is enrolled in a ~~chartered~~ an accredited nonpublic school ~~that is accredited through the independent schools association of the central states~~ and who is attending the school under a state scholarship program, the student shall either take all of the assessments prescribed by division (B) of section

3301.0712 of the Revised Code or take an alternative assessment 77580
approved by the department under section 3313.619 of the Revised 77581
Code. However, a student who is excused from taking an assessment 77582
under division (C) of this section or has presented evidence to 77583
the ~~chartered~~ accredited nonpublic school of having satisfied the 77584
condition prescribed by division (A)(1) of section 3313.618 of the 77585
Revised Code to qualify for a high school diploma prior to the 77586
date of the administration of the assessment prescribed under 77587
division (B)(1) of section 3301.0712 of the Revised Code shall not 77588
be required to take that assessment. No governing authority of a 77589
~~chartered~~ an accredited nonpublic school shall prohibit a student 77590
who is not required to take such assessment from taking the 77591
assessment. 77592

(2) For a student who is enrolled in a ~~chartered~~ an 77593
accredited nonpublic school ~~that is accredited through the~~ 77594
~~independent schools association of the central states~~, and who is 77595
not attending the school under a state scholarship program, the 77596
student shall not be required to take any assessment prescribed 77597
under section 3301.0712 or 3313.619 of the Revised Code. 77598

(3)(a) Except as provided in divisions (L)(3)(b) and (4) of 77599
this section, for a student who is enrolled in a chartered 77600
nonpublic school ~~that is not accredited through the independent~~ 77601
~~schools association of the central states~~, regardless of whether 77602
the student is attending or is not attending the school under a 77603
state scholarship program, the student shall do one of the 77604
following: 77605

(i) Take all of the assessments prescribed by division (B) of 77606
section 3301.0712 of the Revised Code; 77607

(ii) Take only the assessment prescribed by division (B)(1) 77608
of section 3301.0712 of the Revised Code, provided that the 77609
student's school publishes the results of that assessment for each 77610
graduating class. The published results of that assessment shall 77611

include the overall composite scores, mean scores, twenty-fifth 77612
percentile scores, and seventy-fifth percentile scores for each 77613
subject area of the assessment. 77614

(iii) Take an alternative assessment approved by the 77615
department under section 3313.619 of the Revised Code. 77616

(b) A student who is excused from taking an assessment under 77617
division (C) of this section or has presented evidence to the 77618
chartered nonpublic school of having satisfied the condition 77619
prescribed by division (A)(1) of section 3313.618 of the Revised 77620
Code to qualify for a high school diploma prior to the date of the 77621
administration of the assessment prescribed under division (B)(1) 77622
of section 3301.0712 of the Revised Code shall not be required to 77623
take that assessment. No governing authority of a chartered 77624
nonpublic school shall prohibit a student who is not required to 77625
take such assessment from taking the assessment. 77626

(4) The assessments prescribed by sections 3301.0712 and 77627
3313.619 of the Revised Code shall not be administered to any 77628
student attending the school, if the school meets all of the 77629
following conditions: 77630

(a) At least ninety-five per cent of the students enrolled in 77631
the school are children with disabilities, as defined under 77632
section 3323.01 of the Revised Code, or have received a diagnosis 77633
by a school district or from a physician, including a 77634
neuropsychologist or psychiatrist, or a psychologist who is 77635
authorized to practice in this or another state as having a 77636
condition that impairs academic performance, such as dyslexia, 77637
dyscalculia, attention deficit hyperactivity disorder, or 77638
Asperger's syndrome. 77639

(b) The school has solely served a student population 77640
described in division (L)(4)(a) of this section for at least ten 77641
years. 77642

(c) The school makes available to the department at least 77643
five years of records of internal testing conducted by the school 77644
that affords the department data required for accountability 77645
purposes, including growth in student achievement in reading or 77646
mathematics, or both, as measured by nationally norm-referenced 77647
assessments that have developed appropriate standards for 77648
students. 77649

Division (L)(4) of this section applies to any student 77650
attending such school regardless of whether the student receives 77651
special education or related services and regardless of whether 77652
the student is attending the school under a state scholarship 77653
program. 77654

(M)(1) The superintendent of the state school for the blind 77655
and the superintendent of the state school for the deaf shall 77656
administer the assessments described by sections 3301.0710 and 77657
3301.0712 of the Revised Code. Each superintendent shall 77658
administer the assessments in the same manner as district boards 77659
are required to do under this section and rules adopted by the 77660
department of education and in conformity with division (C)(1)(a) 77661
of this section. 77662

(2) The department of education shall furnish the assessments 77663
described by sections 3301.0710 and 3301.0712 of the Revised Code 77664
to each superintendent. 77665

(N) Notwithstanding division (E) of this section, a school 77666
district may use a student's failure to attain a score in at least 77667
the proficient range on the mathematics assessment described by 77668
division (A)(1)(a) of section 3301.0710 of the Revised Code or on 77669
an assessment described by division (A)(1)(b), (c), (d), (e), or 77670
(f) of section 3301.0710 of the Revised Code as a factor in 77671
retaining that student in the current grade level. 77672

(O)(1) In the manner specified in divisions (O)(3), (4), (6), 77673

and (7) of this section, the assessments required by division 77674
(A)(1) of section 3301.0710 of the Revised Code shall become 77675
public records pursuant to section 149.43 of the Revised Code on 77676
the thirty-first day of July following the school year that the 77677
assessments were administered. 77678

(2) The department may field test proposed questions with 77679
samples of students to determine the validity, reliability, or 77680
appropriateness of questions for possible inclusion in a future 77681
year's assessment. The department also may use anchor questions on 77682
assessments to ensure that different versions of the same 77683
assessment are of comparable difficulty. 77684

Field test questions and anchor questions shall not be 77685
considered in computing scores for individual students. Field test 77686
questions and anchor questions may be included as part of the 77687
administration of any assessment required by division (A)(1) or 77688
(B) of section 3301.0710 and division (B) of section 3301.0712 of 77689
the Revised Code. 77690

(3) Any field test question or anchor question administered 77691
under division (O)(2) of this section shall not be a public 77692
record. Such field test questions and anchor questions shall be 77693
redacted from any assessments which are released as a public 77694
record pursuant to division (O)(1) of this section. 77695

(4) This division applies to the assessments prescribed by 77696
division (A) of section 3301.0710 of the Revised Code. 77697

(a) The first administration of each assessment, as specified 77698
in former section 3301.0712 of the Revised Code, shall be a public 77699
record. 77700

(b) For subsequent administrations of each assessment prior 77701
to the 2011-2012 school year, not less than forty per cent of the 77702
questions on the assessment that are used to compute a student's 77703
score shall be a public record. The department shall determine 77704

which questions will be needed for reuse on a future assessment 77705
and those questions shall not be public records and shall be 77706
redacted from the assessment prior to its release as a public 77707
record. However, for each redacted question, the department shall 77708
inform each city, local, and exempted village school district of 77709
the statewide academic standard adopted by the state board under 77710
section 3301.079 of the Revised Code and the corresponding 77711
benchmark to which the question relates. The preceding sentence 77712
does not apply to field test questions that are redacted under 77713
division (O)(3) of this section. 77714

(c) The administrations of each assessment in the 2011-2012, 77715
2012-2013, and 2013-2014 school years shall not be a public 77716
record. 77717

(5) Each assessment prescribed by division (B)(1) of section 77718
3301.0710 of the Revised Code shall not be a public record. 77719

(6)(a) Except as provided in division (O)(6)(b) of this 77720
section, for the administrations in the 2014-2015, 2015-2016, and 77721
2016-2017 school years, questions on the assessments prescribed 77722
under division (A) of section 3301.0710 and division (B)(2) of 77723
section 3301.0712 of the Revised Code and the corresponding 77724
preferred answers that are used to compute a student's score shall 77725
become a public record as follows: 77726

(i) Forty per cent of the questions and preferred answers on 77727
the assessments on the thirty-first day of July following the 77728
administration of the assessment; 77729

(ii) Twenty per cent of the questions and preferred answers 77730
on the assessment on the thirty-first day of July one year after 77731
the administration of the assessment; 77732

(iii) The remaining forty per cent of the questions and 77733
preferred answers on the assessment on the thirty-first day of 77734
July two years after the administration of the assessment. 77735

The entire content of an assessment shall become a public record within three years of its administration. 77736
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The department shall make the questions that become a public record under this division readily accessible to the public on the department's web site. Questions on the spring administration of each assessment shall be released on an annual basis, in accordance with this division. 77738
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(b) No questions and corresponding preferred answers shall become a public record under division (O)(6) of this section after July 31, 2017. 77743
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(7) Division (O)(7) of this section applies to the assessments prescribed by division (A) of section 3301.0710 and division (B)(2) of section 3301.0712 of the Revised Code. 77746
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Beginning with the assessments administered in the spring of the 2017-2018 school year, not less than forty per cent of the questions on each assessment that are used to compute a student's score shall be a public record. The department shall determine which questions will be needed for reuse on a future assessment and those questions shall not be public records and shall be redacted from the assessment prior to its release as a public record. However, for each redacted question, the department shall inform each city, local, and exempted village school district of the corresponding statewide academic standard adopted by the state board under section 3301.079 of the Revised Code and the corresponding benchmark to which the question relates. The department is not required to provide corresponding standards and benchmarks to field test questions that are redacted under division (O)(3) of this section. 77749
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(P) As used in this section: 77764

(1) "Three-year average" means the average of the most recent consecutive three school years of data. 77765
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(2) "Dropout" means a student who withdraws from school before completing course requirements for graduation and who is not enrolled in an education program approved by the state board of education or an education program outside the state. "Dropout" does not include a student who has departed the country.

(3) "Graduation rate" means the ratio of students receiving a diploma to the number of students who entered ninth grade four years earlier. Students who transfer into the district are added to the calculation. Students who transfer out of the district for reasons other than dropout are subtracted from the calculation. If a student who was a dropout in any previous year returns to the same school district, that student shall be entered into the calculation as if the student had entered ninth grade four years before the graduation year of the graduating class that the student joins.

(4) "State scholarship programs" means the educational choice scholarship pilot program established under sections 3310.01 to 3310.17 of the Revised Code, the autism scholarship program established under section 3310.41 of the Revised Code, the Jon Peterson special needs scholarship program established under sections 3310.51 to 3310.64 of the Revised Code, and the pilot project scholarship program established under sections 3313.974 to 3313.979 of the Revised Code.

(5) "Other public school" means a community school established under Chapter 3314., a STEM school established under Chapter 3326., or a college-preparatory boarding school established under Chapter 3328. of the Revised Code.

(6) "Accredited nonpublic school" means an accredited nonpublic school as described in section 3301.165 of the Revised Code.

Sec. 3301.16. Pursuant to standards prescribed by the state

board of education as provided in division (D) of section 3301.07 77798
of the Revised Code, the state board shall classify and charter 77799
school districts and individual schools within each district 77800
except that no charter shall be granted to a nonpublic school 77801
unless the school complies with divisions (K)(1) and (L) of 77802
section 3301.0711, as applicable, and sections 3301.164 and 77803
3313.612 of the Revised Code. 77804

In the course of considering the charter of a new school 77805
district created under section 3311.26 or 3311.38 of the Revised 77806
Code, the state board shall require the party proposing creation 77807
of the district to submit to the board a map, certified by the 77808
county auditor of the county in which the proposed new district is 77809
located, showing the boundaries of the proposed new district. In 77810
the case of a proposed new district located in more than one 77811
county, the map shall be certified by the county auditor of each 77812
county in which the proposed district is located. 77813

The state board shall revoke the charter of any school 77814
district or school which fails to meet the standards for 77815
elementary and high schools as prescribed by the board. The state 77816
board shall also revoke the charter of any nonpublic school that 77817
does not comply with divisions (K)(1) and (L) of section 77818
3301.0711, if applicable, and sections 3301.164 and 3313.612 of 77819
the Revised Code. 77820

In the issuance and revocation of school district or school 77821
charters, the state board shall be governed by the provisions of 77822
Chapter 119. of the Revised Code. 77823

No school district, or individual school operated by a school 77824
district, shall operate without a charter issued by the state 77825
board under this section. 77826

In case a school district charter is revoked pursuant to this 77827
section, the state board may dissolve the school district and 77828

transfer its territory to one or more adjacent districts. An 77829
equitable division of the funds, property, and indebtedness of the 77830
school district shall be made by the state board among the 77831
receiving districts. The board of education of a receiving 77832
district shall accept such territory pursuant to the order of the 77833
state board. Prior to dissolving the school district, the state 77834
board shall notify the appropriate educational service center 77835
governing board and all adjacent school district boards of 77836
education of its intention to do so. Boards so notified may make 77837
recommendations to the state board regarding the proposed 77838
dissolution and subsequent transfer of territory. Except as 77839
provided in section 3301.161 of the Revised Code, the transfer 77840
ordered by the state board shall become effective on the date 77841
specified by the state board, but the date shall be at least 77842
thirty days following the date of issuance of the order. 77843

A high school is one of higher grade than an elementary 77844
school, in which instruction and training are given in accordance 77845
with sections 3301.07 and 3313.60 of the Revised Code and which 77846
also offers other subjects of study more advanced than those 77847
taught in the elementary schools and such other subjects as may be 77848
approved by the state board of education. 77849

An elementary school is one in which instruction and training 77850
are given in accordance with sections 3301.07 and 3313.60 of the 77851
Revised Code and which offers such other subjects as may be 77852
approved by the state board of education. In districts wherein a 77853
junior high school is maintained, the elementary schools in that 77854
district may be considered to include only the work of the first 77855
six school years inclusive, plus the kindergarten year. This 77856
section shall not apply to accredited nonpublic schools described 77857
in section 3301.165 of the Revised Code. 77858

Sec. 3301.162. (A) If the governing authority of a chartered 77859

nonpublic school or an accredited nonpublic school described in 77860
section 3301.165 of the Revised Code intends to close the school, 77861
the governing authority shall notify all of the following of that 77862
intent prior to closing the school: 77863

(1) The department of education; 77864

(2) The school district that receives auxiliary services 77865
funding under division (E) of section 3317.024 of the Revised Code 77866
on behalf of the students enrolled in the school; 77867

(3) The accrediting association that most recently accredited 77868
the school for purposes of chartering the school in accordance 77869
with the rules of the state board of education, if applicable; 77870

(4) If the school has been designated as a STEM school 77871
equivalent under section 3326.032 of the Revised Code, the STEM 77872
committee established under section 3326.02 of the Revised Code. 77873

The notice shall include the school year and, if possible, 77874
the actual date the school will close. 77875

(B) The chief administrator of each chartered nonpublic 77876
school and each accredited nonpublic school that closes shall 77877
deposit the school's records with either: 77878

(1) The accrediting association that most recently accredited 77879
the school for purposes of chartering the school in accordance 77880
with the rules of the state board, if applicable; 77881

(2) The school district that received auxiliary services 77882
funding under division (E) of section 3317.024 of the Revised Code 77883
on behalf of the students enrolled in the school. 77884

The school district that receives the records may charge for 77885
and receive a one-time reimbursement from auxiliary services 77886
funding under division (E) of section 3317.024 of the Revised Code 77887
for costs the district incurred to store the records. 77888

Sec. 3301.164. Each chartered nonpublic school shall publish 77889
on the school's web site both of the following: 77890

(A) The number of students enrolled in the school by the last 77891
day of October of the current school year; 77892

(B) The school's policy regarding background checks for 77893
teaching and nonteaching employees and for volunteers who have 77894
direct contact with students. 77895

This section shall not apply to accredited nonpublic schools 77896
described in section 3301.165 of the Revised Code. 77897

Sec. 3301.165. (A) The state board of education shall revoke 77898
the charter of any chartered nonpublic school that fails to do one 77899
of the following: 77900

(1) Comply with the operating standards for a school 77901
established under section 3301.07 of the Revised Code; 77902

(2) Maintain accreditation from an association, other than 77903
the independent schools association of the central states, whose 77904
standards have been approved by the state board; 77905

(3) Maintain accreditation from the independent schools 77906
association of the central states. The department of education 77907
shall designate a nonpublic school that maintains eligibility for 77908
a charter under division (A)(3) of this section as an "accredited 77909
nonpublic school." The department shall accept an affirmation of 77910
accreditation only from either the independent schools association 77911
of the central states or an organization recognized by the 77912
department that represents the independent schools association of 77913
the central states. 77914

(B) An accredited nonpublic school shall comply with the 77915
minimum education standards adopted by the state board under 77916
division (D)(2) of section 3301.07 of the Revised Code. However, 77917

the state board shall not prescribe additional operating standards 77918
for accredited nonpublic schools. Unless otherwise specifically 77919
required in the Revised Code, an accredited nonpublic school shall 77920
be exempt from any requirement to which a chartered nonpublic 77921
school is subject under Title XXXIII of the Revised Code. 77922

(C) To ensure that an accredited nonpublic school or a school 77923
in the process of being accredited by the independent schools 77924
association of the central states is providing an education of 77925
high quality, the department may do both of the following: 77926

(1) Send a representative to accompany an accrediting team 77927
from the independent schools association of the central states on 77928
any site visit to observe the activities and the report of the 77929
accrediting team; 77930

(2) Request a copy of the report by the independent schools 77931
association of the central states that is issued as part of the 77932
accreditation cycle of a school. 77933

(D) An accredited nonpublic school shall cooperate with the 77934
department in the department's execution of division (C) of this 77935
section. If an accredited nonpublic school fails to comply with 77936
this division, the department shall revoke the school's 77937
designation as an accredited nonpublic school, and the school 77938
shall be considered a chartered nonpublic school as long as it 77939
maintains eligibility for a charter under division (A)(1) or (2) 77940
of this section. 77941

(E) Any accredited nonpublic school that fails to maintain a 77942
full accreditation from the independent schools association of the 77943
central states shall be considered a chartered nonpublic school, 77944
as long as it maintains eligibility for a charter under division 77945
(A)(1) or (2) of this section, and shall be required to comply 77946
with all laws applicable to chartered nonpublic schools. 77947

(F) The department of education shall not create ratings or 77948

any type of report card for accredited nonpublic schools. 77949

Sec. 3301.52. As used in sections 3301.52 to 3301.59 of the Revised Code: 77950
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(A) "Preschool program" means either of the following: 77952

(1) A child care program for preschool children that is operated by a school district board of education or an eligible nonpublic school. 77953
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(2) A child care program for preschool children age three or older that is operated by a county board of developmental disabilities or a community school. 77956
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(B) "Preschool child" or "child" means a child who has not entered kindergarten and is not of compulsory school age. 77959
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(C) "Parent, guardian, or custodian" means the person or government agency that is or will be responsible for a child's school attendance under section 3321.01 of the Revised Code. 77961
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(D) "Superintendent" means the superintendent of a school district or the chief administrative officer of a community school or an eligible nonpublic school. 77964
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(E) "Director" means the director, head teacher, elementary principal, or site administrator who is the individual on site and responsible for supervision of a preschool program. 77967
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(F) "Preschool staff member" means a preschool employee whose primary responsibility is care, teaching, or supervision of preschool children. 77970
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(G) "Nonteaching employee" means a preschool program or school child program employee whose primary responsibilities are duties other than care, teaching, and supervision of preschool children or school children. 77973
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(H) "Eligible nonpublic school" means an accredited nonpublic 77977

school described in section 3301.165 of the Revised Code, a 77978
nonpublic school chartered as described in division (B)(8) of 77979
section 5104.02 of the Revised Code, or a nonpublic school 77980
chartered by the state board of education for any combination of 77981
grades one through twelve, regardless of whether it also offers 77982
kindergarten. 77983

(I) "School child program" means a child care program for 77984
only school children that is operated by a school district board 77985
of education, county board of developmental disabilities, 77986
community school, or eligible nonpublic school. 77987

(J) "School child" means a child who is enrolled in or is 77988
eligible to be enrolled in a grade of kindergarten or above but is 77989
less than fifteen years old. 77990

(K) "School child program staff member" means an employee 77991
whose primary responsibility is the care, teaching, or supervision 77992
of children in a school child program. 77993

(L) "Child care" means administering to the needs of infants, 77994
toddlers, preschool children, and school children outside of 77995
school hours by persons other than their parents or guardians, 77996
custodians, or relatives by blood, marriage, or adoption for any 77997
part of the twenty-four-hour day in a place or residence other 77998
than a child's own home. 77999

(M) "Child day-care center," "publicly funded child care," 78000
and "school-age child care center" have the same meanings as in 78001
section 5104.01 of the Revised Code. 78002

(N) "Community school" means either of the following: 78003

(1) A community school established under Chapter 3314. of the 78004
Revised Code that is sponsored by an entity that is rated 78005
"exemplary" under section 3314.016 of the Revised Code. 78006

(2) A community school established under Chapter 3314. of the 78007

Revised Code that has received, on its most recent report card, 78008
either of the following: 78009

(a) If the school offers any of grade levels four through 78010
twelve, a grade of "C" or better for the overall value-added 78011
progress dimension under division (C)(1)(e) of section 3302.03 of 78012
the Revised Code and for the performance index score under 78013
division (C)(1)(b) of section 3302.03 of the Revised Code; 78014

(b) If the school does not offer a grade level higher than 78015
three, a grade of "C" or better for making progress in improving 78016
literacy in grades kindergarten through three under division 78017
(C)(1)(g) of section 3302.03 of the Revised Code. 78018

Sec. 3301.541. (A)(1) The director, head teacher, elementary 78019
principal, or site administrator of a preschool program shall 78020
request the superintendent of the bureau of criminal 78021
identification and investigation to conduct a criminal records 78022
check with respect to any applicant who has applied to the 78023
preschool program for employment as a person responsible for the 78024
care, custody, or control of a child. If the applicant does not 78025
present proof that the applicant has been a resident of this state 78026
for the five-year period immediately prior to the date upon which 78027
the criminal records check is requested or does not provide 78028
evidence that within that five-year period the superintendent has 78029
requested information about the applicant from the federal bureau 78030
of investigation in a criminal records check, the director, head 78031
teacher, or elementary principal shall request that the 78032
superintendent obtain information from the federal bureau of 78033
investigation as a part of the criminal records check for the 78034
applicant. If the applicant presents proof that the applicant has 78035
been a resident of this state for that five-year period, the 78036
director, head teacher, or elementary principal may request that 78037
the superintendent include information from the federal bureau of 78038

investigation in the criminal records check. 78039

(2) Any director, head teacher, elementary principal, or site administrator required by division (A)(1) of this section to request a criminal records check shall provide to each applicant a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code, provide to each applicant a standard impression sheet to obtain fingerprint impressions prescribed pursuant to division (C)(2) of section 109.572 of the Revised Code, obtain the completed form and impression sheet from each applicant, and forward the completed form and impression sheet to the superintendent of the bureau of criminal identification and investigation at the time the person requests a criminal records check pursuant to division (A)(1) of this section. 78040
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(3) Any applicant who receives pursuant to division (A)(2) of this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a copy of an impression sheet prescribed pursuant to division (C)(2) of that section and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide all the information necessary to complete the form and provide the impression sheet with the impressions of the applicant's fingerprints. If an applicant, upon request, fails to provide the information necessary to complete the form or fails to provide impressions of the applicant's fingerprints, the preschool program shall not employ that applicant for any position for which a criminal records check is required by division (A)(1) of this section. 78052
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(B)(1) Except as provided in rules adopted by the department of education in accordance with division (E) of this section, no preschool program shall employ a person as a person responsible for the care, custody, or control of a child if the person previously has been convicted of or pleaded guilty to any of the 78066
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following: 78071

(a) A violation of section 2903.01, 2903.02, 2903.03, 78072
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 78073
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 78074
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 78075
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 78076
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 78077
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 78078
2925.06, or 3716.11 of the Revised Code, a violation of section 78079
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 78080
violation of section 2919.23 of the Revised Code that would have 78081
been a violation of section 2905.04 of the Revised Code as it 78082
existed prior to July 1, 1996, had the violation occurred prior to 78083
that date, a violation of section 2925.11 of the Revised Code that 78084
is not a minor drug possession offense, or felonious sexual 78085
penetration in violation of former section 2907.12 of the Revised 78086
Code; 78087

(b) A violation of an existing or former law of this state, 78088
any other state, or the United States that is substantially 78089
equivalent to any of the offenses or violations described in 78090
division (B)(1)(a) of this section. 78091

(2) A preschool program may employ an applicant conditionally 78092
until the criminal records check required by this section is 78093
completed and the preschool program receives the results of the 78094
criminal records check. If the results of the criminal records 78095
check indicate that, pursuant to division (B)(1) of this section, 78096
the applicant does not qualify for employment, the preschool 78097
program shall release the applicant from employment. 78098

(C)(1) Each preschool program shall pay to the bureau of 78099
criminal identification and investigation the fee prescribed 78100
pursuant to division (C)(3) of section 109.572 of the Revised Code 78101
for each criminal records check conducted in accordance with that 78102

section upon the request pursuant to division (A)(1) of this 78103
section of the director, head teacher, elementary principal, or 78104
site administrator of the preschool program. 78105

(2) A preschool program may charge an applicant a fee for the 78106
costs it incurs in obtaining a criminal records check under this 78107
section. A fee charged under this division shall not exceed the 78108
amount of fees the preschool program pays under division (C)(1) of 78109
this section. If a fee is charged under this division, the 78110
preschool program shall notify the applicant at the time of the 78111
applicant's initial application for employment of the amount of 78112
the fee and that, unless the fee is paid, the applicant will not 78113
be considered for employment. 78114

(D) The report of any criminal records check conducted by the 78115
bureau of criminal identification and investigation in accordance 78116
with section 109.572 of the Revised Code and pursuant to a request 78117
under division (A)(1) of this section is not a public record for 78118
the purposes of section 149.43 of the Revised Code and shall not 78119
be made available to any person other than the applicant who is 78120
the subject of the criminal records check or the applicant's 78121
representative, the preschool program requesting the criminal 78122
records check or its representative, and any court, hearing 78123
officer, or other necessary individual in a case dealing with the 78124
denial of employment to the applicant. 78125

(E) The department of education shall adopt rules pursuant to 78126
Chapter 119. of the Revised Code to implement this section, 78127
including rules specifying circumstances under which a preschool 78128
program may hire a person who has been convicted of an offense 78129
listed in division (B)(1) of this section but who meets standards 78130
in regard to rehabilitation set by the department. 78131

(F) Any person required by division (A)(1) of this section to 78132
request a criminal records check shall inform each person, at the 78133
time of the person's initial application for employment, that the 78134

person is required to provide a set of impressions of the person's fingerprints and that a criminal records check is required to be conducted and satisfactorily completed in accordance with section 109.572 of the Revised Code if the person comes under final consideration for appointment or employment as a precondition to employment for that position.

(G) As used in this section:

(1) "Applicant" means a person who is under final consideration for appointment or employment in a position with a preschool program as a person responsible for the care, custody, or control of a child, except that "applicant" does not include a person already employed by a board of education, community school, ~~or~~ chartered nonpublic school, or accredited nonpublic school described in section 3301.165 of the Revised Code in a position of care, custody, or control of a child who is under consideration for a different position with such board or school.

(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

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

(H) If the board of education of a local school district adopts a resolution requesting the assistance of the educational service center in which the local district has territory in conducting criminal records checks of substitute teachers under this section, the appointing or hiring officer of such educational service center governing board shall serve for purposes of this section as the appointing or hiring officer of the local board in the case of hiring substitute teachers for employment in the local district.

Sec. 3302.07. (A) The board of education of any school

district, the governing board of any educational service center, 78165
or the administrative authority of any chartered nonpublic school 78166
or any accredited nonpublic school described in section 3301.165 78167
of the Revised Code may submit to the state board of education an 78168
application proposing an innovative education pilot program the 78169
implementation of which requires exemptions from specific 78170
statutory provisions or rules. If a district or service center 78171
board employs teachers under a collective bargaining agreement 78172
adopted pursuant to Chapter 4117. of the Revised Code, any 78173
application submitted under this division shall include the 78174
written consent of the teachers' employee representative 78175
designated under division (B) of section 4117.04 of the Revised 78176
Code. The exemptions requested in the application shall be limited 78177
to any requirement of Title XXXIII of the Revised Code or of any 78178
rule of the state board adopted pursuant to that title except that 78179
the application may not propose an exemption from any requirement 78180
of or rule adopted pursuant to Chapter 3307. or 3309., sections 78181
3319.07 to 3319.21, or Chapter 3323. of the Revised Code. 78182
Furthermore, an exemption from any operating standard adopted 78183
under division (B)(2) or (D) of section 3301.07 of the Revised 78184
Code shall be granted only pursuant to a waiver granted by the 78185
superintendent of public instruction under division (O) of that 78186
section. 78187

(B) The state board of education shall accept any application 78188
submitted in accordance with division (A) of this section. The 78189
superintendent of public instruction shall approve or disapprove 78190
the application in accordance with standards for approval, which 78191
shall be adopted by the state board. 78192

(C) The superintendent of public instruction shall exempt 78193
each district or service center board or chartered or accredited 78194
nonpublic school administrative authority with an application 78195
approved under division (B) of this section for a specified period 78196

from the statutory provisions or rules specified in the approved 78197
application. The period of exemption shall not exceed the period 78198
during which the pilot program proposed in the application is 78199
being implemented and a reasonable period to allow for evaluation 78200
of the effectiveness of the program. 78201

Sec. 3302.41. As used in this section, "blended learning" has 78202
the same meaning as in section 3301.079 of the Revised Code. 78203

(A) Any local, city, exempted village, or joint vocational 78204
school district, community school established under Chapter 3314. 78205
of the Revised Code, STEM school established under Chapter 3326. 78206
of the Revised Code, college-preparatory boarding school 78207
established under Chapter 3328. of the Revised Code, ~~or~~ chartered 78208
nonpublic school, or accredited nonpublic school described in 78209
section 3301.165 of the Revised Code may operate all or part of a 78210
school using a blended learning model. If a school is operated 78211
using a blended learning model or is to cease operating using a 78212
blended learning model, the superintendent of the school or 78213
district or director of the school shall notify the department of 78214
education of that fact not later than the first day of July of the 78215
school year for which the change is effective. If any school 78216
district school, community school, or STEM school is already 78217
operated using a blended learning model on ~~the effective date of~~ 78218
~~this section~~ September 24, 2012, the superintendent of the school 78219
or district may notify the department within ninety days after ~~the~~ 78220
~~effective date of this section~~ by December 23, 2012, of that fact 78221
and request that the school be classified as a blended learning 78222
school. 78223

(B) The state board of education shall revise any operating 78224
standards for school districts and chartered nonpublic schools 78225
adopted under section 3301.07 of the Revised Code to include 78226
standards for the operation of blended learning under this 78227

section. The blended learning operation standards shall provide 78228
for all of the following: 78229

(1) Student-to-teacher ratios whereby no school or classroom 78230
is required to have more than one teacher for every one hundred 78231
twenty-five students in blended learning classrooms; 78232

(2) The extent to which the school is or is not obligated to 78233
provide students with access to digital learning tools; 78234

(3) The ability of all students, at any grade level, to earn 78235
credits or advance grade levels upon demonstrating mastery of 78236
knowledge or skills through competency-based learning models. 78237
Credits or grade level advancement shall not be based on a minimum 78238
number of days or hours in a classroom. 78239

(4) An exemption from minimum school year or school day 78240
requirements in sections 3313.48 and 3313.481 of the Revised Code; 78241

(5) Adequate provisions for: the licensing of teachers, 78242
administrators, and other professional personnel and their 78243
assignment according to training and qualifications; efficient and 78244
effective instructional materials and equipment, including library 78245
facilities; the proper organization, administration, and 78246
supervision of each school, including regulations for preparing 78247
all necessary records and reports and the preparation of a 78248
statement of policies and objectives for each school; buildings, 78249
grounds, and health and sanitary facilities and services; 78250
admission of pupils, and such requirements for their promotion 78251
from grade to grade as will ensure that they are capable and 78252
prepared for the level of study to which they are certified; 78253
requirements for graduation; and such other factors as the board 78254
finds necessary. 78255

(C) An internet- or computer-based community school, as 78256
defined in section 3314.02 of the Revised Code, is not a blended 78257
learning school authorized under this section. Nor does this 78258

section affect any provisions for the operation of and payments to 78259
an internet- or computer-based community school prescribed in 78260
Chapter 3314. of the Revised Code. 78261

Sec. 3310.01. As used in sections 3310.01 to 3310.17 of the 78262
Revised Code: 78263

(A) "Chartered nonpublic school" ~~means a~~ includes both of the 78264
following: 78265

(1) A nonpublic school that holds a valid charter issued by 78266
the state board of education under section 3301.16 of the Revised 78267
Code and meets the standards established for such schools in rules 78268
adopted by the state board; 78269

(2) An accredited nonpublic school as described in section 78270
3301.165 of the Revised Code. 78271

(B) An "eligible student" is a student who satisfies the 78272
conditions specified in section 3310.03 or 3310.032 of the Revised 78273
Code. 78274

(C) "Parent" has the same meaning as in section 3313.98 of 78275
the Revised Code. 78276

(D) "Resident district" means the school district in which a 78277
student is entitled to attend school under section 3313.64 or 78278
3313.65 of the Revised Code. 78279

(E) "School year" has the same meaning as in section 3313.62 78280
of the Revised Code. 78281

Sec. 3312.01. (A) The educational regional service system is 78282
hereby established. The system shall support state and regional 78283
education initiatives and efforts to improve school effectiveness 78284
and student achievement. Services, including special education and 78285
related services, shall be provided under the system to school 78286
districts, community schools established under Chapter 3314. of 78287

the Revised Code, ~~and~~ chartered nonpublic schools, and accredited 78288
nonpublic schools described in section 3301.165 of the Revised 78289
Code. 78290

It is the intent of the general assembly that the educational 78291
regional service system reduce the unnecessary duplication of 78292
programs and services and provide for a more streamlined and 78293
efficient delivery of educational services without reducing the 78294
availability of the services needed by school districts and 78295
schools. 78296

(B) The educational regional service system shall consist of 78297
the following: 78298

(1) The advisory councils and subcommittees established under 78299
sections 3312.03 and 3312.05 of the Revised Code; 78300

(2) A fiscal agent for each of the regions as configured 78301
under section 3312.02 of the Revised Code; 78302

(3) Educational service centers, information technology 78303
centers established under section 3301.075 of the Revised Code, 78304
and other regional education service providers. 78305

(C) Educational service centers shall provide the services 78306
that they are specifically required to provide by the Revised Code 78307
and may enter into agreements pursuant to section 3313.843, 78308
3313.844, or 3313.845 of the Revised Code for the provision of 78309
other services, which may include any of the following: 78310

(1) Assistance in improving student performance; 78311

(2) Services to enable a school district or school to operate 78312
more efficiently or economically; 78313

(3) Professional development for teachers or administrators; 78314

(4) Assistance in the recruitment and retention of teachers 78315
and administrators; 78316

(5) Any other educational, administrative, or operational services. 78317
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In addition to implementing state and regional education initiatives and school improvement efforts under the educational regional service system, educational service centers shall implement state or federally funded initiatives assigned to the service centers by the general assembly or the department of education. 78319
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Any educational service center selected to be a fiscal agent for its region pursuant to section 3312.07 of the Revised Code shall continue to operate as an educational service center for the part of the region that comprises its territory. 78325
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(D) Information technology centers may enter into agreements for the provision of services pursuant to section 3312.10 of the Revised Code. 78329
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(E) No school district, community school, or chartered or accredited nonpublic school shall be required to purchase services from an educational service center or information technology center in the region in which the district or school is located, except that a local school district shall receive any services required by the Revised Code to be provided by an educational service center to the local school districts in its territory from the educational service center in whose territory the district is located. 78332
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Sec. 3312.04. The advisory council of each region of the educational regional service system shall do all of the following: 78341
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(A) Identify regional needs and priorities for educational services to inform the department of education in the development of the performance contracts entered into by the fiscal agent of the region under section 3312.08 of the Revised Code; 78343
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(B) Develop policies to coordinate the delivery of services 78347
to school districts, community schools, and chartered and 78348
accredited nonpublic schools in a manner that responds to regional 78349
needs and priorities. Such policies shall not supersede any 78350
requirement of a performance contract entered into by the fiscal 78351
agent of the region under section 3312.08 of the Revised Code. 78352

(C) Make recommendations to the fiscal agent for the region 78353
regarding the expenditure of funds available to the region for 78354
implementation of state and regional education initiatives and 78355
school improvement efforts; 78356

(D) Monitor implementation of state and regional education 78357
initiatives and school improvement efforts by educational service 78358
centers, information technology centers, and other regional 78359
service providers to ensure that the terms of the performance 78360
contracts entered into by the fiscal agent for the region under 78361
section 3312.08 of the Revised Code are being met; 78362

(E) Establish an accountability system to evaluate the 78363
advisory council on its performance of the duties described in 78364
divisions (A) to (D) of this section. 78365

Sec. 3312.05. (A) The advisory council of each region of the 78366
educational regional service system shall establish the following 78367
specialized subcommittees of the council: 78368

(1) A school improvement subcommittee, which shall include 78369
one classroom teacher appointed jointly by the Ohio education 78370
association and the Ohio federation of teachers and 78371
representatives of community schools and education personnel with 78372
expertise in the area of school improvement; 78373

(2) An education technology subcommittee, which shall include 78374
classroom teachers or curriculum coordinators, parents, elementary 78375
and secondary school principals, representatives of chartered or 78376

accredited nonpublic schools, representatives of information 78377
technology centers, representatives of business, and 78378
representatives of two-year and four-year institutions of higher 78379
education; 78380

(3) A professional development subcommittee, which shall 78381
include classroom teachers, principals, school district 78382
superintendents, curriculum coordinators, representatives of 78383
chartered or accredited nonpublic schools, and representatives of 78384
two-year and four-year institutions of higher education; 78385

(4) A special education subcommittee, which shall consist of 78386
one classroom teacher appointed jointly by the Ohio education 78387
association and the Ohio federation of teachers and the members of 78388
the governing board of the special education regional resource 78389
center in the region; 78390

(5) An information technology center subcommittee, which 78391
shall consist of one classroom teacher appointed jointly by the 78392
Ohio education association and the Ohio federation of teachers; 78393
the administrator, or the administrator's designee, of each 78394
information technology center providing services in the region; 78395
and two school district administrators appointed by each 78396
information technology center providing services in the region. 78397

(B) The advisory council shall appoint persons who reside or 78398
practice their occupations in the region to serve on the 78399
subcommittees established under divisions (A)(1) to (3) of this 78400
section. If the advisory council is unable to appoint such a 78401
person to a subcommittee, the council shall appoint a similarly 78402
situated person from an adjacent region. 78403

(C) An advisory council may establish additional 78404
subcommittees as needed to address topics of interest to the 78405
council. Members of any additional subcommittee shall be appointed 78406
by the advisory council and shall include a diverse range of 78407

classroom teachers and other education personnel with expertise in 78408
the topic addressed by the subcommittee and representatives of 78409
individuals or groups with an interest in the topic. 78410

(D) Any member of an advisory council may participate in the 78411
deliberations of any subcommittee established by the council. 78412

Sec. 3312.09. (A) Each performance contract entered into by 78413
the department of education and the fiscal agent of a region for 78414
implementation of a state or regional education initiative or 78415
school improvement effort shall include the following: 78416

(1) An explanation of how the regional needs and priorities 78417
for educational services have been identified by the advisory 78418
council of the region, the advisory council's subcommittees, and 78419
the department; 78420

(2) A definition of the services to be provided to school 78421
districts, community schools, and chartered and accredited 78422
nonpublic schools in the region, including any services provided 78423
pursuant to division (A) of section 3302.04 of the Revised Code; 78424

(3) Expected outcomes from the provision of the services 78425
defined in the contract; 78426

(4) The method the department will use to evaluate whether 78427
the expected outcomes have been achieved; 78428

(5) A requirement that the fiscal agent develop and implement 78429
a corrective action plan if the results of the evaluation are 78430
unsatisfactory; 78431

(6) Data reporting requirements; 78432

(7) The aggregate fees to be charged by the fiscal agent and 78433
any entity with which it subcontracts to cover personnel and 78434
program costs associated with administering the contract, which 78435
fees shall be subject to controlling board approval if in excess 78436
of four per cent of the value of the contract. 78437

(B) Upon completion of each evaluation described in a 78438
performance contract, the department shall post the results of 78439
that evaluation on its web site. 78440

Sec. 3313.41. (A) Except as provided in divisions (C), (D), 78441
and (F) of this section and in sections 3313.412 and 3313.413 of 78442
the Revised Code, when a board of education decides to dispose of 78443
real or personal property that it owns in its corporate capacity 78444
and that exceeds in value ten thousand dollars, it shall sell the 78445
property at public auction, after giving at least thirty days' 78446
notice of the auction by publication in a newspaper of general 78447
circulation in the school district, by publication as provided in 78448
section 7.16 of the Revised Code, or by posting notices in five of 78449
the most public places in the school district in which the 78450
property, if it is real property, is situated, or, if it is 78451
personal property, in the school district of the board of 78452
education that owns the property. The board may offer real 78453
property for sale as an entire tract or in parcels. 78454

(B) When the board of education has offered real or personal 78455
property for sale at public auction at least once pursuant to 78456
division (A) of this section, and the property has not been sold, 78457
the board may sell it at a private sale. Regardless of how it was 78458
offered at public auction, at a private sale, the board shall, as 78459
it considers best, sell real property as an entire tract or in 78460
parcels, and personal property in a single lot or in several lots. 78461

(C) If a board of education decides to dispose of real or 78462
personal property that it owns in its corporate capacity and that 78463
exceeds in value ten thousand dollars, it may sell the property to 78464
the adjutant general; to any subdivision or taxing authority as 78465
respectively defined in section 5705.01 of the Revised Code, 78466
township park district, board of park commissioners established 78467
under Chapter 755. of the Revised Code, or park district 78468

established under Chapter 1545. of the Revised Code; to a wholly 78469
or partially tax-supported university, university branch, or 78470
college; to a nonprofit institution of higher education that has a 78471
certificate of authorization under Chapter 1713. of the Revised 78472
Code; to the governing authority of a chartered nonpublic school 78473
or an accredited nonpublic school described in section 3301.165 of 78474
the Revised Code; or to the board of trustees of a school district 78475
library, upon such terms as are agreed upon. The sale of real or 78476
personal property to the board of trustees of a school district 78477
library is limited, in the case of real property, to a school 78478
district library within whose boundaries the real property is 78479
situated, or, in the case of personal property, to a school 78480
district library whose boundaries lie in whole or in part within 78481
the school district of the selling board of education. 78482

(D) When a board of education decides to trade as a part or 78483
an entire consideration, an item of personal property on the 78484
purchase price of an item of similar personal property, it may 78485
trade the same upon such terms as are agreed upon by the parties 78486
to the trade. 78487

(E) The president and the treasurer of the board of education 78488
shall execute and deliver deeds or other necessary instruments of 78489
conveyance to complete any sale or trade under this section. 78490

(F) When a board of education has identified a parcel of real 78491
property that it determines is needed for school purposes, the 78492
board may, upon a majority vote of the members of the board, 78493
acquire that property by exchanging real property that the board 78494
owns in its corporate capacity for the identified real property or 78495
by using real property that the board owns in its corporate 78496
capacity as part or an entire consideration for the purchase price 78497
of the identified real property. Any exchange or acquisition made 78498
pursuant to this division shall be made by a conveyance executed 78499
by the president and the treasurer of the board. 78500

(G) When a school district board of education has property 78501
that the board, by resolution, finds is not needed for school 78502
district use, is obsolete, or is unfit for the use for which it 78503
was acquired, the board may donate that property in accordance 78504
with this division if the fair market value of the property is, in 78505
the opinion of the board, two thousand five hundred dollars or 78506
less. 78507

The property may be donated to an eligible nonprofit 78508
organization that is located in this state and is exempt from 78509
federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 78510
Before donating any property under this division, the board shall 78511
adopt a resolution expressing its intent to make unneeded, 78512
obsolete, or unfit-for-use school district property available to 78513
these organizations. The resolution shall include guidelines and 78514
procedures the board considers to be necessary to implement the 78515
donation program and shall indicate whether the school district 78516
will conduct the donation program or the board will contract with 78517
a representative to conduct it. If a representative is known when 78518
the resolution is adopted, the resolution shall provide contact 78519
information such as the representative's name, address, and 78520
telephone number. 78521

The resolution shall include within its procedures a 78522
requirement that any nonprofit organization desiring to obtain 78523
donated property under this division shall submit a written notice 78524
to the board or its representative. The written notice shall 78525
include evidence that the organization is a nonprofit organization 78526
that is located in this state and is exempt from federal income 78527
taxation pursuant to 26 U.S.C. 501(a) and (c)(3); a description of 78528
the organization's primary purpose; a description of the type or 78529
types of property the organization needs; and the name, address, 78530
and telephone number of a person designated by the organization's 78531
governing board to receive donated property and to serve as its 78532

agent. 78533

After adoption of the resolution, the board shall publish, in 78534
a newspaper of general circulation in the school district or as 78535
provided in section 7.16 of the Revised Code, notice of its intent 78536
to donate unneeded, obsolete, or unfit-for-use school district 78537
property to eligible nonprofit organizations. The notice shall 78538
include a summary of the information provided in the resolution 78539
and shall be published twice. The second notice shall be published 78540
not less than ten nor more than twenty days after the previous 78541
notice. A similar notice also shall be posted continually in the 78542
board's office. If the school district maintains a web site on the 78543
internet, the notice shall be posted continually at that web site. 78544

The board or its representatives shall maintain a list of all 78545
nonprofit organizations that notify the board or its 78546
representative of their desire to obtain donated property under 78547
this division and that the board or its representative determines 78548
to be eligible, in accordance with the requirements set forth in 78549
this section and in the donation program's guidelines and 78550
procedures, to receive donated property. 78551

The board or its representative also shall maintain a list of 78552
all school district property the board finds to be unneeded, 78553
obsolete, or unfit for use and to be available for donation under 78554
this division. The list shall be posted continually in a 78555
conspicuous location in the board's office, and, if the school 78556
district maintains a web site on the internet, the list shall be 78557
posted continually at that web site. An item of property on the 78558
list shall be donated to the eligible nonprofit organization that 78559
first declares to the board or its representative its desire to 78560
obtain the item unless the board previously has established, by 78561
resolution, a list of eligible nonprofit organizations that shall 78562
be given priority with respect to the item's donation. Priority 78563
may be given on the basis that the purposes of a nonprofit 78564

organization have a direct relationship to specific school 78565
district purposes of programs provided or administered by the 78566
board. A resolution giving priority to certain nonprofit 78567
organizations with respect to the donation of an item of property 78568
shall specify the reasons why the organizations are given that 78569
priority. 78570

Members of the board shall consult with the Ohio ethics 78571
commission, and comply with Chapters 102. and 2921. of the Revised 78572
Code, with respect to any donation under this division to a 78573
nonprofit organization of which a board member, any member of a 78574
board member's family, or any business associate of a board member 78575
is a trustee, officer, board member, or employee. 78576

Sec. 3313.48. (A) The board of education of each city, 78577
exempted village, local, and joint vocational school district 78578
shall provide for the free education of the youth of school age 78579
within the district under its jurisdiction, at such places as will 78580
be most convenient for the attendance of the largest number 78581
thereof. Each school so provided ~~and~~, each chartered nonpublic 78582
school, and each accredited nonpublic school described in section 78583
3301.165 of the Revised Code shall be open for instruction with 78584
pupils in attendance, including scheduled classes, supervised 78585
activities, and approved education options but excluding lunch and 78586
breakfast periods and extracurricular activities, for not less 78587
than four hundred fifty-five hours in the case of pupils in 78588
kindergarten unless such pupils are provided all-day kindergarten, 78589
as defined in section 3321.05 of the Revised Code, in which case 78590
the pupils shall be in attendance for nine hundred ten hours; nine 78591
hundred ten hours in the case of pupils in grades one through six; 78592
and one thousand one hours in the case of pupils in grades seven 78593
through twelve in each school year, which may include all of the 78594
following: 78595

(1) Up to the equivalent of two school days per year during 78596
which pupils would otherwise be in attendance but are not required 78597
to attend for the purpose of individualized parent-teacher 78598
conferences and reporting periods; 78599

(2) Up to the equivalent of two school days per year during 78600
which pupils would otherwise be in attendance but are not required 78601
to attend for professional meetings of teachers; 78602

(3) Morning and afternoon recess periods of not more than 78603
fifteen minutes duration per period for pupils in grades 78604
kindergarten through six. 78605

(B) Not later than thirty days prior to adopting a school 78606
calendar, the board of education of each city, exempted village, 78607
and local school district shall hold a public hearing on the 78608
school calendar, addressing topics that include, but are not 78609
limited to, the total number of hours in a school year, length of 78610
school day, and beginning and end dates of instruction. 78611

(C) No school operated by a city, exempted village, local, or 78612
joint vocational school district shall reduce the number of hours 78613
in each school year that the school is scheduled to be open for 78614
instruction from the number of hours per year the school was open 78615
for instruction during the previous school year unless the 78616
reduction is approved by a resolution adopted by the district 78617
board of education. Any reduction so approved shall not result in 78618
fewer hours of instruction per school year than the applicable 78619
number of hours required under division (A) of this section. 78620

(D) Prior to making any change in the hours or days in which 78621
a high school under its jurisdiction is open for instruction, the 78622
board of education of each city, exempted village, and local 78623
school district shall consider the compatibility of the proposed 78624
change with the scheduling needs of any joint vocational school 78625
district in which any of the high school's students are also 78626

enrolled. The board shall consider the impact of the proposed 78627
change on student access to the instructional programs offered by 78628
the joint vocational school district, incentives for students to 78629
participate in career-technical education, transportation, and the 78630
timing of graduation. The board shall provide the joint vocational 78631
school district board with advance notice of the proposed change 78632
and the two boards shall enter into a written agreement 78633
prescribing reasonable accommodations to meet the scheduling needs 78634
of the joint vocational school district prior to implementation of 78635
the change. 78636

(E) Prior to making any change in the hours or days in which 78637
a school under its jurisdiction is open for instruction, the board 78638
of education of each city, exempted village, and local school 78639
district shall consider the compatibility of the proposed change 78640
with the scheduling needs of any community school established 78641
under Chapter 3314. of the Revised Code to which the district is 78642
required to transport students under sections 3314.09 and 3327.01 78643
of the Revised Code. The board shall consider the impact of the 78644
proposed change on student access to the instructional programs 78645
offered by the community school, transportation, and the timing of 78646
graduation. The board shall provide the sponsor, governing 78647
authority, and operator of the community school with advance 78648
notice of the proposed change, and the board and the governing 78649
authority, or operator if such authority is delegated to the 78650
operator, shall enter into a written agreement prescribing 78651
reasonable accommodations to meet the scheduling needs of the 78652
community school prior to implementation of the change. 78653

(F) Prior to making any change in the hours or days in which 78654
the schools under its jurisdiction are open for instruction, the 78655
board of education of each city, exempted village, and local 78656
school district shall consult with the chartered and accredited 78657
nonpublic schools to which the district is required to transport 78658

students under section 3327.01 of the Revised Code and shall 78659
consider the effect of the proposed change on the schedule for 78660
transportation of those students to their nonpublic schools. The 78661
governing authority of a chartered or an accredited nonpublic 78662
school shall consult with each school district board of education 78663
that transports students to the chartered nonpublic school under 78664
section 3327.01 of the Revised Code prior to making any change in 78665
the hours or days in which the nonpublic school is open for 78666
instruction. 78667

(G) The state board of education shall not adopt or enforce 78668
any rule or standard that imposes on chartered or accredited 78669
nonpublic schools the procedural requirements imposed on school 78670
districts by divisions (B), (C), (D), and (E) of this section. 78671

Sec. 3313.481. Wherever in Title XXXIII of the Revised Code 78672
the term "school day" is used, unless otherwise specified, that 78673
term shall be construed to mean the time during a calendar day 78674
that a school is open for instruction pursuant to the schedule 78675
adopted by the board of education of the school district or the 78676
governing authority of the chartered or accredited nonpublic 78677
school in accordance with section 3313.48 of the Revised Code. 78678

Sec. 3313.482. (A)(1) Prior to the first day of August of 78679
each school year, the board of education of any school district 78680
~~or~~, the governing authority of any chartered nonpublic school, or 78681
the governing authority of an accredited nonpublic school 78682
described in section 3301.165 of the Revised Code may adopt a plan 78683
to require students to access and complete classroom lessons 78684
posted on the district's or nonpublic school's web portal or web 78685
site in order to make up hours in that school year on which it is 78686
necessary to close schools for disease epidemic, hazardous weather 78687
conditions, law enforcement emergencies, inoperability of school 78688
buses or other equipment necessary to the school's operation, 78689

damage to a school building, or other temporary circumstances due 78690
to utility failure rendering the school building unfit for school 78691
use. 78692

Prior to the first day of August of each school year, the 78693
governing authority of any community school established under 78694
Chapter 3314. that is not an internet- or computer-based community 78695
school, as defined in section 3314.02 of the Revised Code, may 78696
adopt a plan to require students to access and complete classroom 78697
lessons posted on the school's web portal or web site in order to 78698
make up hours in that school year on which it is necessary to 78699
close the school for any of the reasons specified in division 78700
(H)(4) of section 3314.08 of the Revised Code so that the school 78701
is in compliance with the minimum number of hours required under 78702
Chapter 3314. of the Revised Code. 78703

A plan adopted by a school district board, chartered 78704
nonpublic school governing authority, accredited nonpublic school 78705
governing authority, or community school governing authority shall 78706
provide for making up any number of hours, up to a maximum of the 78707
number of hours that are the equivalent of three school days. 78708

(2) Each plan adopted under this section by a school district 78709
board of education shall include the written consent of the 78710
teachers' employee representative designated under division (B) of 78711
section 4117.04 of the Revised Code. 78712

(3) Each plan adopted under this section shall provide for 78713
the following: 78714

(a) Not later than the first day of November of the school 78715
year, each classroom teacher shall develop a sufficient number of 78716
lessons for each course taught by the teacher that school year to 78717
cover the number of make-up hours specified in the plan. The 78718
teacher shall designate the order in which the lessons are to be 78719
posted on the district's, community school's, or nonpublic 78720

school's web portal or web site in the event of a school closure. 78721
Teachers may be granted up to one professional development day to 78722
create lesson plans for those lessons. 78723

(b) To the extent possible and necessary, a classroom teacher 78724
shall update or replace, based on current instructional progress, 78725
one or more of the lesson plans developed under division (A)(3)(a) 78726
of this section before they are posted on the web portal or web 78727
site under division (A)(3)(c) of this section or distributed under 78728
division (B) of this section. 78729

(c) As soon as practicable after a school closure, a district 78730
or school employee responsible for web portal or web site 78731
operations shall make the designated lessons available to students 78732
on the district's, community school's, or nonpublic school's 78733
portal or site. A lesson shall be posted for each course that was 78734
scheduled to meet on the day or hours of the closure. 78735

(d) Each student enrolled in a course for which a lesson is 78736
posted on the portal or site shall be granted a two-week period 78737
from the date of posting to complete the lesson. The student's 78738
classroom teacher shall grade the lesson in the same manner as 78739
other lessons. The student may receive an incomplete or failing 78740
grade if the lesson is not completed on time. 78741

(e) If a student does not have access to a computer at the 78742
student's residence and the plan does not include blizzard bags 78743
under division (B) of this section, the student shall be permitted 78744
to work on the posted lessons at school after the student's school 78745
reopens. If the lessons were posted prior to the reopening, the 78746
student shall be granted a two-week period from the date of the 78747
reopening, rather than from the date of posting as otherwise 78748
required under division (A)(3)(d) of this section, to complete the 78749
lessons. The district board or community school or nonpublic 78750
school governing authority may provide the student access to a 78751
computer before, during, or after the regularly scheduled school 78752

day or may provide a substantially similar paper lesson in order 78753
to complete the lessons. 78754

(B)(1) In addition to posting classroom lessons online under 78755
division (A) of this section, the board of education of any school 78756
district or governing authority of any community, accredited, or 78757
chartered nonpublic school may include in the plan distribution of 78758
"blizzard bags," which are paper copies of the lessons posted 78759
online. 78760

(2) If a school opts to use blizzard bags, teachers shall 78761
prepare paper copies in conjunction with the lessons to be posted 78762
online and update the paper copies whenever the teacher updates 78763
the online lesson plans. 78764

(3) The board of education of any school district or 78765
governing authority of any community, accredited, or chartered 78766
nonpublic school that opts to use blizzard bags shall specify in 78767
the plan the method of distribution of blizzard bag lessons, which 78768
may include, but not be limited to, requiring distribution by a 78769
specific deadline or requiring distribution prior to anticipated 78770
school closure as directed by the superintendent of a school 78771
district or the principal, director, chief administrative officer, 78772
or the equivalent, of a school. 78773

(4) Students shall turn in completed lessons in accordance 78774
with division (A)(3)(d) of this section. 78775

(C)(1) No school district that implements a plan in 78776
accordance with this section shall be considered to have failed to 78777
comply with division (B) of section 3317.01 of the Revised Code 78778
with respect to the number of make-up hours specified in the plan. 78779

(2) No community school that implements a plan in accordance 78780
with this section shall be considered to have failed to comply 78781
with the minimum number of hours required under Chapter 3314. of 78782
the Revised Code with respect to the number of make-up hours 78783

specified in the plan. 78784

Sec. 3313.536. (A) As used in this section: 78785

(1) "Administrator" means the superintendent, principal, 78786
chief administrative officer, or other person having supervisory 78787
authority of any of the following: 78788

(a) A city, exempted village, local, or joint vocational 78789
school district; 78790

(b) A community school established under Chapter 3314. of the 78791
Revised Code, as required through reference in division (A)(11)(d) 78792
of section 3314.03 of the Revised Code; 78793

(c) A STEM school established under Chapter 3326. of the 78794
Revised Code, as required through reference in section 3326.11 of 78795
the Revised Code; 78796

(d) A college-preparatory boarding school established under 78797
Chapter 3328. of the Revised Code; 78798

(e) A district or school operating a career-technical 78799
education program approved by the department of education under 78800
section 3317.161 of the Revised Code; 78801

(f) A chartered nonpublic school; 78802

(g) An accredited nonpublic school described in section 78803
3301.165 of the Revised Code; 78804

(h) An educational service center; 78805

~~(h)~~(i) A preschool program or school-age child care program 78806
licensed by the department of education; 78807

~~(i)~~(j) Any other facility that primarily provides educational 78808
services to children subject to regulation by the department of 78809
education. 78810

(2) "Emergency management test" means a regularly scheduled 78811

drill, exercise, or activity designed to assess and evaluate an emergency management plan under this section.

(3) "Building" means any school, school building, facility, program, or center.

(B)(1) Each administrator shall develop and adopt a comprehensive emergency management plan, in accordance with rules adopted by the state board of education pursuant to division (F) of this section, for each building under the administrator's control. The administrator shall examine the environmental conditions and operations of each building to determine potential hazards to student and staff safety and shall propose operating changes to promote the prevention of potentially dangerous problems and circumstances. In developing the plan for each building, the administrator shall involve community law enforcement and safety officials, parents of students who are assigned to the building, and teachers and nonteaching employees who are assigned to the building. The administrator shall incorporate remediation strategies into the plan for any building where documented safety problems have occurred.

(2) Each administrator shall also incorporate into the emergency management plan adopted under division (B)(1) of this section all of the following:

(a) A protocol for addressing serious threats to the safety of property, students, employees, or administrators;

(b) A protocol for responding to any emergency events that occur and compromise the safety of property, students, employees, or administrators. This protocol shall include, but not be limited to, all of the following:

(i) A floor plan that is unique to each floor of the building;

(ii) A site plan that includes all building property and

surrounding property; 78843

(iii) An emergency contact information sheet. 78844

(3) Each protocol described in divisions (B)(2)(a) and (b) of 78845
this section shall include procedures determined to be appropriate 78846
by the administrator for responding to threats and emergency 78847
events, respectively, including such things as notification of 78848
appropriate law enforcement personnel, calling upon specified 78849
emergency response personnel for assistance, and informing parents 78850
of affected students. 78851

Prior to the opening day of each school year, the 78852
administrator shall inform each student or child enrolled in the 78853
school and the student's or child's parent of the parental 78854
notification procedures included in the protocol. 78855

(4) Each administrator shall keep a copy of the emergency 78856
management plan adopted pursuant to this section in a secure 78857
place. 78858

(C)(1) The administrator shall submit to the department of 78859
education, in accordance with rules adopted by the state board of 78860
education pursuant to division (F) of this section, an electronic 78861
copy of the emergency management plan prescribed by division (B) 78862
of this section not less than once every three years, whenever a 78863
major modification to the building requires changes in the 78864
procedures outlined in the plan, and whenever information on the 78865
emergency contact information sheet changes. 78866

(2) The administrator also shall file a copy of the plan with 78867
each law enforcement agency that has jurisdiction over the school 78868
building and, upon request, to any of the following: 78869

(a) The fire department that serves the political subdivision 78870
in which the building is located; 78871

(b) The emergency medical service organization that serves 78872

the political subdivision in which the building is located; 78873

(c) The county emergency management agency for the county in 78874
which the building is located. 78875

(3) Upon receipt of an emergency management plan, the 78876
department of education shall submit the information in accordance 78877
with rules adopted by the state board of education pursuant to 78878
division (F) of this section, to both of the following: 78879

(a) The attorney general, who shall post that information on 78880
the Ohio law enforcement gateway or its successor; 78881

(b) The director of public safety, who shall post the 78882
information on the contact and information management system. 78883

(4) Any department or entity to which copies of an emergency 78884
management plan are filed under this section shall keep the copies 78885
in a secure place. 78886

(D)(1) Not later than the first day of July of each year, 78887
each administrator shall review the emergency management plan and 78888
certify to the department of education that the plan is current 78889
and accurate. 78890

(2) Anytime that an administrator updates the emergency 78891
management plan pursuant to division (C)(1) of this section, the 78892
administrator shall file copies, not later than the tenth day 78893
after the revision is adopted and in accordance with rules adopted 78894
by the state board pursuant to division (F) of this section, to 78895
the department of education and to any entity with which the 78896
administrator filed a copy under division (C)(2) of this section. 78897

(E) Each administrator shall do both of the following: 78898

(1) Prepare and conduct at least one annual emergency 78899
management test, as defined in division (A)(2) of this section, in 78900
accordance with rules adopted by the state board pursuant to 78901
division (F) of this section; 78902

(2) Grant access to each building under the control of the administrator to law enforcement personnel and to entities described in division (C)(2) of this section, to enable the personnel and entities to hold training sessions for responding to threats and emergency events affecting the building, provided that the access occurs outside of student instructional hours and the administrator, or the administrator's designee, is present in the building during the training sessions.

(F) The state board of education, in accordance with Chapter 119. of the Revised Code, shall adopt rules regarding emergency management plans under this section, including the content of the plans and procedures for filing the plans. The rules shall specify that plans and information required under division (B) of this section be submitted on standardized forms developed by the department of education for such purpose. The rules shall also specify the requirements and procedures for emergency management tests conducted pursuant to division (E)(1) of this section. Failure to comply with the rules may result in discipline pursuant to section 3319.31 of the Revised Code or any other action against the administrator as prescribed by rule.

(G) Division (B) of section 3319.31 of the Revised Code applies to any administrator who is subject to the requirements of this section and is not exempt under division (H) of this section and who is an applicant for a license or holds a license from the state board pursuant to section 3319.22 of the Revised Code.

(H) The superintendent of public instruction may exempt any administrator from the requirements of this section, if the superintendent determines that the requirements do not otherwise apply to a building or buildings under the control of that administrator.

(I) Copies of the emergency management plan and information required under division (B) of this section are security records

and are not public records pursuant to section 149.433 of the Revised Code. In addition, the information posted to the contact and information management system, pursuant to division (C)(3)(b) of this section, is exempt from public disclosure or release in accordance with sections 149.43, 149.433, and 5502.03 of the Revised Code.

Notwithstanding section 149.433 of the Revised Code, a floor plan filed with the attorney general pursuant to this section is not a public record to the extent it is a record kept by the attorney general.

Sec. 3313.539. (A) As used in this section:

(1) "Licensing agency" has the same meaning as in section 4745.01 of the Revised Code.

(2) "Licensed health care professional" means an individual, other than a physician, who is authorized under Title XLVII of the Revised Code to practice a health care profession.

(3) "Physician" means a person authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(B) No school district board of education or governing authority of a chartered nonpublic, accredited nonpublic school described in section 3301.165 of the Revised Code, or nonchartered nonpublic school shall permit a student to practice for or compete in interscholastic athletics until the student has submitted, to a school official designated by the board or governing authority, a form signed by the parent, guardian, or other person having care or charge of the student stating that the student and the parent, guardian, or other person having care or charge of the student have received the concussion and head injury information sheet required by section 3707.52 of the Revised Code. A completed form

shall be submitted each school year, as defined in section 3313.62 78965
of the Revised Code, for each sport or other category of 78966
interscholastic athletics for or in which the student practices or 78967
competes. 78968

(C)(1) No school district board of education or governing 78969
authority of a chartered, accredited, or nonchartered nonpublic 78970
school shall permit an individual to coach interscholastic 78971
athletics unless the individual holds a pupil-activity program 78972
permit issued under section 3319.303 of the Revised Code for 78973
coaching interscholastic athletics. 78974

(2) No school district board of education or governing 78975
authority of a chartered, accredited, or nonchartered nonpublic 78976
school shall permit an individual to referee interscholastic 78977
athletics unless the individual holds a pupil-activity program 78978
permit issued under section 3319.303 of the Revised Code for 78979
coaching interscholastic athletics or presents evidence that the 78980
individual has successfully completed, within the previous three 78981
years, a training program in recognizing the symptoms of 78982
concussions and head injuries to which the department of health 78983
has provided a link on its internet web site under section 3707.52 78984
of the Revised Code or a training program authorized and required 78985
by an organization that regulates interscholastic athletic 78986
competition and conducts interscholastic athletic events. 78987

(D) If a student practicing for or competing in an 78988
interscholastic athletic event exhibits signs, symptoms, or 78989
behaviors consistent with having sustained a concussion or head 78990
injury while participating in the practice or competition, the 78991
student shall be removed from the practice or competition by 78992
either of the following: 78993

(1) The individual who is serving as the student's coach 78994
during that practice or competition; 78995

(2) An individual who is serving as a referee during that practice or competition. 78996
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(E)(1) If a student is removed from practice or competition under division (D) of this section, the coach or referee who removed the student shall not allow the student, on the same day the student is removed, to return to that practice or competition or to participate in any other practice or competition for which the coach or referee is responsible. Thereafter, the coach or referee shall not allow the student to return to that practice or competition or to participate in any other practice or competition for which the coach or referee is responsible until both of the following conditions are satisfied: 78998
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(a) The student's condition is assessed by any of the following who has complied with the requirements in division (E)(4) of this section: 79008
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(i) A physician; 79011

(ii) A licensed health care professional the school district board of education or governing authority of the chartered, accredited, or nonchartered nonpublic school, pursuant to division (E)(2) of this section, authorizes to assess a student who has been removed from practice or competition under division (D) of this section; 79012
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(iii) A licensed health care professional who meets the minimum education requirements established by rules adopted under section 3707.521 of the Revised Code by the professional's licensing agency. 79018
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(b) The student receives written clearance that it is safe for the student to return to practice or competition from the physician or licensed health care professional who assessed the student's condition. 79022
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(2) A school district board of education or governing 79026

authority of a chartered, accredited, or nonchartered nonpublic 79027
school may authorize a licensed health care professional to make 79028
an assessment or grant a clearance for purposes of division (E)(1) 79029
of this section only if the professional is acting in accordance 79030
with one of the following, as applicable to the professional's 79031
authority to practice in this state: 79032

(a) In consultation with a physician; 79033

(b) Pursuant to the referral of a physician; 79034

(c) In collaboration with a physician; 79035

(d) Under the supervision of a physician. 79036

(3) A physician or licensed health care professional who 79037
makes an assessment or grants a clearance for purposes of division 79038
(E)(1) of this section may be a volunteer. 79039

(4) Beginning one year after ~~the effective date of this~~ 79040
~~amendment~~ September 17, 2015, all physicians and licensed health 79041
care professionals who conduct assessments and clearances under 79042
division (E)(1) of this section must meet the minimum education 79043
requirements established by rules adopted under section 3707.521 79044
of the Revised Code by their respective licensing agencies. 79045

(F) A school district board of education or governing 79046
authority of a chartered, accredited, or nonchartered nonpublic 79047
school that is subject to the rules of an interscholastic 79048
conference or an organization that regulates interscholastic 79049
athletic competition and conducts interscholastic athletic events 79050
shall be considered to be in compliance with divisions (B), (D), 79051
and (E) of this section, as long as the requirements of those 79052
rules are substantially similar to the requirements of divisions 79053
(B), (D), and (E) of this section. 79054

(G)(1) A school district, member of a school district board 79055
of education, or school district employee or volunteer, including 79056

a coach or referee, is not liable in damages in a civil action for 79057
injury, death, or loss to person or property allegedly arising 79058
from providing services or performing duties under this section, 79059
unless the act or omission constitutes willful or wanton 79060
misconduct. 79061

This section does not eliminate, limit, or reduce any other 79062
immunity or defense that a school district, member of a school 79063
district board of education, or school district employee or 79064
volunteer, including a coach or referee, may be entitled to under 79065
Chapter 2744. or any other provision of the Revised Code or under 79066
the common law of this state. 79067

(2) A chartered, accredited, or nonchartered nonpublic school 79068
or any officer, director, employee, or volunteer of the school, 79069
including a coach or referee, is not liable in damages in a civil 79070
action for injury, death, or loss to person or property allegedly 79071
arising from providing services or performing duties under this 79072
section, unless the act or omission constitutes willful or wanton 79073
misconduct. 79074

Sec. 3313.5311. (A) As used in this section and in section 79075
3313.5312 of the Revised Code, "extracurricular activity" has the 79076
same meaning as in section 3313.537 of the Revised Code. 79077

(B) If the nonpublic school in which the student is enrolled 79078
does not offer the extracurricular activity, a student enrolled in 79079
a chartered nonpublic school, accredited nonpublic school 79080
described in section 3301.165 of the Revised Code, or nonchartered 79081
nonpublic school shall be afforded, by the superintendent of the 79082
school district in which the student is entitled to attend school 79083
under section 3313.64 or 3313.65 of the Revised Code, the 79084
opportunity to participate in that extracurricular activity at the 79085
district school to which the student otherwise would be assigned 79086
during that school year. If more than one school operated by the 79087

school district serves the student's grade level, as determined by 79088
the district superintendent based on the student's age and 79089
academic performance, the student shall be afforded the 79090
opportunity to participate in that extracurricular activity at the 79091
school to which the student would be assigned by the 79092
superintendent under section 3319.01 of the Revised Code. 79093

(C) The superintendent of any school district may afford any 79094
student enrolled in a nonpublic school, and who is not entitled to 79095
attend school in the district under section 3313.64 or 3313.65 of 79096
the Revised Code, the opportunity to participate in an 79097
extracurricular activity offered by a school of the district, if 79098
the nonpublic school in which the student is enrolled does not 79099
offer the extracurricular activity and either of the following 79100
apply: 79101

(1) The extracurricular activity is not interscholastic 79102
athletics or interscholastic contests or competition in music, 79103
drama, or forensics. 79104

(2) The extracurricular activity is in an interscholastic 79105
athletic or interscholastic contest or competition in music, 79106
drama, or forensics. In order to participate under division (C)(2) 79107
of this section, the student shall seek to participate at either 79108
the school district in which the student's nonpublic school is 79109
located or the school district in which the student is entitled to 79110
attend school under section 3313.64 or 3313.65 of the Revised 79111
Code, so long as the chosen district offers the extracurricular 79112
activity. 79113

If the student seeks to participate under division (C)(2) of 79114
this section at the school district in which the student's 79115
nonpublic school is located, both of the following shall apply: 79116

(a) The superintendent of the school district in which the 79117
student is entitled to attend school shall certify that the 79118

student has not participated in any extracurricular activity that 79119
is in an interscholastic athletic or interscholastic contest or 79120
competition in music, drama, or forensics at that school district 79121
during that school year. If the student has participated in such 79122
an extracurricular activity at that school district during the 79123
school year, the student shall be ineligible to participate at the 79124
school district in which the student's nonpublic school is located 79125
for that school year. 79126

(b) The superintendent of the school district in which the 79127
student is entitled to attend school and the superintendent of the 79128
school district in which the student is seeking to participate 79129
shall mutually agree, in writing, to allow the student to 79130
participate in the extracurricular activity at the school district 79131
in which the student's nonpublic school is located. 79132

(D) In order to participate in an extracurricular activity 79133
under this section, the student shall be of the appropriate age 79134
and grade level, as determined by the superintendent of the 79135
district, for the school that offers the extracurricular activity, 79136
and shall fulfill the same academic, nonacademic, and financial 79137
requirements as any other participant. 79138

(E) No school district shall impose additional rules on a 79139
student to participate under this section that do not apply to 79140
other students participating in the same extracurricular activity. 79141
No district shall impose additional fees for a student to 79142
participate under this section that exceed any fees charged to 79143
other students participating in the same extracurricular activity. 79144

(F) No school district, interscholastic conference, or 79145
organization that regulates interscholastic conferences or events 79146
shall require a student who is eligible to participate in 79147
interscholastic extracurricular activities under this section to 79148
meet eligibility requirements that conflict with this section. 79149

Sec. 3313.603. (A) As used in this section:	79150
(1) "One unit" means a minimum of one hundred twenty hours of course instruction, except that for a laboratory course, "one unit" means a minimum of one hundred fifty hours of course instruction.	79151 79152 79153 79154
(2) "One-half unit" means a minimum of sixty hours of course instruction, except that for physical education courses, "one-half unit" means a minimum of one hundred twenty hours of course instruction.	79155 79156 79157 79158
(B) Beginning September 15, 2001, except as required in division (C) of this section and division (C) of section 3313.614 of the Revised Code, the requirements for graduation from every high school shall include twenty units earned in grades nine through twelve and shall be distributed as follows:	79159 79160 79161 79162 79163
(1) English language arts, four units;	79164
(2) Health, one-half unit;	79165
(3) Mathematics, three units;	79166
(4) Physical education, one-half unit;	79167
(5) Science, two units until September 15, 2003, and three units thereafter, which at all times shall include both of the following:	79168 79169 79170
(a) Biological sciences, one unit;	79171
(b) Physical sciences, one unit.	79172
(6) History and government, one unit, which shall comply with division (M) of this section and shall include both of the following:	79173 79174 79175
(a) American history, one-half unit;	79176
(b) American government, one-half unit.	79177

(7) Social studies, two units.	79178
Beginning with students who enter ninth grade for the first	79179
time on or after July 1, 2017, the two units of instruction	79180
prescribed by division (B)(7) of this section shall include at	79181
least one-half unit of instruction in the study of world history	79182
and civilizations.	79183
(8) Elective units, seven units until September 15, 2003, and	79184
six units thereafter.	79185
Each student's electives shall include at least one unit, or	79186
two half units, chosen from among the areas of	79187
business/technology, fine arts, and/or foreign language.	79188
(C) Beginning with students who enter ninth grade for the	79189
first time on or after July 1, 2010, except as provided in	79190
divisions (D) to (F) of this section, the requirements for	79191
graduation from every public and chartered nonpublic high school	79192
shall include twenty units that are designed to prepare students	79193
for the workforce and college. The units shall be distributed as	79194
follows:	79195
(1) English language arts, four units;	79196
(2) Health, one-half unit, which shall include instruction in	79197
nutrition and the benefits of nutritious foods and physical	79198
activity for overall health;	79199
(3) Mathematics, four units, which shall include one unit of	79200
algebra II or the equivalent of algebra II, or one unit of	79201
advanced computer science as described in the standards adopted	79202
pursuant to division (A)(4) of section 3301.079 of the Revised	79203
Code. However, students who enter ninth grade for the first time	79204
on or after July 1, 2015, and who are pursuing a career-technical	79205
instructional track shall not be required to take algebra II or	79206
advanced computer science, and instead may complete a career-based	79207
pathway mathematics course approved by the department of education	79208

as an alternative. 79209

For students who choose to take advanced computer science in 79210
lieu of algebra II under division (C)(3) of this section, the 79211
school shall communicate to those students that some institutions 79212
of higher education may require algebra II for the purpose of 79213
college admission. Also, the parent, guardian, or legal custodian 79214
of each student who chooses to take advanced computer science in 79215
lieu of algebra II shall sign and submit to the school a document 79216
containing a statement acknowledging that not taking algebra II 79217
may have an adverse effect on college admission decisions. 79218

(4) Physical education, one-half unit; 79219

(5) Science, three units with inquiry-based laboratory 79220
experience that engages students in asking valid scientific 79221
questions and gathering and analyzing information, which shall 79222
include the following, or their equivalent: 79223

(a) Physical sciences, one unit; 79224

(b) Life sciences, one unit; 79225

(c) Advanced study in one or more of the following sciences, 79226
one unit: 79227

(i) Chemistry, physics, or other physical science; 79228

(ii) Advanced biology or other life science; 79229

(iii) Astronomy, physical geology, or other earth or space 79230
science; 79231

(iv) Computer science. 79232

No student shall substitute a computer science course for a 79233
life sciences or biology course under division (C)(5) of this 79234
section. 79235

(6) History and government, one unit, which shall comply with 79236
division (M) of this section and shall include both of the 79237

following: 79238

(a) American history, one-half unit; 79239

(b) American government, one-half unit. 79240

(7) Social studies, two units. 79241

Each school shall integrate the study of economics and 79242
financial literacy, as expressed in the social studies academic 79243
content standards adopted by the state board of education under 79244
division (A)(1) of section 3301.079 of the Revised Code and the 79245
academic content standards for financial literacy and 79246
entrepreneurship adopted under division (A)(2) of that section, 79247
into one or more existing social studies credits required under 79248
division (C)(7) of this section, or into the content of another 79249
class, so that every high school student receives instruction in 79250
those concepts. In developing the curriculum required by this 79251
paragraph, schools shall use available public-private partnerships 79252
and resources and materials that exist in business, industry, and 79253
through the centers for economics education at institutions of 79254
higher education in the state. 79255

Beginning with students who enter ninth grade for the first 79256
time on or after July 1, 2017, the two units of instruction 79257
prescribed by division (C)(7) of this section shall include at 79258
least one-half unit of instruction in the study of world history 79259
and civilizations. 79260

(8) Five units consisting of one or any combination of 79261
foreign language, fine arts, business, career-technical education, 79262
family and consumer sciences, technology which may include 79263
computer science, agricultural education, a junior reserve officer 79264
training corps (JROTC) program approved by the congress of the 79265
United States under title 10 of the United States Code, or English 79266
language arts, mathematics, science, or social studies courses not 79267
otherwise required under division (C) of this section. 79268

Ohioans must be prepared to apply increased knowledge and 79269
skills in the workplace and to adapt their knowledge and skills 79270
quickly to meet the rapidly changing conditions of the 79271
twenty-first century. National studies indicate that all high 79272
school graduates need the same academic foundation, regardless of 79273
the opportunities they pursue after graduation. The goal of Ohio's 79274
system of elementary and secondary education is to prepare all 79275
students for and seamlessly connect all students to success in 79276
life beyond high school graduation, regardless of whether the next 79277
step is entering the workforce, beginning an apprenticeship, 79278
engaging in post-secondary training, serving in the military, or 79279
pursuing a college degree. 79280

The requirements for graduation prescribed in division (C) of 79281
this section are the standard expectation for all students 79282
entering ninth grade for the first time at a public or chartered 79283
nonpublic high school on or after July 1, 2010. A student may 79284
satisfy this expectation through a variety of methods, including, 79285
but not limited to, integrated, applied, career-technical, and 79286
traditional coursework. 79287

Stronger coordination between high schools and institutions 79288
of higher education is necessary to prepare students for more 79289
challenging academic endeavors and to lessen the need for academic 79290
remediation in college, thereby reducing the costs of higher 79291
education for Ohio's students, families, and the state. The state 79292
board and the chancellor of higher education shall develop 79293
policies to ensure that only in rare instances will students who 79294
complete the requirements for graduation prescribed in division 79295
(C) of this section require academic remediation after high 79296
school. 79297

School districts, community schools, and chartered nonpublic 79298
schools shall integrate technology into learning experiences 79299
across the curriculum in order to maximize efficiency, enhance 79300

learning, and prepare students for success in the 79301
technology-driven twenty-first century. Districts and schools 79302
shall use distance and web-based course delivery as a method of 79303
providing or augmenting all instruction required under this 79304
division, including laboratory experience in science. Districts 79305
and schools shall utilize technology access and electronic 79306
learning opportunities provided by the broadcast educational media 79307
commission, chancellor, the Ohio learning network, education 79308
technology centers, public television stations, and other public 79309
and private providers. 79310

(D) Except as provided in division (E) of this section, a 79311
student who enters ninth grade on or after July 1, 2010, and 79312
before July 1, 2016, may qualify for graduation from a public or 79313
chartered nonpublic high school even though the student has not 79314
completed the requirements for graduation prescribed in division 79315
(C) of this section if all of the following conditions are 79316
satisfied: 79317

(1) During the student's third year of attending high school, 79318
as determined by the school, the student and the student's parent, 79319
guardian, or custodian sign and file with the school a written 79320
statement asserting the parent's, guardian's, or custodian's 79321
consent to the student's graduating without completing the 79322
requirements for graduation prescribed in division (C) of this 79323
section and acknowledging that one consequence of not completing 79324
those requirements is ineligibility to enroll in most state 79325
universities in Ohio without further coursework. 79326

(2) The student and parent, guardian, or custodian fulfill 79327
any procedural requirements the school stipulates to ensure the 79328
student's and parent's, guardian's, or custodian's informed 79329
consent and to facilitate orderly filing of statements under 79330
division (D)(1) of this section. Annually, each district or school 79331
shall notify the department of the number of students who choose 79332

to qualify for graduation under division (D) of this section and 79333
the number of students who complete the student's success plan and 79334
graduate from high school. 79335

(3) The student and the student's parent, guardian, or 79336
custodian and a representative of the student's high school 79337
jointly develop a student success plan for the student in the 79338
manner described in division (C)(1) of section 3313.6020 of the 79339
Revised Code that specifies the student matriculating to a 79340
two-year degree program, acquiring a business and 79341
industry-recognized credential, or entering an apprenticeship. 79342

(4) The student's high school provides counseling and support 79343
for the student related to the plan developed under division 79344
(D)(3) of this section during the remainder of the student's high 79345
school experience. 79346

(5)(a) Except as provided in division (D)(5)(b) of this 79347
section, the student successfully completes, at a minimum, the 79348
curriculum prescribed in division (B) of this section. 79349

(b) Beginning with students who enter ninth grade for the 79350
first time on or after July 1, 2014, a student shall be required 79351
to complete successfully, at the minimum, the curriculum 79352
prescribed in division (B) of this section, except as follows: 79353

(i) Mathematics, four units, one unit which shall be one of 79354
the following: 79355

(I) Probability and statistics; 79356

(II) Computer science; 79357

(III) Applied mathematics or quantitative reasoning; 79358

(IV) Any other course approved by the department using 79359
standards established by the superintendent not later than October 79360
1, 2014. 79361

(ii) Elective units, five units; 79362

(iii) Science, three units as prescribed by division (B) of 79363
this section which shall include inquiry-based laboratory 79364
experience that engages students in asking valid scientific 79365
questions and gathering and analyzing information. 79366

The department, in collaboration with the chancellor, shall 79367
analyze student performance data to determine if there are 79368
mitigating factors that warrant extending the exception permitted 79369
by division (D) of this section to high school classes beyond 79370
those entering ninth grade before July 1, 2016. The department 79371
shall submit its findings and any recommendations not later than 79372
December 1, 2015, to the speaker and minority leader of the house 79373
of representatives, the president and minority leader of the 79374
senate, the chairpersons and ranking minority members of the 79375
standing committees of the house of representatives and the senate 79376
that consider education legislation, the state board of education, 79377
and the superintendent of public instruction. 79378

(E) Each school district and chartered nonpublic school 79379
retains the authority to require an even more challenging minimum 79380
curriculum for high school graduation than specified in division 79381
(B) or (C) of this section. A school district board of education, 79382
through the adoption of a resolution, or the governing authority 79383
of a chartered nonpublic school may stipulate any of the 79384
following: 79385

(1) A minimum high school curriculum that requires more than 79386
twenty units of academic credit to graduate; 79387

(2) An exception to the district's or school's minimum high 79388
school curriculum that is comparable to the exception provided in 79389
division (D) of this section but with additional requirements, 79390
which may include a requirement that the student successfully 79391
complete more than the minimum curriculum prescribed in division 79392
(B) of this section; 79393

(3) That no exception comparable to that provided in division 79394
(D) of this section is available. 79395

(F) A student enrolled in a dropout prevention and recovery 79396
program, which program has received a waiver from the department, 79397
may qualify for graduation from high school by successfully 79398
completing a competency-based instructional program administered 79399
by the dropout prevention and recovery program in lieu of 79400
completing the requirements for graduation prescribed in division 79401
(C) of this section. The department shall grant a waiver to a 79402
dropout prevention and recovery program, within sixty days after 79403
the program applies for the waiver, if the program meets all of 79404
the following conditions: 79405

(1) The program serves only students not younger than sixteen 79406
years of age and not older than twenty-one years of age. 79407

(2) The program enrolls students who, at the time of their 79408
initial enrollment, either, or both, are at least one grade level 79409
behind their cohort age groups or experience crises that 79410
significantly interfere with their academic progress such that 79411
they are prevented from continuing their traditional programs. 79412

(3) The program requires students to attain at least the 79413
applicable score designated for each of the assessments prescribed 79414
under division (B)(1) of section 3301.0710 of the Revised Code or, 79415
to the extent prescribed by rule of the state board under division 79416
(D)(5) of section 3301.0712 of the Revised Code, division (B)(2) 79417
of that section. 79418

(4) The program develops a student success plan for the 79419
student in the manner described in division (C)(1) of section 79420
3313.6020 of the Revised Code that specifies the student's 79421
matriculating to a two-year degree program, acquiring a business 79422
and industry-recognized credential, or entering an apprenticeship. 79423

(5) The program provides counseling and support for the 79424

student related to the plan developed under division (F)(4) of 79425
this section during the remainder of the student's high school 79426
experience. 79427

(6) The program requires the student and the student's 79428
parent, guardian, or custodian to sign and file, in accordance 79429
with procedural requirements stipulated by the program, a written 79430
statement asserting the parent's, guardian's, or custodian's 79431
consent to the student's graduating without completing the 79432
requirements for graduation prescribed in division (C) of this 79433
section and acknowledging that one consequence of not completing 79434
those requirements is ineligibility to enroll in most state 79435
universities in Ohio without further coursework. 79436

(7) Prior to receiving the waiver, the program has submitted 79437
to the department an instructional plan that demonstrates how the 79438
academic content standards adopted by the state board under 79439
section 3301.079 of the Revised Code will be taught and assessed. 79440

(8) Prior to receiving the waiver, the program has submitted 79441
to the department a policy on career advising that satisfies the 79442
requirements of section 3313.6020 of the Revised Code, with an 79443
emphasis on how every student will receive career advising. 79444

(9) Prior to receiving the waiver, the program has submitted 79445
to the department a written agreement outlining the future 79446
cooperation between the program and any combination of local job 79447
training, postsecondary education, nonprofit, and health and 79448
social service organizations to provide services for students in 79449
the program and their families. 79450

Divisions (F)(8) and (9) of this section apply only to 79451
waivers granted on or after July 1, 2015. 79452

If the department does not act either to grant the waiver or 79453
to reject the program application for the waiver within sixty days 79454
as required under this section, the waiver shall be considered to 79455

be granted. 79456

(G) Every high school may permit students below the ninth 79457
grade to take advanced work. If a high school so permits, it shall 79458
award high school credit for successful completion of the advanced 79459
work and shall count such advanced work toward the graduation 79460
requirements of division (B) or (C) of this section if the 79461
advanced work was both: 79462

(1) Taught by a person who possesses a license or certificate 79463
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 79464
Code that is valid for teaching high school; 79465

(2) Designated by the board of education of the city, local, 79466
or exempted village school district, the board of the cooperative 79467
education school district, or the governing authority of the 79468
chartered nonpublic school as meeting the high school curriculum 79469
requirements. 79470

Each high school shall record on the student's high school 79471
transcript all high school credit awarded under division (G) of 79472
this section. In addition, if the student completed a seventh- or 79473
eighth-grade fine arts course described in division (K) of this 79474
section and the course qualified for high school credit under that 79475
division, the high school shall record that course on the 79476
student's high school transcript. 79477

(H) The department shall make its individual academic career 79478
plan available through its Ohio career information system web site 79479
for districts and schools to use as a tool for communicating with 79480
and providing guidance to students and families in selecting high 79481
school courses. 79482

(I) A school district or chartered nonpublic school may 79483
integrate academic content in a subject area for which the state 79484
board has adopted standards under section 3301.079 of the Revised 79485
Code into a course in a different subject area, including a 79486

career-technical education course, in accordance with guidance for 79487
integrated coursework developed by the department. Upon successful 79488
completion of an integrated course, a student may receive credit 79489
for both subject areas that were integrated into the course. Units 79490
earned for subject area content delivered through integrated 79491
academic and career-technical instruction are eligible to meet the 79492
graduation requirements of division (B) or (C) of this section. 79493

For purposes of meeting graduation requirements, if an 79494
end-of-course examination has been prescribed under section 79495
3301.0712 of the Revised Code for the subject area delivered 79496
through integrated instruction, the school district or school may 79497
administer the related subject area examinations upon the 79498
student's completion of the integrated course. 79499

Nothing in division (I) of this section shall be construed to 79500
excuse any school district, chartered nonpublic school, or student 79501
from any requirement in the Revised Code related to curriculum, 79502
assessments, or the awarding of a high school diploma. 79503

(J)(1) The state board, in consultation with the chancellor, 79504
shall adopt a statewide plan implementing methods for students to 79505
earn units of high school credit based on a demonstration of 79506
subject area competency, instead of or in combination with 79507
completing hours of classroom instruction. The state board shall 79508
adopt the plan not later than March 31, 2009, and commence phasing 79509
in the plan during the 2009-2010 school year. The plan shall 79510
include a standard method for recording demonstrated proficiency 79511
on high school transcripts. Each school district and community 79512
school shall comply with the state board's plan adopted under this 79513
division and award units of high school credit in accordance with 79514
the plan. The state board may adopt existing methods for earning 79515
high school credit based on a demonstration of subject area 79516
competency as necessary prior to the 2009-2010 school year. 79517

(2) Not later than December 31, 2015, the state board shall 79518

update the statewide plan adopted pursuant to division (J)(1) of 79519
this section to also include methods for students enrolled in 79520
seventh and eighth grade to meet curriculum requirements based on 79521
a demonstration of subject area competency, instead of or in 79522
combination with completing hours of classroom instruction. 79523
Beginning with the 2017-2018 school year, each school district and 79524
community school also shall comply with the updated plan adopted 79525
pursuant to this division and permit students enrolled in seventh 79526
and eighth grade to meet curriculum requirements based on subject 79527
area competency in accordance with the plan. 79528

(3) Not later than December 31, 2017, the department shall 79529
develop a framework for school districts and community schools to 79530
use in granting units of high school credit to students who 79531
demonstrate subject area competency through work-based learning 79532
experiences, internships, or cooperative education. Beginning with 79533
the 2018-2019 school year, each district and community school 79534
shall comply with the framework. Each district and community 79535
school also shall review any policy it has adopted regarding the 79536
demonstration of subject area competency to identify ways to 79537
incorporate work-based learning experiences, internships, and 79538
cooperative education into the policy in order to increase student 79539
engagement and opportunities to earn units of high school credit. 79540

(K) This division does not apply to students who qualify for 79541
graduation from high school under division (D) or (F) of this 79542
section, or to students pursuing a career-technical instructional 79543
track as determined by the school district board of education or 79544
the chartered nonpublic school's governing authority. 79545
Nevertheless, the general assembly encourages such students to 79546
consider enrolling in a fine arts course as an elective. 79547

Beginning with students who enter ninth grade for the first 79548
time on or after July 1, 2010, each student enrolled in a public 79549
or chartered nonpublic high school shall complete two semesters or 79550

the equivalent of fine arts to graduate from high school. The 79551
coursework may be completed in any of grades seven to twelve. Each 79552
student who completes a fine arts course in grade seven or eight 79553
may elect to count that course toward the five units of electives 79554
required for graduation under division (C)(8) of this section, if 79555
the course satisfied the requirements of division (G) of this 79556
section. In that case, the high school shall award the student 79557
high school credit for the course and count the course toward the 79558
five units required under division (C)(8) of this section. If the 79559
course in grade seven or eight did not satisfy the requirements of 79560
division (G) of this section, the high school shall not award the 79561
student high school credit for the course but shall count the 79562
course toward the two semesters or the equivalent of fine arts 79563
required by this division. 79564

(L) Notwithstanding anything to the contrary in this section, 79565
the board of education of each school district and the governing 79566
authority of each chartered nonpublic school may adopt a policy to 79567
excuse from the high school physical education requirement each 79568
student who, during high school, has participated in 79569
interscholastic athletics, marching band, or cheerleading for at 79570
least two full seasons or in the junior reserve officer training 79571
corps for at least two full school years. If the board or 79572
authority adopts such a policy, the board or authority shall not 79573
require the student to complete any physical education course as a 79574
condition to graduate. However, the student shall be required to 79575
complete one-half unit, consisting of at least sixty hours of 79576
instruction, in another course of study. In the case of a student 79577
who has participated in the junior reserve officer training corps 79578
for at least two full school years, credit received for that 79579
participation may be used to satisfy the requirement to complete 79580
one-half unit in another course of study. 79581

(M) It is important that high school students learn and 79582

understand United States history and the governments of both the United States and the state of Ohio. Therefore, beginning with students who enter ninth grade for the first time on or after July 1, 2012, the study of American history and American government required by divisions (B)(6) and (C)(6) of this section shall include the study of all of the following documents:

(1) The Declaration of Independence;

(2) The Northwest Ordinance;

(3) The Constitution of the United States with emphasis on the Bill of Rights;

(4) The Ohio Constitution.

The study of each of the documents prescribed in divisions (M)(1) to (4) of this section shall include study of that document in its original context.

The study of American history and government required by divisions (B)(6) and (C)(6) of this section shall include the historical evidence of the role of documents such as the Federalist Papers and the Anti-Federalist Papers to firmly establish the historical background leading to the establishment of the provisions of the Constitution and Bill of Rights.

(N) A student may apply one unit of instruction in computer science to satisfy one unit of mathematics or one unit of science under division (C) of this section as the student chooses, regardless of the field of certification of the teacher who teaches the course, so long as that teacher meets the licensure requirements prescribed by section 3319.236 of the Revised Code and, prior to teaching the course, completes a professional development program determined to be appropriate by the district board.

If a student applies more than one computer science course to

satisfy curriculum requirements under that division, the courses 79613
shall be sequential and progressively more difficult or cover 79614
different subject areas within computer science. 79615

(O) This section shall not apply to accredited nonpublic 79616
schools described in section 3301.165 of the Revised Code. 79617

Sec. 3313.62. The school year shall begin on the first day of 79618
July of each calendar year and close on the thirtieth day of June 79619
of the succeeding calendar year. A school week shall consist of 79620
five days. A chartered nonpublic school or an accredited nonpublic 79621
school described in section 3301.165 of the Revised Code may be 79622
open for instruction with pupils in attendance on any day of the 79623
week, including Saturday or Sunday. 79624

Sec. 3313.716. (A) Notwithstanding section 3313.713 of the 79625
Revised Code or any policy adopted under that section, a student 79626
of a school operated by a city, local, exempted village, or joint 79627
vocational school district ~~or~~, a student of a chartered nonpublic 79628
school, or a student of an accredited nonpublic school described 79629
in section 3301.165 of the Revised Code may possess and use a 79630
metered dose inhaler or a dry powder inhaler to alleviate 79631
asthmatic symptoms, or before exercise to prevent the onset of 79632
asthmatic symptoms, if both of the following conditions are 79633
satisfied: 79634

(1) The student has the written approval of the student's 79635
physician and, if the student is a minor, the written approval of 79636
the parent, guardian, or other person having care or charge of the 79637
student. The physician's written approval shall include at least 79638
all of the following information: 79639

(a) The student's name and address; 79640

(b) The names and dose of the medication contained in the 79641
inhaler; 79642

(c) The date the administration of the medication is to begin;	79643 79644
(d) The date, if known, that the administration of the medication is to cease;	79645 79646
(e) Written instructions that outline procedures school personnel should follow in the event that the asthma medication does not produce the expected relief from the student's asthma attack;	79647 79648 79649 79650
(f) Any severe adverse reactions that may occur to the child using the inhaler and that should be reported to the physician;	79651 79652
(g) Any severe adverse reactions that may occur to another child, for whom the inhaler is not prescribed, should such a child receive a dose of the medication;	79653 79654 79655
(h) At least one emergency telephone number for contacting the physician in an emergency;	79656 79657
(i) At least one emergency telephone number for contacting the parent, guardian, or other person having care or charge of the student in an emergency;	79658 79659 79660
(j) Any other special instructions from the physician.	79661
(2) The school principal and, if a school nurse is assigned to the student's school building, the school nurse has received copies of the written approvals required by division (A)(1) of this section.	79662 79663 79664 79665
If these conditions are satisfied, the student may possess and use the inhaler at school or at any activity, event, or program sponsored by or in which the student's school is a participant.	79666 79667 79668 79669
(B)(1) A school district, member of a school district board of education, or school district employee is not liable in damages in a civil action for injury, death, or loss to person or property	79670 79671 79672

allegedly arising from a district employee's prohibiting a student 79673
from using an inhaler because of the employee's good faith belief 79674
that the conditions of divisions (A)(1) and (2) of this section 79675
had not been satisfied. A school district, member of a school 79676
district board of education, or school district employee is not 79677
liable in damages in a civil action for injury, death, or loss to 79678
person or property allegedly arising from a district employee's 79679
permitting a student to use an inhaler because of the employee's 79680
good faith belief that the conditions of divisions (A)(1) and (2) 79681
of this section had been satisfied. Furthermore, when a school 79682
district is required by this section to permit a student to 79683
possess and use an inhaler because the conditions of divisions 79684
(A)(1) and (2) of this section have been satisfied, the school 79685
district, any member of the school district board of education, or 79686
any school district employee is not liable in damages in a civil 79687
action for injury, death, or loss to person or property allegedly 79688
arising from the use of the inhaler by a student for whom it was 79689
not prescribed. 79690

This section does not eliminate, limit, or reduce any other 79691
immunity or defense that a school district, member of a school 79692
district board of education, or school district employee may be 79693
entitled to under Chapter 2744. or any other provision of the 79694
Revised Code or under the common law of this state. 79695

(2) A chartered or an accredited nonpublic school or any 79696
officer, director, or employee of the school is not liable in 79697
damages in a civil action for injury, death, or loss to person or 79698
property allegedly arising from a school employee's prohibiting a 79699
student from using an inhaler because of the employee's good faith 79700
belief that the conditions of divisions (A)(1) and (2) of this 79701
section had not been satisfied. A chartered or an accredited 79702
nonpublic school or any officer, director, or employee of the 79703
school is not liable in damages in a civil action for injury, 79704

death, or loss to person or property allegedly arising from a 79705
school employee's permitting a student to use an inhaler because 79706
of the employee's good faith belief that the conditions of 79707
divisions (A)(1) and (2) of this section had been satisfied. 79708
Furthermore, when a chartered or an accredited nonpublic school is 79709
required by this section to permit a student to possess and use an 79710
inhaler because the conditions of divisions (A)(1) and (2) of this 79711
section have been satisfied, the chartered or accredited nonpublic 79712
school or any officer, director, or employee of the school is not 79713
liable in damages in a civil action for injury, death, or loss to 79714
person or property allegedly arising from the use of the inhaler 79715
by a student for whom it was not prescribed. 79716

Sec. 3313.717. (A) As used in this section, "automated 79717
external defibrillator" means a specialized defibrillator that is 79718
approved for use as a medical device by the United States food and 79719
drug administration for performing automated external 79720
defibrillation, as defined in section 2305.235 of the Revised 79721
Code. 79722

(B)(1) The board of education of each school district may 79723
require the placement of an automated external defibrillator in 79724
each school under the control of the board. Not later than July 1, 79725
2018, pursuant to section 3313.6023 of the Revised Code, all 79726
persons employed by a school district shall receive training in 79727
the use of an automated external defibrillator in accordance with 79728
that section, except for substitutes, adult education instructors 79729
who are scheduled to work the full-time equivalent of less than 79730
one hundred twenty days per school year, or persons who are 79731
employed on an as-needed, seasonal, or intermittent basis, so long 79732
as the persons are not employed to coach or supervise 79733
interscholastic athletics. 79734

(2) The administrative authority of each chartered nonpublic 79735

school and the administrative authority of each accredited 79736
nonpublic school described in section 3301.165 of the Revised Code 79737
may require the placement of an automated external defibrillator 79738
in each school under the control of the authority. If an authority 79739
requires the placement of an automated external defibrillator as 79740
provided in this section, the authority also shall require that a 79741
sufficient number of the staff persons assigned to each school 79742
under the control of the authority successfully complete an 79743
appropriate training course in the use of an automated external 79744
defibrillator as described in section 3701.85 of the Revised Code. 79745

(C) In regard to the use of an automated external 79746
defibrillator that is placed in a school as specified in this 79747
section, and except in the case of willful or wanton misconduct or 79748
when there is no good faith attempt to activate an emergency 79749
medical services system in accordance with section 3701.85 of the 79750
Revised Code, no person shall be held liable in civil damages for 79751
injury, death, or loss to person or property, or held criminally 79752
liable, for performing automated external defibrillation in good 79753
faith, regardless of whether the person has obtained appropriate 79754
training on how to perform automated external defibrillation or 79755
successfully completed a course in cardiopulmonary resuscitation. 79756

Sec. 3313.718. (A) As used in this section, "prescriber" has 79757
the same meaning as in section 4729.01 of the Revised Code. 79758

(B) Notwithstanding section 3313.713 of the Revised Code or 79759
any policy adopted under that section, a student of a school 79760
operated by a city, local, exempted village, or joint vocational 79761
school district ~~or~~, a student of a chartered nonpublic school, or 79762
a student of an accredited nonpublic school described in section 79763
3301.165 of the Revised Code may possess and use an epinephrine 79764
autoinjector to treat anaphylaxis, if all of the following 79765
conditions are satisfied: 79766

(1) The student has the written approval of the prescriber of the autoinjector and, if the student is a minor, the written approval of the parent, guardian, or other person having care or charge of the student. The prescriber's written approval shall include at least all of the following information:

(a) The student's name and address;

(b) The names and dose of the medication contained in the autoinjector;

(c) The date the administration of the medication is to begin;

(d) The date, if known, that the administration of the medication is to cease;

(e) Acknowledgment that the prescriber has determined that the student is capable of possessing and using the autoinjector appropriately and has provided the student with training in the proper use of the autoinjector;

(f) Circumstances in which the autoinjector should be used;

(g) Written instructions that outline procedures school employees should follow in the event that the student is unable to administer the anaphylaxis medication or the medication does not produce the expected relief from the student's anaphylaxis;

(h) Any severe adverse reactions that may occur to the child using the autoinjector that should be reported to the prescriber;

(i) Any severe adverse reactions that may occur to another child, for whom the autoinjector is not prescribed, should such a child receive a dose of the medication;

(j) At least one emergency telephone number for contacting the prescriber in an emergency;

(k) At least one emergency telephone number for contacting the parent, guardian, or other person having care or charge of the

student in an emergency; 79797

(1) Any other special instructions from the prescriber. 79798

(2) The school principal and, if a school nurse is assigned 79799
to the student's school building, the school nurse has received 79800
copies of the written approvals required by division (B)(1) of 79801
this section. 79802

(3) The school principal or, if a school nurse is assigned to 79803
the student's school building, the school nurse has received a 79804
backup dose of the anaphylaxis medication from the parent, 79805
guardian, or other person having care or charge of the student or, 79806
if the student is not a minor, from the student. 79807

If these conditions are satisfied, the student may possess 79808
and use the autoinjector at school or at any activity, event, or 79809
program sponsored by or in which the student's school is a 79810
participant. 79811

(C) Whenever a student uses an autoinjector at school or at 79812
any activity, event, or program sponsored by or in which the 79813
student's school is a participant or whenever a school employee 79814
administers anaphylaxis medication to a student that was possessed 79815
by the student pursuant to the written approvals described in 79816
division (B)(1) of this section, a school employee shall 79817
immediately request assistance from an emergency medical service 79818
provider. 79819

(D)(1) A school district, member of a school district board 79820
of education, or school district employee is not liable in damages 79821
in a civil action for injury, death, or loss to person or property 79822
allegedly arising from a district employee's prohibiting a student 79823
from using an autoinjector because of the employee's good faith 79824
belief that the conditions of division (B) of this section had not 79825
been satisfied. A school district, member of a school district 79826
board of education, or school district employee is not liable in 79827

damages in a civil action for injury, death, or loss to person or 79828
property allegedly arising from a district employee's permitting a 79829
student to use an autoinjector because of the employee's good 79830
faith belief that the conditions of division (B) of this section 79831
had been satisfied. Furthermore, when a school district is 79832
required by this section to permit a student to possess and use an 79833
autoinjector because the conditions of division (B) of this 79834
section have been satisfied, the school district, any member of 79835
the school district board of education, or any school district 79836
employee is not liable in damages in a civil action for injury, 79837
death, or loss to person or property allegedly arising from the 79838
use of the autoinjector by a student for whom it was not 79839
prescribed. 79840

This section does not eliminate, limit, or reduce any other 79841
immunity or defense that a school district, member of a school 79842
district board of education, or school district employee may be 79843
entitled to under Chapter 2744. or any other provision of the 79844
Revised Code or under the common law of this state. 79845

(2) A chartered or an accredited nonpublic school or any 79846
officer, director, or employee of the school is not liable in 79847
damages in a civil action for injury, death, or loss to person or 79848
property allegedly arising from a school employee's prohibiting a 79849
student from using an autoinjector because of the employee's good 79850
faith belief that the conditions of division (B) of this section 79851
had not been satisfied. A chartered or an accredited nonpublic 79852
school or any officer, director, or employee of the school is not 79853
liable in damages in a civil action for injury, death, or loss to 79854
person or property allegedly arising from a school employee's 79855
permitting a student to use an autoinjector because of the 79856
employee's good faith belief that the conditions of division (B) 79857
of this section had been satisfied. Furthermore, when a chartered 79858
or an accredited nonpublic school is required by this section to 79859

permit a student to possess and use an autoinjector because the 79860
conditions of division (B) of this section have been satisfied, 79861
the chartered or accredited nonpublic school or any officer, 79862
director, or employee of the school is not liable in damages in a 79863
civil action for injury, death, or loss to person or property 79864
allegedly arising from the use of the autoinjector by a student 79865
for whom it was not prescribed. 79866

Sec. 3313.719. The board of education of each city, local, 79867
exempted village, and joint vocational school district ~~and~~, the 79868
governing authority of each chartered nonpublic school, and the 79869
governing authority of each accredited nonpublic school described 79870
in section 3301.165 of the Revised Code shall establish a written 79871
policy with respect to protecting students with peanut or other 79872
food allergies. The policy shall be developed in consultation with 79873
parents, school nurses and other school employees, school 79874
volunteers, students, and community members. 79875

Sec. 3313.7111. (A) With the approval of its governing 79876
authority, a chartered nonpublic school, accredited nonpublic 79877
school described in section 3301.165 of the Revised Code, or 79878
nonchartered nonpublic school may procure epinephrine 79879
autoinjectors in the manner prescribed by section 3313.7110 of the 79880
Revised Code. A chartered, accredited, or nonchartered nonpublic 79881
school that elects to do so shall comply with all provisions of 79882
that section as if it were a school district. 79883

(B)(1) The following are not liable in damages in a civil 79884
action for injury, death, or loss to person or property that 79885
allegedly arises from an act or omission associated with 79886
procuring, maintaining, accessing, or using an epinephrine 79887
autoinjector under this section, unless the act or omission 79888
constitutes willful or wanton misconduct: 79889

(a) A chartered, <u>accredited</u> , or nonchartered nonpublic school;	79890 79891
(b) A member of a chartered, <u>accredited</u> , or nonchartered nonpublic school governing authority;	79892 79893
(c) An employee or contractor of the school;	79894
(d) A licensed health professional authorized to prescribe drugs who personally furnishes or prescribes epinephrine autoinjectors, provides a consultation, or issues a protocol pursuant to this section.	79895 79896 79897 79898
(2) This division does not eliminate, limit, or reduce any other immunity or defense that a chartered, <u>accredited</u> , or nonchartered nonpublic school or governing authority, member of a chartered, <u>accredited</u> , or nonchartered nonpublic school governing authority, chartered, <u>accredited</u> , or nonchartered nonpublic school employee or contractor, or licensed health professional may be entitled to under any other provision of the Revised Code or the common law of this state.	79899 79900 79901 79902 79903 79904 79905 79906
(C) A chartered, <u>accredited</u> , or nonchartered nonpublic school may accept donations of epinephrine autoinjectors from a wholesale distributor of dangerous drugs or a manufacturer of dangerous drugs, as defined in section 4729.01 of the Revised Code, and may accept donations of money from any person to purchase epinephrine autoinjectors.	79907 79908 79909 79910 79911 79912
(D) A chartered, <u>accredited</u> , or nonchartered nonpublic school that elects to procure epinephrine autoinjectors under this section shall report to the department of education each procurement and occurrence in which an epinephrine autoinjector is used from the school's supply of epinephrine autoinjectors.	79913 79914 79915 79916 79917
Sec. 3313.7112. (A) As used in this section:	79918
(1) "Board of education" means a board of education of a	79919

city, local, exempted village, or joint vocational school 79920
district. 79921

(2) "Governing authority" means a governing authority of a 79922
chartered nonpublic school or an accredited nonpublic school 79923
operating under section 3301.165 of the Revised Code. 79924

(3) "Licensed health care professional" means any of the 79925
following: 79926

(a) A physician authorized under Chapter 4731. of the Revised 79927
Code to practice medicine and surgery or osteopathic medicine and 79928
surgery; 79929

(b) A registered nurse, advanced practice registered nurse, 79930
or licensed practical nurse licensed under Chapter 4723. of the 79931
Revised Code; 79932

(c) A physician assistant licensed under Chapter 4730. of the 79933
Revised Code. 79934

(4) "Local health department" means a department operated by 79935
a board of health of a city or general health district or the 79936
authority having the duties of a board of health as described in 79937
section 3709.05 of the Revised Code. 79938

(5) "School employee" or "employee" means either of the 79939
following: 79940

(a) A person employed by a board of education or governing 79941
authority; 79942

(b) A licensed health care professional employed by or under 79943
contract with a local health department who is assigned to a 79944
school in a city, local, exempted village, or joint vocational 79945
school district ~~or~~, a chartered nonpublic school, or an accredited 79946
nonpublic school described in section 3301.165 of the Revised 79947
Code. 79948

(6) "Treating practitioner" means any of the following who 79949

has primary responsibility for treating a student's diabetes and 79950
has been identified as such by the student's parent, guardian, or 79951
other person having care or charge of the student or, if the 79952
student is at least eighteen years of age, by the student: 79953

(a) A physician authorized under Chapter 4731. of the Revised 79954
Code to practice medicine and surgery or osteopathic medicine and 79955
surgery; 79956

(b) An advanced practice registered nurse who holds a 79957
current, valid license to practice nursing as an advanced practice 79958
registered nurse issued under Chapter 4723. of the Revised Code 79959
and is designated as a clinical nurse specialist or certified 79960
nurse practitioner in accordance with section 4723.42 of the 79961
Revised Code; 79962

(c) A physician assistant who holds a license issued under 79963
Chapter 4730. of the Revised Code, holds a valid prescriber number 79964
issued by the state medical board, and has been granted 79965
physician-delegated prescriptive authority. 79966

(7) "504 plan" means a plan based on an evaluation conducted 79967
in accordance with section 504 of the "Rehabilitation Act of 79968
1973," 29 U.S.C. 794, as amended. 79969

(B)(1) Each board of education or governing authority shall 79970
ensure that each student enrolled in the school district or 79971
chartered nonpublic school who has diabetes receives appropriate 79972
and needed diabetes care in accordance with an order signed by the 79973
student's treating practitioner. The diabetes care to be provided 79974
includes any of the following: 79975

(a) Checking and recording blood glucose levels and ketone 79976
levels or assisting the student with checking and recording these 79977
levels; 79978

(b) Responding to blood glucose levels that are outside of 79979
the student's target range; 79980

(c) In the case of severe hypoglycemia, administering glucagon and other emergency treatments as prescribed;	79981 79982
(d) Administering insulin or assisting the student in self-administering insulin through the insulin delivery system the student uses;	79983 79984 79985
(e) Providing oral diabetes medications;	79986
(f) Understanding recommended schedules and food intake for meals and snacks in order to calculate medication dosages pursuant to the order of the student's treating practitioner;	79987 79988 79989
(g) Following the treating practitioner's instructions regarding meals, snacks, and physical activity;	79990 79991
(h) Administering diabetes medication, as long as the conditions prescribed in division (C) of this section are satisfied.	79992 79993 79994
(2) Not later than fourteen days after receipt of an order signed by the treating practitioner of a student with diabetes, the board of education or governing authority shall inform the student's parent, guardian, or other person having care or charge of the student that the student may be entitled to a 504 plan regarding the student's diabetes. The department of education shall develop a 504 plan information sheet for use by a board of education or governing authority when informing a student's parent, guardian, or other person having care or charge of the student that the student may be entitled to a 504 plan regarding the student's diabetes.	79995 79996 79997 79998 79999 80000 80001 80002 80003 80004 80005
(C) Notwithstanding division (B) of section 3313.713 of the Revised Code or any other provision of the Revised Code, diabetes medication may be administered under this section by a school nurse or, in the absence of a school nurse, a school employee who is trained in diabetes care under division (E) of this section. Medication administration may be provided under this section only	80006 80007 80008 80009 80010 80011

when the conditions prescribed in division (C) of section 3313.713 80012
of the Revised Code are satisfied. 80013

Notwithstanding division (D) of section 3313.713 of the 80014
Revised Code, medication that is to be administered under this 80015
section may be kept in an easily accessible location. 80016

(D)(1) The department of education shall adopt nationally 80017
recognized guidelines, as determined by the department, for the 80018
training of school employees in diabetes care for students. In 80019
doing so, the department shall consult with the department of 80020
health, the American diabetes association, and the Ohio school 80021
nurses association. The department may consult with any other 80022
organizations as determined appropriate by the department. 80023

(2) The guidelines shall address all of the following issues: 80024

(a) Recognizing the symptoms of hypoglycemia and 80025
hyperglycemia; 80026

(b) The appropriate treatment for a student who exhibits the 80027
symptoms of hypoglycemia or hyperglycemia; 80028

(c) Recognizing situations that require the provision of 80029
emergency medical assistance to a student; 80030

(d) Understanding the appropriate treatment for a student, 80031
based on an order issued by the student's treating practitioner, 80032
if the student's blood glucose level is not within the target 80033
range indicated by the order; 80034

(e) Understanding the instructions in an order issued by a 80035
student's treating practitioner concerning necessary medications; 80036

(f) Performing blood glucose and ketone tests for a student 80037
in accordance with an order issued by the student's treating 80038
practitioner and recording the results of those tests; 80039

(g) Administering insulin, glucagon, or other medication to a 80040
student in accordance with an order issued by the student's 80041

treating practitioner and recording the results of the 80042
administration; 80043

(h) Understanding the relationship between the diet 80044
recommended in an order issued by a student's treating 80045
practitioner and actions that may be taken if the recommended diet 80046
is not followed. 80047

(E)(1) To ensure that a student with diabetes receives the 80048
diabetes care specified in division (B) of this section, a board 80049
of education or governing authority may provide training that 80050
complies with the guidelines developed under division (D) of this 80051
section to a school employee at each school attended by a student 80052
with diabetes. With respect to any training provided, all of the 80053
following apply: 80054

(a) The training shall be coordinated by a school nurse or, 80055
if the school does not employ a school nurse, a licensed health 80056
care professional with expertise in diabetes who is approved by 80057
the school to provide the training. 80058

(b) The training shall take place prior to the beginning of 80059
each school year or, as needed, not later than fourteen days after 80060
receipt by the board of education or governing authority of an 80061
order signed by the treating practitioner of a student with 80062
diabetes. 80063

(c) On completion of the training, the board of education or 80064
governing authority, in a manner it determines, shall determine 80065
whether each employee trained is competent to provide diabetes 80066
care. 80067

(d) The school nurse or approved licensed health care 80068
professional with expertise in diabetes care shall promptly 80069
provide all necessary follow-up training and supervision to an 80070
employee who receives training. 80071

(2) The principal of a school attended by a student with 80072

diabetes or another school official authorized to act on behalf of 80073
the principal may distribute a written notice to each employee 80074
containing all of the following: 80075

(a) A statement that the school is required to provide 80076
diabetes care to a student with diabetes and is seeking employees 80077
who are willing to be trained to provide that care; 80078

(b) A description of the tasks to be performed; 80079

(c) A statement that participation is voluntary and that the 80080
school district or governing authority will not take action 80081
against an employee who does not agree to provide diabetes care; 80082

(d) A statement that training will be provided by a licensed 80083
health care professional to an employee who agrees to provide 80084
care; 80085

(e) A statement that a trained employee is immune from 80086
liability under division (J) of this section; 80087

(f) The name of the individual who should be contacted if an 80088
employee is interested in providing diabetes care. 80089

(3) No employee of a board of education or governing 80090
authority shall be subject to a penalty or disciplinary action 80091
under school or district policies for refusing to volunteer to be 80092
trained in diabetes care. 80093

(4) No board or governing authority shall discourage 80094
employees from agreeing to provide diabetes care under this 80095
section. 80096

(F) A board of education or governing authority may provide 80097
training in the recognition of hypoglycemia and hyperglycemia and 80098
actions to take in response to emergency situations involving 80099
these conditions to both of the following: 80100

(1) A school employee who has primary responsibility for 80101
supervising a student with diabetes during some portion of the 80102

school day; 80103

(2) A bus driver employed by a school district ~~or~~, chartered 80104
nonpublic school, or accredited nonpublic school described in 80105
section 3301.165 of the Revised Code, who is responsible for the 80106
transportation of a student with diabetes. 80107

(G) A student with diabetes shall be permitted to attend the 80108
school the student would otherwise attend if the student did not 80109
have diabetes and the diabetes care specified in division (B) of 80110
this section shall be provided at the school. A board of education 80111
or governing authority shall not restrict a student who has 80112
diabetes from attending the school on the basis that the student 80113
has diabetes, that the school does not have a full-time school 80114
nurse, or that the school does not have an employee trained in 80115
diabetes care. The school shall not require or pressure a parent, 80116
guardian, or other person having care or charge of a student to 80117
provide diabetes care for the student with diabetes at school or 80118
school-related activities. 80119

(H)(1) Notwithstanding section 3313.713 of the Revised Code 80120
or any policy adopted under that section and except as provided in 80121
division (H)(2) of this section, on written request of the parent, 80122
guardian, or other person having care or charge of a student and 80123
authorization by the student's treating practitioner, a student 80124
with diabetes shall be permitted during regular school hours and 80125
school-sponsored activities to attend to the care and management 80126
of the student's diabetes in accordance with the order issued by 80127
the student's treating practitioner if the student's treating 80128
practitioner determines that the student is capable of performing 80129
diabetes care tasks. The student shall be permitted to perform 80130
diabetes care tasks in a classroom, in any area of the school or 80131
school grounds, and at any school-related activity, and to possess 80132
on the student's self at all times all necessary supplies and 80133
equipment to perform these tasks. If the student or the parent, 80134

guardian, or other person having care or charge of the student so 80135
requests, the student shall have access to a private area for 80136
performing diabetes care tasks. 80137

(2) If the student performs any diabetes care tasks or uses 80138
medical equipment for purposes other than the student's own care, 80139
the board of education or governing authority may revoke the 80140
student's permission to attend to the care and management of the 80141
student's diabetes. 80142

(I)(1) Notwithstanding any other provision of the Revised 80143
Code to the contrary, a licensed health care professional shall be 80144
permitted to provide training to a school employee under division 80145
(E) of this section or to supervise the employee in performing 80146
diabetes care tasks. 80147

(2) Nothing in this section diminishes the rights of eligible 80148
students or the obligations of school districts or governing 80149
authorities under the "Individuals with Disabilities Education 80150
Act," 20 U.S.C. 1400 et seq., section 504 of the "Rehabilitation 80151
Act," 29 U.S.C. 794, or the "Americans with Disabilities Act," 42 80152
U.S.C. 12101 et seq. 80153

(J)(1) A school or school district, a member of a board or 80154
governing authority, or a district or school employee is not 80155
liable in damages in a civil action for injury, death, or loss to 80156
person or property allegedly arising from providing care or 80157
performing duties under this section unless the act or omission 80158
constitutes willful or wanton misconduct. 80159

This section does not eliminate, limit, or reduce any other 80160
immunity or defense that a school or school district, member of a 80161
board of education or governing authority, or district or school 80162
employee may be entitled to under Chapter 2744. or any other 80163
provision of the Revised Code or under the common law of this 80164
state. 80165

(2) A school employee shall not be subject to disciplinary action under school or district policies for providing care or performing duties under this section. 80166
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(3) A school nurse or other licensed health care professional shall be immune from disciplinary action by the board of nursing or any other regulatory board for providing care or performing duties under this section if the care provided or duties performed are consistent with applicable professional standards. 80169
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(K)(1) Not later than the last day of December of each year, a board of education or governing authority shall report to the department of education both of the following: 80174
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(a) The number of students with diabetes enrolled in the school district ~~or~~, chartered nonpublic school, or accredited nonpublic school during the previous school year; 80177
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(b) The number of errors associated with the administration of diabetes medication to students with diabetes during the previous school year. 80180
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(2) Not later than the last day of March of each year, the department shall issue a report summarizing the information received by the department under division (K)(1) of this section for the previous school year. The department shall make the report available on its internet web site. 80183
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Sec. 3313.7114. (A) As used in this section, "inhaler" has the same meaning as in section 3313.7113 of the Revised Code. 80188
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(B) With the approval of its governing authority, a chartered nonpublic school, accredited nonpublic school described in section 3301.165 of the Revised Code, or nonchartered nonpublic school may procure inhalers in the manner prescribed by section 3313.7113 of the Revised Code. A chartered, accredited, or nonchartered nonpublic school that elects to do so shall comply with all 80190
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provisions of that section as if it were a school district. 80196

(C) A chartered, accredited, or nonchartered nonpublic 80197
school, a member of a chartered, accredited, or nonchartered 80198
nonpublic school governing authority, or an employee or contractor 80199
of the school is not liable in damages in a civil action for 80200
injury, death, or loss to person or property that allegedly arises 80201
from an act or omission associated with procuring, maintaining, 80202
accessing, or using an inhaler under this section, unless the act 80203
or omission constitutes willful or wanton misconduct. 80204

(D) A chartered, accredited, or nonchartered nonpublic school 80205
may accept donations of inhalers from a wholesale distributor of 80206
dangerous drugs or a manufacturer of dangerous drugs, as defined 80207
in section 4729.01 of the Revised Code, and may accept donations 80208
of money from any person to purchase inhalers. 80209

(E) A chartered, accredited, or nonchartered nonpublic school 80210
that elects to procure inhalers under this section shall report to 80211
the department of education each procurement and occurrence in 80212
which an inhaler is used from the school's supply of inhalers. 80213

Sec. 3313.813. (A) As used in this section: 80214

(1) "Outdoor education center" means a public or nonprofit 80215
private entity that provides to pupils enrolled in any public or 80216
accredited or chartered nonpublic elementary or secondary school 80217
an outdoor educational curriculum that the school considers to be 80218
part of its educational program. 80219

(2) "Outside-school-hours care center" has the meaning 80220
established in 7 C.F.R. 226.2. 80221

(3) "Accredited nonpublic school" means an accredited 80222
nonpublic school as described in section 3301.165 of the Revised 80223
Code. 80224

(B) The state board of education shall establish standards 80225

for a school lunch program, school breakfast program, child and 80226
adult care food program, special food service program for 80227
children, summer food service program for children, special milk 80228
program for children, food service equipment assistance program, 80229
and commodity distribution program established under the "National 80230
School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as 80231
amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 42 80232
U.S.C. 1771, as amended. Any board of education of a school 80233
district, nonprofit private school, outdoor education center, 80234
child care institution, outside-school-hours care center, or 80235
summer camp desiring to participate in such a program or required 80236
to participate under this section shall, if eligible to 80237
participate under the "National School Lunch Act," as amended, or 80238
the "Child Nutrition Act of 1966," as amended, make application to 80239
the state board of education for assistance. The board shall 80240
administer the allocation and distribution of all state and 80241
federal funds for these programs. 80242

(C) The state board of education shall require the board of 80243
education of each school district to establish and maintain a 80244
school breakfast, lunch, and summer food service program pursuant 80245
to the "National School Lunch Act" and the "Child Nutrition Act of 80246
1966," as described in divisions (C)(1) to (4) of this section. 80247

(1) The state board shall require the board of education in 80248
each school district to establish a breakfast program in every 80249
school where at least one-fifth of the pupils in the school are 80250
eligible under federal requirements for free breakfasts and to 80251
establish a lunch program in every school where at least one-fifth 80252
of the pupils are eligible for free lunches. The board of 80253
education required to establish a breakfast program under this 80254
division may make a charge in accordance with federal requirements 80255
for each reduced price breakfast or paid breakfast to cover the 80256
cost incurred in providing that meal. 80257

(2) The state board shall require the board of education in each school district to establish a breakfast program in every school in which the parents of at least one-half of the children enrolled in the school have requested that the breakfast program be established. The board of education required to establish a program under this division may make a charge in accordance with federal requirements for each meal to cover all or part of the costs incurred in establishing such a program.

(3) The state board shall require the board of education in each school district to establish one of the following for summer intervention services described in division (D) of section 3301.0711 or provided under section 3313.608 of the Revised Code, and any other summer intervention program required by law:

(a) An extension of the school breakfast program pursuant to the "National School Lunch Act" and the "Child Nutrition Act of 1966";

(b) An extension of the school lunch program pursuant to those acts;

(c) A summer food service program pursuant to those acts.

(4)(a) If the board of education of a school district determines that, for financial reasons, it cannot comply with division (C)(1) or (3) of this section, the district board may choose not to comply with either or both divisions, except as provided in divisions (C)(4)(b) and (c) of this section. The district board publicly shall communicate to the residents of the district, in the manner it determines appropriate, its decision not to comply.

(b) If a district board chooses not to comply with division (C)(1) of this section, the state board nevertheless shall require the district board to establish a breakfast program in every school where at least one-third of the pupils in the school are

eligible under federal requirements for free breakfasts and to 80289
establish a lunch program in every school where at least one-third 80290
of the pupils are eligible for free lunches. The district board 80291
may make a charge in accordance with federal requirements for each 80292
reduced price breakfast or paid breakfast to cover the cost 80293
incurred in providing that meal. 80294

(c) If the board of education of a school district chooses 80295
not to comply with division (C)(3) of this section, the state 80296
board nevertheless shall require the district board to permit an 80297
approved summer food service program sponsor to use school 80298
facilities located in a school building attendance area where at 80299
least one-half of the pupils are eligible for free lunches. 80300

The department of education shall post in a prominent 80301
location on the department's web site a list of approved summer 80302
food service program sponsors that may use school facilities under 80303
this division. 80304

Subject to the provisions of sections 3313.75 and 3313.77 of 80305
the Revised Code, a school district may charge the summer food 80306
service program sponsor a reasonable fee for the use of school 80307
facilities that may include the actual cost of custodial services, 80308
charges for the use of school equipment, and a prorated share of 80309
the utility costs as determined by the district board. A school 80310
district shall require the summer food service program sponsor to 80311
indemnify and hold harmless the district from any potential 80312
liability resulting from the operation of the summer food service 80313
program under this division. For this purpose, the district shall 80314
either add the summer food service program sponsor, as an 80315
additional insured party, to the district's existing liability 80316
insurance policy or require the summer food service program 80317
sponsor to submit evidence of a separate liability insurance 80318
policy, for an amount approved by the district board. The summer 80319
food service program sponsor shall be responsible for any costs 80320

incurred in obtaining coverage under either option. 80321

(d) If a school district cannot for good cause comply with 80322
the requirements of division (C)(2) or (4)(b) or (c) of this 80323
section at the time the state board determines that a district is 80324
subject to these requirements, the state board shall grant a 80325
reasonable extension of time. Good cause for an extension of time 80326
shall include, but need not be limited to, economic impossibility 80327
of compliance with the requirements at the time the state board 80328
determines that a district is subject to them. 80329

(D)(1) The state board shall accept the application of any 80330
outdoor education center in the state making application for 80331
participation in a program pursuant to division (B) of this 80332
section. 80333

(2) For purposes of participation in any program pursuant to 80334
this section, the board shall certify any outdoor education center 80335
making application as an educational unit that is part of the 80336
educational system of the state, if the center: 80337

(a) Meets the definition of an outdoor education center; 80338

(b) Provides its outdoor education curriculum to pupils on an 80339
overnight basis so that pupils are in residence at the center for 80340
more than twenty-four consecutive hours; 80341

(c) Operates under public or nonprofit private ownership in a 80342
single building or complex of buildings. 80343

(3) The board shall approve any outdoor education center 80344
certified under this division for participation in the program for 80345
which the center is making application on the same basis as any 80346
other applicant for that program. 80347

(E) Any school district board of education or chartered or 80348
accredited nonpublic school that participates in a breakfast 80349
program pursuant to this section may offer breakfast to pupils in 80350

their classrooms during the school day. 80351

(F) Notwithstanding anything in this section to the contrary, 80352
in each fiscal year in which the general assembly appropriates 80353
funds for purposes of this division, the board of education of 80354
each school district and each chartered and accredited nonpublic 80355
school that participates in a breakfast program pursuant to this 80356
section shall provide a breakfast free of charge to each pupil who 80357
is eligible under federal requirements for a reduced price 80358
breakfast. 80359

Sec. 3313.86. The board of education of each city, exempted 80360
village, local, and joint vocational school district and, the 80361
governing authority of each chartered nonpublic school, and the 80362
governing authority of each accredited nonpublic school described 80363
in section 3301.165 of the Revised Code periodically shall review 80364
its policies and procedures to ensure the safety of students, 80365
employees, and other persons using a school building from any 80366
known hazards in the building or on building grounds that, in the 80367
judgment of the board or governing authority, pose an immediate 80368
risk to health or safety. The board or governing authority shall 80369
further ensure that its policies and procedures comply with all 80370
federal laws and regulations regarding health and safety 80371
applicable to school buildings. 80372

Sec. 3313.976. (A) No private school may receive scholarship 80373
payments from parents pursuant to section 3313.979 of the Revised 80374
Code until the chief administrator of the private school registers 80375
the school with the superintendent of public instruction. The 80376
state superintendent shall register any school that meets the 80377
following requirements: 80378

(1) The school either: 80379

(a) Offers any of grades kindergarten through twelve and is 80380

located within the boundaries of the pilot project school 80381
district; 80382

(b) Offers any of grades nine through twelve and is located 80383
within the boundaries of a city, local, or exempted village school 80384
district that is both: 80385

(i) Located in a municipal corporation with a population of 80386
fifteen thousand or more; 80387

(ii) Located within five miles of the border of the pilot 80388
project school district. 80389

(2) The school indicates in writing its commitment to follow 80390
all requirements for a state-sponsored scholarship program 80391
specified under sections 3313.974 to 3313.979 of the Revised Code, 80392
including, but not limited to, the requirements for admitting 80393
students pursuant to section 3313.977 of the Revised Code; 80394

(3) The school ~~meets~~ either: 80395

(a) Meets all state minimum standards for chartered nonpublic 80396
schools in effect on July 1, 1992, except that the state 80397
superintendent at the superintendent's discretion may register 80398
nonchartered nonpublic schools meeting the other requirements of 80399
this division; or 80400

(b) Is an accredited nonpublic school described in section 80401
3301.165 of the Revised Code. 80402

(4) The school does not discriminate on the basis of race, 80403
religion, or ethnic background; 80404

(5) The school enrolls a minimum of ten students per class or 80405
a sum of at least twenty-five students in all the classes offered; 80406

(6) The school does not advocate or foster unlawful behavior 80407
or teach hatred of any person or group on the basis of race, 80408
ethnicity, national origin, or religion; 80409

(7) The school does not provide false or misleading 80410

information about the school to parents, students, or the general public; 80411
80412

(8) For students in grades kindergarten through eight with family incomes at or below two hundred per cent of the federal poverty guidelines, as defined in section 5104.46 of the Revised Code, the school agrees not to charge any tuition in excess of the scholarship amount established pursuant to division (C)(1) of section 3313.978 of the Revised Code, excluding any increase described in division (C)(2) of that section. 80413
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(9) For students in grades kindergarten through eight with family incomes above two hundred per cent of the federal poverty guidelines, whose scholarship amounts are less than the actual tuition charge of the school, the school agrees not to charge any tuition in excess of the difference between the actual tuition charge of the school and the scholarship amount established pursuant to division (C)(1) of section 3313.978 of the Revised Code, excluding any increase described in division (C)(2) of that section. The school shall permit such tuition, at the discretion of the parent, to be satisfied by the family's provision of in-kind contributions or services. 80420
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(10) The school agrees not to charge any tuition to families of students in grades nine through twelve receiving a scholarship in excess of the actual tuition charge of the school less the scholarship amount established pursuant to division (C)(1) of section 3313.978 of the Revised Code, excluding any increase described in division (C)(2) of that section. 80431
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(11) Except as provided in divisions (K)(1) and (L) of section 3301.0711 of the Revised Code, it annually administers the applicable assessments prescribed by section 3301.0710, 3301.0712, or 3313.619 of the Revised Code to each scholarship student enrolled in the school in accordance with section 3301.0711 or 3301.0712 of the Revised Code and reports to the department of 80437
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education the results of each such assessment administered to each 80443
scholarship student. 80444

(B) The state superintendent shall revoke the registration of 80445
any school if, after a hearing, the superintendent determines that 80446
the school is in violation of any of the provisions of division 80447
(A) of this section. 80448

(C) Any public school located in a school district adjacent 80449
to the pilot project district may receive scholarship payments on 80450
behalf of parents pursuant to section 3313.979 of the Revised Code 80451
if the superintendent of the district in which such public school 80452
is located notifies the state superintendent prior to the first 80453
day of March that the district intends to admit students from the 80454
pilot project district for the ensuing school year pursuant to 80455
section 3327.06 of the Revised Code. 80456

(D) Any parent wishing to purchase tutorial assistance from 80457
any person or governmental entity pursuant to the pilot project 80458
program under sections 3313.974 to 3313.979 of the Revised Code 80459
shall apply to the state superintendent. The state superintendent 80460
shall approve providers who appear to possess the capability of 80461
furnishing the instructional services they are offering to 80462
provide. 80463

Sec. 3317.024. The following shall be distributed monthly, 80464
quarterly, or annually as may be determined by the state board of 80465
education: 80466

(A) An amount for each island school district and each joint 80467
state school district for the operation of each high school and 80468
each elementary school maintained within such district and for 80469
capital improvements for such schools. Such amounts shall be 80470
determined on the basis of standards adopted by the state board of 80471
education. However, for fiscal years 2012 and 2013, an island 80472
district shall receive the lesser of its actual cost of operation, 80473

as certified to the department of education, or ninety-three per 80474
cent of the amount the district received in state operating 80475
funding for fiscal year 2011. If an island district received no 80476
funding for fiscal year 2011, it shall receive no funding for 80477
either of fiscal year 2012 or 2013. 80478

(B) An amount for each school district required to pay 80479
tuition for a child in an institution maintained by the department 80480
of youth services pursuant to section 3317.082 of the Revised 80481
Code, provided the child was not included in the calculation of 80482
the district's formula ADM, as that term is defined in section 80483
3317.02 of the Revised Code, for the preceding school year. 80484

(C) An amount for the approved cost of transporting eligible 80485
pupils with disabilities attending a special education program 80486
approved by the department of education whom it is impossible or 80487
impractical to transport by regular school bus in the course of 80488
regular route transportation provided by the school district or 80489
educational service center. No district or service center is 80490
eligible to receive a payment under this division for the cost of 80491
transporting any pupil whom it transports by regular school bus 80492
and who is included in the district's transportation ADM. The 80493
state board of education shall establish standards and guidelines 80494
for use by the department of education in determining the approved 80495
cost of such transportation for each district or service center. 80496

(D) An amount to each school district, including each 80497
cooperative education school district, pursuant to section 3313.81 80498
of the Revised Code to assist in providing free lunches to needy 80499
children. The amounts shall be determined on the basis of rules 80500
adopted by the state board of education. 80501

(E)(1) An amount for auxiliary services to each school 80502
district, for each pupil attending a chartered or an accredited 80503
nonpublic elementary or high school within the district that is 80504
either of the following: 80505

(a) A school affiliated with a religious order, sect, church, 80506
or denomination or has a curriculum or mission that contains 80507
religious content, religious courses, devotional exercises, 80508
religious training, or any other religious activity; 80509

(b) A school not described in division (E)(1)(a) of this 80510
section that has not elected to receive funds under division 80511
(E)(2) of this section. 80512

(2) An amount for auxiliary services paid directly to each 80513
chartered or an accredited nonpublic school that has elected to 80514
receive funds under division (E)(2) of this section for each pupil 80515
attending the school. To elect to receive funds under division 80516
(E)(2) of this section, a school, by the first day of April of 80517
each odd-numbered year, shall notify the department and the school 80518
district in which the school is located of the election and shall 80519
submit to the department an affidavit certifying that the school 80520
is not affiliated with a religious order, sect, church, or 80521
denomination and does not have a curriculum or mission that 80522
contains religious content, religious courses, devotional 80523
exercises, religious training, or any other religious activity. 80524
The election shall take effect the following first day of July, 80525
unless the department determines that the school meets the 80526
criteria in division (E)(1)(a) of this section. The school 80527
subsequently may rescind its election, but it may do so only in an 80528
odd-numbered year by notifying the department and the school 80529
district in which the school is located of the rescission not 80530
later than the first day of April of that year. Beginning the 80531
following first day of July after the rescission, the school shall 80532
receive funds under division (E)(1) of this section. 80533

The amount paid under divisions (E)(1) and (2) of this 80534
section shall equal the total amount appropriated for the 80535
implementation of sections 3317.06 and 3317.062 of the Revised 80536
Code divided by the average daily membership in grades 80537

kindergarten through twelve in chartered or accredited nonpublic 80538
elementary and high schools within the state as determined as of 80539
the last day of October of each school year. 80540

For purposes of this section, "accredited nonpublic school" 80541
means an accredited nonpublic school as described in section 80542
3301.165 of the Revised Code. 80543

(F) An amount for each county board of developmental 80544
disabilities, distributed on the basis of standards adopted by the 80545
state board of education, for the approved cost of transportation 80546
required for children attending special education programs 80547
operated by the county board under section 3323.09 of the Revised 80548
Code; 80549

(G) An amount to each institution defined under section 80550
3317.082 of the Revised Code providing elementary or secondary 80551
education to children other than children receiving special 80552
education under section 3323.091 of the Revised Code. This amount 80553
for any institution in any fiscal year shall equal the total of 80554
all tuition amounts required to be paid to the institution under 80555
division (A)(1) of section 3317.082 of the Revised Code. 80556

The state board of education or any other board of education 80557
or governing board may provide for any resident of a district or 80558
educational service center territory any educational service for 80559
which funds are made available to the board by the United States 80560
under the authority of public law, whether such funds come 80561
directly or indirectly from the United States or any agency or 80562
department thereof or through the state or any agency, department, 80563
or political subdivision thereof. 80564

Sec. 3317.03. (A) The superintendent of each city, local, and 80565
exempted village school district shall report to the state board 80566
of education as of the last day of October, March, and June of 80567
each year the enrollment of students receiving services from 80568

schools under the superintendent's supervision, and the numbers of 80569
other students entitled to attend school in the district under 80570
section 3313.64 or 3313.65 of the Revised Code the superintendent 80571
is required to report under this section, so that the department 80572
of education can calculate the district's formula ADM, total ADM, 80573
category one through five career-technical education ADM, category 80574
one through three limited English proficient ADM, category one 80575
through six special education ADM, preschool scholarship ADM, 80576
transportation ADM, and, for purposes of provisions of law outside 80577
of Chapter 3317. of the Revised Code, average daily membership. 80578

(1) The enrollment reported by the superintendent during the 80579
reporting period shall consist of the number of students in grades 80580
kindergarten through twelve receiving any educational services 80581
from the district, except that the following categories of 80582
students shall not be included in the determination: 80583

(a) Students enrolled in adult education classes; 80584

(b) Adjacent or other district students enrolled in the 80585
district under an open enrollment policy pursuant to section 80586
3313.98 of the Revised Code; 80587

(c) Students receiving services in the district pursuant to a 80588
compact, cooperative education agreement, or a contract, but who 80589
are entitled to attend school in another district pursuant to 80590
section 3313.64 or 3313.65 of the Revised Code; 80591

(d) Students for whom tuition is payable pursuant to sections 80592
3317.081 and 3323.141 of the Revised Code; 80593

(e) Students receiving services in the district through a 80594
scholarship awarded under either section 3310.41 or sections 80595
3310.51 to 3310.64 of the Revised Code. 80596

When reporting students under division (A)(1) of this 80597
section, the superintendent also shall report the district where 80598

each student is entitled to attend school pursuant to sections 80599
3313.64 and 3313.65 of the Revised Code. 80600

(2) The department of education shall compile a list of all 80601
students reported to be enrolled in a district under division 80602
(A)(1) of this section and of the students entitled to attend 80603
school in the district pursuant to section 3313.64 or 3313.65 of 80604
the Revised Code on an FTE basis but receiving educational 80605
services in grades kindergarten through twelve from one or more of 80606
the following entities: 80607

(a) A community school pursuant to Chapter 3314. of the 80608
Revised Code, including any participation in a college pursuant to 80609
Chapter 3365. of the Revised Code while enrolled in such community 80610
school; 80611

(b) An alternative school pursuant to sections 3313.974 to 80612
3313.979 of the Revised Code as described in division (I)(2)(a) or 80613
(b) of this section; 80614

(c) A college pursuant to Chapter 3365. of the Revised Code, 80615
except when the student is enrolled in the college while also 80616
enrolled in a community school pursuant to Chapter 3314., a 80617
science, technology, engineering, and mathematics school 80618
established under Chapter 3326., or a college-preparatory boarding 80619
school established under Chapter 3328. of the Revised Code; 80620

(d) An adjacent or other school district under an open 80621
enrollment policy adopted pursuant to section 3313.98 of the 80622
Revised Code; 80623

(e) An educational service center or cooperative education 80624
district; 80625

(f) Another school district under a cooperative education 80626
agreement, compact, or contract; 80627

(g) A chartered or an accredited nonpublic school with a 80628

scholarship paid under section 3310.08 of the Revised Code, if the 80629
students qualified for the scholarship under section 3310.03 of 80630
the Revised Code. 80631

As used in this division and in division (B)(3)(f) of this 80632
section, "accredited nonpublic school" means an accredited 80633
nonpublic school as described in section 3301.165 of the Revised 80634
Code. 80635

(h) An alternative public provider or a registered private 80636
provider with a scholarship awarded under either section 3310.41 80637
or sections 3310.51 to 3310.64 of the Revised Code. 80638

As used in this section, "alternative public provider" and 80639
"registered private provider" have the same meanings as in section 80640
3310.41 or 3310.51 of the Revised Code, as applicable. 80641

(i) A science, technology, engineering, and mathematics 80642
school established under Chapter 3326. of the Revised Code, 80643
including any participation in a college pursuant to Chapter 3365. 80644
of the Revised Code while enrolled in the school; 80645

(j) A college-preparatory boarding school established under 80646
Chapter 3328. of the Revised Code, including any participation in 80647
a college pursuant to Chapter 3365. of the Revised Code while 80648
enrolled in the school. 80649

(3) The department also shall compile a list of the students 80650
entitled to attend school in the district under section 3313.64 or 80651
3313.65 of the Revised Code who are enrolled in a joint vocational 80652
school district or under a career-technical education compact, 80653
excluding any students so entitled to attend school in the 80654
district who are enrolled in another school district through an 80655
open enrollment policy as reported under division (A)(2)(d) of 80656
this section and then enroll in a joint vocational school district 80657
or under a career-technical education compact. 80658

The department shall provide each city, local, and exempted 80659

village school district with an opportunity to review the list of 80660
students compiled under divisions (A)(2) and (3) of this section 80661
to ensure that the students reported accurately reflect the 80662
enrollment of students in the district. 80663

(B) To enable the department of education to obtain the data 80664
needed to complete the calculation of payments pursuant to this 80665
chapter, each superintendent shall certify from the reports 80666
provided by the department under division (A) of this section all 80667
of the following: 80668

(1) The total student enrollment in regular learning day 80669
classes included in the report under division (A)(1) or (2) of 80670
this section for each of the individual grades kindergarten 80671
through twelve in schools under the superintendent's supervision; 80672

(2) The unduplicated count of the number of preschool 80673
children with disabilities enrolled in the district for whom the 80674
district is eligible to receive funding under section 3317.0213 of 80675
the Revised Code adjusted for the portion of the year each child 80676
is so enrolled, in accordance with the disability categories 80677
prescribed in section 3317.013 of the Revised Code; 80678

(3) The number of children entitled to attend school in the 80679
district pursuant to section 3313.64 or 3313.65 of the Revised 80680
Code who are: 80681

(a) Participating in a pilot project scholarship program 80682
established under sections 3313.974 to 3313.979 of the Revised 80683
Code as described in division (I)(2)(a) or (b) of this section; 80684

(b) Enrolled in a college under Chapter 3365. of the Revised 80685
Code, except when the student is enrolled in the college while 80686
also enrolled in a community school pursuant to Chapter 3314. of 80687
the Revised Code, a science, technology, engineering, and 80688
mathematics school established under Chapter 3326., or a 80689
college-preparatory boarding school established under Chapter 80690

3328. of the Revised Code;	80691
(c) Enrolled in an adjacent or other school district under section 3313.98 of the Revised Code;	80692 80693
(d) Enrolled in a community school established under Chapter 3314. of the Revised Code that is not an internet- or computer-based community school as defined in section 3314.02 of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in such community school;	80694 80695 80696 80697 80698 80699
(e) Enrolled in an internet- or computer-based community school, as defined in section 3314.02 of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;	80700 80701 80702 80703
(f) Enrolled in a chartered <u>or an accredited</u> nonpublic school with a scholarship paid under section 3310.08 of the Revised Code and who qualified for the scholarship under section 3310.03 of the Revised Code;	80704 80705 80706 80707
(g) Enrolled in kindergarten through grade twelve in an alternative public provider or a registered private provider with a scholarship awarded under section 3310.41 of the Revised Code;	80708 80709 80710
(h) Enrolled as a preschool child with a disability in an alternative public provider or a registered private provider with a scholarship awarded under section 3310.41 of the Revised Code;	80711 80712 80713
(i) Participating in a program operated by a county board of developmental disabilities or a state institution;	80714 80715
(j) Enrolled in a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;	80716 80717 80718 80719
(k) Enrolled in a college-preparatory boarding school	80720

established under Chapter 3328. of the Revised Code, including any 80721
participation in a college pursuant to Chapter 3365. of the 80722
Revised Code while enrolled in the school; 80723

(1) Enrolled in an alternative public provider or a 80724
registered private provider with a scholarship awarded under 80725
sections 3310.51 to 3310.64 of the Revised Code. 80726

(4) The total enrollment of pupils in joint vocational 80727
schools; 80728

(5) The combined enrollment of children with disabilities 80729
reported under division (A)(1) or (2) of this section receiving 80730
special education services for the category one disability 80731
described in division (A) of section 3317.013 of the Revised Code, 80732
including children attending a special education program operated 80733
by an alternative public provider or a registered private provider 80734
with a scholarship awarded under sections 3310.51 to 3310.64 of 80735
the Revised Code; 80736

(6) The combined enrollment of children with disabilities 80737
reported under division (A)(1) or (2) of this section receiving 80738
special education services for category two disabilities described 80739
in division (B) of section 3317.013 of the Revised Code, including 80740
children attending a special education program operated by an 80741
alternative public provider or a registered private provider with 80742
a scholarship awarded under sections 3310.51 to 3310.64 of the 80743
Revised Code; 80744

(7) The combined enrollment of children with disabilities 80745
reported under division (A)(1) or (2) of this section receiving 80746
special education services for category three disabilities 80747
described in division (C) of section 3317.013 of the Revised Code, 80748
including children attending a special education program operated 80749
by an alternative public provider or a registered private provider 80750
with a scholarship awarded under sections 3310.51 to 3310.64 of 80751

the Revised Code; 80752

(8) The combined enrollment of children with disabilities 80753
reported under division (A)(1) or (2) of this section receiving 80754
special education services for category four disabilities 80755
described in division (D) of section 3317.013 of the Revised Code, 80756
including children attending a special education program operated 80757
by an alternative public provider or a registered private provider 80758
with a scholarship awarded under sections 3310.51 to 3310.64 of 80759
the Revised Code; 80760

(9) The combined enrollment of children with disabilities 80761
reported under division (A)(1) or (2) of this section receiving 80762
special education services for the category five disabilities 80763
described in division (E) of section 3317.013 of the Revised Code, 80764
including children attending a special education program operated 80765
by an alternative public provider or a registered private provider 80766
with a scholarship awarded under sections 3310.51 to 3310.64 of 80767
the Revised Code; 80768

(10) The combined enrollment of children with disabilities 80769
reported under division (A)(1) or (2) and under division (B)(3)(h) 80770
of this section receiving special education services for category 80771
six disabilities described in division (F) of section 3317.013 of 80772
the Revised Code, including children attending a special education 80773
program operated by an alternative public provider or a registered 80774
private provider with a scholarship awarded under either section 80775
3310.41 or sections 3310.51 to 3310.64 of the Revised Code; 80776

(11) The enrollment of pupils reported under division (A)(1) 80777
or (2) of this section on a full-time equivalency basis in 80778
category one career-technical education programs or classes, 80779
described in division (A) of section 3317.014 of the Revised Code, 80780
operated by the school district or by another district that is a 80781
member of the district's career-technical planning district, other 80782
than a joint vocational school district, or by an educational 80783

service center, notwithstanding division (G) of section 3317.02 of 80784
the Revised Code and division (C)(3) of this section; 80785

(12) The enrollment of pupils reported under division (A)(1) 80786
or (2) of this section on a full-time equivalency basis in 80787
category two career-technical education programs or services, 80788
described in division (B) of section 3317.014 of the Revised Code, 80789
operated by the school district or another school district that is 80790
a member of the district's career-technical planning district, 80791
other than a joint vocational school district, or by an 80792
educational service center, notwithstanding division (G) of 80793
section 3317.02 of the Revised Code and division (C)(3) of this 80794
section; 80795

(13) The enrollment of pupils reported under division (A)(1) 80796
or (2) of this section on a full-time equivalency basis in 80797
category three career-technical education programs or services, 80798
described in division (C) of section 3317.014 of the Revised Code, 80799
operated by the school district or another school district that is 80800
a member of the district's career-technical planning district, 80801
other than a joint vocational school district, or by an 80802
educational service center, notwithstanding division (G) of 80803
section 3317.02 of the Revised Code and division (C)(3) of this 80804
section; 80805

(14) The enrollment of pupils reported under division (A)(1) 80806
or (2) of this section on a full-time equivalency basis in 80807
category four career-technical education programs or services, 80808
described in division (D) of section 3317.014 of the Revised Code, 80809
operated by the school district or another school district that is 80810
a member of the district's career-technical planning district, 80811
other than a joint vocational school district, or by an 80812
educational service center, notwithstanding division (G) of 80813
section 3317.02 of the Revised Code and division (C)(3) of this 80814
section; 80815

(15) The enrollment of pupils reported under division (A)(1) 80816
or (2) of this section on a full-time equivalency basis in 80817
category five career-technical education programs or services, 80818
described in division (E) of section 3317.014 of the Revised Code, 80819
operated by the school district or another school district that is 80820
a member of the district's career-technical planning district, 80821
other than a joint vocational school district, or by an 80822
educational service center, notwithstanding division (G) of 80823
section 3317.02 of the Revised Code and division (C)(3) of this 80824
section; 80825

(16) The enrollment of pupils reported under division (A)(1) 80826
or (2) of this section who are limited English proficient students 80827
described in division (A) of section 3317.016 of the Revised Code, 80828
excluding any student reported under division (B)(3)(e) of this 80829
section as enrolled in an internet- or computer-based community 80830
school; 80831

(17) The enrollment of pupils reported under division (A)(1) 80832
or (2) of this section who are limited English proficient students 80833
described in division (B) of section 3317.016 of the Revised Code, 80834
excluding any student reported under division (B)(3)(e) of this 80835
section as enrolled in an internet- or computer-based community 80836
school; 80837

(18) The enrollment of pupils reported under division (A)(1) 80838
or (2) of this section who are limited English proficient students 80839
described in division (C) of section 3317.016 of the Revised Code, 80840
excluding any student reported under division (B)(3)(e) of this 80841
section as enrolled in an internet- or computer-based community 80842
school; 80843

(19) The average number of children transported during the 80844
reporting period by the school district on board-owned or 80845
contractor-owned and -operated buses, reported in accordance with 80846
rules adopted by the department of education; 80847

(20)(a) The number of children, other than preschool children with disabilities, the district placed with a county board of developmental disabilities in fiscal year 1998. Division (B)(20)(a) of this section does not apply after fiscal year 2013.

(b) The number of children with disabilities, other than preschool children with disabilities, placed with a county board of developmental disabilities in the current fiscal year to receive special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code;

(c) The number of children with disabilities, other than preschool children with disabilities, placed with a county board of developmental disabilities in the current fiscal year to receive special education services for category two disabilities described in division (B) of section 3317.013 of the Revised Code;

(d) The number of children with disabilities, other than preschool children with disabilities, placed with a county board of developmental disabilities in the current fiscal year to receive special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code;

(e) The number of children with disabilities, other than preschool children with disabilities, placed with a county board of developmental disabilities in the current fiscal year to receive special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code;

(f) The number of children with disabilities, other than preschool children with disabilities, placed with a county board of developmental disabilities in the current fiscal year to receive special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code;

(g) The number of children with disabilities, other than

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preschool children with disabilities, placed with a county board 80879
of developmental disabilities in the current fiscal year to 80880
receive special education services for category six disabilities 80881
described in division (F) of section 3317.013 of the Revised Code. 80882

(21) The enrollment of students who are economically 80883
disadvantaged, as defined by the department, excluding any student 80884
reported under division (B)(3)(e) of this section as enrolled in 80885
an internet- or computer-based community school. A student shall 80886
not be categorically excluded from the number reported under 80887
division (B)(21) of this section based on anything other than 80888
family income. 80889

(C)(1) The state board of education shall adopt rules 80890
necessary for implementing divisions (A), (B), and (D) of this 80891
section. 80892

(2) A student enrolled in a community school established 80893
under Chapter 3314., a science, technology, engineering, and 80894
mathematics school established under Chapter 3326., or a 80895
college-preparatory boarding school established under Chapter 80896
3328. of the Revised Code shall be counted in the formula ADM and, 80897
if applicable, the category one, two, three, four, five, or six 80898
special education ADM of the school district in which the student 80899
is entitled to attend school under section 3313.64 or 3313.65 of 80900
the Revised Code for the same proportion of the school year that 80901
the student is counted in the enrollment of the community school, 80902
the science, technology, engineering, and mathematics school, or 80903
the college-preparatory boarding school for purposes of section 80904
3314.08, 3326.33, or 3328.24 of the Revised Code. Notwithstanding 80905
the enrollment of students certified pursuant to division 80906
(B)(3)(d), (e), (j), or (k) of this section, the department may 80907
adjust the formula ADM of a school district to account for 80908
students entitled to attend school in the district under section 80909
3313.64 or 3313.65 of the Revised Code who are enrolled in a 80910

community school, a science, technology, engineering, and 80911
mathematics school, or a college-preparatory boarding school for 80912
only a portion of the school year. 80913

(3) No child shall be counted as more than a total of one 80914
child in the sum of the enrollment of students of a school 80915
district under division (A), divisions (B)(1) to (22), or division 80916
(D) of this section, except as follows: 80917

(a) A child with a disability described in section 3317.013 80918
of the Revised Code may be counted both in formula ADM and in 80919
category one, two, three, four, five, or six special education ADM 80920
and, if applicable, in category one, two, three, four, or five 80921
career-technical education ADM. As provided in division (G) of 80922
section 3317.02 of the Revised Code, such a child shall be counted 80923
in category one, two, three, four, five, or six special education 80924
ADM in the same proportion that the child is counted in formula 80925
ADM. 80926

(b) A child enrolled in career-technical education programs 80927
or classes described in section 3317.014 of the Revised Code may 80928
be counted both in formula ADM and category one, two, three, four, 80929
or five career-technical education ADM and, if applicable, in 80930
category one, two, three, four, five, or six special education 80931
ADM. Such a child shall be counted in category one, two, three, 80932
four, or five career-technical education ADM in the same 80933
proportion as the percentage of time that the child spends in the 80934
career-technical education programs or classes. 80935

(4) Based on the information reported under this section, the 80936
department of education shall determine the total student count, 80937
as defined in section 3301.011 of the Revised Code, for each 80938
school district. 80939

(D)(1) The superintendent of each joint vocational school 80940
district shall report and certify to the superintendent of public 80941

instruction as of the last day of October, March, and June of each 80942
year the enrollment of students receiving services from schools 80943
under the superintendent's supervision so that the department can 80944
calculate the district's formula ADM, total ADM, category one 80945
through five career-technical education ADM, category one through 80946
three limited English proficient ADM, category one through six 80947
special education ADM, and for purposes of provisions of law 80948
outside of Chapter 3317. of the Revised Code, average daily 80949
membership. 80950

The enrollment reported and certified by the superintendent, 80951
except as otherwise provided in this division, shall consist of 80952
the ~~the~~ number of students in grades six through twelve receiving 80953
any educational services from the district, except that the 80954
following categories of students shall not be included in the 80955
determination: 80956

(a) Students enrolled in adult education classes; 80957

(b) Adjacent or other district joint vocational students 80958
enrolled in the district under an open enrollment policy pursuant 80959
to section 3313.98 of the Revised Code; 80960

(c) Students receiving services in the district pursuant to a 80961
compact, cooperative education agreement, or a contract, but who 80962
are entitled to attend school in a city, local, or exempted 80963
village school district whose territory is not part of the 80964
territory of the joint vocational district; 80965

(d) Students for whom tuition is payable pursuant to sections 80966
3317.081 and 3323.141 of the Revised Code. 80967

(2) To enable the department of education to obtain the data 80968
needed to complete the calculation of payments pursuant to this 80969
chapter, each superintendent shall certify from the report 80970
provided under division (D)(1) of this section the enrollment for 80971
each of the following categories of students: 80972

(a) Students enrolled in each individual grade included in the joint vocational district schools;	80973 80974
(b) Children with disabilities receiving special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code;	80975 80976 80977
(c) Children with disabilities receiving special education services for the category two disabilities described in division (B) of section 3317.013 of the Revised Code;	80978 80979 80980
(d) Children with disabilities receiving special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code;	80981 80982 80983
(e) Children with disabilities receiving special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code;	80984 80985 80986
(f) Children with disabilities receiving special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code;	80987 80988 80989
(g) Children with disabilities receiving special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code;	80990 80991 80992
(h) Students receiving category one career-technical education services, described in division (A) of section 3317.014 of the Revised Code;	80993 80994 80995
(i) Students receiving category two career-technical education services, described in division (B) of section 3317.014 of the Revised Code;	80996 80997 80998
(j) Students receiving category three career-technical education services, described in division (C) of section 3317.014 of the Revised Code;	80999 81000 81001
(k) Students receiving category four career-technical	81002

education services, described in division (D) of section 3317.014 81003
of the Revised Code; 81004

(l) Students receiving category five career-technical 81005
education services, described in division (E) of section 3317.014 81006
of the Revised Code; 81007

(m) Limited English proficient students described in division 81008
(A) of section 3317.016 of the Revised Code; 81009

(n) Limited English proficient students described in division 81010
(B) of section 3317.016 of the Revised Code; 81011

(o) Limited English proficient students described in division 81012
(C) of section 3317.016 of the Revised Code; 81013

(p) Students who are economically disadvantaged, as defined 81014
by the department. A student shall not be categorically excluded 81015
from the number reported under division (D)(2)(p) of this section 81016
based on anything other than family income. 81017

The superintendent of each joint vocational school district 81018
shall also indicate the city, local, or exempted village school 81019
district in which each joint vocational district pupil is entitled 81020
to attend school pursuant to section 3313.64 or 3313.65 of the 81021
Revised Code. 81022

(E) In each school of each city, local, exempted village, 81023
joint vocational, and cooperative education school district there 81024
shall be maintained a record of school enrollment, which record 81025
shall accurately show, for each day the school is in session, the 81026
actual enrollment in regular day classes. For the purpose of 81027
determining the enrollment of students, the enrollment figure of 81028
any school shall not include any pupils except those pupils 81029
described by division (A) of this section. The record of 81030
enrollment for each school shall be maintained in such manner that 81031
no pupil shall be counted as enrolled prior to the actual date of 81032
entry in the school and also in such manner that where for any 81033

cause a pupil permanently withdraws from the school that pupil 81034
shall not be counted as enrolled from and after the date of such 81035
withdrawal. There shall not be included in the enrollment of any 81036
school any of the following: 81037

(1) Any pupil who has graduated from the twelfth grade of a 81038
public or nonpublic high school; 81039

(2) Any pupil who is not a resident of the state; 81040

(3) Any pupil who was enrolled in the schools of the district 81041
during the previous school year when assessments were administered 81042
under section 3301.0711 of the Revised Code but did not take one 81043
or more of the assessments required by that section and was not 81044
excused pursuant to division (C)(1) or (3) of that section; 81045

(4) Any pupil who has attained the age of twenty-two years, 81046
except for veterans of the armed services whose attendance was 81047
interrupted before completing the recognized twelve-year course of 81048
the public schools by reason of induction or enlistment in the 81049
armed forces and who apply for reenrollment in the public school 81050
system of their residence not later than four years after 81051
termination of war or their honorable discharge; 81052

(5) Any pupil who has a certificate of high school 81053
equivalence as defined in section 5107.40 of the Revised Code. 81054

If, however, any veteran described by division (E)(4) of this 81055
section elects to enroll in special courses organized for veterans 81056
for whom tuition is paid under the provisions of federal laws, or 81057
otherwise, that veteran shall not be included in the enrollment of 81058
students determined under this section. 81059

Notwithstanding division (E)(3) of this section, the 81060
enrollment of any school may include a pupil who did not take an 81061
assessment required by section 3301.0711 of the Revised Code if 81062
the superintendent of public instruction grants a waiver from the 81063
requirement to take the assessment to the specific pupil and a 81064

parent is not paying tuition for the pupil pursuant to section 81065
3313.6410 of the Revised Code. The superintendent may grant such a 81066
waiver only for good cause in accordance with rules adopted by the 81067
state board of education. 81068

The formula ADM, total ADM, category one through five 81069
career-technical education ADM, category one through three limited 81070
English proficient ADM, category one through six special education 81071
ADM, preschool scholarship ADM, transportation ADM, and, for 81072
purposes of provisions of law outside of Chapter 3317. of the 81073
Revised Code, average daily membership of any school district 81074
shall be determined in accordance with rules adopted by the state 81075
board of education. 81076

(F)(1) If a student attending a community school under 81077
Chapter 3314., a science, technology, engineering, and mathematics 81078
school established under Chapter 3326., or a college-preparatory 81079
boarding school established under Chapter 3328. of the Revised 81080
Code is not included in the formula ADM calculated for the school 81081
district in which the student is entitled to attend school under 81082
section 3313.64 or 3313.65 of the Revised Code, the department of 81083
education shall adjust the formula ADM of that school district to 81084
include the student in accordance with division (C)(2) of this 81085
section, and shall recalculate the school district's payments 81086
under this chapter for the entire fiscal year on the basis of that 81087
adjusted formula ADM. 81088

(2) If a student awarded an educational choice scholarship is 81089
not included in the formula ADM of the school district from which 81090
the department deducts funds for the scholarship under section 81091
3310.08 of the Revised Code, the department shall adjust the 81092
formula ADM of that school district to include the student to the 81093
extent necessary to account for the deduction, and shall 81094
recalculate the school district's payments under this chapter for 81095
the entire fiscal year on the basis of that adjusted formula ADM. 81096

(3) If a student awarded a scholarship under the Jon Peterson special needs scholarship program is not included in the formula ADM of the school district from which the department deducts funds for the scholarship under section 3310.55 of the Revised Code, the department shall adjust the formula ADM of that school district to include the student to the extent necessary to account for the deduction, and shall recalculate the school district's payments under this chapter for the entire fiscal year on the basis of that adjusted formula ADM.

(G)(1)(a) The superintendent of an institution operating a special education program pursuant to section 3323.091 of the Revised Code shall, for the programs under such superintendent's supervision, certify to the state board of education, in the manner prescribed by the superintendent of public instruction, both of the following:

(i) The unduplicated count of the number of all children with disabilities other than preschool children with disabilities receiving services at the institution for each category of disability described in divisions (A) to (F) of section 3317.013 of the Revised Code adjusted for the portion of the year each child is so enrolled;

(ii) The unduplicated count of the number of all preschool children with disabilities in classes or programs for whom the district is eligible to receive funding under section 3317.0213 of the Revised Code adjusted for the portion of the year each child is so enrolled, reported according to the categories prescribed in section 3317.013 of the Revised Code.

(b) The superintendent of an institution with career-technical education units approved under section 3317.05 of the Revised Code shall, for the units under the superintendent's supervision, certify to the state board of education the enrollment in those units, in the manner prescribed by the

superintendent of public instruction. 81129

(2) The superintendent of each county board of developmental 81130
disabilities that maintains special education classes under 81131
section 3317.20 of the Revised Code or provides services to 81132
preschool children with disabilities pursuant to an agreement 81133
between the county board and the appropriate school district shall 81134
do both of the following: 81135

(a) Certify to the state board, in the manner prescribed by 81136
the board, the enrollment in classes under section 3317.20 of the 81137
Revised Code for each school district that has placed children in 81138
the classes; 81139

(b) Certify to the state board, in the manner prescribed by 81140
the board, the unduplicated count of the number of all preschool 81141
children with disabilities enrolled in classes for which the ~~DD~~ 81142
board is eligible to receive funding under section 3317.0213 of 81143
the Revised Code adjusted for the portion of the year each child 81144
is so enrolled, reported according to the categories prescribed in 81145
section 3317.013 of the Revised Code, and the number of those 81146
classes. 81147

(H) Except as provided in division (I) of this section, when 81148
any city, local, or exempted village school district provides 81149
instruction for a nonresident pupil whose attendance is 81150
unauthorized attendance as defined in section 3327.06 of the 81151
Revised Code, that pupil's enrollment shall not be included in 81152
that district's enrollment figure used in calculating the 81153
district's payments under this chapter. The reporting official 81154
shall report separately the enrollment of all pupils whose 81155
attendance in the district is unauthorized attendance, and the 81156
enrollment of each such pupil shall be credited to the school 81157
district in which the pupil is entitled to attend school under 81158
division (B) of section 3313.64 or section 3313.65 of the Revised 81159
Code as determined by the department of education. 81160

(I)(1) A city, local, exempted village, or joint vocational school district admitting a scholarship student of a pilot project district pursuant to division (C) of section 3313.976 of the Revised Code may count such student in its enrollment.

(2) In any year for which funds are appropriated for pilot project scholarship programs, a school district implementing a state-sponsored pilot project scholarship program that year pursuant to sections 3313.974 to 3313.979 of the Revised Code may count in its enrollment:

(a) All children residing in the district and utilizing a scholarship to attend kindergarten in any alternative school, as defined in section 3313.974 of the Revised Code;

(b) All children who were enrolled in the district in the preceding year who are utilizing a scholarship to attend an alternative school.

(J) The superintendent of each cooperative education school district shall certify to the superintendent of public instruction, in a manner prescribed by the state board of education, the applicable enrollments for all students in the cooperative education district, also indicating the city, local, or exempted village district where each pupil is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(K) If the superintendent of public instruction determines that a component of the enrollment certified or reported by a district superintendent, or other reporting entity, is not correct, the superintendent of public instruction may order that the formula ADM used for the purposes of payments under any section of Title XXXVIII of the Revised Code be adjusted in the amount of the error.

Sec. 3317.06. Moneys paid to school districts under division 81191
(E)(1) of section 3317.024 of the Revised Code shall be used for 81192
the following independent and fully severable purposes on behalf 81193
of students enrolled in chartered and accredited nonpublic 81194
schools: 81195

(A) To purchase such secular textbooks or digital texts as 81196
have been approved by the superintendent of public instruction for 81197
use in public schools in the state and to loan such textbooks or 81198
digital texts to pupils attending nonpublic schools within the 81199
district described in division (E)(1) of section 3317.024 of the 81200
Revised Code or to their parents and to hire clerical personnel to 81201
administer such lending program. Such loans shall be based upon 81202
individual requests submitted by such nonpublic school pupils or 81203
parents. Such requests shall be submitted to the school district 81204
in which the nonpublic school is located. Such individual requests 81205
for the loan of textbooks or digital texts shall, for 81206
administrative convenience, be submitted by the nonpublic school 81207
pupil or the pupil's parent to the nonpublic school, which shall 81208
prepare and submit collective summaries of the individual requests 81209
to the school district. As used in this section: 81210

(1) "Textbook" means any book or book substitute that a pupil 81211
uses as a consumable or nonconsumable text, text substitute, or 81212
text supplement in a particular class or program in the school the 81213
pupil regularly attends. 81214

(2) "Digital text" means a consumable book or book substitute 81215
that a student accesses through the use of a computer or other 81216
electronic medium or that is available through an internet-based 81217
provider of course content, or any other material that contributes 81218
to the learning process through electronic means. 81219

(B) To provide speech and hearing diagnostic services to 81220
pupils attending nonpublic schools within the district described 81221

in division (E)(1) of section 3317.024 of the Revised Code. Such 81222
service shall be provided in the nonpublic school attended by the 81223
pupil receiving the service. 81224

(C) To provide physician, nursing, dental, and optometric 81225
services to pupils attending nonpublic schools within the district 81226
described in division (E)(1) of section 3317.024 of the Revised 81227
Code. Such services shall be provided in the school attended by 81228
the nonpublic school pupil receiving the service. 81229

(D) To provide diagnostic psychological services to pupils 81230
attending nonpublic schools within the district described in 81231
division (E)(1) of section 3317.024 of the Revised Code. Such 81232
services shall be provided in the school attended by the pupil 81233
receiving the service. 81234

(E) To provide therapeutic psychological and speech and 81235
hearing services to pupils attending nonpublic schools within the 81236
district described in division (E)(1) of section 3317.024 of the 81237
Revised Code. Such services shall be provided in the public 81238
school, in nonpublic schools, in public centers, or in mobile 81239
units located on or off of the nonpublic premises. If such 81240
services are provided in the public school or in public centers, 81241
transportation to and from such facilities shall be provided by 81242
the school district in which the nonpublic school is located. 81243

(F) To provide guidance, counseling, and social work services 81244
to pupils attending nonpublic schools within the district 81245
described in division (E)(1) of section 3317.024 of the Revised 81246
Code. Such services shall be provided in the public school, in 81247
nonpublic schools, in public centers, or in mobile units located 81248
on or off of the nonpublic premises. If such services are provided 81249
in the public school or in public centers, transportation to and 81250
from such facilities shall be provided by the school district in 81251
which the nonpublic school is located. 81252

(G) To provide remedial services to pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code. Such services shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such services are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

(H) To supply for use by pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code such standardized tests and scoring services as are in use in the public schools of the state;

(I) To provide programs for children who attend nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code and are children with disabilities as defined in section 3323.01 of the Revised Code or gifted children. Such programs shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such programs are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

(J) To hire clerical personnel to assist in the administration of programs pursuant to divisions (B), (C), (D), (E), (F), (G), and (I) of this section and to hire supervisory personnel to supervise the providing of services and textbooks pursuant to this section.

(K) To purchase or lease any secular, neutral, and nonideological computer application software designed to assist students in performing a single task or multiple related tasks, device management software, learning management software,

site-licensing, digital video on demand (DVD), wide area 81285
connectivity and related technology as it relates to internet 81286
access, mathematics or science equipment and materials, 81287
instructional materials, and school library materials that are in 81288
general use in the public schools of the state and loan such items 81289
to pupils attending nonpublic schools within the district 81290
described in division (E)(1) of section 3317.024 of the Revised 81291
Code or to their parents, and to hire clerical personnel to 81292
administer the lending program. Only such items that are incapable 81293
of diversion to religious use and that are susceptible of loan to 81294
individual pupils and are furnished for the use of individual 81295
pupils shall be purchased and loaned under this division. As used 81296
in this section, "instructional materials" means prepared learning 81297
materials that are secular, neutral, and nonideological in 81298
character and are of benefit to the instruction of school 81299
children. "Instructional materials" includes media content that a 81300
student may access through the use of a computer or electronic 81301
device. 81302

Mobile applications that are secular, neutral, and 81303
nonideological in character and that are purchased for less than 81304
twenty dollars for instructional use shall be considered to be 81305
consumable and shall be distributed to students without the 81306
expectation that the applications must be returned. 81307

(L) To purchase or lease instructional equipment, including 81308
computer hardware and related equipment in general use in the 81309
public schools of the state, for use by pupils attending nonpublic 81310
schools within the district described in division (E)(1) of 81311
section 3317.024 of the Revised Code and to loan such items to 81312
pupils attending such nonpublic schools within the district or to 81313
their parents, and to hire clerical personnel to administer the 81314
lending program. "Computer hardware and related equipment" 81315
includes desktop computers and workstations; laptop computers, 81316

computer tablets, and other mobile handheld devices; their 81317
operating systems and accessories; and any equipment designed to 81318
make accessible the environment of a classroom to a student, who 81319
is physically unable to attend classroom activities due to 81320
hospitalization or other circumstances, by allowing real-time 81321
interaction with other students both one-on-one and in group 81322
discussion. 81323

(M) To purchase mobile units to be used for the provision of 81324
services pursuant to divisions (E), (F), (G), and (I) of this 81325
section and to pay for necessary repairs and operating costs 81326
associated with these units. 81327

(N) To reimburse costs the district incurred to store the 81328
records of a chartered or accredited nonpublic school that closes. 81329
Reimbursements under this division shall be made one time only for 81330
each chartered or accredited nonpublic school described in 81331
division (E)(1) of section 3317.024 of the Revised Code that 81332
closes. 81333

(O) To purchase life-saving medical or other emergency 81334
equipment for placement in nonpublic schools within the district 81335
described in division (E)(1) of section 3317.024 of the Revised 81336
Code or to maintain such equipment. 81337

(P) To procure and pay for security services from a county 81338
sheriff or a township or municipal police force or from a person 81339
certified through the Ohio peace officer training commission, in 81340
accordance with section 109.78 of the Revised Code, as a special 81341
police, security guard, or as a privately employed person serving 81342
in a police capacity for nonpublic schools in the district 81343
described in division (E)(1) of section 3317.024 of the Revised 81344
Code. 81345

(Q) To provide language and academic support services and 81346
other accommodations for English language learners attending 81347

nonpublic schools within the district described in division (E)(1) 81348
of section 3317.024 of the Revised Code. 81349

Clerical and supervisory personnel hired pursuant to division 81350
(J) of this section shall perform their services in the public 81351
schools, in nonpublic schools, public centers, or mobile units 81352
where the services are provided to the nonpublic school pupil, 81353
except that such personnel may accompany pupils to and from the 81354
service sites when necessary to ensure the safety of the children 81355
receiving the services. 81356

All services provided pursuant to this section may be 81357
provided under contract with educational service centers, the 81358
department of health, city or general health districts, or private 81359
agencies whose personnel are properly licensed by an appropriate 81360
state board or agency. 81361

Transportation of pupils provided pursuant to divisions (E), 81362
(F), (G), and (I) of this section shall be provided by the school 81363
district from its general funds and not from moneys paid to it 81364
under division (E)(1) of section 3317.024 of the Revised Code 81365
unless a special transportation request is submitted by the parent 81366
of the child receiving service pursuant to such divisions. If such 81367
an application is presented to the school district, it may pay for 81368
the transportation from moneys paid to it under division (E)(1) of 81369
section 3317.024 of the Revised Code. 81370

No school district shall provide health or remedial services 81371
to nonpublic school pupils as authorized by this section unless 81372
such services are available to pupils attending the public schools 81373
within the district. 81374

Materials, equipment, computer hardware or software, 81375
textbooks, digital texts, and health and remedial services 81376
provided for the benefit of nonpublic school pupils pursuant to 81377
this section and the admission of pupils to such nonpublic schools 81378

shall be provided without distinction as to race, creed, color, or 81379
national origin of such pupils or of their teachers. 81380

No school district shall provide services, materials, or 81381
equipment that contain religious content for use in religious 81382
courses, devotional exercises, religious training, or any other 81383
religious activity. 81384

As used in this section, "parent" includes a person standing 81385
in loco parentis to a child. 81386

As used in this section, "accredited nonpublic school" means 81387
an accredited nonpublic school as described in section 3301.165 of 81388
the Revised Code. 81389

Notwithstanding section 3317.01 of the Revised Code, payments 81390
shall be made under this section to any city, local, or exempted 81391
village school district within which is located one or more 81392
nonpublic elementary or high schools described in division (E)(1) 81393
of section 3317.024 of the Revised Code and any payments made to 81394
school districts under division (E)(1) of section 3317.024 of the 81395
Revised Code for purposes of this section may be disbursed without 81396
submission to and approval of the controlling board. 81397

The allocation of payments for materials, equipment, 81398
textbooks, digital texts, health services, and remedial services 81399
to city, local, and exempted village school districts shall be on 81400
the basis of the state board of education's estimated annual 81401
average daily membership in nonpublic elementary and high schools 81402
located in the district described in division (E)(1) of section 81403
3317.024 of the Revised Code. 81404

Payments made to city, local, and exempted village school 81405
districts under this section shall be equal to specific 81406
appropriations made for the purpose. All interest earned by a 81407
school district on such payments shall be used by the district for 81408
the same purposes and in the same manner as the payments may be 81409

used. 81410

The department of education shall adopt guidelines and 81411
procedures under which such programs and services shall be 81412
provided, under which districts shall be reimbursed for 81413
administrative costs incurred in providing such programs and 81414
services, and under which any unexpended balance of the amounts 81415
appropriated by the general assembly to implement this section may 81416
be transferred to the auxiliary services personnel unemployment 81417
compensation fund established pursuant to section 4141.47 of the 81418
Revised Code. The department shall also adopt guidelines and 81419
procedures limiting the purchase and loan of the items described 81420
in division (K) of this section to items that are in general use 81421
in the public schools of the state, that are incapable of 81422
diversion to religious use, and that are susceptible to individual 81423
use rather than classroom use. Within thirty days after the end of 81424
each biennium, each board of education shall remit to the 81425
department all moneys paid to it under division (E)(1) of section 81426
3317.024 of the Revised Code and any interest earned on those 81427
moneys that are not required to pay expenses incurred under this 81428
section during the biennium for which the money was appropriated 81429
and during which the interest was earned. If a board of education 81430
subsequently determines that the remittal of moneys leaves the 81431
board with insufficient money to pay all valid expenses incurred 81432
under this section during the biennium for which the remitted 81433
money was appropriated, the board may apply to the department of 81434
education for a refund of money, not to exceed the amount of the 81435
insufficiency. If the department determines the expenses were 81436
lawfully incurred and would have been lawful expenditures of the 81437
refunded money, it shall certify its determination and the amount 81438
of the refund to be made to the director of job and family 81439
services who shall make a refund as provided in section 4141.47 of 81440
the Revised Code. 81441

Each school district shall label materials, equipment, 81442
computer hardware or software, textbooks, and digital texts 81443
purchased or leased for loan to a nonpublic school under this 81444
section, acknowledging that they were purchased or leased with 81445
state funds under this section. However, a district need not label 81446
materials, equipment, computer hardware or software, textbooks, or 81447
digital texts that the district determines are consumable in 81448
nature or have a value of less than two hundred dollars. 81449

Sec. 3317.062. (A) Moneys paid to chartered and accredited 81450
nonpublic schools under division (E)(2) of section 3317.024 of the 81451
Revised Code shall be used for one or more of the following 81452
purposes: 81453

(1) To purchase secular textbooks or digital texts, as 81454
defined in divisions (A)(1) and (2) of section 3317.06 of the 81455
Revised Code, as have been approved by the superintendent of 81456
public instruction for use in public schools in the state; 81457

(2) To provide the services described in divisions (B), (C), 81458
(D), and (Q) of section 3317.06 of the Revised Code; 81459

(3) To provide the services described in divisions (E), (F), 81460
(G), and (I) of section 3317.06 of the Revised Code. If such 81461
services are provided in public schools or in public centers, 81462
transportation to and from such facilities shall be provided by 81463
the nonpublic school. 81464

(4) To supply for use by pupils attending the school such 81465
standardized tests and scoring services as are in use in the 81466
public schools of the state; 81467

(5) To hire clerical personnel to assist in the 81468
administration of divisions (A)(2), (3), and (4) of this section 81469
and to hire supervisory personnel to supervise the providing of 81470
services and textbooks pursuant to this section. These personnel 81471

shall perform their services in the public schools, in nonpublic 81472
schools, public centers, or mobile units where the services are 81473
provided to the nonpublic school pupil, except that such personnel 81474
may accompany pupils to and from the service sites when necessary 81475
to ensure the safety of the children receiving the services. All 81476
services provided pursuant to this section may be provided under 81477
contract with school districts, educational service centers, the 81478
department of health, city or general health districts, or private 81479
agencies whose personnel are properly licensed by an appropriate 81480
state board or agency. 81481

(6) To purchase any of the materials described in division 81482
(K) of section 3317.06 of the Revised Code; 81483

(7) To purchase any of the equipment described in division 81484
(L) of section 3317.06 of the Revised Code; 81485

(8) To purchase mobile units to be used for the provision of 81486
services pursuant to division (A)(3) of this section and to pay 81487
for necessary repairs and operating costs associated with these 81488
units; 81489

(9) To purchase the equipment described in division (O) of 81490
section 3317.06 of the Revised Code; 81491

(10) To procure and pay for security services described in 81492
division (P) of section 3317.06 of the Revised Code. 81493

(B) Materials, equipment, computer hardware and software, 81494
textbooks, digital texts, and health and remedial services 81495
provided pursuant to this section and the admission of pupils to 81496
nonpublic schools shall be provided without distinction as to 81497
race, creed, color, or national origin of such pupils or of their 81498
teachers. 81499

(C) Any interest earned by a chartered nonpublic school on 81500
moneys paid to it under division (E)(2) of section 3317.024 of the 81501
Revised Code shall be used by the school for the same purposes and 81502

in the same manner as the payments may be used under this section. 81503

(D) The department of education shall adopt guidelines and 81504
procedures regarding both of the following: 81505

(1) The expenditure of moneys under this section; 81506

(2) The audit of nonpublic schools receiving funds under this 81507
section to ensure the appropriate use of funds. 81508

(E) The department shall adopt a rule specifying the party 81509
that owns any property purchased by a chartered nonpublic school 81510
with moneys paid under division (E)(2) of section 3317.024 of the 81511
Revised Code. The rule shall include procedures for disposal of 81512
the property by the designated owner when appropriate. 81513

(F) Within thirty days after the end of each biennium, each 81514
chartered nonpublic school shall remit to the department all 81515
moneys paid to it under division (E)(2) of section 3317.024 of the 81516
Revised Code and any interest earned on those moneys that are not 81517
required to pay expenses incurred under this section during the 81518
biennium for which the moneys were appropriated and during which 81519
the interest was earned. If a school subsequently determines that 81520
the remittal of moneys leaves the school with insufficient money 81521
to pay all valid expenses incurred under this section during the 81522
biennium for which the remitted moneys were appropriated, the 81523
school may apply to the department for a refund of money, not to 81524
exceed the amount of the insufficiency. If the department 81525
determines the expenses were lawfully incurred and would have been 81526
lawful expenditures of the refunded money, the department shall 81527
make a refund in the necessary amount. 81528

(G) As used in this section, "accredited nonpublic school" 81529
means an accredited nonpublic school as described in section 81530
3301.165 of the Revised Code. 81531

Sec. 3317.063. The superintendent of public instruction, in 81532

accordance with rules adopted by the department of education, 81533
shall annually reimburse each chartered nonpublic school and each 81534
accredited nonpublic school as described in section 3301.165 of 81535
the Revised Code for the actual mandated service administrative 81536
and clerical costs incurred by such school during the preceding 81537
school year in preparing, maintaining, and filing reports, forms, 81538
and records, and in providing such other administrative and 81539
clerical services that are not an integral part of the teaching 81540
process as may be required by state law or rule or by requirements 81541
duly promulgated by city, exempted village, or local school 81542
districts. The mandated service costs reimbursed pursuant to this 81543
section shall include, but are not limited to, the preparation, 81544
filing and maintenance of forms, reports, or records and other 81545
clerical and administrative services relating to state chartering 81546
or approval of the nonpublic school, pupil attendance, pupil 81547
health and health testing, transportation of pupils, federally 81548
funded education programs, pupil appraisal, pupil progress, 81549
educator licensure, unemployment and workers' compensation, 81550
transfer of pupils, and such other education related data which 81551
are now or hereafter shall be required of such nonpublic school by 81552
state law or rule, or by requirements of the state department of 81553
education, other state agencies, or city, exempted village, or 81554
local school districts. 81555

The reimbursement required by this section shall be for 81556
school years beginning on or after July 1, 1981. 81557

Each nonpublic school which seeks reimbursement pursuant to 81558
this section shall submit to the superintendent of public 81559
instruction an application together with such additional reports 81560
and documents as the department of education may require. Such 81561
application, reports, and documents shall contain such information 81562
as the department of education may prescribe in order to carry out 81563
the purposes of this section. No payment shall be made until the 81564

superintendent of public instruction has approved such 81565
application. 81566

Each nonpublic school which applies for reimbursement 81567
pursuant to this section shall maintain a separate account or 81568
system of accounts for the expenses incurred in rendering the 81569
required services for which reimbursement is sought. Such accounts 81570
shall contain such information as is required by the department of 81571
education and shall be maintained in accordance with rules adopted 81572
by the department of education. 81573

Reimbursement payments to a nonpublic school pursuant to this 81574
section shall not exceed an amount for each school year equal to 81575
three hundred sixty dollars per pupil enrolled in that nonpublic 81576
school. 81577

The superintendent of public instruction may, from time to 81578
time, examine any and all accounts and records of a nonpublic 81579
school which have been maintained pursuant to this section in 81580
support of an application for reimbursement, for the purpose of 81581
determining the costs to such school of rendering the services for 81582
which reimbursement is sought. If after such audit it is 81583
determined that any school has received funds in excess of the 81584
actual cost of providing such services, said school shall 81585
immediately reimburse the state in such excess amount. 81586

Any payments made to chartered or accredited nonpublic 81587
schools under this section may be disbursed without submission to 81588
and approval of the controlling board. 81589

Sec. 3317.13. (A) As used in this section and section 3317.14 81590
of the Revised Code: 81591

(1) "Years of service" includes the following: 81592

(a) All years of teaching service in the same school district 81593
or educational service center, regardless of training level, with 81594

each year consisting of at least one hundred twenty days under a teacher's contract; 81595
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(b) All years of teaching service in a chartered, or an accredited nonpublic school located in Ohio as a teacher licensed pursuant to section 3319.22 of the Revised Code or in another public school, regardless of training level, with each year consisting of at least one hundred twenty days under a teacher's contract. For purposes of this division, "accredited nonpublic school" means an accredited nonpublic school as described in section 3301.165 of the Revised Code. 81597
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(c) All years of teaching service in a chartered school or institution or a school or institution that subsequently became chartered or a chartered special education program or a special education program that subsequently became chartered operated by the state or by a subdivision or other local governmental unit of this state as a teacher licensed pursuant to section 3319.22 of the Revised Code, regardless of training level, with each year consisting of at least one hundred twenty days; and 81605
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(d) All years of active military service in the armed forces of the United States, as defined in section 3307.75 of the Revised Code, to a maximum of five years. For purposes of this calculation, a partial year of active military service of eight continuous months or more in the armed forces shall be counted as a full year. 81613
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(2) "Teacher" means all teachers employed by the board of education of any school district, including any cooperative education or joint vocational school district and all teachers employed by any educational service center governing board. 81619
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(B) No teacher shall be paid a salary less than that provided in the schedule set forth in division (C) of this section. In calculating the minimum salary any teacher shall be paid pursuant 81623
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to this section, years of service shall include the sum of all 81626
years of the teacher's teaching service included in divisions 81627
(A)(1)(a), (b), (c), and (d) of this section; except that any 81628
school district or educational service center employing a teacher 81629
new to the district or educational service center shall grant such 81630
teacher a total of not more than ten years of service pursuant to 81631
divisions (A)(1)(b), (c), and (d) of this section. 81632

Upon written complaint to the superintendent of public 81633
instruction that the board of education of a district or the 81634
governing board of an educational service center governing board 81635
has failed or refused to annually adopt a salary schedule or to 81636
pay salaries in accordance with the salary schedule set forth in 81637
division (C) of this section, the superintendent of public 81638
instruction shall cause to be made an immediate investigation of 81639
such complaint. If the superintendent finds that the conditions 81640
complained of exist, the superintendent shall order the board to 81641
correct such conditions within ten days from the date of the 81642
finding. No moneys shall be distributed to the district or 81643
educational service center under this chapter until the 81644
superintendent has satisfactory evidence of the board of 81645
education's full compliance with such order. 81646

Each teacher shall be fully credited with placement in the 81647
appropriate academic training level column in the district's or 81648
educational service center's salary schedule with years of service 81649
properly credited pursuant to this section or section 3317.14 of 81650
the Revised Code. No rule shall be adopted or exercised by any 81651
board of education or educational service center governing board 81652
which restricts the placement or the crediting of annual salary 81653
increments for any teacher according to the appropriate academic 81654
training level column. 81655

(C) Minimum salaries exclusive of retirement and sick leave 81656
for teachers shall be as follows: 81657

	Teachers		Teachers with		Teachers				
Years of Service	with Less than Bachelor's Degree	Teachers with a Bachelor's Degree	Five Years of Training, but no Master's Degree	Teachers with a Master's Degree or Higher					
	Per Dollar Cent*	Per Dollar Cent*	Per Dollar Cent*	Per Dollar Cent*	Per Dollar Cent*	Per Dollar Cent*			
0	86.5	\$17,300	100.0	\$20,000	103.8	\$20,760	109.5	\$21,900	81658
1	90.0	18,000	103.8	20,760	108.1	21,620	114.3	22,860	81659
2	93.5	18,700	107.6	21,520	112.4	22,480	119.1	23,820	81660
3	97.0	19,400	111.4	22,280	116.7	23,340	123.9	24,780	81661
4	100.5	20,100	115.2	23,040	121.0	24,200	128.7	25,740	81662
5	104.0	20,800	119.0	23,800	125.3	25,060	133.5	26,700	81663
6	104.0	20,800	122.8	24,560	129.6	25,920	138.3	27,660	81664
7	104.0	20,800	126.6	25,320	133.9	26,780	143.1	28,620	81665
8	104.0	20,800	130.4	26,080	138.2	27,640	147.9	29,580	81666
9	104.0	20,800	134.2	26,840	142.5	28,500	152.7	30,540	81667
10	104.0	20,800	138.0	27,600	146.8	29,360	157.5	31,500	81668
11	104.0	20,800	141.8	28,360	151.1	30,220	162.3	32,460	81669

* Percentages represent the percentage which each salary is of the base amount. 81677
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For purposes of determining the minimum salary at any level of training and service, the base of one hundred per cent shall be the base amount. The percentages used in this section show the relationships between the minimum salaries required by this section and the base amount and shall not be construed as requiring any school district or educational service center to adopt a schedule containing salaries in excess of the amounts set forth in this section for corresponding levels of training and experience. 81679
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As used in this division: 81688

(1) "Base amount" means twenty thousand dollars. 81689

(2) "Five years of training" means at least one hundred fifty semester hours, or the equivalent, and a bachelor's degree from a recognized college or university.

(D) For purposes of this section, all credited training shall be from a recognized college or university.

Sec. 3319.311. (A)(1) The state board of education, or the superintendent of public instruction on behalf of the board, may investigate any information received about a person that reasonably appears to be a basis for action under section 3319.31 of the Revised Code, including information received pursuant to section 3314.40, 3319.291, 3319.313, 3326.24, 3328.19, 5126.253, or 5153.176 of the Revised Code. Except as provided in division (A)(2) of this section, the board shall contract with the office of the Ohio attorney general to conduct any investigation of that nature. The board shall pay for the costs of the contract only from moneys in the state board of education licensure fund established under section 3319.51 of the Revised Code. Except as provided in division (A)(2) of this section, all information received pursuant to section 3314.40, 3319.291, 3319.313, 3326.24, 3328.19, 5126.253, or 5153.176 of the Revised Code, and all information obtained during an investigation is confidential and is not a public record under section 149.43 of the Revised Code. If an investigation is conducted under this division regarding information received about a person and no action is taken against the person under this section or section 3319.31 of the Revised Code within two years of the completion of the investigation, all records of the investigation shall be expunged.

(2) In the case of a person about whom the board has learned of a plea of guilty to, finding of guilt by a jury or court of, or a conviction of an offense listed in division (C) of section 3319.31 of the Revised Code, or substantially comparable conduct

occurring in a jurisdiction outside this state, the board or the 81721
superintendent of public instruction need not conduct any further 81722
investigation and shall take the action required by division (C) 81723
or (F) of that section. Except as provided in division (G) of this 81724
section, all information obtained by the board or the 81725
superintendent of public instruction pertaining to the action is a 81726
public record under section 149.43 of the Revised Code. 81727

(B) The superintendent of public instruction shall review the 81728
results of each investigation of a person conducted under division 81729
(A)(1) of this section and shall determine, on behalf of the state 81730
board, whether the results warrant initiating action under 81731
division (B) of section 3319.31 of the Revised Code. The 81732
superintendent shall advise the board of such determination at a 81733
meeting of the board. Within fourteen days of the next meeting of 81734
the board, any member of the board may ask that the question of 81735
initiating action under section 3319.31 of the Revised Code be 81736
placed on the board's agenda for that next meeting. Prior to 81737
initiating that action against any person, the person's name and 81738
any other personally identifiable information shall remain 81739
confidential. 81740

(C) The board shall take no action against a person under 81741
division (B) of section 3319.31 of the Revised Code without 81742
providing the person with written notice of the charges and with 81743
an opportunity for a hearing in accordance with Chapter 119. of 81744
the Revised Code. 81745

(D) For purposes of an investigation under division (A)(1) of 81746
this section or a hearing under division (C) of this section or 81747
under division (E)(2) of section 3319.31 of the Revised Code, the 81748
board, or the superintendent on behalf of the board, may 81749
administer oaths, order the taking of depositions, issue 81750
subpoenas, and compel the attendance of witnesses and the 81751
production of books, accounts, papers, records, documents, and 81752

testimony. The issuance of subpoenas under this division may be by 81753
certified mail or personal delivery to the person. 81754

(E) The superintendent, on behalf of the board, may enter 81755
into a consent agreement with a person against whom action is 81756
being taken under division (B) of section 3319.31 of the Revised 81757
Code. The board may adopt rules governing the superintendent's 81758
action under this division. 81759

(F) No surrender of a license shall be effective until the 81760
board takes action to accept the surrender unless the surrender is 81761
pursuant to a consent agreement entered into under division (E) of 81762
this section. 81763

(G) The name of any person who is not required to report 81764
information under section 3314.40, 3319.313, 3326.24, 3328.19, 81765
5126.253, or 5153.176 of the Revised Code, but who in good faith 81766
provides information to the state board or superintendent of 81767
public instruction about alleged misconduct committed by a person 81768
who holds a license or has applied for issuance or renewal of a 81769
license, shall be confidential and shall not be released. Any such 81770
person shall be immune from any civil liability that otherwise 81771
might be incurred or imposed for injury, death, or loss to person 81772
or property as a result of the provision of that information. 81773

(H)(1) No person shall knowingly make a false report to the 81774
superintendent of public instruction or the state board of 81775
education alleging misconduct by an employee of a public ~~or~~ 81776
school, chartered nonpublic school, or accredited nonpublic school 81777
described in section 3301.165 of the Revised Code or an employee 81778
of the operator of a community school established under Chapter 81779
3314. or a college-preparatory boarding school established under 81780
Chapter 3328. of the Revised Code. 81781

(2)(a) In any civil action brought against a person in which 81782
it is alleged and proved that the person violated division (H)(1) 81783

of this section, the court shall award the prevailing party 81784
reasonable attorney's fees and costs that the prevailing party 81785
incurred in the civil action or as a result of the false report 81786
that was the basis of the violation. 81787

(b) If a person is convicted of or pleads guilty to a 81788
violation of division (H)(1) of this section, if the subject of 81789
the false report that was the basis of the violation was charged 81790
with any violation of a law or ordinance as a result of the false 81791
report, and if the subject of the false report is found not to be 81792
guilty of the charges brought against the subject as a result of 81793
the false report or those charges are dismissed, the court that 81794
sentences the person for the violation of division (H)(1) of this 81795
section, as part of the sentence, shall order the person to pay 81796
restitution to the subject of the false report, in an amount equal 81797
to reasonable attorney's fees and costs that the subject of the 81798
false report incurred as a result of or in relation to the 81799
charges. 81800

Sec. 3319.313. (A) As used in this section: 81801

(1) "Conduct unbecoming to the teaching profession" shall be 81802
as described in rules adopted by the state board of education. 81803

(2) "Intervention in lieu of conviction" means intervention 81804
in lieu of conviction under section 2951.041 of the Revised Code. 81805

(3) "License" has the same meaning as in section 3319.31 of 81806
the Revised Code. 81807

(4) "Pre-trial diversion program" means a pre-trial diversion 81808
program under section 2935.36 of the Revised Code or a similar 81809
diversion program under rules of a court. 81810

(5) "Accredited nonpublic school" means an accredited 81811
nonpublic school as described in section 3301.165 of the Revised 81812
Code. 81813

(B) The superintendent of each school district and each 81814
educational service center or the president of the district or 81815
service center board, if division (C)(1) of this section applies, 81816
and the chief administrator of each chartered or accredited 81817
nonpublic school or the president or chairperson of the governing 81818
authority of the nonpublic school, if division (C)(2) of this 81819
section applies, shall promptly submit to the superintendent of 81820
public instruction the information prescribed in division (D) of 81821
this section when any of the following conditions applies to an 81822
employee of the district, service center, or nonpublic school who 81823
holds a license issued by the state board of education: 81824

(1) The superintendent, chief administrator, president, or 81825
chairperson knows that the employee has pleaded guilty to, has 81826
been found guilty by a jury or court of, has been convicted of, 81827
has been found to be eligible for intervention in lieu of 81828
conviction for, or has agreed to participate in a pre-trial 81829
diversion program for an offense described in division (B)(2) or 81830
(C) of section 3319.31 or division (B)(1) of section 3319.39 of 81831
the Revised Code; 81832

(2) The district board of education, service center governing 81833
board, or nonpublic school chief administrator or governing 81834
authority has initiated termination or nonrenewal proceedings 81835
against, has terminated, or has not renewed the contract of the 81836
employee because the board of education, governing board, or chief 81837
administrator has reasonably determined that the employee has 81838
committed an act that is unbecoming to the teaching profession or 81839
an offense described in division (B)(2) or (C) of section 3319.31 81840
or division (B)(1) of section 3319.39 of the Revised Code; 81841

(3) The employee has resigned under threat of termination or 81842
nonrenewal as described in division (B)(2) of this section; 81843

(4) The employee has resigned because of or in the course of 81844
an investigation by the board of education, governing board, or 81845

chief administrator regarding whether the employee has committed 81846
an act that is unbecoming to the teaching profession or an offense 81847
described in division (B)(2) or (C) of section 3319.31 or division 81848
(B)(1) of section 3319.39 of the Revised Code. 81849

(C)(1) If the employee to whom any of the conditions 81850
prescribed in divisions (B)(1) to (4) of this section applies is 81851
the superintendent or treasurer of a school district or 81852
educational service center, the president of the board of 81853
education of the school district or of the governing board of the 81854
educational service center shall make the report required under 81855
this section. 81856

(2) If the employee to whom any of the conditions prescribed 81857
in divisions (B)(1) to (4) of this section applies is the chief 81858
administrator of a chartered or an accredited nonpublic school, 81859
the president or chairperson of the governing authority of the 81860
chartered or accredited nonpublic school shall make the report 81861
required under this section. 81862

(D) If a report is required under this section, the 81863
superintendent, chief administrator, president, or chairperson 81864
shall submit to the superintendent of public instruction the name 81865
and social security number of the employee about whom the 81866
information is required and a factual statement regarding any of 81867
the conditions prescribed in divisions (B)(1) to (4) of this 81868
section that applies to the employee. 81869

(E) A determination made by the board of education, governing 81870
board, chief administrator, or governing authority as described in 81871
division (B)(2) of this section or a termination, nonrenewal, 81872
resignation, or other separation described in divisions (B)(2) to 81873
(4) of this section does not create a presumption of the 81874
commission or lack of the commission by the employee of an act 81875
unbecoming to the teaching profession or an offense described in 81876
division (B)(2) or (C) of section 3319.31 or division (B)(1) of 81877

section 3319.39 of the Revised Code. 81878

(F) No individual required to submit a report under division 81879
(B) of this section shall knowingly fail to comply with that 81880
division. 81881

(G) An individual who provides information to the 81882
superintendent of public instruction in accordance with this 81883
section in good faith shall be immune from any civil liability 81884
that otherwise might be incurred or imposed for injury, death, or 81885
loss to person or property as a result of the provision of that 81886
information. 81887

Sec. 3319.314. The board of education of each school 81888
district, the governing board of each educational service center, 81889
~~and~~ the chief administrator of each chartered nonpublic school, 81890
and the chief administrator of each accredited nonpublic school 81891
operating under section 3301.165 of the Revised Code shall require 81892
that the reports of any investigation by the district board of 81893
education, service center governing board, or nonpublic school 81894
chief administrator of an employee regarding whether the employee 81895
has committed an act or offense for which the district or service 81896
center superintendent or board president or nonpublic school chief 81897
administrator or governing authority president or chairperson is 81898
required to make a report to the superintendent of public 81899
instruction under section 3319.313 of the Revised Code be kept in 81900
the employee's personnel file. If, after an investigation under 81901
division (A) of section 3319.311 of the Revised Code, the 81902
superintendent of public instruction determines that the results 81903
of that investigation do not warrant initiating action under 81904
section 3319.31 of the Revised Code, the board of education, 81905
governing board, or chief administrator shall require the reports 81906
of the board's or chief administrator's investigation to be moved 81907
from the employee's personnel file to a separate public file. 81908

Sec. 3319.317. (A) As used in this section, "license" has the 81909
same meaning as in section 3319.31 of the Revised Code. 81910

(B) No employee of a school district or educational service 81911
center shall do either of the following: 81912

(1) Knowingly make a false report to the district or service 81913
center superintendent, or the superintendent's designee, alleging 81914
misconduct by another employee of the district or service center; 81915

(2) Knowingly cause the district or service center 81916
superintendent, or the superintendent's designee, to make a false 81917
report of the alleged misconduct to the superintendent of public 81918
instruction or the state board of education. 81919

(C) Any employee of a school district or educational service 81920
center who in good faith reports to the district or service center 81921
superintendent, or the superintendent's designee, information 81922
about alleged misconduct committed by another employee of the 81923
district or service center shall be immune from any civil 81924
liability that otherwise might be incurred or imposed for injury, 81925
death, or loss to person or property as a result of the reporting 81926
of that information. 81927

If the alleged misconduct involves a person who holds a 81928
license but the district or service center superintendent is not 81929
required to submit a report to the superintendent of public 81930
instruction under section 3319.313 of the Revised Code and the 81931
district or service center superintendent, or the superintendent's 81932
designee, in good faith reports the alleged misconduct to the 81933
superintendent of public instruction or the state board, the 81934
district or service center superintendent, or the superintendent's 81935
designee, shall be immune from any civil liability that otherwise 81936
might be incurred or imposed for injury, death, or loss to person 81937
or property as a result of the reporting of that information. 81938

(D) No employee of a chartered nonpublic school or accredited nonpublic school described in section 3301.165 of the Revised Code shall do either of the following:

(1) Knowingly make a false report to the chief administrator of the school, or the chief administrator's designee, alleging misconduct by another employee of the school;

(2) Knowingly cause the chief administrator, or the chief administrator's designee, to make a false report of the alleged misconduct to the superintendent of public instruction or the state board.

(E) Any employee of a chartered nonpublic school or accredited nonpublic school who in good faith reports to the chief administrator of the school, or the chief administrator's designee, information about alleged misconduct committed by another employee of the school shall be immune from any civil liability that otherwise might be incurred or imposed for injury, death, or loss to person or property as a result of the reporting of that information.

If the alleged misconduct involves a person who holds a license but the chief administrator is not required to submit a report to the superintendent of public instruction under section 3319.313 of the Revised Code and the chief administrator, or the chief administrator's designee, in good faith reports the alleged misconduct to the superintendent of public instruction or the state board, the chief administrator, or the chief administrator's designee, shall be immune from any civil liability that otherwise might be incurred or imposed for injury, death, or loss to person or property as a result of the reporting of that information.

(F)(1) In any civil action brought against a person in which it is alleged and proved that the person violated division (B) or (D) of this section, the court shall award the prevailing party

reasonable attorney's fees and costs that the prevailing party 81970
incurred in the civil action or as a result of the false report 81971
that was the basis of the violation. 81972

(2) If a person is convicted of or pleads guilty to a 81973
violation of division (B) or (D) of this section, if the subject 81974
of the false report that was the basis of the violation was 81975
charged with any violation of a law or ordinance as a result of 81976
the false report, and if the subject of the false report is found 81977
not to be guilty of the charges brought against the subject as a 81978
result of the false report or those charges are dismissed, the 81979
court that sentences the person for the violation of division (B) 81980
or (D) of this section, as part of the sentence, shall order the 81981
person to pay restitution to the subject of the false report, in 81982
an amount equal to reasonable attorney's fees and costs that the 81983
subject of the false report incurred as a result of or in relation 81984
to the charges. 81985

Sec. 3319.39. (A)(1) Except as provided in division (F)(2)(b) 81986
of section 109.57 of the Revised Code, the appointing or hiring 81987
officer of the board of education of a school district, the 81988
governing board of an educational service center, or of a 81989
chartered or accredited nonpublic school shall request the 81990
superintendent of the bureau of criminal identification and 81991
investigation to conduct a criminal records check with respect to 81992
any applicant who has applied to the school district, educational 81993
service center, or school for employment in any position. The 81994
appointing or hiring officer shall request that the superintendent 81995
include information from the federal bureau of investigation in 81996
the criminal records check, unless all of the following apply to 81997
the applicant: 81998

(a) The applicant is applying to be an instructor of adult 81999
education. 82000

(b) The duties of the position for which the applicant is applying do not involve routine interaction with a child or regular responsibility for the care, custody, or control of a child or, if the duties do involve such interaction or responsibility, during any period of time in which the applicant, if hired, has such interaction or responsibility, another employee of the school district, educational service center, or chartered or accredited nonpublic school will be present in the same room with the child or, if outdoors, will be within a thirty-yard radius of the child or have visual contact with the child.

(c) The applicant presents proof that the applicant has been a resident of this state for the five-year period immediately prior to the date upon which the criminal records check is requested or provides evidence that within that five-year period the superintendent has requested information about the applicant from the federal bureau of investigation in a criminal records check.

(2) A person required by division (A)(1) of this section to request a criminal records check shall provide to each applicant a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code, provide to each applicant a standard impression sheet to obtain fingerprint impressions prescribed pursuant to division (C)(2) of section 109.572 of the Revised Code, obtain the completed form and impression sheet from each applicant, and forward the completed form and impression sheet to the superintendent of the bureau of criminal identification and investigation at the time the person requests a criminal records check pursuant to division (A)(1) of this section.

(3) An applicant who receives pursuant to division (A)(2) of this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a copy of an impression sheet prescribed pursuant to division (C)(2) of that

section and who is requested to complete the form and provide a 82033
set of fingerprint impressions shall complete the form or provide 82034
all the information necessary to complete the form and shall 82035
provide the impression sheet with the impressions of the 82036
applicant's fingerprints. If an applicant, upon request, fails to 82037
provide the information necessary to complete the form or fails to 82038
provide impressions of the applicant's fingerprints, the board of 82039
education of a school district, governing board of an educational 82040
service center, or governing authority of a chartered nonpublic 82041
school shall not employ that applicant for any position. 82042

(4) Notwithstanding any provision of this section to the 82043
contrary, an applicant who meets the conditions prescribed in 82044
divisions (A)(1)(a) and (b) of this section and who, within the 82045
two-year period prior to the date of application, was the subject 82046
of a criminal records check under this section prior to being 82047
hired for short-term employment with the school district, 82048
educational service center, or chartered or accredited nonpublic 82049
school to which application is being made shall not be required to 82050
undergo a criminal records check prior to the applicant's rehiring 82051
by that district, service center, or school. 82052

(B)(1) Except as provided in rules adopted by the department 82053
of education in accordance with division (E) of this section and 82054
as provided in division (B)(3) of this section, no board of 82055
education of a school district, no governing board of an 82056
educational service center, and no governing authority of a 82057
chartered or accredited nonpublic school shall employ a person if 82058
the person previously has been convicted of or pleaded guilty to 82059
any of the following: 82060

(a) A violation of section 2903.01, 2903.02, 2903.03, 82061
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 82062
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 82063
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 82064

2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 82065
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 82066
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 82067
2925.06, or 3716.11 of the Revised Code, a violation of section 82068
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 82069
violation of section 2919.23 of the Revised Code that would have 82070
been a violation of section 2905.04 of the Revised Code as it 82071
existed prior to July 1, 1996, had the violation been committed 82072
prior to that date, a violation of section 2925.11 of the Revised 82073
Code that is not a minor drug possession offense, or felonious 82074
sexual penetration in violation of former section 2907.12 of the 82075
Revised Code; 82076

(b) A violation of an existing or former law of this state, 82077
another state, or the United States that is substantially 82078
equivalent to any of the offenses or violations described in 82079
division (B)(1)(a) of this section. 82080

(2) A board, governing board of an educational service 82081
center, or a governing authority of a chartered or accredited 82082
nonpublic school may employ an applicant conditionally until the 82083
criminal records check required by this section is completed and 82084
the board or governing authority receives the results of the 82085
criminal records check. If the results of the criminal records 82086
check indicate that, pursuant to division (B)(1) of this section, 82087
the applicant does not qualify for employment, the board or 82088
governing authority shall release the applicant from employment. 82089

(3) No board and no governing authority of a chartered or 82090
accredited nonpublic school shall employ a teacher who previously 82091
has been convicted of or pleaded guilty to any of the offenses 82092
listed in section 3319.31 of the Revised Code. 82093

(C)(1) Each board and each governing authority of a chartered 82094
or accredited nonpublic school shall pay to the bureau of criminal 82095
identification and investigation the fee prescribed pursuant to 82096

division (C)(3) of section 109.572 of the Revised Code for each 82097
criminal records check conducted in accordance with that section 82098
upon the request pursuant to division (A)(1) of this section of 82099
the appointing or hiring officer of the board or governing 82100
authority. 82101

(2) A board and the governing authority of a chartered or 82102
accredited nonpublic school may charge an applicant a fee for the 82103
costs it incurs in obtaining a criminal records check under this 82104
section. A fee charged under this division shall not exceed the 82105
amount of fees the board or governing authority pays under 82106
division (C)(1) of this section. If a fee is charged under this 82107
division, the board or governing authority shall notify the 82108
applicant at the time of the applicant's initial application for 82109
employment of the amount of the fee and that, unless the fee is 82110
paid, the board or governing authority will not consider the 82111
applicant for employment. 82112

(D) The report of any criminal records check conducted by the 82113
bureau of criminal identification and investigation in accordance 82114
with section 109.572 of the Revised Code and pursuant to a request 82115
under division (A)(1) of this section is not a public record for 82116
the purposes of section 149.43 of the Revised Code and shall not 82117
be made available to any person other than the applicant who is 82118
the subject of the criminal records check or the applicant's 82119
representative, the board or governing authority requesting the 82120
criminal records check or its representative, and any court, 82121
hearing officer, or other necessary individual involved in a case 82122
dealing with the denial of employment to the applicant. 82123

(E) The department of education shall adopt rules pursuant to 82124
Chapter 119. of the Revised Code to implement this section, 82125
including rules specifying circumstances under which the board or 82126
governing authority may hire a person who has been convicted of an 82127
offense listed in division (B)(1) or (3) of this section but who 82128

meets standards in regard to rehabilitation set by the department. 82129

The department shall amend rule 3301-83-23 of the Ohio 82130
Administrative Code that took effect August 27, 2009, and that 82131
specifies the offenses that disqualify a person for employment as 82132
a school bus or school van driver and establishes rehabilitation 82133
standards for school bus and school van drivers. 82134

(F) Any person required by division (A)(1) of this section to 82135
request a criminal records check shall inform each person, at the 82136
time of the person's initial application for employment, of the 82137
requirement to provide a set of fingerprint impressions and that a 82138
criminal records check is required to be conducted and 82139
satisfactorily completed in accordance with section 109.572 of the 82140
Revised Code if the person comes under final consideration for 82141
appointment or employment as a precondition to employment for the 82142
school district, educational service center, or school for that 82143
position. 82144

(G) As used in this section: 82145

(1) "Accredited nonpublic school" means an accredited 82146
nonpublic school as described in section 3301.165 of the Revised 82147
Code. 82148

(2) "Applicant" means a person who is under final 82149
consideration for appointment or employment in a position with a 82150
board of education, governing board of an educational service 82151
center, or a chartered nonpublic school, except that "applicant" 82152
does not include a person already employed by a board or chartered 82153
nonpublic school who is under consideration for a different 82154
position with such board or school. 82155

~~(2)~~(3) "Teacher" means a person holding an educator license 82156
or permit issued under section 3319.22 or 3319.301 of the Revised 82157
Code and teachers in a chartered nonpublic school. 82158

~~(3)~~(4) "Criminal records check" has the same meaning as in 82159

section 109.572 of the Revised Code. 82160

~~(4)~~(5) "Minor drug possession offense" has the same meaning 82161
as in section 2925.01 of the Revised Code. 82162

(H) If the board of education of a local school district 82163
adopts a resolution requesting the assistance of the educational 82164
service center in which the local district has territory in 82165
conducting criminal records checks of substitute teachers and 82166
substitutes for other district employees under this section, the 82167
appointing or hiring officer of such educational service center 82168
shall serve for purposes of this section as the appointing or 82169
hiring officer of the local board in the case of hiring substitute 82170
teachers and other substitute employees for the local district. 82171

Sec. 3319.391. This section applies to any person hired by a 82172
school district, educational service center, or chartered 82173
nonpublic school, or accredited nonpublic school as described in 82174
section 3301.165 of the Revised Code in any position that does not 82175
require a "license" issued by the state board of education, as 82176
defined in section 3319.31 of the Revised Code, and is not for the 82177
operation of a vehicle for pupil transportation. 82178

(A) For each person to whom this section applies who is hired 82179
on or after November 14, 2007, the employer shall request a 82180
criminal records check in accordance with section 3319.39 of the 82181
Revised Code and shall request a subsequent criminal records check 82182
by the fifth day of September every fifth year thereafter. For 82183
each person to whom this division applies who is hired prior to 82184
November 14, 2007, the employer shall request a criminal records 82185
check by a date prescribed by the department of education and 82186
shall request a subsequent criminal records check by the fifth day 82187
of September every fifth year thereafter. 82188

(B)(1) Each request for a criminal records check under this 82189
section shall be made to the superintendent of the bureau of 82190

criminal identification and investigation in the manner prescribed 82191
in section 3319.39 of the Revised Code, except that if both of the 82192
following conditions apply to the person subject to the records 82193
check, the employer shall request the superintendent only to 82194
obtain any criminal records that the federal bureau of 82195
investigation has on the person: 82196

(a) The employer previously requested the superintendent to 82197
determine whether the bureau of criminal identification and 82198
investigation has any information, gathered pursuant to division 82199
(A) of section 109.57 of the Revised Code, on the person in 82200
conjunction with a criminal records check requested under section 82201
3319.39 of the Revised Code or under this section. 82202

(b) The person presents proof that the person has been a 82203
resident of this state for the five-year period immediately prior 82204
to the date upon which the person becomes subject to a criminal 82205
records check under this section. 82206

(2) Upon receipt of a request under division (B)(1) of this 82207
section, the superintendent shall conduct the criminal records 82208
check in accordance with section 109.572 of the Revised Code as if 82209
the request had been made under section 3319.39 of the Revised 82210
Code. However, as specified in division (B)(2) of section 109.572 82211
of the Revised Code, if the employer requests the superintendent 82212
only to obtain any criminal records that the federal bureau of 82213
investigation has on the person for whom the request is made, the 82214
superintendent shall not conduct the review prescribed by division 82215
(B)(1) of that section. 82216

(C) Any person who is the subject of a criminal records check 82217
under this section and has been convicted of or pleaded guilty to 82218
any offense described in division (B)(1) of section 3319.39 of the 82219
Revised Code shall not be hired or shall be released from 82220
employment, as applicable, unless the person meets the 82221
rehabilitation standards adopted by the department under division 82222

(E) of that section. 82223

Sec. 3319.392. (A) As used in this section: 82224

(1) "Accredited nonpublic school" means an accredited nonpublic school as described in section 3301.165 of the Revised Code. 82225
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(2) "Designated official" means the superintendent, or the superintendent's designee, in the case of a school district or educational service center and the chief administrator, or the chief administrator's designee, in the case of a chartered nonpublic school. 82228
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~~(2)~~(3) "Essential school services" means services provided by a private company under contract with a school district, educational service center, or chartered nonpublic school that the district or service center superintendent or the chief administrator of the chartered nonpublic school has determined are necessary for the operation of the district, service center, or chartered nonpublic school and that would need to be provided by employees of the district, service center, or chartered nonpublic school if the services were not provided by the private company. 82233
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~~(3)~~(4) "License" has the same meaning as in section 3319.31 of the Revised Code. 82242
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(B) This section applies to any person who is an employee of a private company under contract with a school district, educational service center, or chartered or accredited nonpublic school to provide essential school services and who will work in the district, service center, or chartered or accredited nonpublic school in a position that does not require a license issued by the state board of education, is not for the operation of a vehicle for pupil transportation, and that involves routine interaction with a child or regular responsibility for the care, custody, or 82244
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control of a child. 82253

(C) No school district, educational service center, or 82254
chartered or accredited nonpublic school shall permit a person to 82255
whom this section applies to work in the district, service center, 82256
or chartered or accredited nonpublic school, unless one of the 82257
following applies to the person: 82258

(1) The person's employer presents proof of both of the 82259
following to the designated official: 82260

(a) That the person has been the subject of a criminal 82261
records check conducted in accordance with division (D) of this 82262
section within the five-year period immediately prior to the date 82263
on which the person will begin working in the district, service 82264
center, or chartered or accredited nonpublic school; 82265

(b) That the criminal records check indicates that the person 82266
has not been convicted of or pleaded guilty to any offense 82267
described in division (B)(1) of section 3319.39 of the Revised 82268
Code. 82269

(2) During any period of time in which the person will have 82270
routine interaction with a child or regular responsibility for the 82271
care, custody, or control of a child, the designated official has 82272
arranged for an employee of the district, service center, or 82273
chartered or accredited nonpublic school to be present in the same 82274
room with the child or, if outdoors, to be within a thirty-yard 82275
radius of the child or to have visual contact with the child. 82276

(D) Any private company that has been hired or seeks to be 82277
hired by a school district, educational service center, or 82278
chartered or accredited nonpublic school to provide essential 82279
school services may request the bureau of criminal identification 82280
and investigation to conduct a criminal records check of any of 82281
its employees for the purpose of complying with division (C)(1) of 82282
this section. Each request for a criminal records check under this 82283

division shall be made to the superintendent of the bureau in the 82284
manner prescribed in section 3319.39 of the Revised Code. Upon 82285
receipt of a request, the bureau shall conduct the criminal 82286
records check in accordance with section 109.572 of the Revised 82287
Code as if the request had been made under section 3319.39 of the 82288
Revised Code. 82289

Notwithstanding division (H) of section 109.57 of the Revised 82290
Code, the private company may share the results of any criminal 82291
records check conducted under this division with the designated 82292
official for the purpose of complying with division (C)(1) of this 82293
section, but in no case shall the designated official release that 82294
information to any other person. 82295

Sec. 3319.40. (A) As used in this section, ~~"license"~~: 82296

(1) "Accredited nonpublic school" means an accredited 82297
nonpublic school as described in section 3301.165 of the Revised 82298
Code. 82299

(2) "License" has the same meaning as in section 3319.31 of 82300
the Revised Code. 82301

(B) If a person who is employed by a school district or 82302
chartered or accredited nonpublic school is arrested, summoned, or 82303
indicted for an alleged violation of an offense listed in division 82304
(C) of section 3319.31 of the Revised Code, if the person holds a 82305
license, or an offense listed in division (B)(1) of section 82306
3319.39 of the Revised Code, if the person does not hold a 82307
license, the superintendent of the district or the chief 82308
administrative officer of the chartered or accredited nonpublic 82309
school shall suspend that person from all duties that require the 82310
care, custody, or control of a child during the pendency of the 82311
criminal action against the person. If the person who is arrested, 82312
summoned, or indicted for an alleged violation of an offense 82313
listed in division (C) of section 3319.31 or division (B)(1) of 82314

section 3319.39 of the Revised Code is a person whose duties are 82315
assigned by the district treasurer under division (B) of section 82316
3313.31 of the Revised Code, the treasurer shall suspend the 82317
person from all duties that require the care, custody, or control 82318
of a child. If the person who is arrested, summoned, or indicted 82319
for an alleged violation of an offense listed in division (C) of 82320
section 3319.31 or division (B)(1) of section 3319.39 of the 82321
Revised Code is the superintendent or treasurer of the district, 82322
the district board shall suspend the superintendent or treasurer 82323
from all duties that require the care, custody, or control of a 82324
child. If the person who is arrested, summoned, or indicted for an 82325
alleged violation of an offense listed in division (C) of section 82326
3319.31 or division (B)(1) of section 3319.39 of the Revised Code 82327
is the chief administrative officer of the chartered or accredited 82328
nonpublic school, the governing authority of the chartered or 82329
accredited nonpublic school shall suspend the chief administrative 82330
officer from all duties that require the care, custody, or control 82331
of a child. 82332

(C) When a person who holds a license is suspended in 82333
accordance with this section, the superintendent, treasurer, board 82334
of education, chief administrative officer, or governing authority 82335
that imposed the suspension promptly shall report the person's 82336
suspension to the department of education. The report shall 82337
include the offense for which the person was arrested, summoned, 82338
or indicted. 82339

Sec. 3319.52. (A) As used in this section: 82340

(1) "Accredited nonpublic school" means an accredited 82341
nonpublic school as described in section 3301.165 of the Revised 82342
Code. 82343

(2) "Intervention in lieu of conviction" means intervention 82344
in lieu of conviction under section 2951.041 of the Revised Code. 82345

~~(2)~~(3) "License" has the same meaning as in section 3319.31 82346
of the Revised Code. 82347

~~(3)~~(4) "Pre-trial diversion program" means a pre-trial 82348
diversion program under section 2935.36 of the Revised Code or a 82349
similar diversion program under rules of a court. 82350

~~(4)~~(5) "Prosecutor" has the same meaning as in section 82351
2935.01 of the Revised Code. 82352

(B) If there is any judicial finding of guilt or any 82353
conviction or a judicial finding of eligibility for intervention 82354
in lieu of conviction against a license holder, or if a license 82355
holder agrees to participate in a pre-trial diversion program, for 82356
any of the offenses listed in division (B)(2) or (C) of section 82357
3319.31 of the Revised Code, the prosecutor in the case, on forms 82358
that the state board of education shall prescribe and furnish, 82359
promptly shall notify the board and, if known, any school district 82360
or chartered or accredited nonpublic school employing the license 82361
holder of the license holder's name and residence address, and the 82362
fact that the license holder pleaded guilty to, was convicted of, 82363
has been found eligible for intervention in lieu of conviction 82364
for, or has agreed to a diversion program for the offense. 82365

Sec. 3321.01. (A)(1) As used in this chapter, "parent," 82366
"guardian," or "other person having charge or care of a child" 82367
means either parent unless the parents are separated or divorced 82368
or their marriage has been dissolved or annulled, in which case 82369
"parent" means the parent who is the residential parent and legal 82370
custodian of the child. If the child is in the legal or permanent 82371
custody of a person or government agency, "parent" means that 82372
person or government agency. When a child is a resident of a home, 82373
as defined in section 3313.64 of the Revised Code, and the child's 82374
parent is not a resident of this state, "parent," "guardian," or 82375
"other person having charge or care of a child" means the head of 82376

the home. 82377

A child between six and eighteen years of age is "of 82378
compulsory school age" for the purpose of sections 3321.01 to 82379
3321.13 of the Revised Code. A child under six years of age who 82380
has been enrolled in kindergarten also shall be considered "of 82381
compulsory school age" for the purpose of sections 3321.01 to 82382
3321.13 of the Revised Code unless at any time the child's parent 82383
or guardian, at the parent's or guardian's discretion and in 82384
consultation with the child's teacher and principal, formally 82385
withdraws the child from kindergarten. The compulsory school age 82386
of a child shall not commence until the beginning of the term of 82387
such schools, or other time in the school year fixed by the rules 82388
of the board of the district in which the child resides. 82389

(2) In a district in which all children are admitted to 82390
kindergarten and the first grade in August or September, a child 82391
shall be admitted if the child is five or six years of age, 82392
respectively, by the thirtieth day of September of the year of 82393
admittance, or by the first day of a term or semester other than 82394
one beginning in August or September in school districts granting 82395
admittance at the beginning of such term or semester. A child who 82396
does not meet the age requirements of this section for admittance 82397
to kindergarten or first grade, but who will be five or six years 82398
old, respective, prior to the first day of January of the school 82399
year in which admission is requested, shall be evaluated for early 82400
admittance in accordance with district policy upon referral by the 82401
child's parent or guardian, an educator employed by the district, 82402
a preschool educator who knows the child, or a pediatrician or 82403
psychologist who knows the child. Following an evaluation in 82404
accordance with a referral under this section, the district board 82405
shall decide whether to admit the child. If a child for whom 82406
admission to kindergarten or first grade is requested will not be 82407
five or six years of age, respectively, prior to the first day of 82408

January of the school year in which admission is requested, the 82409
child shall be admitted only in accordance with the district's 82410
acceleration policy adopted under section 3324.10 of the Revised 82411
Code. 82412

(3) Notwithstanding division (A)(2) of this section, 82413
beginning with the school year that starts in 2001 and continuing 82414
thereafter the board of education of any district may adopt a 82415
resolution establishing the first day of August in lieu of the 82416
thirtieth day of September as the required date by which students 82417
must have attained the age specified in that division. 82418

(4) After a student has been admitted to kindergarten in a 82419
school district or chartered or accredited nonpublic school, no 82420
board of education of a school district to which the student 82421
transfers shall deny that student admission based on the student's 82422
age. As used in this section, "accredited nonpublic school" means 82423
an accredited nonpublic school as described in section 3301.165 of 82424
the Revised Code. 82425

(B) As used in division (C) of this section, "successfully 82426
completed kindergarten" means that the child has completed the 82427
kindergarten requirements at one of the following: 82428

(1) A public or chartered or accredited nonpublic school; 82429

(2) A kindergarten class that is both of the following: 82430

(a) Offered by a day-care provider licensed under Chapter 82431
5104. of the Revised Code; 82432

(b) If offered after July 1, 1991, is directly taught by a 82433
teacher who holds one of the following: 82434

(i) A valid educator license issued under section 3319.22 of 82435
the Revised Code; 82436

(ii) A Montessori preprimary credential or age-appropriate 82437
diploma granted by the American Montessori society or the 82438

association Montessori internationale; 82439

(iii) Certification determined under division (F) of this 82440
section to be equivalent to that described in division 82441
(B)(2)(b)(ii) of this section; 82442

(iv) Certification for teachers in nontax-supported schools 82443
pursuant to section 3301.071 of the Revised Code. 82444

(C)(1) Except as provided in division (A)(2) of this section, 82445
no school district shall admit to the first grade any child who 82446
has not successfully completed kindergarten. 82447

(2) Notwithstanding division (A)(2) of this section, any 82448
student who has successfully completed kindergarten in accordance 82449
with section (B) of this section shall be admitted to first grade. 82450

(D) The scheduling of times for kindergarten classes and 82451
length of the school day for kindergarten shall be determined by 82452
the board of education of a city, exempted village, or local 82453
school district. 82454

(E) Any kindergarten class offered by a day-care provider or 82455
school described by division (B)(1) or (B)(2)(a) of this section 82456
shall be developmentally appropriate. 82457

(F) Upon written request of a day-care provider described by 82458
division (B)(2)(a) of this section, the department of education 82459
shall determine whether certification held by a teacher employed 82460
by the provider meets the requirement of division (B)(2)(b)(iii) 82461
of this section and, if so, shall furnish the provider a statement 82462
to that effect. 82463

(G) As used in this division, "all-day kindergarten" has the 82464
same meaning as in section 3321.05 of the Revised Code. 82465

(1) A school district that is offering all-day kindergarten 82466
for the first time or that charged fees or tuition for all-day 82467
kindergarten in the 2012-2013 school year may charge fees or 82468

tuition for a student enrolled in all-day kindergarten in any 82469
school year following the 2012-2013 school year. The department 82470
shall adjust the district's average daily membership certification 82471
under section 3317.03 of the Revised Code by one-half of the 82472
full-time equivalency for each student charged fees or tuition for 82473
all-day kindergarten under this division. If a district charges 82474
fees or tuition for all-day kindergarten under this division, the 82475
district shall develop a sliding fee scale based on family 82476
incomes. 82477

(2) The department of education shall conduct an annual 82478
survey of each school district described in division (G)(1) of 82479
this section to determine the following: 82480

(a) Whether the district charges fees or tuition for students 82481
enrolled in all-day kindergarten; 82482

(b) The amount of the fees or tuition charged; 82483

(c) How many of the students for whom tuition is charged are 82484
eligible for free lunches under the "National School Lunch Act," 82485
60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child 82486
Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended, 82487
and how many of the students for whom tuition is charged are 82488
eligible for reduced price lunches under those acts; 82489

(d) How many students are enrolled in traditional half-day 82490
kindergarten rather than all-day kindergarten. 82491

Each district shall report to the department, in the manner 82492
prescribed by the department, the information described in 82493
divisions (G)(2)(a) to (d) of this section. 82494

The department shall issue an annual report on the results of 82495
the survey and shall post the report on its web site. The 82496
department shall issue the first report not later than April 30, 82497
2008, and shall issue a report not later than the thirtieth day of 82498
April each year thereafter. 82499

Sec. 3326.01. (A) As used in this chapter:	82500
(1) <u>"Accredited nonpublic school" means an accredited nonpublic school as described in section 3301.165 of the Revised Code.</u>	82501 82502 82503
(2) <u>"Community school" means a community school established under Chapter 3314. of the Revised Code.</u>	82504 82505
(3) "STEM" is an abbreviation of "science, technology, engineering, and mathematics."	82506 82507
(2) (4) "STEAM" is an abbreviation of "science, technology, engineering, arts, and mathematics."	82508 82509
(B)(1) A science, technology, engineering, arts, and mathematics school shall be considered a type of science, technology, engineering, and mathematics school.	82510 82511 82512
(2) A STEAM school equivalent shall be considered to be a type of STEM school equivalent.	82513 82514
(3) A STEAM program of excellence shall be considered to be a type of STEM program of excellence.	82515 82516
(C)(1) Any reference to a STEM school or science, technology, engineering, and mathematics school in the Revised Code shall be considered to include a STEAM school, unless the context specifically indicates a different meaning or intent. All provisions of the Revised Code applicable to a STEM school shall apply to a STEAM school in the same manner, except as otherwise provided in this chapter.	82517 82518 82519 82520 82521 82522 82523
(2) Any reference to a STEM school equivalent in the Revised Code shall be considered to include a STEAM school equivalent, unless the context specifically indicates a different meaning or intent. All provisions of the Revised Code applicable to a STEM school equivalent shall apply to a STEAM school equivalent in the same manner, except as otherwise provided in this chapter.	82524 82525 82526 82527 82528 82529

(3) Any reference to a STEM program of excellence in the Revised Code shall be considered to include a STEAM program of excellence, unless the context specifically indicates a different meaning or intent. All provisions of the Revised Code applicable to a STEM program of excellence shall apply to a STEAM program of excellence in the same manner, except as otherwise provided in this chapter.

Sec. 3326.03. (A) The STEM committee shall authorize the establishment of and award grants to science, technology, engineering, and mathematics schools based on proposals submitted to the committee.

The committee shall determine the criteria for proposals, establish procedures for the submission of proposals, accept and evaluate proposals, and choose which proposals to approve to become a STEM school. In approving proposals for STEM schools, the committee shall consider locating the schools in diverse geographic regions of the state so that all students have access to a STEM school.

The committee shall seek technical assistance from the Ohio STEM learning network, or its successor, throughout the process of accepting and evaluating proposals and choosing which proposals to approve. In approving proposals for STEM schools, the committee shall consider the recommendations of the Ohio STEM learning network, or its successor.

The committee may authorize the establishment of a group of multiple STEM schools to operate from multiple facilities located in one or more school districts under the direction of a single governing body in the manner prescribed by section 3326.031 of the Revised Code. The committee shall consider the merits of each of the proposed STEM schools within a group and shall authorize each school separately. Anytime after authorizing a group of STEM

schools to be under the direction of a single governing body, upon 82561
a proposal from the governing body, the committee may authorize 82562
one or more additional schools to operate as part of that group. 82563

The STEM committee may approve one or more STEM schools to 82564
serve only students identified as gifted under Chapter 3324. of 82565
the Revised Code. 82566

(B) Proposals may be submitted only by a partnership of 82567
public and private entities consisting of at least all of the 82568
following: 82569

(1) A city, exempted village, local, or joint vocational 82570
school district or an educational service center; 82571

(2) Higher education entities; 82572

(3) Business organizations. 82573

A community school ~~established under Chapter 3314. of the~~ 82574
~~Revised Code~~, a chartered nonpublic school, an accredited 82575
nonpublic school, or ~~both~~ any combination of such schools may be 82576
part of the partnership. 82577

(C) Each proposal shall include at least the following: 82578

(1) Assurances that the STEM school or group of STEM schools 82579
will be under the oversight of a governing body and a description 82580
of the members of that governing body and how they will be 82581
selected; 82582

(2) Assurances that each STEM school will operate in 82583
compliance with this chapter and the provisions of the proposal as 82584
accepted by the committee; 82585

(3) Evidence that each school will offer a rigorous, diverse, 82586
integrated, and project-based curriculum to students in any of 82587
grades kindergarten through twelve, with the goal to prepare those 82588
students for college, the workforce, and citizenship, and that 82589
does all of the following: 82590

(a) Emphasizes the role of science, technology, engineering, and mathematics in promoting innovation and economic progress;	82591 82592
(b) Incorporates scientific inquiry and technological design;	82593
(c) Includes the arts and humanities. If the proposal is for a STEAM school, it also shall include evidence that the curriculum will integrate arts and design into the study of science, technology, engineering, and mathematics to foster creative thinking, problem-solving, and new approaches to scientific invention.	82594 82595 82596 82597 82598 82599
(d) Emphasizes personalized learning and teamwork skills.	82600
(4) Evidence that each school will attract school leaders who support the curriculum principles of division (C)(3) of this section;	82601 82602 82603
(5) A description of how each school's curriculum will be developed and approved in accordance with section 3326.09 of the Revised Code;	82604 82605 82606
(6) Evidence that each school will utilize an established capacity to capture and share knowledge for best practices and innovative professional development with the Ohio STEM learning network, or its successor;	82607 82608 82609 82610
(7) Evidence that each school will operate in collaboration with a partnership that includes institutions of higher education and businesses. If the proposal is for a STEAM school, it also shall include evidence that this partnership will include arts organizations.	82611 82612 82613 82614 82615
(8) Assurances that each school has received commitments of sustained and verifiable fiscal and in-kind support from regional education and business entities. If the proposal is for a STEAM school, it also shall include assurances that the school has received commitments of sustained and verifiable fiscal and	82616 82617 82618 82619 82620

in-kind support from arts organizations. 82621

(9) A description of how each school's assets will be 82622
distributed if the school closes for any reason. 82623

(D) If a STEM school wishes to become a STEAM school, it may 82624
change its existing proposal to include the items required under 82625
divisions (C)(3)(c), (C)(7), and (C)(8) of this section and submit 82626
the revised proposal to the STEM committee for approval. 82627

Sec. 3326.032. (A) The STEM committee may grant a designation 82628
of STEM school equivalent to a community school ~~established under~~ 82629
~~Chapter 3314. of the Revised Code,~~ or to a chartered or accredited 82630
nonpublic school. In order to be eligible for this designation, a 82631
community school or chartered or accredited nonpublic school shall 82632
submit a proposal that satisfies the requirements of this section. 82633
82634

The committee shall determine the criteria for proposals, 82635
establish procedures for the submission of proposals, accept and 82636
evaluate proposals, and choose which proposals warrant a community 82637
school or chartered or accredited nonpublic school to be 82638
designated as a STEM school equivalent. 82639

(B) A proposal for designation as a STEM school equivalent 82640
shall include at least the following: 82641

(1) Assurances that the community school or chartered or 82642
accredited nonpublic school submitting the proposal has a working 82643
partnership with both public and private entities, including 82644
higher education entities and business organizations. If the 82645
proposal is for a STEAM school equivalent, it also shall include 82646
evidence that this partnership includes arts organizations. 82647

(2) Assurances that the school submitting the proposal will 82648
operate in compliance with this section and the provisions of the 82649
proposal as accepted by the committee; 82650

(3) Evidence that the school submitting the proposal will offer a rigorous, diverse, integrated, and project-based curriculum to students in any of grades kindergarten through twelve, with the goal to prepare those students for college, the workforce, and citizenship, and that does all of the following:

(a) Emphasizes the role of science, technology, engineering, and mathematics in promoting innovation and economic progress;

(b) Incorporates scientific inquiry and technological design;

(c) Includes the arts and humanities. If the proposal is for a STEAM school equivalent, it also shall include evidence that the curriculum will integrate arts and design into the study of science, technology, engineering, and mathematics to foster creative thinking, problem-solving, and new approaches to scientific invention.

(d) Emphasizes personalized learning and teamwork skills.

(4) Evidence that the school submitting the proposal will attract school leaders who support the curriculum principles of division (B)(3) of this section;

(5) A description of how each school's curriculum will be developed and approved in accordance with section 3326.09 of the Revised Code;

(6) Evidence that the school submitting the proposal will utilize an established capacity to capture and share knowledge for best practices and innovative professional development;

(7) Assurances that the school submitting the proposal has received commitments of sustained and verifiable fiscal and in-kind support from regional education and business entities. If the proposal is for a STEAM school equivalent, it also shall include assurances that the school has received commitments of sustained and verifiable fiscal and in-kind support from arts

organizations. 82681

(C)(1) A community school or chartered or accredited 82682
nonpublic school that is designated as a STEM school equivalent 82683
under this section shall not be subject to the requirements of 82684
Chapter 3326. of the Revised Code, except that the school shall be 82685
subject to the requirements of this section and to the curriculum 82686
requirements of section 3326.09 of the Revised Code. 82687

Nothing in this section, however, shall relieve a community 82688
school of the applicable requirements of Chapter 3314. of the 82689
Revised Code. Nor shall anything in this section relieve a 82690
chartered or accredited nonpublic school of any provisions of law 82691
outside of this chapter that are applicable to chartered or 82692
accredited nonpublic schools. 82693

(2) A community school or chartered or accredited nonpublic 82694
school that is designated as a STEM school equivalent under this 82695
section shall not be eligible for operating funding under sections 82696
3326.31 to 3326.37, 3326.39 to 3326.40, and 3326.51 of the Revised 82697
Code. 82698

(3) A community school or chartered or accredited nonpublic 82699
school that is designated as a STEM school equivalent under this 82700
section may apply for any of the grants and additional funds 82701
described in section 3326.38 of the Revised Code for which the 82702
school is eligible. 82703

(D) If a community school or chartered or accredited 82704
nonpublic school that is designated as a STEM school equivalent 82705
under this section intends to close or intends to no longer be 82706
designated as a STEM school equivalent, it shall notify the STEM 82707
committee of that fact. 82708

(E) If a community school or chartered or accredited 82709
nonpublic school that is designated as a STEM school equivalent 82710
wishes to be designated as a STEAM school equivalent, it may 82711

change its existing proposal to include the items required under 82712
divisions (B)(1), (B)(3)(c), and (B)(7) of this section and submit 82713
the revised proposal to the STEM committee for approval. 82714

Sec. 3326.04. (A) The STEM committee shall award grants to 82715
support the operation of STEM programs of excellence to serve 82716
students in any of grades kindergarten through twelve through a 82717
request for proposals. 82718

(B) Proposals may be submitted by any of the following: 82719

(1) The board of education of a city, exempted village, or 82720
local school district; 82721

(2) The governing authority of a community school established 82722
under Chapter 3314. of the Revised Code; 82723

(3) The governing authority of a chartered or accredited 82724
nonpublic school. 82725

(C) Each proposal shall demonstrate to the satisfaction of 82726
the STEM committee that the program meets at least the following 82727
standards: 82728

(1) Unless the program is designed to serve only students 82729
identified as gifted under Chapter 3324. of the Revised Code, the 82730
program will serve all students enrolled in the district or school 82731
in the grades for which the program is designed. 82732

(2) The program will offer a rigorous and diverse curriculum 82733
that is based on scientific inquiry and technological design, that 82734
emphasizes personalized learning and teamwork skills, and that 82735
will expose students to advanced scientific concepts within and 82736
outside the classroom. If the proposal is for a STEAM program of 82737
excellence, it also shall include evidence that the curriculum 82738
will integrate arts and design into the curriculum to foster 82739
creative thinking, problem-solving, and new approaches to 82740
scientific invention. 82741

(3) Unless the program is designed to serve only students identified as gifted under Chapter 3324. of the Revised Code, the program will not limit participation of students on the basis of intellectual ability, measures of achievement, or aptitude.

(4) The program will utilize an established capacity to capture and share knowledge for best practices and innovative professional development.

(5) The program will operate in collaboration with a partnership that includes institutions of higher education and businesses. If the proposal is for a STEAM program of excellence, it also shall include evidence that this partnership includes arts organizations.

(6) The program will include teacher professional development strategies that are augmented by community and business partners.

(D) The STEM committee shall give priority to proposals for new or expanding innovative programs.

(E) If a STEM program of excellence wishes to become a STEAM program of excellence, it may change its existing proposal to include the items required under divisions (C)(2) and (C)(5) of this section and submit the revised proposal to the STEM committee for approval.

Sec. 3326.09. Subject to approval by its governing body or governing authority, the curriculum of each science, technology, engineering, and mathematics school and of each community school or chartered or accredited nonpublic school that is designated as a STEM school equivalent under section 3326.032 of the Revised Code shall be developed by a team that consists of at least the school's chief administrative officer, a teacher, a representative of the higher education institution that is a collaborating partner in the STEM school or school designated as a STEM school

equivalent, and a member of the public with expertise in the 82772
application of science, technology, engineering, or mathematics. 82773
In the case of a STEAM school or a STEAM school equivalent, the 82774
team also shall include an expert in the integration of arts and 82775
design into the STEM fields. 82776

Sec. 3327.07. (A) The governing authority of a chartered or 82777
an accredited nonpublic school, as described in section 3301.165 82778
of the Revised Code, that transports a student enrolled in the 82779
school to and from school and to and from school-sponsored 82780
activities, including extracurricular activities, may charge the 82781
parent or guardian of the student a fee for the transportation, if 82782
the governing authority purchased the vehicle that transports the 82783
student using no state or federal funds. The fee shall not exceed 82784
the per student cost of the transportation, as determined by the 82785
governing authority. 82786

(B) The parent or guardian of a student who is enrolled in a 82787
chartered or accredited nonpublic school and is eligible for 82788
transportation by a school district under section 3327.01 of the 82789
Revised Code may decline that transportation and accept 82790
transportation from the chartered or accredited nonpublic school. 82791
The governing authority of a chartered or accredited nonpublic 82792
school may charge a fee under division (A) of this section 82793
regardless of whether a student is eligible for transportation 82794
under section 3327.01 of the Revised Code. 82795

(C) The offering by the governing authority of a chartered or 82796
accredited nonpublic school of transportation to and from the 82797
school does not relieve any school district board of education 82798
from any duty imposed by sections 3327.01 and 3327.02 of the 82799
Revised Code with respect to the chartered or accredited nonpublic 82800
school's students. 82801

Sec. 3327.10. (A) No person shall be employed as driver of a 82802
school bus or motor van, owned and operated by any school district 82803
or educational service center or privately owned and operated 82804
under contract with any school district or service center in this 82805
state, who has not received a certificate from either the 82806
educational service center governing board that has entered into 82807
an agreement with the school district under section 3313.843 or 82808
3313.845 of the Revised Code or the superintendent of the school 82809
district, certifying that such person is at least eighteen years 82810
of age and is of good moral character and is qualified physically 82811
and otherwise for such position. The service center governing 82812
board or the superintendent, as the case may be, shall provide for 82813
an annual physical examination that conforms with rules adopted by 82814
the state board of education of each driver to ascertain the 82815
driver's physical fitness for such employment. Any certificate may 82816
be revoked by the authority granting the same on proof that the 82817
holder has been guilty of failing to comply with division (D)(1) 82818
of this section, or upon a conviction or a guilty plea for a 82819
violation, or any other action, that results in a loss or 82820
suspension of driving rights. Failure to comply with such division 82821
may be cause for disciplinary action or termination of employment 82822
under division (C) of section 3319.081, or section 124.34 of the 82823
Revised Code. 82824

(B) No person shall be employed as driver of a school bus or 82825
motor van not subject to the rules of the department of education 82826
pursuant to division (A) of this section who has not received a 82827
certificate from the school administrator or contractor certifying 82828
that such person is at least eighteen years of age, is of good 82829
moral character, and is qualified physically and otherwise for 82830
such position. Each driver shall have an annual physical 82831
examination which conforms to the state highway patrol rules, 82832
ascertaining the driver's physical fitness for such employment. 82833

The examination shall be performed by one of the following:	82834
(1) A person licensed under Chapter 4731. or 4734. of the Revised Code or by another state to practice medicine and surgery, osteopathic medicine and surgery, or chiropractic;	82835
(2) A physician assistant;	82836
(3) A certified nurse practitioner;	82837
(4) A clinical nurse specialist;	82838
(5) A certified nurse-midwife;	82839
(6) A medical examiner who is listed on the national registry of certified medical examiners established by the federal motor carrier safety administration in accordance with 49 C.F.R. part 390.	82840
Any written documentation of the physical examination shall be completed by the individual who performed the examination.	82841
Any certificate may be revoked by the authority granting the same on proof that the holder has been guilty of failing to comply with division (D)(2) of this section.	82842
(C) Any person who drives a school bus or motor van must give satisfactory and sufficient bond except a driver who is an employee of a school district and who drives a bus or motor van owned by the school district.	82843
(D) No person employed as driver of a school bus or motor van under this section who is convicted of a traffic violation or who has had the person's commercial driver's license suspended shall drive a school bus or motor van until the person has filed a written notice of the conviction or suspension, as follows:	82844
(1) If the person is employed under division (A) of this section, the person shall file the notice with the superintendent, or a person designated by the superintendent, of the school district for which the person drives a school bus or motor van as	82845
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an employee or drives a privately owned and operated school bus or motor van under contract. 82864
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(2) If employed under division (B) of this section, the person shall file the notice with the employing school administrator or contractor, or a person designated by the administrator or contractor. 82866
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(E) In addition to resulting in possible revocation of a certificate as authorized by divisions (A) and (B) of this section, violation of division (D) of this section is a minor misdemeanor. 82870
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(F)(1) Not later than thirty days after June 30, 2007, each owner of a school bus or motor van shall obtain the complete driving record for each person who is currently employed or otherwise authorized to drive the school bus or motor van. An owner of a school bus or motor van shall not permit a person to operate the school bus or motor van for the first time before the owner has obtained the person's complete driving record. Thereafter, the owner of a school bus or motor van shall obtain the person's driving record not less frequently than semiannually if the person remains employed or otherwise authorized to drive the school bus or motor van. An owner of a school bus or motor van shall not permit a person to resume operating a school bus or motor van, after an interruption of one year or longer, before the owner has obtained the person's complete driving record. 82874
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(2) The owner of a school bus or motor van shall not permit a person to operate the school bus or motor van for ten years after the date on which the person pleads guilty to or is convicted of a violation of section 4511.19 of the Revised Code or a substantially equivalent municipal ordinance. 82888
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(3) An owner of a school bus or motor van shall not permit any person to operate such a vehicle unless the person meets all 82893
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other requirements contained in rules adopted by the state board 82895
of education prescribing qualifications of drivers of school buses 82896
and other student transportation. 82897

(G) No superintendent of a school district, educational 82898
service center, community school, or public or private employer 82899
shall permit the operation of a vehicle used for pupil 82900
transportation within this state by an individual unless both of 82901
the following apply: 82902

(1) Information pertaining to that driver has been submitted 82903
to the department of education, pursuant to procedures adopted by 82904
that department. Information to be reported shall include the name 82905
of the employer or school district, name of the driver, driver 82906
license number, date of birth, date of hire, status of physical 82907
evaluation, and status of training. 82908

(2) The most recent criminal records check required by 82909
division (J) of this section has been completed and received by 82910
the superintendent or public or private employer. 82911

(H) A person, school district, educational service center, 82912
community school, nonpublic school, or other public or nonpublic 82913
entity that owns a school bus or motor van, or that contracts with 82914
another entity to operate a school bus or motor van, may impose 82915
more stringent restrictions on drivers than those prescribed in 82916
this section, in any other section of the Revised Code, and in 82917
rules adopted by the state board. 82918

(I) For qualified drivers who, on July 1, 2007, are employed 82919
by the owner of a school bus or motor van to drive the school bus 82920
or motor van, any instance in which the driver was convicted of or 82921
pleaded guilty to a violation of section 4511.19 of the Revised 82922
Code or a substantially equivalent municipal ordinance prior to 82923
two years prior to July 1, 2007, shall not be considered a 82924
disqualifying event with respect to division (F) of this section. 82925

(J)(1) This division applies to persons hired by a school 82926
district, educational service center, community school, chartered 82927
nonpublic school, accredited nonpublic school as described in 82928
section 3301.165 of the Revised Code, or science, technology, 82929
engineering, and mathematics school established under Chapter 82930
3326. of the Revised Code to operate a vehicle used for pupil 82931
transportation. 82932

For each person to whom this division applies who is hired on 82933
or after November 14, 2007, the employer shall request a criminal 82934
records check in accordance with section 3319.39 of the Revised 82935
Code and every six years thereafter. For each person to whom this 82936
division applies who is hired prior to that date, the employer 82937
shall request a criminal records check by a date prescribed by the 82938
department of education and every six years thereafter. 82939

(2) This division applies to persons hired by a public or 82940
private employer not described in division (J)(1) of this section 82941
to operate a vehicle used for pupil transportation. 82942

For each person to whom this division applies who is hired on 82943
or after November 14, 2007, the employer shall request a criminal 82944
records check prior to the person's hiring and every six years 82945
thereafter. For each person to whom this division applies who is 82946
hired prior to that date, the employer shall request a criminal 82947
records check by a date prescribed by the department and every six 82948
years thereafter. 82949

(3) Each request for a criminal records check under division 82950
(J) of this section shall be made to the superintendent of the 82951
bureau of criminal identification and investigation in the manner 82952
prescribed in section 3319.39 of the Revised Code, except that if 82953
both of the following conditions apply to the person subject to 82954
the records check, the employer shall request the superintendent 82955
only to obtain any criminal records that the federal bureau of 82956
investigation has on the person: 82957

(a) The employer previously requested the superintendent to determine whether the bureau of criminal identification and investigation has any information, gathered pursuant to division (A) of section 109.57 of the Revised Code, on the person in conjunction with a criminal records check requested under section 3319.39 of the Revised Code or under division (J) of this section.

(b) The person presents proof that the person has been a resident of this state for the five-year period immediately prior to the date upon which the person becomes subject to a criminal records check under this section.

Upon receipt of a request, the superintendent shall conduct the criminal records check in accordance with section 109.572 of the Revised Code as if the request had been made under section 3319.39 of the Revised Code. However, as specified in division (B)(2) of section 109.572 of the Revised Code, if the employer requests the superintendent only to obtain any criminal records that the federal bureau of investigation has on the person for whom the request is made, the superintendent shall not conduct the review prescribed by division (B)(1) of that section.

(K)(1) Until the effective date of the amendments to rule 3301-83-23 of the Ohio Administrative Code required by the second paragraph of division (E) of section 3319.39 of the Revised Code, any person who is the subject of a criminal records check under division (J) of this section and has been convicted of or pleaded guilty to any offense described in division (B)(1) of section 3319.39 of the Revised Code shall not be hired or shall be released from employment, as applicable, unless the person meets the rehabilitation standards prescribed for nonlicensed school personnel by rule 3301-20-03 of the Ohio Administrative Code.

(2) Beginning on the effective date of the amendments to rule 3301-83-23 of the Ohio Administrative Code required by the second paragraph of division (E) of section 3319.39 of the Revised Code,

any person who is the subject of a criminal records check under 82990
division (J) of this section and has been convicted of or pleaded 82991
guilty to any offense that, under the rule, disqualifies a person 82992
for employment to operate a vehicle used for pupil transportation 82993
shall not be hired or shall be released from employment, as 82994
applicable, unless the person meets the rehabilitation standards 82995
prescribed by the rule. 82996

Sec. 3365.01. As used in this chapter: 82997

(A) "Articulated credit" means post-secondary credit that is 82998
reflected on the official record of a student at an institution of 82999
higher education only upon enrollment at that institution after 83000
graduation from a secondary school. 83001

(B) "Default ceiling amount" means one of the following 83002
amounts, whichever is applicable: 83003

(1) For a participant enrolled in a college operating on a 83004
semester schedule, the amount calculated according to the 83005
following formula: 83006

$((0.83 \times \text{formula amount}) / 30)$ 83007
X number of enrolled credit hours 83008

(2) For a participant enrolled in a college operating on a 83009
quarter schedule, the amount calculated according to the following 83010
formula: 83011

$((0.83 \times \text{formula amount}) / 45)$ 83012
X number of enrolled credit hours 83013

(C) "Default floor amount" means twenty-five per cent of the 83014
default ceiling amount. 83015

(D) "Eligible out-of-state college" means any institution of 83016
higher education that is located outside of Ohio and is approved 83017
by the chancellor of higher education to participate in the 83018
college credit plus program. 83019

(E) "Fee" means any course-related fee and any other fee imposed by the college, but not included in tuition, for participation in the program established by this chapter.	83020 83021 83022
(F) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code.	83023 83024
(G) "Governing entity" means a board of education of a school district, a governing authority of a community school established under Chapter 3314., a governing body of a STEM school established under Chapter 3326., or a board of trustees of a college-preparatory boarding school established under Chapter 3328. of the Revised Code.	83025 83026 83027 83028 83029 83030
(H) "Home-instructed participant" means a student who has been excused from the compulsory attendance law for the purpose of home instruction under section 3321.04 of the Revised Code, and is participating in the program established by this chapter.	83031 83032 83033 83034
(I) "Maximum per participant charge amount" means one of the following amounts, whichever is applicable:	83035 83036
(1) For a participant enrolled in a college operating on a semester schedule, the amount calculated according to the following formula:	83037 83038 83039
((formula amount / 30) X number of enrolled credit hours)	83040 83041
(2) For a participant enrolled in a college operating on a quarter schedule, the amount calculated according to the following formula:	83042 83043 83044
((formula amount / 45) X number of enrolled credit hours)	83045 83046
(J) "Nonpublic secondary school" means a chartered school for which minimum standards are prescribed by the state board of education pursuant to division (D) of section 3301.07 of the Revised Code <u>or an accredited nonpublic school as described in</u>	83047 83048 83049 83050

<u>section 3301.165 of the Revised Code.</u>	83051
(K) "Number of enrolled credit hours" means the number of credit hours for a course in which a participant is enrolled during the previous term after the date on which a withdrawal from a course would have negatively affected the participant's transcribed grade, as prescribed by the college's established withdrawal policy.	83052 83053 83054 83055 83056 83057
(L) "Parent" has the same meaning as in section 3313.64 of the Revised Code.	83058 83059
(M) "Participant" means any student enrolled in a college under the program established by this chapter.	83060 83061
(N) "Partnering college" means a college with which a public or nonpublic secondary school has entered into an agreement in order to offer the program established by this chapter.	83062 83063 83064
(O) "Partnering secondary school" means a public or nonpublic secondary school with which a college has entered into an agreement in order to offer the program established by this chapter.	83065 83066 83067 83068
(P) "Private college" means any of the following:	83069
(1) A nonprofit institution holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code;	83070 83071
(2) An institution holding a certificate of registration from the state board of career colleges and schools and program authorization for an associate or bachelor's degree program issued under section 3332.05 of the Revised Code;	83072 83073 83074 83075
(3) A private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code.	83076 83077 83078
(Q) "Public college" means a "state institution of higher education" in section 3345.011 of the Revised Code, excluding the	83079 83080

northeast Ohio medical university. 83081

(R) "Public secondary school" means a school serving grades 83082
nine through twelve in a city, local, or exempted village school 83083
district, a joint vocational school district, a community school 83084
established under Chapter 3314., a STEM school established under 83085
Chapter 3326., or a college-preparatory boarding school 83086
established under Chapter 3328. of the Revised Code. 83087

(S) "School year" has the same meaning as in section 3313.62 83088
of the Revised Code. 83089

(T) "Secondary grade" means any of grades nine through 83090
twelve. 83091

(U) "Standard rate" means the amount per credit hour assessed 83092
by the college for an in-state student who is enrolled in an 83093
undergraduate course at that college, but who is not participating 83094
in the college credit plus program, as prescribed by the college's 83095
established tuition policy. 83096

(V) "Transcripted credit" means post-secondary credit that is 83097
conferred by an institution of higher education and is reflected 83098
on a student's official record at that institution upon completion 83099
of a course. 83100

Sec. 3365.02. (A) There is hereby established the college 83101
credit plus program under which, beginning with the 2015-2016 83102
school year, a secondary grade student who is a resident of this 83103
state may enroll at a college, on a full- or part-time basis, and 83104
complete nonsectarian, nonremedial courses for high school and 83105
college credit. The program shall govern arrangements in which a 83106
secondary grade student enrolls in a college and, upon successful 83107
completion of coursework taken under the program, receives 83108
transcripted credit from the college. The following are not 83109
governed by the college credit plus program: 83110

(1) An agreement governing an early college high school program, provided the program meets the definition set forth in division (F)(2) of section 3313.6013 of the Revised Code and is approved by the superintendent of public instruction and the chancellor of higher education;

(2) An advanced placement course or international baccalaureate diploma course, as described in divisions (A)(2) and (3) of section 3313.6013 of the Revised Code;

(3) A career-technical education program that is approved by the department of education under section 3317.161 of the Revised Code and grants articulated credit to students participating in that program. However, any portion of an approved program that results in the conferral of transcribed credit upon the completion of the course shall be governed by the college credit plus program.

(B) Any student enrolled in a public or nonpublic secondary school in the student's ninth, tenth, eleventh, or twelfth grade; any student enrolled in a nonchartered nonpublic secondary school in the student's ninth, tenth, eleventh, or twelfth grade; and any student who has been excused from the compulsory attendance law for the purpose of home instruction under section 3321.04 of the Revised Code and is the equivalent of a ninth, tenth, eleventh, or twelfth grade student, may participate in the program, if the student meets the applicable eligibility criteria in section 3365.03 of the Revised Code. If a nonchartered nonpublic secondary school student chooses to participate in the program, that student shall be subject to the same requirements as a home-instructed student who chooses to participate in the program under this chapter.

(C) All public secondary schools and all public colleges shall participate in the program and are subject to the requirements of this chapter. Any nonpublic secondary school or

private college that chooses to participate in the program shall 83143
also be subject to the requirements of this chapter. 83144

If an accredited nonpublic school, as described in section 83145
3301.165 of the Revised Code, chooses not to participate in the 83146
program and notifies the parents of each student at the time of 83147
the student's enrollment or re-enrollment of that choice, the 83148
school shall not be subject to the requirements of this chapter or 83149
to any rule adopted by the chancellor of higher education or the 83150
state board of education for purposes of the college credit plus 83151
program. 83152

(D) The chancellor, in accordance with Chapter 119. of the 83153
Revised Code and in consultation with the state superintendent, 83154
shall adopt rules governing the program. 83155

Sec. 3701.133. (A) The department of health shall make 83156
available on its web site information about the risks associated 83157
with meningococcal meningitis and hepatitis B, the availability of 83158
vaccines, and the effectiveness of the vaccines. The department 83159
shall provide written notice of the availability of meningococcal 83160
meningitis and hepatitis B information on the web site to all of 83161
the following: 83162

(1) Each city, local, exempted village, or joint vocational 83163
school district, as defined in Chapter 3311. of the Revised Code; 83164

(2) Each nonpublic school, whether chartered, accredited as 83165
described in section 3301.165 of the Revised Code, nonchartered, 83166
or nontax supported, that enrolls students in ninth grade or the 83167
equivalent educational level; 83168

(3) Each community school created under section 3314.01 of 83169
the Revised Code, that enrolls students in ninth grade or the 83170
equivalent educational level; 83171

(4) Each state institution of higher education, as defined in 83172

section 3345.011 of the Revised Code;	83173
(5) Each nonprofit institution of higher education, as defined in section 1713.55 of the Revised Code;	83174 83175
(6) Each private career school, as defined in section 3332.01 of the Revised Code.	83176 83177
(B) In addition to the information provided for in division (A) of this section, the department of health shall make available on its web site, in a format suitable for downloading, a meningitis and hepatitis B vaccination status statement form for a student or, if the student is younger than eighteen years of age, the student's parent, to complete to disclose whether the student has been vaccinated against meningococcal meningitis and hepatitis B. The form shall include all of the following:	83178 83179 83180 83181 83182 83183 83184 83185
(1) The information described in division (A) of this section and a means for the student or the student's parent to acknowledge having received and read the information;	83186 83187 83188
(2) A space for the student or the student's parent to indicate one of the following:	83189 83190
(a) The student has been vaccinated against meningococcal meningitis, and the year the vaccination was given.	83191 83192
(b) The student has not been vaccinated against meningococcal meningitis.	83193 83194
(3) A space for the student or the student's parent to indicate one of the following:	83195 83196
(a) The student has been vaccinated against hepatitis B, and the year the vaccination was given.	83197 83198
(b) The student has not been vaccinated against hepatitis B.	83199
Sec. 3781.106. (A) The board of building standards shall adopt rules, in accordance with Chapter 119. of the Revised Code,	83200 83201

for the use of a device by a staff member of a public or private school or institution of higher education that prevents both ingress and egress through a door in a school building, for a finite period of time, in an emergency situation, and during active shooter drills. The rules shall provide that the use of a device is permissible only if the device requires minimal steps to remove it after it is engaged.

The rules shall provide that the administrative authority of a building notify the police chief, or equivalent, of the law enforcement agency that has jurisdiction over the building, and the fire chief, or equivalent, of the fire department that serves the political subdivision in which the building is located, prior to the use of such devices in a building.

The rules may require that the device be visible from the exterior of the door.

(B) The device described in division (A) of this section shall not be permanently mounted to the door.

(C) Each public and private school and institution of higher education shall provide its staff members in-service training on the use of the device described in division (A) of this section. The school shall maintain a record verifying this training on file.

(D) In consultation with the state board of education and the chancellor of higher education, the board shall determine and include in the rules a definition of "emergency situation." These rules shall apply to both existing and new school buildings.

(E) As used in this section:

(1) "Institution of higher education" means a state institution of higher education as defined in section 3345.011 of the Revised Code, a private nonprofit college or university located in this state that possesses a certificate of

authorization issued pursuant to Chapter 1713. of the Revised 83233
Code, or a school located in this state that possesses a 83234
certificate of registration and one or more program authorizations 83235
issued by the state board of career colleges and schools under 83236
Chapter 3332. of the Revised Code. 83237

(2) "Private school" means a chartered nonpublic school, an 83238
accredited nonpublic school as described in section 3301.165 of 83239
the Revised Code, or a nonchartered nonpublic school. 83240

(3) "Public school" means any school operated by a school 83241
district board of education, any community school established 83242
under Chapter 3314. of the Revised Code, any STEM school 83243
established under Chapter 3326. of the Revised Code, and any 83244
college-preparatory boarding school established under Chapter 83245
3328. of the Revised Code. 83246

(4) "School building" means a structure used for the 83247
instruction of students by a public or private school or 83248
institution of higher education. 83249

Sec. 3781.11. (A) The rules of the board of building 83250
standards shall: 83251

(1) For nonresidential buildings, provide uniform minimum 83252
standards and requirements, and for residential buildings, provide 83253
standards and requirements that are uniform throughout the state, 83254
for construction and construction materials, including 83255
construction of industrialized units, to make residential and 83256
nonresidential buildings safe and sanitary as defined in section 83257
3781.06 of the Revised Code; 83258

(2) Formulate such standards and requirements, so far as may 83259
be practicable, in terms of performance objectives, so as to make 83260
adequate performance for the use intended the test of 83261
acceptability; 83262

(3) Permit, to the fullest extent feasible, the use of materials and technical methods, devices, and improvements, including the use of industrialized units which tend to reduce the cost of construction and erection without affecting minimum requirements for the health, safety, and security of the occupants or users of buildings or industrialized units and without preferential treatment of types or classes of materials or products or methods of construction;

(4) Encourage, so far as may be practicable, the standardization of construction practices, methods, equipment, material, and techniques, including methods employed to produce industrialized units;

(5) Not require any alteration or repair of any part of a school building owned by a chartered nonpublic school or a city, local, exempted village, or joint vocational school district and operated in conjunction with any primary or secondary school program that is not being altered or repaired if all of the following apply:

(a) The school building meets all of the applicable building code requirements in existence at the time of the construction of the building.

(b) The school building otherwise satisfies the requirements of section 3781.06 of the Revised Code.

(c) The part of the school building altered or repaired conforms to all rules of the board existing on the date of the repair or alteration.

(6) Not require any alteration or repair to any part of a workshop or factory that is not otherwise being altered, repaired, or added to if all of the following apply:

(a) The workshop or factory otherwise satisfies the requirements of section 3781.06 of the Revised Code.

(b) The part of the workshop or factory altered, repaired, or added conforms to all rules of the board existing on the date of plan approval of the repair, alteration, or addition.

(B) The rules of the board shall supersede and govern any order, standard, or rule of the division of industrial compliance in the department of commerce, division of the state fire marshal, the department of health, and of counties and townships, in all cases where such orders, standards, or rules are in conflict with the rules of the board, except that rules adopted and orders issued by the state fire marshal pursuant to Chapter 3743. of the Revised Code prevail in the event of a conflict.

(C) The construction, alteration, erection, and repair of buildings including industrialized units, and the materials and devices of any kind used in connection with them and the heating and ventilating of them and the plumbing and electric wiring in them shall conform to the statutes of this state or the rules adopted and promulgated by the board, and to provisions of local ordinances not inconsistent therewith. Any building, structure, or part thereof, constructed, erected, altered, manufactured, or repaired not in accordance with the statutes of this state or with the rules of the board, and any building, structure, or part thereof in which there is installed, altered, or repaired any fixture, device, and material, or plumbing, heating, or ventilating system, or electric wiring not in accordance with such statutes or rules is a public nuisance.

(D) As used in this section:

(1) "Nonpublic school" means a chartered school for which minimum standards are prescribed by the state board of education pursuant to division (D) of section 3301.07 of the Revised Code or an accredited nonpublic school described in section 3301.165 of the Revised Code.

(2) "Workshop or factory" includes manufacturing, mechanical, electrical, mercantile, art, and laundering establishments, printing, telegraph, and telephone offices, railroad depots, and memorial buildings, but does not include hotels and tenement and apartment houses.

Sec. 4729.513. A manufacturer of dangerous drugs may donate inhalers, as defined in section 3313.7113 of the Revised Code, and epinephrine autoinjectors to any of the following:

(A) The board of education of a city, local, exempted village, or joint vocational school district;

(B) A community school established under Chapter 3314. of the Revised Code;

(C) A STEM school established under Chapter 3326. of the Revised Code;

(D) A college-preparatory boarding school established under Chapter 3328. of the Revised Code;

(E) A chartered, accredited, or nonchartered nonpublic school. As used in this section, "accredited nonpublic school" means an accredited nonpublic school as described in section 3301.165 of the Revised Code.

Sec. 4729.541. (A) Except as provided in divisions (B) to (D) of this section, all of the following are exempt from licensure as a terminal distributor of dangerous drugs:

(1) A licensed health professional authorized to prescribe drugs;

(2) A business entity that is a corporation formed under division (B) of section 1701.03 of the Revised Code, a limited liability company formed under Chapter 1705. of the Revised Code, or a professional association formed under Chapter 1785. of the

Revised Code if the entity has a sole shareholder who is a 83354
prescriber and is authorized to provide the professional services 83355
being offered by the entity; 83356

(3) A business entity that is a corporation formed under 83357
division (B) of section 1701.03 of the Revised Code, a limited 83358
liability company formed under Chapter 1705. of the Revised Code, 83359
a partnership or a limited liability partnership formed under 83360
Chapter 1775. of the Revised Code, or a professional association 83361
formed under Chapter 1785. of the Revised Code, if, to be a 83362
shareholder, member, or partner, an individual is required to be 83363
licensed, certified, or otherwise legally authorized under Title 83364
XLVII of the Revised Code to perform the professional service 83365
provided by the entity and each such individual is a prescriber; 83366

(4) An individual who holds a current license, certificate, 83367
or registration issued under Title XLVII of the Revised Code and 83368
has been certified to conduct diabetes education by a national 83369
certifying body specified in rules adopted by the state board of 83370
pharmacy under section 4729.68 of the Revised Code, but only with 83371
respect to insulin that will be used for the purpose of diabetes 83372
education and only if diabetes education is within the 83373
individual's scope of practice under statutes and rules regulating 83374
the individual's profession; 83375

(5) An individual who holds a valid certificate issued by a 83376
nationally recognized S.C.U.B.A. diving certifying organization 83377
approved by the state board of pharmacy under rules adopted by the 83378
board, but only with respect to medical oxygen that will be used 83379
for the purpose of emergency care or treatment at the scene of a 83380
diving emergency; 83381

(6) With respect to epinephrine autoinjectors that may be 83382
possessed under section 3313.7110, 3313.7111, 3314.143, 3326.28, 83383
or 3328.29 of the Revised Code, any of the following: the board of 83384
education of a city, local, exempted village, or joint vocational 83385

school district; a chartered, accredited, or nonchartered 83386
nonpublic school; a community school established under Chapter 83387
3314. of the Revised Code; a STEM school established under Chapter 83388
3326. of the Revised Code; or a college-preparatory boarding 83389
school established under Chapter 3328. of the Revised Code~~r~~. As 83390
used in this section, "accredited nonpublic school" means an 83391
accredited nonpublic school as described in section 3301.165 of 83392
the Revised Code. 83393

(7) With respect to epinephrine autoinjectors that may be 83394
possessed under section 5101.76 of the Revised Code, any of the 83395
following: a residential camp, as defined in section 2151.011 of 83396
the Revised Code; a child day camp, as defined in section 5104.01 83397
of the Revised Code; or a child day camp operated by any county, 83398
township, municipal corporation, township park district created 83399
under section 511.18 of the Revised Code, park district created 83400
under section 1545.04 of the Revised Code, or joint recreation 83401
district established under section 755.14 of the Revised Code; 83402

(8) With respect to epinephrine autoinjectors that may be 83403
possessed under Chapter 3728. of the Revised Code, a qualified 83404
entity, as defined in section 3728.01 of the Revised Code; 83405

(9) With respect to inhalers that may be possessed under 83406
section 3313.7113, 3313.7114, 3314.144, 3326.30, or 3328.30 of the 83407
Revised Code, any of the following: the board of education of a 83408
city, local, exempted village, or joint vocational school 83409
district; a chartered, accredited, or nonchartered nonpublic 83410
school; a community school established under Chapter 3314. of the 83411
Revised Code; a STEM school established under Chapter 3326. of the 83412
Revised Code; or a college-preparatory boarding school established 83413
under Chapter 3328. of the Revised Code; 83414

(10) With respect to inhalers that may be possessed under 83415
section 5101.77 of the Revised Code, any of the following: a 83416
residential camp, as defined in section 2151.011 of the Revised 83417

Code; a child day camp, as defined in section 5104.01 of the Revised Code; or a child day camp operated by any county, township, municipal corporation, township park district created under section 511.18 of the Revised Code, park district created under section 1545.04 of the Revised Code, or joint recreation district established under section 755.14 of the Revised Code;

(11) With respect to naloxone that may be possessed under section 2925.61 of the Revised Code, a law enforcement agency and its peace officers;

(12) With respect to naloxone that may be possessed under section 4729.514 of the Revised Code, a service entity, as defined in that section;

(13) A facility that is owned and operated by the United States department of defense, the United States department of veterans affairs, or any other federal agency.

(B) If a person described in division (A) of this section is a pain management clinic or is operating a pain management clinic, the person shall hold a license as a terminal distributor of dangerous drugs with a pain management clinic classification issued under section 4729.552 of the Revised Code.

(C) If a person described in division (A) of this section is operating a facility, clinic, or other location described in division (B) of section 4729.553 of the Revised Code that must hold a category III terminal distributor of dangerous drugs license with an office-based opioid treatment classification, the person shall hold a license with that classification.

(D) Any of the persons described in divisions (A)(1) to (12) of this section shall hold a license as a terminal distributor of dangerous drugs in order to possess, have custody or control of, and distribute any of the following:

(1) Dangerous drugs that are compounded or used for the

purpose of compounding;	83449
(2) A schedule I, II, III, IV, or V controlled substance, as defined in section 3719.01 of the Revised Code.	83450 83451
Sec. 5104.01. As used in this chapter:	83452
(A) "Administrator" means the person responsible for the daily operation of a center, type A home, or type B home. The administrator and the owner may be the same person.	83453 83454 83455
(B) "Approved child day camp" means a child day camp approved pursuant to section 5104.22 of the Revised Code.	83456 83457
(C) "Border state child care provider" means a child care provider that is located in a state bordering Ohio and that is licensed, certified, or otherwise approved by that state to provide child care.	83458 83459 83460 83461
(D) "Career pathways model" means an alternative pathway to meeting the requirements to be a child-care staff member or administrator that does both of the following:	83462 83463 83464
(1) Uses a framework approved by the director of job and family services to document formal education, training, experience, and specialized credentials and certifications;	83465 83466 83467
(2) Allows the child-care staff member or administrator to achieve a designation as an early childhood professional level one, two, three, four, five, or six.	83468 83469 83470
(E) "Caretaker parent" means the father or mother of a child whose presence in the home is needed as the caretaker of the child, a person who has legal custody of a child and whose presence in the home is needed as the caretaker of the child, a guardian of a child whose presence in the home is needed as the caretaker of the child, and any other person who stands in loco parentis with respect to the child and whose presence in the home is needed as the caretaker of the child.	83471 83472 83473 83474 83475 83476 83477 83478

(F)(1) "Chartered nonpublic school" means a school that meets standards for nonpublic schools prescribed by the state board of education for nonpublic schools pursuant to section 3301.07 of the Revised Code.

(2) "Accredited nonpublic school" means an accredited nonpublic school as described in section 3301.165 of the Revised Code.

(G) "Child" includes an infant, toddler, preschool-age child, or school-age child.

(H) "Child care block grant act" means the "Child Care and Development Block Grant Act of 1990," established in section 5082 of the "Omnibus Budget Reconciliation Act of 1990," 104 Stat. 1388-236 (1990), 42 U.S.C. 9858, as amended.

(I) "Child day camp" means a program in which only school-age children attend or participate, that operates for no more than seven hours per day, that operates only during one or more public school district's regular vacation periods or for no more than fifteen weeks during the summer, and that operates outdoor activities for each child who attends or participates in the program for a minimum of fifty per cent of each day that children attend or participate in the program, except for any day when hazardous weather conditions prevent the program from operating outdoor activities for a minimum of fifty per cent of that day. For purposes of this division, the maximum seven hours of operation time does not include transportation time from a child's home to a child day camp and from a child day camp to a child's home.

(J) "Child care" means all of the following:

(1) Administering to the needs of infants, toddlers, preschool-age children, and school-age children outside of school hours;

(2) By persons other than their parents, guardians, or custodians;	83510 83511
(3) For any part of the twenty-four-hour day;	83512
(4) In a place other than a child's own home, except that an in-home aide provides child care in the child's own home.	83513 83514
(K) "Child day-care center" and "center" mean any place in which child care or publicly funded child care is provided for thirteen or more children at one time or any place that is not the permanent residence of the licensee or administrator in which child care or publicly funded child care is provided for seven to twelve children at one time. In counting children for the purposes of this division, any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises of the center shall be counted. "Child day-care center" and "center" do not include any of the following:	83515 83516 83517 83518 83519 83520 83521 83522 83523 83524
(1) A place located in and operated by a hospital, as defined in section 3727.01 of the Revised Code, in which the needs of children are administered to, if all the children whose needs are being administered to are monitored under the on-site supervision of a physician licensed under Chapter 4731. of the Revised Code or a registered nurse licensed under Chapter 4723. of the Revised Code, and the services are provided only for children who, in the opinion of the child's parent, guardian, or custodian, are exhibiting symptoms of a communicable disease or other illness or are injured;	83525 83526 83527 83528 83529 83530 83531 83532 83533 83534
(2) A child day camp;	83535
(3) A place that provides child care, but not publicly funded child care, if all of the following apply:	83536 83537
(a) An organized religious body provides the child care;	83538
(b) A parent, custodian, or guardian of at least one child	83539

receiving child care is on the premises and readily accessible at all times;	83540 83541
(c) The child care is not provided for more than thirty days a year;	83542 83543
(d) The child care is provided only for preschool-age and school-age children.	83544 83545
(L) "Child care resource and referral service organization" means a community-based nonprofit organization that provides child care resource and referral services but not child care.	83546 83547 83548
(M) "Child care resource and referral services" means all of the following services:	83549 83550
(1) Maintenance of a uniform data base of all child care providers in the community that are in compliance with this chapter, including current occupancy and vacancy data;	83551 83552 83553
(2) Provision of individualized consumer education to families seeking child care;	83554 83555
(3) Provision of timely referrals of available child care providers to families seeking child care;	83556 83557
(4) Recruitment of child care providers;	83558
(5) Assistance in the development, conduct, and dissemination of training for child care providers and provision of technical assistance to current and potential child care providers, employers, and the community;	83559 83560 83561 83562
(6) Collection and analysis of data on the supply of and demand for child care in the community;	83563 83564
(7) Technical assistance concerning locally, state, and federally funded child care and early childhood education programs;	83565 83566 83567
(8) Stimulation of employer involvement in making child care	83568

more affordable, more available, safer, and of higher quality for 83569
their employees and for the community; 83570

(9) Provision of written educational materials to caretaker 83571
parents and informational resources to child care providers; 83572

(10) Coordination of services among child care resource and 83573
referral service organizations to assist in developing and 83574
maintaining a statewide system of child care resource and referral 83575
services if required by the department of job and family services; 83576

(11) Cooperation with the county department of job and family 83577
services in encouraging the establishment of parent cooperative 83578
child care centers and parent cooperative type A family day-care 83579
homes. 83580

(N) "Child-care staff member" means an employee of a child 83581
day-care center or type A family day-care home who is primarily 83582
responsible for the care and supervision of children. The 83583
administrator may be a part-time child-care staff member when not 83584
involved in other duties. 83585

(O) "Drop-in child day-care center," "drop-in center," 83586
"drop-in type A family day-care home," and "drop-in type A home" 83587
mean a center or type A home that provides child care or publicly 83588
funded child care for children on a temporary, irregular basis. 83589

(P) "Employee" means a person who either: 83590

(1) Receives compensation for duties performed in a child 83591
day-care center or type A family day-care home; 83592

(2) Is assigned specific working hours or duties in a child 83593
day-care center or type A family day-care home. 83594

(Q) "Employer" means a person, firm, institution, 83595
organization, or agency that operates a child day-care center or 83596
type A family day-care home subject to licensure under this 83597
chapter. 83598

(R) "Federal poverty line" means the official poverty guideline as revised annually in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.

(S) "Head start program" means a comprehensive child development program serving birth to three years old and preschool-age children that receives funds distributed under the "Head Start Act," 95 Stat. 499 (1981), 42 U.S.C.A. 9831, as amended, and is licensed as a child day-care center.

(T) "Income" means gross income, as defined in section 5107.10 of the Revised Code, less any amounts required by federal statutes or regulations to be disregarded.

(U) "Indicator checklist" means an inspection tool, used in conjunction with an instrument-based program monitoring information system, that contains selected licensing requirements that are statistically reliable indicators or predictors of a child day-care center's type A family day-care home's, or licensed type B family day-care home's compliance with licensing requirements.

(V) "Infant" means a child who is less than eighteen months of age.

(W) "In-home aide" means a person who does not reside with the child but provides care in the child's home and is certified by a county director of job and family services pursuant to section 5104.12 of the Revised Code to provide publicly funded child care to a child in a child's own home pursuant to this chapter and any rules adopted under it.

(X) "Instrument-based program monitoring information system" means a method to assess compliance with licensing requirements for child day-care centers, type A family day-care homes, and

licensed type B family day-care homes in which each licensing 83630
requirement is assigned a weight indicative of the relative 83631
importance of the requirement to the health, growth, and safety of 83632
the children that is used to develop an indicator checklist. 83633

(Y) "License capacity" means the maximum number in each age 83634
category of children who may be cared for in a child day-care 83635
center or type A family day-care home at one time as determined by 83636
the director of job and family services considering building 83637
occupancy limits established by the department of commerce, amount 83638
of available indoor floor space and outdoor play space, and amount 83639
of available play equipment, materials, and supplies. For the 83640
purposes of a provisional license issued under this chapter, the 83641
director shall also consider the number of available child-care 83642
staff members when determining "license capacity" for the 83643
provisional license. 83644

(Z) "Licensed child care program" means any of the following: 83645

(1) A child day-care center licensed by the department of job 83646
and family services pursuant to this chapter; 83647

(2) A type A family day-care home or type B family day-care 83648
home licensed by the department of job and family services 83649
pursuant to this chapter; 83650

(3) A licensed preschool program or licensed school child 83651
program. 83652

(AA) "Licensed preschool program" or "licensed school child 83653
program" means a preschool program or school child program, as 83654
defined in section 3301.52 of the Revised Code, that is licensed 83655
by the department of education pursuant to sections 3301.52 to 83656
3301.59 of the Revised Code. 83657

(BB) "Licensed type B family day-care home" and "licensed 83658
type B home" mean a type B family day-care home for which there is 83659
a valid license issued by the director of job and family services 83660

pursuant to section 5104.03 of the Revised Code. 83661

(CC) "Licensee" means the owner of a child day-care center, 83662
type A family day-care home, or type B family day-care home that 83663
is licensed pursuant to this chapter and who is responsible for 83664
ensuring its compliance with this chapter and rules adopted 83665
pursuant to this chapter. 83666

(DD) "Operate a child day camp" means to operate, establish, 83667
manage, conduct, or maintain a child day camp. 83668

(EE) "Owner" includes a person, as defined in section 1.59 of 83669
the Revised Code, or government entity. 83670

(FF) "Parent cooperative child day-care center," "parent 83671
cooperative center," "parent cooperative type A family day-care 83672
home," and "parent cooperative type A home" mean a corporation or 83673
association organized for providing educational services to the 83674
children of members of the corporation or association, without 83675
gain to the corporation or association as an entity, in which the 83676
services of the corporation or association are provided only to 83677
children of the members of the corporation or association, 83678
ownership and control of the corporation or association rests 83679
solely with the members of the corporation or association, and at 83680
least one parent-member of the corporation or association is on 83681
the premises of the center or type A home during its hours of 83682
operation. 83683

(GG) "Part-time child day-care center," "part-time center," 83684
"part-time type A family day-care home," and "part-time type A 83685
home" mean a center or type A home that provides child care or 83686
publicly funded child care for not more than four hours a day for 83687
any child or not more than fifteen consecutive weeks per year, 83688
regardless of the number of hours per day. 83689

(HH) "Place of worship" means a building where activities of 83690
an organized religious group are conducted and includes the 83691

grounds and any other buildings on the grounds used for such 83692
activities. 83693

(II) "Preschool-age child" means a child who is three years 83694
old or older but is not a school-age child. 83695

(JJ) "Protective child care" means publicly funded child care 83696
for the direct care and protection of a child to whom either of 83697
the following applies: 83698

(1) A case plan prepared and maintained for the child 83699
pursuant to section 2151.412 of the Revised Code indicates a need 83700
for protective care and the child resides with a parent, 83701
stepparent, guardian, or another person who stands in loco 83702
parentis as defined in rules adopted under section 5104.38 of the 83703
Revised Code; 83704

(2) The child and the child's caretaker either temporarily 83705
reside in a facility providing emergency shelter for homeless 83706
families or are determined by the county department of job and 83707
family services to be homeless, and are otherwise ineligible for 83708
publicly funded child care. 83709

(KK) "Publicly funded child care" means administering to the 83710
needs of infants, toddlers, preschool-age children, and school-age 83711
children under age thirteen during any part of the 83712
twenty-four-hour day by persons other than their caretaker parents 83713
for remuneration wholly or in part with federal or state funds, 83714
including funds available under the child care block grant act, 83715
Title IV-A, and Title XX, distributed by the department of job and 83716
family services. 83717

(LL) "Religious activities" means any of the following: 83718
worship or other religious services; religious instruction; Sunday 83719
school classes or other religious classes conducted during or 83720
prior to worship or other religious services; youth or adult 83721
fellowship activities; choir or other musical group practices or 83722

programs; meals; festivals; or meetings conducted by an organized 83723
religious group. 83724

(MM) "School-age child" means a child who is enrolled in or 83725
is eligible to be enrolled in a grade of kindergarten or above but 83726
is less than fifteen years old. 83727

(NN) "School-age child care center" and "school-age child 83728
type A home" mean a center or type A home that provides child care 83729
for school-age children only and that does either or both of the 83730
following: 83731

(1) Operates only during that part of the day that 83732
immediately precedes or follows the public school day of the 83733
school district in which the center or type A home is located; 83734

(2) Operates only when the public schools in the school 83735
district in which the center or type A home is located are not 83736
open for instruction with pupils in attendance. 83737

(OO) "Serious risk noncompliance" means a licensure or 83738
certification rule violation that leads to a great risk of harm 83739
to, or death of, a child, and is observable, not inferable. 83740

(PP) "State median income" means the state median income 83741
calculated by the department of development pursuant to division 83742
(A)(1)(g) of section 5709.61 of the Revised Code. 83743

(QQ) "Title IV-A" means Title IV-A of the "Social Security 83744
Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 83745

(RR) "Title XX" means Title XX of the "Social Security Act," 83746
88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 83747

(SS) "Toddler" means a child who is at least eighteen months 83748
of age but less than three years of age. 83749

(TT) "Type A family day-care home" and "type A home" mean a 83750
permanent residence of the administrator in which child care or 83751
publicly funded child care is provided for seven to twelve 83752

children at one time or a permanent residence of the administrator 83753
in which child care is provided for four to twelve children at one 83754
time if four or more children at one time are under two years of 83755
age. In counting children for the purposes of this division, any 83756
children under six years of age who are related to a licensee, 83757
administrator, or employee and who are on the premises of the type 83758
A home shall be counted. "Type A family day-care home" and "type A 83759
home" do not include any child day camp. 83760

(UU) "Type B family day-care home" and "type B home" mean a 83761
permanent residence of the provider in which child care is 83762
provided for one to six children at one time and in which no more 83763
than three children are under two years of age at one time. In 83764
counting children for the purposes of this division, any children 83765
under six years of age who are related to the provider and who are 83766
on the premises of the type B home shall be counted. "Type B 83767
family day-care home" and "type B home" do not include any child 83768
day camp. 83769

Sec. 5104.02. (A) The director of job and family services is 83770
responsible for the licensing of child day-care centers and type A 83771
family day-care homes. Each entity operating a head start program 83772
shall meet the criteria for, and be licensed as, a child day-care 83773
center. The director is responsible for the enforcement of this 83774
chapter and of rules promulgated pursuant to this chapter. 83775

No person, firm, organization, institution, or agency shall 83776
operate, establish, manage, conduct, or maintain a child day-care 83777
center or type A family day-care home without a license issued 83778
under section 5104.03 of the Revised Code. The current license 83779
shall be posted in a conspicuous place in the center or type A 83780
home that is accessible to parents, custodians, or guardians and 83781
employees of the center or type A home at all times when the 83782
center or type A home is in operation. 83783

(B) A person, firm, institution, organization, or agency	83784
operating any of the following programs is exempt from the	83785
requirements of this chapter:	83786
(1) A program of child care that operates for two or less	83787
consecutive weeks;	83788
(2) Child care in places of worship during religious	83789
activities during which children are cared for while at least one	83790
parent, guardian, or custodian of each child is participating in	83791
such activities and is readily available;	83792
(3) Religious activities which do not provide child care;	83793
(4) Supervised training, instruction, or activities of	83794
children in specific areas, including, but not limited to: art;	83795
drama; dance; music; gymnastics, swimming, or another athletic	83796
skill or sport; computers; or an educational subject conducted on	83797
an organized or periodic basis no more than one day a week and for	83798
no more than six hours duration;	83799
(5) Programs in which the director determines that at least	83800
one parent, custodian, or guardian of each child is on the	83801
premises of the facility offering child care and is readily	83802
accessible at all times, except that child care provided on the	83803
premises at which a parent, custodian, or guardian is employed	83804
more than two and one-half hours a day shall be licensed in	83805
accordance with division (A) of this section;	83806
(6)(a) Programs that provide child care funded and regulated	83807
or operated and regulated by state departments other than the	83808
department of job and family services or the state board of	83809
education when the director of job and family services has	83810
determined that the rules governing the program are equivalent to	83811
or exceed the rules promulgated pursuant to this chapter.	83812
Notwithstanding any exemption from regulation under this	83813
chapter, each state department shall submit to the director of job	83814

and family services a copy of the rules that govern programs that 83815
provide child care and are regulated or operated and regulated by 83816
the department. Annually, each state department shall submit to 83817
the director a report for each such program it regulates or 83818
operates and regulates that includes the following information: 83819

(i) The site location of the program; 83820

(ii) The maximum number of infants, toddlers, preschool-age 83821
children, or school-age children served by the program at one 83822
time; 83823

(iii) The number of adults providing child care for the 83824
number of infants, toddlers, preschool-age children, or school-age 83825
children; 83826

(iv) Any changes in the rules made subsequent to the time 83827
when the rules were initially submitted to the director. 83828

The director shall maintain a record of the child care 83829
information submitted by other state departments and shall provide 83830
this information upon request to the general assembly or the 83831
public. 83832

(b) Child care programs conducted by boards of education or 83833
by chartered or accredited nonpublic schools that are conducted in 83834
school buildings and that provide child care to school-age 83835
children only shall be exempt from meeting or exceeding rules 83836
promulgated pursuant to this chapter. 83837

(7) Any preschool program or school child program, except a 83838
head start program, that is subject to licensure by the department 83839
of education under sections 3301.52 to 3301.59 of the Revised 83840
Code. 83841

(8) Any program providing child care that meets all of the 83842
following requirements and, on October 20, 1987, was being 83843
operated by a nonpublic school that holds a charter issued by the 83844

state board of education for kindergarten only or an accredited nonpublic school: 83845
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(a) The nonpublic school has given the notice to the state board and the director of job and family services required by Section 4 of Substitute House Bill No. 253 of the 117th general assembly; 83847
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(b) The nonpublic school continues to be chartered by the state board for kindergarten, or receives and continues to hold a charter from the state board for kindergarten through grade five or is an accredited nonpublic school; 83851
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(c) The program is conducted in a school building; 83855

(d) The program is operated in accordance with rules promulgated by the state board under sections 3301.52 to 3301.57 of the Revised Code. 83856
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(9) A youth development program operated outside of school hours by a community-based center to which all of the following apply: 83859
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(a) The children enrolled in the program are under nineteen years of age and enrolled in or eligible to be enrolled in a grade of kindergarten or above. 83862
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(b) The program provides informal child care, which is child care that does not require parental signature, permission, or notice for the child receiving the care to enter or leave the program. 83865
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(c) The program provides any of the following supervised activities: educational, recreational, culturally enriching, social, and personal development activities. 83869
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(d) The program is eligible for participation in the child and adult care food program as an outside-school-hours care center pursuant to standards established under section 3313.813 of the 83872
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Revised Code.	83875
(e) The community-based center operating the program is	83876
exempt from federal income taxation pursuant to 26 U.S.C. 501(a)	83877
and (c)(3).	83878
(10) A preschool program operated by a nonchartered,	83879
nontax-supported school if the preschool program meets all of the	83880
following conditions:	83881
(a) The program complies with state and local health, fire,	83882
and safety laws.	83883
(b) The program annually certifies in a report to the parents	83884
of its pupils that the school is in compliance with division	83885
(B)(10)(a) of this section and files a copy of the report with the	83886
department of job and family services on or before the thirtieth	83887
day of September of each year.	83888
(c) The program complies with all applicable reporting	83889
requirements in the same manner as required by the state board of	83890
education for nonchartered, nonpublic primary and secondary	83891
schools.	83892
(d) The program is associated with a nonchartered,	83893
nontax-supported primary or secondary school.	83894
Sec. 5139.18. (A) Except with respect to children who are	83895
granted a judicial release to court supervision pursuant to	83896
division (B) or (D) of section 2152.22 of the Revised Code, the	83897
department of youth services is responsible for locating homes or	83898
jobs for children released from its institutions, for supervision	83899
of children released from its institutions, and for providing or	83900
arranging for the provision to those children of appropriate	83901
services that are required to facilitate their satisfactory	83902
community adjustment. Regional administrators through their staff	83903
of parole officers shall supervise children paroled or released to	83904

community supervision in a manner that insures as nearly as 83905
possible the children's rehabilitation and that provides maximum 83906
protection to the general public. 83907

(B) The department of youth services shall exercise general 83908
supervision over all children who have been released on placement 83909
from any of its institutions other than children who are granted a 83910
judicial release to court supervision pursuant to division (B) or 83911
(D) of section 2152.22 of the Revised Code. The director of youth 83912
services, with the consent and approval of the board of county 83913
commissioners of any county, may contract with the public children 83914
services agency of that county, the department of probation of 83915
that county established pursuant to section 2301.27 of the Revised 83916
Code, or the probation department or service established pursuant 83917
to sections 2151.01 to 2151.54 of the Revised Code for the 83918
provision of direct supervision and control over and the provision 83919
of supportive assistance to all children who have been released on 83920
placement into that county from any of its institutions, or, with 83921
the consent of the juvenile judge or the administrative judge of 83922
the juvenile court of any county, contract with any other public 83923
agency, institution, or organization that is qualified to provide 83924
the care and supervision that is required under the terms and 83925
conditions of the child's treatment plan for the provision of 83926
direct supervision and control over and the provision of 83927
supportive assistance to all children who have been released on 83928
placement into that county from any of its institutions. 83929

(C) A juvenile parole officer shall furnish to a child placed 83930
on community control under the parole officer's supervision a 83931
statement of the conditions of parole and shall instruct the child 83932
regarding them. The parole officer shall keep informed concerning 83933
the conduct and condition of a child under the parole officer's 83934
supervision and shall report on the child's conduct to the judge 83935
as the judge directs. A parole officer shall use all suitable 83936

methods to aid a child on community control and to improve the 83937
child's conduct and condition. A parole officer shall keep full 83938
and accurate records of work done for children under the parole 83939
officer's supervision. 83940

(D) In accordance with division (D) of section 2151.14 of the 83941
Revised Code, a court may issue an order requiring boards of 83942
education, governing bodies of chartered and accredited nonpublic 83943
schools, public children services agencies, private child placing 83944
agencies, probation departments, law enforcement agencies, and 83945
prosecuting attorneys that have records related to the child in 83946
question to provide copies of one or more specified records, or 83947
specified information in one or more specified records, that the 83948
individual or entity has with respect to the child to the 83949
department of youth services when the department has custody of 83950
the child or is performing any services for the child that are 83951
required by the juvenile court or by statute, and the department 83952
requests the records in accordance with division (D)(3)(a) of 83953
section 2151.14 of the Revised Code. 83954

As used in this division, "accredited nonpublic school" means 83955
an accredited nonpublic school as described in section 3301.165 of 83956
the Revised Code. 83957

(E) Whenever any placement official has reasonable cause to 83958
believe that any child released by a court pursuant to section 83959
2152.22 of the Revised Code has violated the conditions of the 83960
child's placement, the official may request, in writing, from the 83961
committing court or transferee court a custodial order, and, upon 83962
reasonable and probable cause, the court may order any sheriff, 83963
deputy sheriff, constable, or police officer to apprehend the 83964
child. A child so apprehended may be confined in the detention 83965
facility of the county in which the child is apprehended until 83966
further order of the court. If a child who was released on 83967
supervised release by the release authority of the department of 83968

youth services or a child who was granted a judicial release to 83969
department of youth services supervision violates the conditions 83970
of the supervised release or judicial release, section 5139.52 of 83971
the Revised Code applies with respect to that child. 83972

Section 130.11. That existing sections 921.06, 955.43, 83973
3301.07, 3301.071, 3301.0711, 3301.16, 3301.162, 3301.164, 83974
3301.52, 3301.541, 3302.07, 3302.41, 3310.01, 3312.01, 3312.04, 83975
3312.05, 3312.09, 3313.41, 3313.48, 3313.481, 3313.482, 3313.536, 83976
3313.539, 3313.5311, 3313.603, 3313.62, 3313.716, 3313.717, 83977
3313.718, 3313.719, 3313.7111, 3313.7112, 3313.7114, 3313.813, 83978
3313.86, 3313.976, 3317.024, 3317.03, 3317.06, 3317.062, 3317.063, 83979
3317.13, 3319.311, 3319.313, 3319.314, 3319.317, 3319.39, 83980
3319.391, 3319.392, 3319.40, 3319.52, 3321.01, 3326.01, 3326.03, 83981
3326.032, 3326.04, 3326.09, 3327.07, 3327.10, 3365.01, 3365.02, 83982
3701.133, 3781.106, 3781.11, 4729.513, 4729.541, 5104.01, 5104.02, 83983
and 5139.18 of the Revised Code are hereby repealed. 83984

Section 130.12. (A) The Speaker of the House of 83985
Representatives and the President of the Senate shall appoint a 83986
joint committee of the General Assembly to study the effects of 83987
the creation of accredited nonpublic schools by this act. The 83988
committee shall consist of the following six members: 83989

(1) The chairperson of the standing committee of the House of 83990
Representatives principally responsible for primary and secondary 83991
education policy; 83992

(2) The chairperson of the standing committee of the Senate 83993
principally responsible for primary and secondary education 83994
policy; 83995

(3) Two other members of the House of Representatives 83996
appointed by the Speaker, one of whom is from the majority party 83997
and one of whom is from the minority party; 83998

(4) Two other members of the Senate appointed by the President, one of whom is from the majority party and one of whom is from the minority party.

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(B) In completing the study required under this section, the committee shall compare data from accredited nonpublic schools before and after the effective date of this act. The committee also shall compare data of accredited schools to other public schools and private school associations, as available. The committee shall compare aggregate data on all of the following:

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(1) Remediation rates;

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(2) SAT and ACT test scores;

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(3) College acceptance and attendance rates;

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(4) Results of other standardized tests for lower grade levels.

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(C) Not later than two years after the effective date of this section, the committee shall submit a report to the General Assembly in accordance with section 101.68 of the Revised Code that includes recommendations on expanding the designation to chartered nonpublic schools not accredited by the Independent Schools Association of the Central States. The report also shall include criteria that should be used to qualify chartered nonpublic schools for such an expansion.

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Section 130.13. Nothing in this act shall be construed to give preference or heightened approval of a chartered nonpublic school accredited by the Independent Schools Association of the Central States over a chartered nonpublic school accredited by any other association or organization.

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Section 130.20. That sections 133.06, 133.18, 306.32, 306.321, 306.322, 306.70, 307.695, 307.697, 323.17, 349.14,

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505.14, 505.20, 505.47, 511.27, 511.28, 511.34, 703.20, 707.30, 84028
715.38, 715.691, 715.70, 715.71, 715.72, 718.04, 718.09, 718.10, 84029
1545.041, 1545.21, 3311.21, 3311.213, 3311.22, 3311.231, 3311.26, 84030
3311.50, 3313.38, 3313.911, 3318.06, 3318.061, 3318.063, 3318.361, 84031
3354.02, 3354.12, 3357.02, 3357.11, 3381.03, 4301.421, 4301.424, 84032
5705.191, 5705.192, 5705.194, 5705.199, 5705.21, 5705.211, 84033
5705.212, 5705.213, 5705.217, 5705.218, 5705.219, 5705.2111, 84034
5705.2112, 5705.221, 5705.222, 5705.23, 5705.233, 5705.24, 84035
5705.25, 5705.251, 5705.261, 5705.55, 5705.72, 5739.021, 5739.026, 84036
5739.028, 5739.09, 5743.021, 5743.024, 5743.026, 5748.02, 84037
5748.021, 5748.08, and 5748.09 be amended and new section 5705.214 84038
and sections 3501.022 and 5748.07 of the Revised Code be enacted 84039
to read as follows: 84040

Sec. 133.06. (A) A school district shall not incur, without a 84041
vote of the electors at a general election or a special election 84042
held on a day on which a primary election may be held, net 84043
indebtedness that exceeds an amount equal to one-tenth of one per 84044
cent of its tax valuation, except as provided in divisions (G) and 84045
(H) of this section and in division (D) of section 3313.372 of the 84046
Revised Code, or as prescribed in section 3318.052 or 3318.44 of 84047
the Revised Code, or as provided in division (J) of this section. 84048

(B) Except as provided in divisions (E), (F), and (I) of this 84049
section, a school district shall not incur net indebtedness that 84050
exceeds an amount equal to nine per cent of its tax valuation. 84051

(C) A school district shall not submit to a vote of the 84052
electors the question of the issuance of securities in an amount 84053
that will make the district's net indebtedness after the issuance 84054
of the securities exceed an amount equal to four per cent of its 84055
tax valuation, unless the superintendent of public instruction, 84056
acting under policies adopted by the state board of education, and 84057
the tax commissioner, acting under written policies of the 84058

commissioner, consent to the submission. A request for the 84059
consents shall be made at least one hundred twenty days prior to 84060
the election at which the question is to be submitted. 84061

The superintendent of public instruction shall certify to the 84062
district the superintendent's and the tax commissioner's decisions 84063
within thirty days after receipt of the request for consents. 84064

If the electors do not approve the issuance of securities at 84065
the election for which the superintendent of public instruction 84066
and tax commissioner consented to the submission of the question, 84067
the school district may submit the same question to the electors 84068
on the date that the next election that is either a general 84069
election or a special election held on a day on which a primary 84070
election may be held under section 3501.01 of the Revised Code 84071
without submitting a new request for consent. If the school 84072
district seeks to submit the same question at any other subsequent 84073
election, the district shall first submit a new request for 84074
consent in accordance with this division. 84075

(D) In calculating the net indebtedness of a school district, 84076
none of the following shall be considered: 84077

(1) Securities issued to acquire school buses and other 84078
equipment used in transporting pupils or issued pursuant to 84079
division (D) of section 133.10 of the Revised Code; 84080

(2) Securities issued under division (F) of this section, 84081
under section 133.301 of the Revised Code, and, to the extent in 84082
excess of the limitation stated in division (B) of this section, 84083
under division (E) of this section; 84084

(3) Indebtedness resulting from the dissolution of a joint 84085
vocational school district under section 3311.217 of the Revised 84086
Code, evidenced by outstanding securities of that joint vocational 84087
school district; 84088

(4) Loans, evidenced by any securities, received under 84089

sections 3313.483, 3317.0210, and 3317.0211 of the Revised Code;	84090
(5) Debt incurred under section 3313.374 of the Revised Code;	84091
(6) Debt incurred pursuant to division (B)(5) of section 3313.37 of the Revised Code to acquire computers and related hardware;	84092 84093 84094
(7) Debt incurred under section 3318.042 of the Revised Code;	84095
(8) Debt incurred under section 5705.2112 or 5705.2113 of the Revised Code by the fiscal board of a qualifying partnership of which the school district is a participating school district.	84096 84097 84098
(E) A school district may become a special needs district as to certain securities as provided in division (E) of this section.	84099 84100
(1) A board of education, by resolution, may declare its school district to be a special needs district by determining both of the following:	84101 84102 84103
(a) The student population is not being adequately serviced by the existing permanent improvements of the district.	84104 84105
(b) The district cannot obtain sufficient funds by the issuance of securities within the limitation of division (B) of this section to provide additional or improved needed permanent improvements in time to meet the needs.	84106 84107 84108 84109
(2) The board of education shall certify a copy of that resolution to the superintendent of public instruction with a statistical report showing all of the following:	84110 84111 84112
(a) The history of and a projection of the growth of the tax valuation;	84113 84114
(b) The projected needs;	84115
(c) The estimated cost of permanent improvements proposed to meet such projected needs.	84116 84117
(3) The superintendent of public instruction shall certify	84118

the district as an approved special needs district if the 84119
superintendent finds both of the following: 84120

(a) The district does not have available sufficient 84121
additional funds from state or federal sources to meet the 84122
projected needs. 84123

(b) The projection of the potential average growth of tax 84124
valuation during the next five years, according to the information 84125
certified to the superintendent and any other information the 84126
superintendent obtains, indicates a likelihood of potential 84127
average growth of tax valuation of the district during the next 84128
five years of an average of not less than one and one-half per 84129
cent per year. The findings and certification of the 84130
superintendent shall be conclusive. 84131

(4) An approved special needs district may incur net 84132
indebtedness by the issuance of securities in accordance with the 84133
provisions of this chapter in an amount that does not exceed an 84134
amount equal to the greater of the following: 84135

(a) Twelve per cent of the sum of its tax valuation plus an 84136
amount that is the product of multiplying that tax valuation by 84137
the percentage by which the tax valuation has increased over the 84138
tax valuation on the first day of the sixtieth month preceding the 84139
month in which its board determines to submit to the electors the 84140
question of issuing the proposed securities; 84141

(b) Twelve per cent of the sum of its tax valuation plus an 84142
amount that is the product of multiplying that tax valuation by 84143
the percentage, determined by the superintendent of public 84144
instruction, by which that tax valuation is projected to increase 84145
during the next ten years. 84146

(F) A school district may issue securities for emergency 84147
purposes, in a principal amount that does not exceed an amount 84148
equal to three per cent of its tax valuation, as provided in this 84149

division. 84150

(1) A board of education, by resolution, may declare an 84151
emergency if it determines both of the following: 84152

(a) School buildings or other necessary school facilities in 84153
the district have been wholly or partially destroyed, or condemned 84154
by a constituted public authority, or that such buildings or 84155
facilities are partially constructed, or so constructed or planned 84156
as to require additions and improvements to them before the 84157
buildings or facilities are usable for their intended purpose, or 84158
that corrections to permanent improvements are necessary to remove 84159
or prevent health or safety hazards. 84160

(b) Existing fiscal and net indebtedness limitations make 84161
adequate replacement, additions, or improvements impossible. 84162

(2) Upon the declaration of an emergency, the board of 84163
education may, by resolution, submit to the electors of the 84164
district pursuant to section 133.18 of the Revised Code the 84165
question of issuing securities for the purpose of paying the cost, 84166
in excess of any insurance or condemnation proceeds received by 84167
the district, of permanent improvements to respond to the 84168
emergency need. 84169

(3) The procedures for the election shall be as provided in 84170
section 133.18 of the Revised Code, except that: 84171

(a) The form of the ballot shall describe the emergency 84172
existing, refer to this division as the authority under which the 84173
emergency is declared, and state that the amount of the proposed 84174
securities exceeds the limitations prescribed by division (B) of 84175
this section; 84176

(b) The resolution required by division (B) of section 133.18 84177
of the Revised Code shall be certified to the county auditor and 84178
the board of elections at least one hundred days prior to the 84179
election; 84180

(c) The county auditor shall advise and, not later than 84181
ninety-five days before the election, confirm that advice by 84182
certification to, the board of education of the information 84183
required by division (C) of section 133.18 of the Revised Code; 84184

(d) The board of education shall then certify its resolution 84185
and the information required by division (D) of section 133.18 of 84186
the Revised Code to the board of elections not less than ninety 84187
days prior to the election. 84188

(4) Notwithstanding division (B) of section 133.21 of the 84189
Revised Code, the first principal payment of securities issued 84190
under this division may be set at any date not later than sixty 84191
months after the earliest possible principal payment otherwise 84192
provided for in that division. 84193

(G)(1) The board of education may contract with an architect, 84194
professional engineer, or other person experienced in the design 84195
and implementation of energy conservation measures for an analysis 84196
and recommendations pertaining to installations, modifications of 84197
installations, or remodeling that would significantly reduce 84198
energy consumption in buildings owned by the district. The report 84199
shall include estimates of all costs of such installations, 84200
modifications, or remodeling, including costs of design, 84201
engineering, installation, maintenance, repairs, measurement and 84202
verification of energy savings, and debt service, forgone residual 84203
value of materials or equipment replaced by the energy 84204
conservation measure, as defined by the Ohio facilities 84205
construction commission, a baseline analysis of actual energy 84206
consumption data for the preceding three years with the utility 84207
baseline based on only the actual energy consumption data for the 84208
preceding twelve months, and estimates of the amounts by which 84209
energy consumption and resultant operational and maintenance 84210
costs, as defined by the commission, would be reduced. 84211

If the board finds after receiving the report that the amount 84212

of money the district would spend on such installations, 84213
modifications, or remodeling is not likely to exceed the amount of 84214
money it would save in energy and resultant operational and 84215
maintenance costs over the ensuing fifteen years, the board may 84216
submit to the commission a copy of its findings and a request for 84217
approval to incur indebtedness to finance the making or 84218
modification of installations or the remodeling of buildings for 84219
the purpose of significantly reducing energy consumption. 84220

The facilities construction commission, in consultation with 84221
the auditor of state, may deny a request under division (G)(1) of 84222
this section by the board of education of any school district that 84223
is in a state of fiscal watch pursuant to division (A) of section 84224
3316.03 of the Revised Code, if it determines that the expenditure 84225
of funds is not in the best interest of the school district. 84226

No district board of education of a school district that is 84227
in a state of fiscal emergency pursuant to division (B) of section 84228
3316.03 of the Revised Code shall submit a request without 84229
submitting evidence that the installations, modifications, or 84230
remodeling have been approved by the district's financial planning 84231
and supervision commission established under section 3316.05 of 84232
the Revised Code. 84233

No board of education of a school district for which an 84234
academic distress commission has been established under section 84235
3302.10 of the Revised Code shall submit a request without first 84236
receiving approval to incur indebtedness from the district's 84237
academic distress commission established under that section, for 84238
so long as such commission continues to be required for the 84239
district. 84240

(2) The board of education may contract with a person 84241
experienced in the implementation of student transportation to 84242
produce a report that includes an analysis of and recommendations 84243
for the use of alternative fuel vehicles by school districts. The 84244

report shall include cost estimates detailing the return on 84245
investment over the life of the alternative fuel vehicles and 84246
environmental impact of alternative fuel vehicles. The report also 84247
shall include estimates of all costs associated with alternative 84248
fuel transportation, including facility modifications and vehicle 84249
purchase costs or conversion costs. 84250

If the board finds after receiving the report that the amount 84251
of money the district would spend on purchasing alternative fuel 84252
vehicles or vehicle conversion is not likely to exceed the amount 84253
of money it would save in fuel and resultant operational and 84254
maintenance costs over the ensuing five years, the board may 84255
submit to the commission a copy of its findings and a request for 84256
approval to incur indebtedness to finance the purchase of new 84257
alternative fuel vehicles or vehicle conversions for the purpose 84258
of reducing fuel costs. 84259

The facilities construction commission, in consultation with 84260
the auditor of state, may deny a request under division (G)(2) of 84261
this section by the board of education of any school district that 84262
is in a state of fiscal watch pursuant to division (A) of section 84263
3316.03 of the Revised Code, if it determines that the expenditure 84264
of funds is not in the best interest of the school district. 84265

No district board of education of a school district that is 84266
in a state of fiscal emergency pursuant to division (B) of section 84267
3316.03 of the Revised Code shall submit a request without 84268
submitting evidence that the purchase or conversion of alternative 84269
fuel vehicles has been approved by the district's financial 84270
planning and supervision commission established under section 84271
3316.05 of the Revised Code. 84272

No board of education of a school district for which an 84273
academic distress commission has been established under section 84274
3302.10 of the Revised Code shall submit a request without first 84275
receiving approval to incur indebtedness from the district's 84276

academic distress commission established under that section, for 84277
so long as such commission continues to be required for the 84278
district. 84279

(3) The facilities construction commission shall approve the 84280
board's request provided that the following conditions are 84281
satisfied: 84282

(a) The commission determines that the board's findings are 84283
reasonable. 84284

(b) The request for approval is complete. 84285

(c) If the request was submitted under division (G)(1) of 84286
this section, the installations, modifications, or remodeling are 84287
consistent with any project to construct or acquire classroom 84288
facilities, or to reconstruct or make additions to existing 84289
classroom facilities under sections 3318.01 to 3318.20 or sections 84290
3318.40 to 3318.45 of the Revised Code. 84291

Upon receipt of the commission's approval, the district may 84292
issue securities without a vote of the electors in a principal 84293
amount not to exceed nine-tenths of one per cent of its tax 84294
valuation for the purpose specified in division (G)(1) or (2) of 84295
this section, but the total net indebtedness of the district 84296
without a vote of the electors incurred under this and all other 84297
sections of the Revised Code, except section 3318.052 of the 84298
Revised Code, shall not exceed one per cent of the district's tax 84299
valuation. 84300

(4)(a) So long as any securities issued under division (G)(1) 84301
of this section remain outstanding, the board of education shall 84302
monitor the energy consumption and resultant operational and 84303
maintenance costs of buildings in which installations or 84304
modifications have been made or remodeling has been done pursuant 84305
to that division. Except as provided in division (G)(4)(b) of this 84306
section, the board shall maintain and annually update a report in 84307

a form and manner prescribed by the facilities construction 84308
commission documenting the reductions in energy consumption and 84309
resultant operational and maintenance cost savings attributable to 84310
such installations, modifications, or remodeling. The resultant 84311
operational and maintenance cost savings shall be certified by the 84312
school district treasurer. The report shall be submitted annually 84313
to the commission. 84314

(b) If the facilities construction commission verifies that 84315
the certified annual reports submitted to the commission by a 84316
board of education under division (G)(4)(a) of this section 84317
fulfill the guarantee required under division (B) of section 84318
3313.372 of the Revised Code for three consecutive years, the 84319
board of education shall no longer be subject to the annual 84320
reporting requirements of division (G)(4)(a) of this section. 84321

(5) So long as any securities issued under division (G)(2) of 84322
this section remain outstanding, the board of education shall 84323
monitor the purchase of new alternative fuel vehicles or vehicle 84324
conversions pursuant to that division. The board shall maintain 84325
and annually update a report in a form and manner prescribed by 84326
the facilities construction commission documenting the purchase of 84327
new alternative fuel vehicles or vehicle conversions, the 84328
associated environmental impact, and return on investment. The 84329
resultant fuel and operational and maintenance cost savings shall 84330
be certified by the school district treasurer. The report shall be 84331
submitted annually to the commission. 84332

(H) With the consent of the superintendent of public 84333
instruction, a school district may incur without a vote of the 84334
electors net indebtedness that exceeds the amounts stated in 84335
divisions (A) and (G) of this section for the purpose of paying 84336
costs of permanent improvements, if and to the extent that both of 84337
the following conditions are satisfied: 84338

(1) The fiscal officer of the school district estimates that 84339

receipts of the school district from payments made under or 84340
pursuant to agreements entered into pursuant to section 725.02, 84341
1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 5709.45, 84342
5709.57, 5709.62, 5709.63, 5709.632, 5709.73, 5709.78, or 5709.82 84343
of the Revised Code, or distributions under division (C) of 84344
section 5709.43 or division (B) of section 5709.47 of the Revised 84345
Code, or any combination thereof, are, after accounting for any 84346
appropriate coverage requirements, sufficient in time and amount, 84347
and are committed by the proceedings, to pay the debt charges on 84348
the securities issued to evidence that indebtedness and payable 84349
from those receipts, and the taxing authority of the district 84350
confirms the fiscal officer's estimate, which confirmation is 84351
approved by the superintendent of public instruction; 84352

(2) The fiscal officer of the school district certifies, and 84353
the taxing authority of the district confirms, that the district, 84354
at the time of the certification and confirmation, reasonably 84355
expects to have sufficient revenue available for the purpose of 84356
operating such permanent improvements for their intended purpose 84357
upon acquisition or completion thereof, and the superintendent of 84358
public instruction approves the taxing authority's confirmation. 84359

The maximum maturity of securities issued under division (H) 84360
of this section shall be the lesser of twenty years or the maximum 84361
maturity calculated under section 133.20 of the Revised Code. 84362

(I) A school district may incur net indebtedness by the 84363
issuance of securities in accordance with the provisions of this 84364
chapter in excess of the limit specified in division (B) or (C) of 84365
this section when necessary to raise the school district portion 84366
of the basic project cost and any additional funds necessary to 84367
participate in a project under Chapter 3318. of the Revised Code, 84368
including the cost of items designated by the facilities 84369
construction commission as required locally funded initiatives, 84370
the cost of other locally funded initiatives in an amount that 84371

does not exceed fifty per cent of the district's portion of the 84372
basic project cost, and the cost for site acquisition. The 84373
commission shall notify the superintendent of public instruction 84374
whenever a school district will exceed either limit pursuant to 84375
this division. 84376

(J) A school district whose portion of the basic project cost 84377
of its classroom facilities project under sections 3318.01 to 84378
3318.20 of the Revised Code is greater than or equal to one 84379
hundred million dollars may incur without a vote of the electors 84380
net indebtedness in an amount up to two per cent of its tax 84381
valuation through the issuance of general obligation securities in 84382
order to generate all or part of the amount of its portion of the 84383
basic project cost if the controlling board has approved the 84384
facilities construction commission's conditional approval of the 84385
project under section 3318.04 of the Revised Code. The school 84386
district board and the Ohio facilities construction commission 84387
shall include the dedication of the proceeds of such securities in 84388
the agreement entered into under section 3318.08 of the Revised 84389
Code. No state moneys shall be released for a project to which 84390
this section applies until the proceeds of any bonds issued under 84391
this section that are dedicated for the payment of the school 84392
district portion of the project are first deposited into the 84393
school district's project construction fund. 84394

Sec. 133.18. (A) The taxing authority of a subdivision may by 84395
legislation submit to the electors of the subdivision the question 84396
of issuing any general obligation bonds, for one purpose, that the 84397
subdivision has power or authority to issue. 84398

(B) When the taxing authority of a subdivision desires or is 84399
required by law to submit the question of a bond issue to the 84400
electors, it shall pass legislation that does all of the 84401
following: 84402

(1) Declares the necessity and purpose of the bond issue;	84403
(2) States the date of the authorized election at which the question shall be submitted to the electors, <u>which shall be a general election or a special election held on a day on which a primary election may be held</u> ;	84404 84405 84406 84407
(3) States the amount, approximate date, estimated net average rate of interest, and maximum number of years over which the principal of the bonds may be paid;	84408 84409 84410
(4) Declares the necessity of levying a tax outside the tax limitation to pay the debt charges on the bonds and any anticipatory securities.	84411 84412 84413
The estimated net average interest rate shall be determined by the taxing authority based on, among other factors, then existing market conditions, and may reflect adjustments for any anticipated direct payments expected to be received by the taxing authority from the government of the United States relating to the bonds and the effect of any federal tax credits anticipated to be available to owners of all or a portion of the bonds. The estimated net average rate of interest, and any statutory or charter limit on interest rates that may then be in effect and that is subsequently amended, shall not be a limitation on the actual interest rate or rates on the securities when issued.	84414 84415 84416 84417 84418 84419 84420 84421 84422 84423 84424
(C)(1) The taxing authority shall certify a copy of the legislation passed under division (B) of this section to the county auditor. The county auditor shall promptly calculate and advise and, not later than ninety days before the election, confirm that advice by certification to, the taxing authority the estimated average annual property tax levy, expressed in cents or dollars and cents for each one hundred dollars of tax valuation and in mills for each one dollar of tax valuation, that the county auditor estimates to be required throughout the stated maturity of	84425 84426 84427 84428 84429 84430 84431 84432 84433

the bonds to pay the debt charges on the bonds. In calculating the 84434
estimated average annual property tax levy for this purpose, the 84435
county auditor shall assume that the bonds are issued in one 84436
series bearing interest and maturing in substantially equal 84437
principal amounts in each year over the maximum number of years 84438
over which the principal of the bonds may be paid as stated in 84439
that legislation, and that the amount of the tax valuation of the 84440
subdivision for the current year remains the same throughout the 84441
maturity of the bonds, except as otherwise provided in division 84442
(C)(2) of this section. If the tax valuation for the current year 84443
is not determined, the county auditor shall base the calculation 84444
on the estimated amount of the tax valuation submitted by the 84445
county auditor to the county budget commission. If the subdivision 84446
is located in more than one county, the county auditor shall 84447
obtain the assistance of the county auditors of the other 84448
counties, and those county auditors shall provide assistance, in 84449
establishing the tax valuation of the subdivision for purposes of 84450
certifying the estimated average annual property tax levy. 84451

(2) When considering the tangible personal property component 84452
of the tax valuation of the subdivision, the county auditor shall 84453
take into account the assessment percentages prescribed in section 84454
5711.22 of the Revised Code. The tax commissioner may issue rules, 84455
orders, or instructions directing how the assessment percentages 84456
must be utilized. 84457

(D) After receiving the county auditor's advice under 84458
division (C) of this section, the taxing authority by legislation 84459
may determine to proceed with submitting the question of the issue 84460
of securities, and shall, not later than the ninetieth day before 84461
the day of the election, file the following with the board of 84462
elections: 84463

(1) Copies of the legislation provided for in divisions (B) 84464
and (D) of this section; 84465

(2) The amount of the estimated average annual property tax levy, expressed in cents or dollars and cents for each one hundred dollars of tax valuation and in mills for each one dollar of tax valuation, as estimated and certified to the taxing authority by the county auditor. 84466
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(E)(1) The board of elections shall prepare the ballots and make other necessary arrangements for the submission of the question to the electors of the subdivision. If the subdivision is located in more than one county, the board shall inform the boards of elections of the other counties of the filings with it, and those other boards shall if appropriate make the other necessary arrangements for the election in their counties. The election shall be conducted, canvassed, and certified in the manner provided in Title XXXV of the Revised Code. 84471
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(2) The election shall be held at the regular places for voting in the subdivision. If the electors of only a part of a precinct are qualified to vote at the election the board of elections may assign the electors in that part to an adjoining precinct, including an adjoining precinct in another county if the board of elections of the other county consents to and approves the assignment. Each elector so assigned shall be notified of that fact prior to the election by notice mailed by the board of elections, in such manner as it determines, prior to the election. 84480
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(3) The board of elections shall publish a notice of the election once in a newspaper of general circulation in the subdivision, no later than ten days prior to the election. The notice shall state all of the following: 84489
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(a) The principal amount of the proposed bond issue; 84493

(b) The stated purpose for which the bonds are to be issued; 84494

(c) The maximum number of years over which the principal of the bonds may be paid; 84495
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(d) The estimated additional average annual property tax 84497
levy, expressed in cents or dollars and cents for each one hundred 84498
dollars of tax valuation and in mills for each one dollar of tax 84499
valuation, to be levied outside the tax limitation, as estimated 84500
and certified to the taxing authority by the county auditor; 84501

(e) The first calendar year in which the tax is expected to 84502
be due. 84503

(F)(1) The form of the ballot to be used at the election 84504
shall be substantially either of the following, as applicable: 84505

(a) "Shall bonds be issued by the (name of 84506
subdivision) for the purpose of (purpose of the bond 84507
issue) in the principal amount of (principal amount of 84508
the bond issue), to be repaid annually over a maximum period of 84509
..... (the maximum number of years over which the principal 84510
of the bonds may be paid) years, and an annual levy of property 84511
taxes be made outside the (as applicable, "ten-mill" or 84512
"...charter tax") limitation, estimated by the county auditor to 84513
average over the repayment period of the bond issue 84514
(number of mills) mills for each one dollar of tax valuation, 84515
which amounts to (rate expressed in cents or dollars 84516
and cents, such as "36 cents" or "\$1.41") for each one hundred 84517
dollars of tax valuation, commencing in (first year the 84518
tax will be levied), first due in calendar year (first 84519
calendar year in which the tax shall be due), to pay the annual 84520
debt charges on the bonds, and to pay debt charges on any notes 84521
issued in anticipation of those bonds? 84522

	For the bond issue
	Against the bond issue

"

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(b) In the case of an election held pursuant to legislation 84527

adopted under section 3375.43 or 3375.431 of the Revised Code: 84528

"Shall bonds be issued for (name of library) for 84529
the purpose of (purpose of the bond issue), in the 84530
principal amount of (amount of the bond issue) by 84531
..... (the name of the subdivision that is to issue the bonds 84532
and levy the tax) as the issuer of the bonds, to be repaid 84533
annually over a maximum period of (the maximum number 84534
of years over which the principal of the bonds may be paid) years, 84535
and an annual levy of property taxes be made outside the ten-mill 84536
limitation, estimated by the county auditor to average over the 84537
repayment period of the bond issue (number of mills) 84538
mills for each one dollar of tax valuation, which amounts to 84539
..... (rate expressed in cents or dollars and cents, such as 84540
"36 cents" or "\$1.41") for each one hundred dollars of tax 84541
valuation, commencing in (first year the tax will be 84542
levied), first due in calendar year (first calendar 84543
year in which the tax shall be due), to pay the annual debt 84544
charges on the bonds, and to pay debt charges on any notes issued 84545
in anticipation of those bonds? 84546

	For the bond issue
	Against the bond issue

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(2) The purpose for which the bonds are to be issued shall be 84551
printed in the space indicated, in boldface type. 84552

(G) The board of elections shall promptly certify the results 84553
of the election to the tax commissioner, the county auditor of 84554
each county in which any part of the subdivision is located, and 84555
the fiscal officer of the subdivision. The election, including the 84556
proceedings for and result of the election, is incontestable other 84557
than in a contest filed under section 3515.09 of the Revised Code 84558

in which the plaintiff prevails. 84559

(H) If a majority of the electors voting upon the question 84560
vote for it, the taxing authority of the subdivision may proceed 84561
under sections 133.21 to 133.33 of the Revised Code with the 84562
issuance of the securities and with the levy and collection of a 84563
property tax outside the tax limitation during the period the 84564
securities are outstanding sufficient in amount to pay the debt 84565
charges on the securities, including debt charges on any 84566
anticipatory securities required to be paid from that tax. If 84567
legislation passed under section 133.22 or 133.23 of the Revised 84568
Code authorizing those securities is filed with the county auditor 84569
on or before the last day of November, the amount of the voted 84570
property tax levy required to pay debt charges or estimated debt 84571
charges on the securities payable in the following year shall if 84572
requested by the taxing authority be included in the taxes levied 84573
for collection in the following year under section 319.30 of the 84574
Revised Code. 84575

(I)(1) If, before any securities authorized at an election 84576
under this section are issued, the net indebtedness of the 84577
subdivision exceeds that applicable to that subdivision or those 84578
securities, then and so long as that is the case none of the 84579
securities may be issued. 84580

(2) No securities authorized at an election under this 84581
section may be initially issued after the first day of the sixth 84582
January following the election, but this period of limitation 84583
shall not run for any time during which any part of the permanent 84584
improvement for which the securities have been authorized, or the 84585
issuing or validity of any part of the securities issued or to be 84586
issued, or the related proceedings, is involved or questioned 84587
before a court or a commission or other tribunal, administrative 84588
agency, or board. 84589

(3) Securities representing a portion of the amount 84590

authorized at an election that are issued within the applicable 84591
limitation on net indebtedness are valid and in no manner affected 84592
by the fact that the balance of the securities authorized cannot 84593
be issued by reason of the net indebtedness limitation or lapse of 84594
time. 84595

(4) Nothing in this division (I) shall be interpreted or 84596
applied to prevent the issuance of securities in an amount to fund 84597
or refund anticipatory securities lawfully issued. 84598

(5) The limitations of divisions (I)(1) and (2) of this 84599
section do not apply to any securities authorized at an election 84600
under this section if at least ten per cent of the principal 84601
amount of the securities, including anticipatory securities, 84602
authorized has theretofore been issued, or if the securities are 84603
to be issued for the purpose of participating in any federally or 84604
state-assisted program. 84605

(6) The certificate of the fiscal officer of the subdivision 84606
is conclusive proof of the facts referred to in this division. 84607

Sec. 306.32. Any county, or any two or more counties, 84608
municipal corporations, or townships, or any combination of these, 84609
may create a regional transit authority by the adoption of a 84610
resolution or ordinance by the board of county commissioners of 84611
each county, the legislative authority of each municipal 84612
corporation, and the board of township trustees of each township 84613
which is to create or to join in the creation of the regional 84614
transit authority. The resolution or ordinance shall state: 84615

(A) The necessity for the creation of a regional transit 84616
authority; 84617

(B) The counties, municipal corporations, or townships which 84618
are to create or to join in the creation of the regional transit 84619
authority; 84620

(C) The official name by which the regional transit authority shall be known; 84621
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(D) The place in which the principal office of the regional transit authority will be located or the manner in which it may be selected; 84623
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84625

(E) The number, term, and compensation, or method for establishing compensation, of the members of the board of trustees of the regional transit authority. Compensation shall not exceed fifty dollars for each board and committee meeting attended by a member, except that if compensation is provided annually it shall not exceed six thousand dollars for the president of the board or four thousand eight hundred dollars for each other board member. 84626
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(F) The manner in which vacancies on the board of trustees of the regional transit authority shall be filled; 84633
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(G) The manner and to what extent the expenses of the regional transit authority shall be apportioned among the counties, municipal corporations, and townships creating it; 84635
84636
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(H) The purposes, including the kinds of transit facilities, for which the regional transit authority is organized. 84638
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The regional transit authority provided for in the resolution or ordinance shall be deemed to be created upon the adoption of the resolution or ordinance by the board of county commissioners of each county, the legislative authority of each municipal corporation, and the board of township trustees of each township enumerated in the resolution or ordinance. 84640
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The resolution or ordinance creating a regional transit authority may be amended to include additional counties, municipal corporations, or townships or for any other purpose, by the adoption of the amendment by the board of county commissioners of each county, the legislative authority of each municipal corporation, and the board of township trustees of each township 84646
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which has created or joined or proposes to join the regional transit authority. 84652
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After each county, municipal corporation, and township which 84654
has created or joined or proposes to join the regional transit 84655
authority has adopted its resolution or ordinance approving 84656
inclusion of additional counties, municipal corporations, or 84657
townships in the regional transit authority, a copy of each 84658
resolution or ordinance shall be filed with the clerk of the board 84659
of the county commissioners of each county, the clerk of the 84660
legislative authority of each municipal corporation, and the 84661
fiscal officer of the board of trustees of each township proposed 84662
to be included in the regional transit authority. The inclusion is 84663
effective when all such filing has been completed, unless the 84664
regional transit authority to which territory is to be added has 84665
authority to levy an ad valorem tax on property, or a sales tax, 84666
within its territorial boundaries, in which event the inclusion 84667
shall become effective on the sixtieth day after the last such 84668
filing is accomplished, unless, prior to the expiration of the 84669
sixty-day period, qualified electors residing in the area proposed 84670
to be added to the regional transit authority, equal in number to 84671
at least ten per cent of the qualified electors from the area who 84672
voted for governor at the last gubernatorial election, file a 84673
petition of referendum against the inclusion. Any petition of 84674
referendum filed under this section shall be filed at the office 84675
of the secretary of the board of trustees of the regional transit 84676
authority. The person presenting the petition shall be given a 84677
receipt containing on it the time of the day, the date, and the 84678
purpose of the petition. The secretary of the board of trustees of 84679
the regional transit authority shall cause the appropriate board 84680
or boards of elections to check the sufficiency of signatures on 84681
any petition of referendum filed under this section and, if found 84682
to be sufficient, shall present the petition to the board of 84683
trustees at a meeting of said board which occurs not later than 84684

thirty days following the filing of said petition. Upon 84685
presentation to the board of trustees of a petition of referendum 84686
against the proposed inclusion, the board of trustees shall 84687
promptly certify the proposal to the board or boards of elections 84688
for the purpose of having the proposal placed on the ballot at the 84689
next general election or the next special election held on a day 84690
on which a primary election which occurs may be held, occurring 84691
not less than ninety days after the date of the meeting of said 84692
board, ~~or at a special election, the date of which shall be~~ 84693
~~specified in the certification, which date shall be not less than~~ 84694
~~ninety days after the date of such meeting of the board.~~ 84695
Signatures on a petition of referendum may be withdrawn up to and 84696
including the meeting of the board of trustees certifying the 84697
proposal to the appropriate board or boards of elections. If 84698
territory of more than one county, municipal corporation, or 84699
township is to be added to the regional transit authority, the 84700
electors of the territories of the counties, municipal 84701
corporations, or townships which are to be added shall vote as a 84702
district, and the majority affirmative vote shall be determined by 84703
the vote cast in the district as a whole. Upon certification of a 84704
proposal to the appropriate board or boards of elections pursuant 84705
to this section, the board or boards of election shall make the 84706
necessary arrangements for the submission of the question to the 84707
electors of the territory to be added to the regional transit 84708
authority qualified to vote on the question, and the election 84709
shall be held, canvassed, and certified in the manner provided for 84710
the submission of tax levies under section 5705.191 of the Revised 84711
Code, except that the question appearing on the ballot shall read: 84712

"Shall the territory within the 84713
(Name or names of political subdivisions to be joined) be added to 84714
..... (Name) regional transit 84715
authority?" and shall a(n) (here insert type of tax or 84716
taxes) at a rate of taxation not to exceed (here insert 84717

maximum tax rate or rates) be levied for all transit purposes?" 84718

If the question is approved by at least a majority of the 84719
electors voting on the question, the joinder is immediately 84720
effective, and the regional transit authority may extend the levy 84721
of the tax against all the taxable property within the territory 84722
which has been added. If the question is approved at a general 84723
election ~~or at a special election occurring prior to the general~~ 84724
~~election but after the fifteenth day of July,~~ the regional transit 84725
authority may amend its budget and resolution adopted pursuant to 84726
section 5705.34 of the Revised Code, and the levy shall be placed 84727
on the current tax list and duplicate and collected as other taxes 84728
are collected from all taxable property within the territorial 84729
boundaries of the regional transit authority, including the 84730
territory within each political subdivision added as a result of 84731
the election. 84732

The territorial boundaries of a regional transit authority 84733
shall be coextensive with the territorial boundaries of the 84734
counties, municipal corporations, and townships included within 84735
the regional transit authority, provided that the same area may be 84736
included in more than one regional transit authority so long as 84737
the regional transit authorities are not organized for purposes as 84738
provided for in the resolutions or ordinances creating the same, 84739
and any amendments to them, relating to the same kinds of transit 84740
facilities; and provided further, that if a regional transit 84741
authority includes only a portion of an entire county, a regional 84742
transit authority for the same purposes may be created in the 84743
remaining portion of the same county by resolution of the board of 84744
county commissioners acting alone or in conjunction with municipal 84745
corporations and townships as provided in this section. 84746

No regional transit authority shall be organized after 84747
January 1, 1975, to include any area already included in a 84748
regional transit authority, except that any regional transit 84749

authority organized after June 29, 1974, and having territorial 84750
boundaries entirely within a single county shall, upon adoption by 84751
the board of county commissioners of the county of a resolution 84752
creating a regional transit authority including within its 84753
territorial jurisdiction the existing regional transit authority 84754
and for purposes including the purposes for which the existing 84755
regional transit authority was created, be dissolved and its 84756
territory included in such new regional transit authority. Any 84757
resolution creating such a new regional transit authority shall 84758
make adequate provision for satisfaction of the obligations of the 84759
dissolved regional transit authority. 84760

Sec. 306.321. The resolution or ordinance creating a regional 84761
transit authority may be amended to include additional counties, 84762
municipal corporations, or townships by the adoption of an 84763
amendment by the board of county commissioners of each county, the 84764
legislative authority of each municipal corporation, and the board 84765
of township trustees of each township which has created or, prior 84766
to the adoption of the amendment, joined or proposes to join the 84767
regional transit authority. 84768

After each county, municipal corporation, and township which 84769
has created or, prior to the adoption of the amendment, joined or 84770
proposes to join the regional transit authority has adopted its 84771
resolution or ordinance approving inclusion of additional 84772
counties, municipal corporations, or townships in the regional 84773
transit authority, a copy of each resolution or ordinance shall be 84774
filed with the clerk of the board of the county commissioners of 84775
each county, the clerk of the legislative authority of each 84776
municipal corporation, and the fiscal officer of the board of 84777
trustees of each township proposed to be included in the regional 84778
transit authority. 84779

Any ordinances or resolutions adopted pursuant to this 84780

section approving inclusion of additional counties, municipal 84781
corporations, or townships in the regional transit authority shall 84782
provide that the board of trustees of the regional transit 84783
authority must, not later than the tenth day following the day on 84784
which the filing of the ordinances or resolutions, as required by 84785
the immediately preceding paragraph, is completed, adopt its 84786
resolution providing for submission to the electors of the 84787
regional transit authority as enlarged, of the question pursuant 84788
to section 306.49 of the Revised Code, of the renewal, the renewal 84789
and increase, or the increase of, or the imposition of an 84790
additional, ad valorem tax, or of the question pursuant to section 84791
306.70 of the Revised Code, of the renewal, the renewal and 84792
increase, or the increase of, or the imposition of an additional, 84793
sales and use tax. The resolution submitting the question of the 84794
tax shall specify the date of the election, which shall be a 84795
general election or a special election held on a day on which a 84796
primary election may be held, occurring not less than ninety days 84797
after certification of the resolution to the board of elections 84798
~~and which shall be consistent with the requirements of section~~ 84799
~~3501.01 of the Revised Code.~~ The inclusion of the territory of the 84800
additional counties, municipal corporations, or townships in the 84801
regional transit authority shall be effective as of the date on 84802
which the resolution of the board of trustees of the regional 84803
transit authority is adopted submitting the question to the 84804
electors, provided that until the question is approved, existing 84805
contracts providing payment for transit services within the added 84806
territory shall remain in effect and transit services shall not be 84807
affected by the inclusion of the additional territory. The 84808
resolution shall be certified to the board of elections and the 84809
election shall be held, canvassed, and certified as provided in 84810
section 306.49 of the Revised Code in the case of an ad valorem 84811
tax or in section 306.70 of the Revised Code in the case of a 84812
sales and use tax. 84813

If the question of the tax which is submitted is not approved 84814
by a majority of the electors of the enlarged regional transit 84815
authority voting on the question, as of the day following the day 84816
on which the results of the election become conclusive, the 84817
additional counties, municipal corporations, or townships, which 84818
had been included in the regional transit authority as of the date 84819
of the adoption of the resolution submitting to the electors the 84820
question, shall be removed from the territory of the regional 84821
transit authority and shall no longer be a part of that authority 84822
without any further action by either the political subdivisions 84823
which were included in the authority prior to the adoption of the 84824
resolution submitting the question to the electors or of the 84825
political subdivisions added to the authority as a result of the 84826
adoption of the resolution. The regional transit authority reduced 84827
to its territory as it existed prior to the inclusion of the 84828
additional counties, municipal corporations, or townships, shall 84829
be entitled to levy and collect any ad valorem or sales and use 84830
taxes which it was authorized to levy and collect prior to the 84831
enlargement of its territory and for which authorization has not 84832
expired, as if the enlargement had not occurred. 84833

If the question of the tax which is submitted provides for a 84834
sales and use tax to be imposed and the question is approved, and 84835
the regional transit authority had previously been authorized 84836
pursuant to section 306.49 of the Revised Code to levy an ad 84837
valorem tax, the regional transit authority shall appropriate from 84838
the first moneys received from the sales and use tax in each year, 84839
the full amount required in order to pay the principal of and 84840
interest on any notes of the regional transit authority issued 84841
pursuant to section 306.49 of the Revised Code, in anticipation of 84842
the collection of the ad valorem tax; and shall not thereafter 84843
levy and collect the ad valorem tax previously approved unless the 84844
levy and collection is necessary to pay the principal of and 84845
interest on notes issued in anticipation of the tax in order to 84846

avoid impairing the obligation of the contract between the 84847
regional transit authority and the note holders. 84848

If the question of the additional or renewal tax levy is 84849
approved, the tax may be levied and collected as is otherwise 84850
provided for an ad valorem tax or a sales and use tax imposed by a 84851
regional transit authority, provided that if a question relating 84852
to an ad valorem tax is approved at the general election ~~or at a~~ 84853
~~special election occurring prior to a general election, but after~~ 84854
~~the fifteenth day of July,~~ the regional transit authority may 84855
amend its budget for its next fiscal year and its resolution 84856
adopted pursuant to section 5705.34 of the Revised Code or adopt 84857
such resolution, and the levy shall be placed on the current tax 84858
list and duplicate and collected as all other taxes are collected 84859
from all taxable property within the enlarged territory of the 84860
regional transit authority including the territory within each 84861
political subdivision which has been added to the regional transit 84862
authority pursuant to this section, provided further that if a 84863
question relating to sales and use tax is approved after the 84864
fifteenth day of July in any calendar year, the regional transit 84865
authority may amend its budget for the current and next fiscal 84866
year and any resolution adopted pursuant to section 5705.34 of the 84867
Revised Code, to reflect the imposition of the sales and use tax 84868
and shall amend its budget for the next fiscal year and any 84869
resolution adopted pursuant to section 5705.34 of the Revised Code 84870
to comply with the immediately preceding paragraph. If the budget 84871
of the regional transit authority is amended pursuant to this 84872
paragraph, the county auditor shall prepare and deliver an amended 84873
certificate of estimated resources to reflect the change in 84874
anticipated revenues of the regional transit authority. 84875

The procedures of this section are in addition to and an 84876
alternative to those established in section 306.32 of the Revised 84877
Code for joining to a regional transit authority additional 84878

counties, municipal corporations, or townships. 84879

Sec. 306.322. (A) For any regional transit authority that 84880
levies a property tax and that includes in its membership 84881
political subdivisions that are located in a county having a 84882
population of at least four hundred thousand according to the most 84883
recent federal census, the procedures of this section apply until 84884
November 5, 2013, and are in addition to and an alternative to 84885
those established in sections 306.32 and 306.321 of the Revised 84886
Code for joining to the regional transit authority additional 84887
counties, municipal corporations, or townships. 84888

(B) Any municipal corporation or township may adopt a 84889
resolution or ordinance proposing to join a regional transit 84890
authority described in division (A) of this section. In its 84891
resolution or ordinance, the political subdivision may propose 84892
joining the regional transit authority for a limited period of 84893
three years or without a time limit. 84894

(C) The political subdivision proposing to join the regional 84895
transit authority shall submit a copy of its resolution or 84896
ordinance to the legislative authority of each municipal 84897
corporation and the board of trustees of each township comprising 84898
the regional transit authority. Within thirty days of receiving 84899
the resolution or ordinance for inclusion in the regional transit 84900
authority, the legislative authority of each municipal corporation 84901
and the board of trustees of each township shall consider the 84902
question of whether to include the additional subdivision in the 84903
regional transit authority, shall adopt a resolution or ordinance 84904
approving or rejecting the inclusion of the additional 84905
subdivision, and shall present its resolution or ordinance to the 84906
board of trustees of the regional transit authority. 84907

(D) If a majority of the political subdivisions comprising 84908
the regional transit authority approve the inclusion of the 84909

additional political subdivision, the board of trustees of the 84910
regional transit authority, not later than the tenth day following 84911
the day on which the last ordinance or resolution is presented, 84912
shall notify the subdivision proposing to join the regional 84913
transit authority that it may certify the proposal to the board of 84914
elections for the purpose of having the proposal placed on the 84915
ballot at the next general election or ~~at a~~ the next special 84916
election ~~conducted~~ held on the a day of the next on which a 84917
primary election ~~that occurs~~ may be held, occurring not less than 84918
ninety days after the resolution or ordinance is certified to the 84919
board of elections. 84920

(E) Upon certification of a proposal to the board of 84921
elections pursuant to this section, the board of elections shall 84922
make the necessary arrangements for the submission of the question 84923
to the electors of the territory to be included in the regional 84924
transit authority qualified to vote on the question, and the 84925
election shall be held, canvassed, and certified in the same 84926
manner as regular elections for the election of officers of the 84927
subdivision proposing to join the regional transit authority, 84928
except that, if the resolution proposed the inclusion without a 84929
time limitation the question appearing on the ballot shall read: 84930

"Shall the territory within the 84931
(Name or names of political subdivisions to be joined) be added to 84932
..... (Name) regional transit 84933
authority?" and shall a(n) (here insert type of tax or 84934
taxes) at a rate of taxation not to exceed (here insert 84935
maximum tax rate or rates) be levied for all transit purposes?" 84936

If the resolution proposed the inclusion with a three-year 84937
time limitation, the question appearing on the ballot shall read: 84938

"Shall the territory within the 84939
(Name or names of political subdivisions to be joined) be added to 84940
..... (Name) regional transit 84941

authority?" for three years and shall a(n) (here insert 84942
type of tax or taxes) at a rate of taxation not to exceed 84943
(here insert maximum tax rate or rates) be levied for all transit 84944
purposes for three years?" 84945

(F) If the question is approved by at least a majority of the 84946
electors voting on the question, the addition of the new territory 84947
is effective six months from the date of the certification of its 84948
passage, and the regional transit authority may extend the levy of 84949
the tax against all the taxable property within the territory that 84950
was added. If the question is approved at a general election ~~or at~~ 84951
~~a special election occurring prior to the general election but~~ 84952
~~after the fifteenth day of July,~~ the regional transit authority 84953
may amend its budget and resolution adopted pursuant to section 84954
5705.34 of the Revised Code, and the levy shall be placed on the 84955
current tax list and duplicate and collected as other taxes are 84956
collected from all taxable property within the territorial 84957
boundaries of the regional transit authority, including the 84958
territory within the political subdivision added as a result of 84959
the election. If the budget of the regional transit authority is 84960
amended pursuant to this paragraph, the county auditor shall 84961
prepare and deliver an amended certificate of estimated resources 84962
to reflect the change in anticipated revenues of the regional 84963
transit authority. 84964

(G) If the question is approved by at least a majority of the 84965
electors voting on the question, the board of trustees of the 84966
regional transit authority immediately shall amend the resolution 84967
or ordinance creating the regional transit authority to include 84968
the additional political subdivision. 84969

(H) If the question approved by a majority of the electors 84970
voting on the question added the subdivision for three years, the 84971
territory of the additional municipal corporation or township in 84972
the regional transit authority shall be removed from the territory 84973

of the regional transit authority three years after the date the 84974
territory was added, as determined in the effective date of the 84975
election, and shall no longer be a part of that authority without 84976
any further action by either the political subdivisions that were 84977
included in the authority prior to submitting the question to the 84978
electors or of the political subdivision added to the authority as 84979
a result of the election. The regional transit authority reduced 84980
to its territory as it existed prior to the inclusion of the 84981
additional municipal corporation or township shall be entitled to 84982
levy and collect any property taxes that it was authorized to levy 84983
and collect prior to the enlargement of its territory and for 84984
which authorization has not expired, as if the enlargement had not 84985
occurred. 84986

Sec. 306.70. A tax proposed to be levied by a board of county 84987
commissioners or by the board of trustees of a regional transit 84988
authority pursuant to sections 5739.023 and 5741.022 of the 84989
Revised Code shall not become effective until it is submitted to 84990
the electors residing within the county or within the territorial 84991
boundaries of the regional transit authority and approved by a 84992
majority of the electors voting on it. Such question shall be 84993
submitted at a general election or ~~at~~ a special election held on a 84994
day on which a primary election may be held, as specified in the 84995
resolution levying the tax and occurring not less than ninety days 84996
after such resolution is certified to the board of elections, in 84997
accordance with section 3505.071 of the Revised Code. 84998

84999
The board of elections of the county or of each county in 85000
which any territory of the regional transit authority is located 85001
shall make the necessary arrangements for the submission of such 85002
question to the electors of the county or regional transit 85003
authority, and the election shall be held, canvassed, and 85004
certified in the same manner as regular elections for the election 85005

of county officers. Notice of the election shall be published in a newspaper of general circulation in the territory of the county or of the regional transit authority once a week for two consecutive weeks prior to the election or as provided in section 7.16 of the Revised Code. If the board of elections operates and maintains a web site, notice of the election also shall be posted on that web site for thirty days prior to the election. The notice shall state the type, rate, and purpose of the tax to be levied, the length of time during which the tax will be in effect, and the time and place of the election.

More than one such question may be submitted at the same election. The form of the ballots cast at such election shall be:

"Shall a(n) (sales and use) tax be levied for all transit purposes of the (here insert name of the county or regional transit authority) at a rate not exceeding (here insert percentage) per cent for (here insert number of years the tax is to be in effect, or that it is to be in effect for a continuing period of time)?"

If the tax proposed to be levied is a continuation of an existing tax, whether at the same rate or at an increased or reduced rate, or an increase in the rate of an existing tax, the notice and ballot form shall so state.

The board of elections to which the resolution was certified shall certify the results of the election to the county auditor of the county or secretary-treasurer of the regional transit authority levying the tax and to the tax commissioner of the state.

Sec. 307.695. (A) As used in this section:

(1) "Arena" means any structure designed and constructed for

the purpose of providing a venue for public entertainment and 85036
recreation by the presentation of concerts, sporting and athletic 85037
events, and other events and exhibitions, including facilities 85038
intended to house or provide a site for one or more athletic or 85039
sports teams or activities, spectator facilities, parking 85040
facilities, walkways, and auxiliary facilities, real and personal 85041
property, property rights, easements, leasehold estates, and 85042
interests that may be appropriate for, or used in connection with, 85043
the operation of the arena. 85044

(2) "Convention center" means any structure expressly 85045
designed and constructed for the purposes of presenting 85046
conventions, public meetings, and exhibitions and includes parking 85047
facilities that serve the center and any personal property used in 85048
connection with any such structure or facilities. 85049

(3) "Eligible county" means a county having a population of 85050
at least four hundred thousand but not more than eight hundred 85051
thousand according to the 2000 federal decennial census and that 85052
directly borders the geographic boundaries of another state. 85053

(4) "Entity" means a nonprofit corporation, a municipal 85054
corporation, a port authority created under Chapter 4582. of the 85055
Revised Code, or a convention facilities authority created under 85056
Chapter 351. of the Revised Code. 85057

(5) "Lodging taxes" means excise taxes levied under division 85058
(A)(1), (A)(2), or (C) of section 5739.09 of the Revised Code and 85059
the revenues arising therefrom. 85060

(6) "Nonprofit corporation" means a nonprofit corporation 85061
that is organized under the laws of this state and that includes 85062
within the purposes for which it is incorporated the authorization 85063
to lease and operate facilities such as a convention center or an 85064
arena or a combination of an arena and convention center. 85065

(7) "Project" means acquiring, constructing, reconstructing, 85066

renovating, rehabilitating, expanding, adding to, equipping, 85067
furnishing or otherwise improving an arena, a convention center, 85068
or a combination of an arena and convention center. For purposes 85069
of this section, a project is a permanent improvement for one 85070
purpose under Chapter 133. of the Revised Code. 85071

(8) "Project revenues" means money received by a county with 85072
a population greater than four hundred thousand wherein the 85073
population of the largest city comprises more than one-third of 85074
that county's population, other than money from taxes or from the 85075
proceeds of securities secured by taxes, in connection with, 85076
derived from, related to, or resulting from a project, including, 85077
but not limited to, rentals and other payments received under a 85078
lease or agreement with respect to the project, ticket charges or 85079
surcharges for admission to events at a project, charges or 85080
surcharges for parking for events at a project, charges for the 85081
use of a project or any portion of a project, including suites and 85082
seating rights, the sale of naming rights for the project or a 85083
portion of the project, unexpended proceeds of any county revenue 85084
bonds issued for the project, and any income and profit from the 85085
investment of the proceeds of any such revenue bonds or any 85086
project revenues. 85087

(9) "Chapter 133. securities," "debt charges," "general 85088
obligation," "legislation," "one purpose," "outstanding," 85089
"permanent improvement," "person," and "securities" have the 85090
meanings given to those terms in section 133.01 of the Revised 85091
Code. 85092

(B) A board of county commissioners may enter into an 85093
agreement with a convention and visitors' bureau operating in the 85094
county under which: 85095

(1) The bureau agrees to construct and equip a convention 85096
center in the county and to pledge and contribute from the tax 85097
revenues received by it under division (A) of section 5739.09 of 85098

the Revised Code, not more than such portion thereof that it is 85099
authorized to pledge and contribute for the purpose described in 85100
division (C) of this section; and 85101

(2) The board agrees to levy a tax under division (C) of 85102
section 5739.09 of the Revised Code and pledge and contribute the 85103
revenues therefrom for the purpose described in division (C) of 85104
this section. 85105

(C) The purpose of the pledges and contributions described in 85106
divisions (B)(1) and (2) of this section is payment of principal, 85107
interest, and premium, if any, on bonds and notes issued by or for 85108
the benefit of the bureau to finance the construction and 85109
equipping of a convention center. The pledges and contributions 85110
provided for in the agreement shall be for the period stated in 85111
the agreement. Revenues determined from time to time by the board 85112
to be needed to cover the real and actual costs of administering 85113
the tax imposed by division (C) of section 5739.09 of the Revised 85114
Code may not be pledged or contributed. The agreement shall 85115
provide that any such bonds and notes shall be secured by a trust 85116
agreement between the bureau or other issuer acting for the 85117
benefit of the bureau and a corporate trustee that is a trust 85118
company or bank having the powers of a trust company within or 85119
without the state, and the trust agreement shall pledge or assign 85120
to the retirement of the bonds or notes, all moneys paid by the 85121
county under this section. A tax the revenues from which are 85122
pledged under an agreement entered into by a board of county 85123
commissioners under this section shall not be subject to 85124
diminution by initiative or referendum, or diminution by statute, 85125
unless provision is made therein for an adequate substitute 85126
therefor reasonably satisfactory to the trustee under the trust 85127
agreement that secures the bonds and notes. 85128

(D) A pledge of money by a county under division (B) of this 85129
section shall not be indebtedness of the county for purposes of 85130

Chapter 133. of the Revised Code. 85131

(E) If the terms of the agreement so provide, the board of 85132
county commissioners may acquire and lease real property to the 85133
convention bureau as the site of the convention center. The lease 85134
shall be on such terms as are set forth in the agreement. The 85135
purchase and lease are not subject to the limitations of sections 85136
307.02 and 307.09 of the Revised Code. 85137

(F) In addition to the authority granted to a board of county 85138
commissioners under divisions (B) to (E) of this section, a board 85139
of county commissioners in a county with a population of one 85140
million two hundred thousand or more, or a county with a 85141
population greater than four hundred thousand wherein the 85142
population of the largest city comprises more than one-third of 85143
that county's population, may purchase, for cash or by installment 85144
payments, enter into lease-purchase agreements for, lease with an 85145
option to purchase, lease, construct, enlarge, improve, rebuild, 85146
equip, or furnish a convention center. 85147

(G) The board of county commissioners of a county with a 85148
population greater than four hundred thousand wherein the 85149
population of the largest city comprises more than one-third of 85150
that county's population may undertake, finance, operate, and 85151
maintain a project. The board may lease a project to an entity on 85152
terms that the board determines to be in the best interest of the 85153
county and in furtherance of the public purpose of the project; 85154
the lease may be for a term of thirty-five years or less and may 85155
provide for an option of the entity to renew the lease for a term 85156
of thirty-five years or less. The board may enter into an 85157
agreement with an entity with respect to a project on terms that 85158
the board determines to be in the best interest of the county and 85159
in furtherance of the public purpose of the project. To the extent 85160
provided for in an agreement or a lease with an entity, the board 85161
may authorize the entity to administer on behalf of the board any 85162

contracts for the project. The board may enter into an agreement 85163
providing for the sale to a person of naming rights to a project 85164
or portion of a project, for a period, for consideration, and on 85165
other terms and conditions that the board determines to be in the 85166
best interest of the county and in furtherance of the public 85167
purpose of the project. The board may enter into an agreement with 85168
a person owning or operating a professional athletic or sports 85169
team providing for the use by that person of a project or portion 85170
of a project for that team's offices, training, practices, and 85171
home games for a period, for consideration, and on other terms and 85172
conditions that the board determines to be in the best interest of 85173
the county and in furtherance of the public purpose of the 85174
project. The board may establish ticket charges or surcharges for 85175
admission to events at a project, charges or surcharges for 85176
parking for events at a project, and charges for the use of a 85177
project or any portion of a project, including suites and seating 85178
rights, and may, as necessary, enter into agreements related 85179
thereto with persons for a period, for consideration, and on other 85180
terms and conditions that the board determines to be in the best 85181
interest of the county and in furtherance of the public purpose of 85182
the project. A lease or agreement authorized by this division is 85183
not subject to sections 307.02, 307.09, and 307.12 of the Revised 85184
Code. 85185

(H) Notwithstanding any contrary provision in Chapter 5739. 85186
of the Revised Code, after adopting a resolution declaring it to 85187
be in the best interest of the county to undertake a project as 85188
described in division (G) of this section, the board of county 85189
commissioners of an eligible county may adopt a resolution 85190
enacting or increasing any lodging taxes within the limits 85191
specified in Chapter 5739. of the Revised Code with respect to 85192
those lodging taxes and amending any prior resolution under which 85193
any of its lodging taxes have been imposed in order to provide 85194
that those taxes, after deducting the real and actual costs of 85195

administering the taxes and any portion of the taxes returned to 85196
any municipal corporation or township as provided in division 85197
(A)(1) of section 5739.09 of the Revised Code, shall be used by 85198
the board for the purposes of undertaking, financing, operating, 85199
and maintaining the project, including paying debt charges on any 85200
securities issued by the board under division (I) of this section, 85201
or to make contributions to the convention and visitors' bureau 85202
operating within the county, or to promote, advertise, and market 85203
the region in which the county is located, all as the board may 85204
determine and make appropriations for from time to time, subject 85205
to the terms of any pledge to the payment of debt charges on 85206
outstanding general obligation securities or special obligation 85207
securities authorized under division (I) of this section. A 85208
resolution adopted under division (H) of this section shall be 85209
adopted not earlier than January 15, 2007, and not later than 85210
January 15, 2008. 85211

A resolution adopted under division (H) of this section may 85212
direct the board of elections to submit the question of enacting 85213
or increasing lodging taxes, as the case may be, to the electors 85214
of the county at a general election or a special election held on 85215
the date a day on which a primary election may be held, as 85216
specified by the board in the resolution, provided that the 85217
election occurs not less than ninety days after a certified copy 85218
of the resolution is transmitted to the board of elections and no 85219
later than January 15, 2008. A resolution submitted to the 85220
electors under this division shall not go into effect unless it is 85221
approved by a majority of those voting upon it. A resolution 85222
adopted under division (H) of this section that is not submitted 85223
to the electors of the county for their approval or disapproval is 85224
subject to a referendum as provided in sections 305.31 to 305.41 85225
of the Revised Code. 85226

A resolution adopted under division (H) of this section takes 85227

effect upon its adoption, unless the resolution is submitted to 85228
the electors of the county for their approval or disapproval, in 85229
which case the resolution takes effect on the date the board of 85230
county commissioners receives notification from the board of 85231
elections of the affirmative vote. Lodging taxes received after 85232
the effective date of the resolution may be used for the purposes 85233
described in division (H) of this section, except that lodging 85234
taxes that have been pledged to the payment of debt charges on any 85235
bonds or notes issued by or for the benefit of a convention and 85236
visitors' bureau under division (C) of this section shall be used 85237
exclusively for that purpose until such time as the bonds or notes 85238
are no longer outstanding under the trust agreement securing those 85239
bonds or notes. 85240

(I)(1) The board of county commissioners of a county with a 85241
population greater than four hundred thousand wherein the 85242
population of the largest city comprises more than one-third of 85243
that county's population may issue the following securities of the 85244
county for the purpose of paying costs of the project, refunding 85245
any outstanding county securities issued for that purpose, 85246
refunding any outstanding bonds or notes issued by or for the 85247
benefit of the bureau under division (C) of this section, or for 85248
any combination of those purposes: 85249

(a) General obligation securities issued under Chapter 133. 85250
of the Revised Code. The resolution authorizing these securities 85251
may include covenants to appropriate annually from lawfully 85252
available lodging taxes, and to continue to levy and collect those 85253
lodging taxes in, amounts necessary to meet the debt charges on 85254
those securities. 85255

(b) Special obligation securities issued under Chapter 133. 85256
of the Revised Code that are secured only by lawfully available 85257
lodging taxes and any other taxes and revenues pledged to pay the 85258
debt charges on those securities, except ad valorem property 85259

taxes. The resolution authorizing those securities shall include a 85260
pledge of and covenants to appropriate annually from lawfully 85261
available lodging taxes and any other taxes and revenues pledged 85262
for such purpose, and to continue to collect any of those revenues 85263
pledged for such purpose and to levy and collect those lodging 85264
taxes and any other taxes pledged for such purpose, in amounts 85265
necessary to meet the debt charges on those securities. The pledge 85266
is valid and binding from the time the pledge is made, and the 85267
lodging taxes so pledged and thereafter received by the county are 85268
immediately subject to the lien of the pledge without any physical 85269
delivery of the lodging taxes or further act. The lien of any 85270
pledge is valid and binding as against all parties having claims 85271
of any kind in tort, contract, or otherwise against the county, 85272
regardless of whether such parties have notice of the lien. 85273
Neither the resolution nor any trust agreement by which a pledge 85274
is created or further evidenced is required to be filed or 85275
recorded except in the records of the board. The special 85276
obligation securities shall contain a statement on their face to 85277
the effect that they are not general obligation securities, and, 85278
unless paid from other sources, are payable from the pledged 85279
lodging taxes. 85280

(c) Revenue securities authorized under section 133.08 of the 85281
Revised Code and issued under Chapter 133. of the Revised Code 85282
that are secured only by lawfully available project revenues 85283
pledged to pay the debt charges on those securities. 85284

(2) The securities described in division (I)(1) of this 85285
section are subject to Chapter 133. of the Revised Code. 85286

(3) Section 133.34 of the Revised Code, except for division 85287
(A) of that section, applies to the issuance of any refunding 85288
securities authorized under this division. In lieu of division (A) 85289
of section 133.34 of the Revised Code, the board of county 85290
commissioners shall establish the maturity date or dates, the 85291

interest payable on, and other terms of refunding securities as it 85292
considers necessary or appropriate for their issuance, provided 85293
that the final maturity of refunding securities shall not exceed 85294
by more than ten years the final maturity of any bonds refunded by 85295
refunding securities. 85296

(4) The board may not repeal, rescind, or reduce all or any 85297
portion of any lodging taxes pledged to the payment of debt 85298
charges on any outstanding special obligation securities 85299
authorized under this division, and no portion of any lodging 85300
taxes that is pledged, or that the board has covenanted to levy, 85301
collect, and appropriate annually to pay debt charges on any 85302
outstanding securities authorized under this division is subject 85303
to repeal, rescission, or reduction by the electorate of the 85304
county. 85305

Sec. 307.697. (A) For the purpose of section 307.696 of the 85306
Revised Code and to pay any or all of the charge the board of 85307
elections makes against the county to hold the election on the 85308
question of levying the tax, or for those purposes and to provide 85309
revenues to the county for permanent improvements, the board of 85310
county commissioners of a county may levy a tax not to exceed 85311
three dollars on each gallon of spirituous liquor sold to or 85312
purchased by liquor permit holders for resale, and sold at retail 85313
by the state or pursuant to a transfer agreement entered into 85314
under Chapter 4313. of the Revised Code, in the county. The tax 85315
shall be levied on the number of gallons so sold. The tax may be 85316
levied for any number of years not exceeding twenty. 85317

The tax shall be levied pursuant to a resolution of the board 85318
of county commissioners approved by a majority of the electors in 85319
the county voting on the question of levying the tax, which 85320
resolution shall specify the rate of the tax, the number of years 85321
the tax will be levied, and the purposes for which the tax is 85322

levied. The election may be held on the date of a general election 85323
or a special election held on a day on which a primary election 85324
may be held, occurring not sooner than ninety days after the date 85325
the board certifies its resolution to the board of elections. If 85326
approved by the electors, the tax takes effect on the first day of 85327
the month specified in the resolution but not sooner than the 85328
first day of the month that is at least sixty days after the 85329
certification of the election results by the board of elections. A 85330
copy of the resolution levying the tax shall be certified to the 85331
division of liquor control at least sixty days prior to the date 85332
on which the tax is to become effective. 85333

(B) A resolution under this section may be joined on the 85334
ballot as a single question with a resolution adopted under 85335
section 4301.421 or 5743.024 of the Revised Code to levy a tax for 85336
the same purposes, and for the purpose of paying the expenses of 85337
administering that tax. 85338

(C) The form of the ballot in an election held pursuant to 85339
this section or section 4301.421 or 5743.024 of the Revised Code 85340
shall be as follows or in any other form acceptable to the 85341
secretary of state: 85342

"For the purpose of paying not more than one-half of the 85343
costs of providing a public sports facility together with related 85344
redevelopment and economic development projects, shall (an) excise 85345
tax(es) be levied by county at the rate of 85346
(dollars on each gallon of spirituous liquor sold in the county, 85347
cents per gallon on the sale of beer at wholesale in the county, 85348
cents per gallon on the sale of wine and mixed beverages at 85349
wholesale in the county, cents per gallon on the sale of cider at 85350
wholesale in the county, or mills per cigarette on the sale of 85351
cigarettes at wholesale in the county), for years? 85352

85353

	Yes
	No

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For an election in which questions under this section or
section 4301.421 or 5743.024 of the Revised Code are joined as a
single question, the form of the ballot shall be as above, except
each of the proposed taxes shall be listed.

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(D) The board of county commissioners of a county in which a
tax is imposed under this section on September 29, 2013, the
effective date of the amendment of this section by H.B. 59 of the
130th general assembly, may levy a tax for the purpose of section
307.673 of the Revised Code regardless of whether or not the
cooperative agreement authorized under that section has been
entered into prior to the day the resolution adopted under
division (D)(1) or (2) of this section is adopted, for the purpose
of reimbursing a county for costs incurred in the construction of
a sports facility pursuant to an agreement entered into by the
county under section 307.696 of the Revised Code, or for the
purpose of paying the costs of capital repairs of and improvements
to a sports facility, or both. The tax shall be levied and
approved in one of the manners prescribed by division (D)(1) or
(2) of this section.

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(1) The tax may be levied pursuant to a resolution adopted by
a majority of the members of the board of county commissioners not
later than forty-five days after July 19, 1995. A board of county
commissioners approving a tax under division (D)(1) of this
section may approve a tax under division (B)(1) of section
4301.421 or division (C)(1) of section 5743.024 of the Revised
Code at the same time. Subject to the resolution being submitted
to a referendum under sections 305.31 to 305.41 of the Revised
Code, the resolution shall take effect immediately, but the tax
levied pursuant to the resolution shall not be levied prior to the

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day following the last day that any tax previously levied pursuant 85386
to this division may be levied. 85387

(2) The tax may be levied pursuant to a resolution adopted by 85388
a majority of the members of the board of county commissioners not 85389
later than September 1, 2015, and approved by a majority of the 85390
electors of the county voting on the question of levying the tax. 85391
The board of county commissioners shall certify a copy of the 85392
resolution to the board of elections immediately upon adopting a 85393
resolution under division (D)(2) of this section. The election may 85394
be held on the date of a general election or a special election 85395
held on a day on which a primary election may be held, occurring 85396
not sooner than ninety days after the date the board certifies its 85397
resolution to the board of elections. The form of the ballot shall 85398
be as prescribed by division (C) of this section, except that the 85399
phrase "paying not more than one-half of the costs of providing a 85400
sports facility together with related redevelopment and economic 85401
development projects" shall be replaced by the phrase "paying the 85402
costs of constructing, renovating, improving, or repairing a 85403
sports facility and reimbursing a county for costs incurred by the 85404
county in the construction of a sports facility," and the phrase 85405
", beginning (here insert the earliest date the tax 85406
would take effect)" shall be appended after "years." A board of 85407
county commissioners submitting the question of a tax under 85408
division (D)(2) of this section may submit the question of a tax 85409
under division (B)(2) of section 4301.421 or division (C)(2) of 85410
section 5743.024 of the Revised Code as a single question, and the 85411
form of the ballot shall include each of the proposed taxes. 85412

If approved by a majority of electors voting on the question, 85413
the tax shall take effect on the day specified on the ballot, 85414
which shall not be earlier than the day following the last day 85415
that any tax previously levied pursuant to this division may be 85416
levied. 85417

The rate of a tax levied pursuant to division (D)(1) or (2) 85418
of this section shall not exceed the rate specified in division 85419
(A) of this section. A tax levied pursuant to division (D)(1) or 85420
(2) of this section may be levied for any number of years not 85421
exceeding twenty. 85422

A board of county commissioners adopting a resolution under 85423
division (D)(1) or (2) of this section shall certify a copy of the 85424
resolution to the division of liquor control immediately upon 85425
adoption of the resolution. 85426

(E) No tax shall be levied under division (A) of this section 85427
on or after September 23, 2008. This division does not apply to a 85428
tax levied under division (D) of this section, and does not 85429
prevent the collection of any tax levied under this section before 85430
September 23, 2008, so long as that tax remains effective. 85431

Sec. 323.17. When any taxing authority in the county has 85432
certified to the board of elections a resolution that would serve 85433
to place upon the ballot at a general election ~~or at any special~~ 85434
~~election held prior to the general election but subsequent to the~~ 85435
~~first Tuesday after the first Monday in August~~ the question of a 85436
tax to be levied on the current tax list and duplicate for any 85437
purpose, or if the auditor has not received the certified 85438
reduction factors as required by division (D)(2) of section 85439
319.301 of the Revised Code, the time for delivery of the tax 85440
duplicate of the county treasurer by the county auditor as 85441
provided in section 319.28 of the Revised Code shall be extended 85442
to the first Monday in December. When delivery of the tax 85443
duplicate has been so delayed, the times for payment of taxes as 85444
fixed by section 323.12 of the Revised Code may be extended to the 85445
thirty-first day of January and the twentieth day of July. In case 85446
of emergency the tax commissioner may, by journal entry, extend 85447
the times for delivery of the duplicate in any county for an 85448

additional fifteen days upon receipt of a written application from 85449
the county auditor, in the case of a delay in the delivery of the 85450
tax duplicate, or from the treasurer regarding an extension of the 85451
time for the billing and collection of taxes. 85452

When a delay in the closing of a tax collection period 85453
becomes unavoidable, the tax commissioner, upon application of the 85454
county auditor and county treasurer, may extend the time for 85455
payment of taxes if ~~he~~ the commissioner determines that penalties 85456
have accrued or would otherwise accrue for reasons beyond the 85457
control of the taxpayers of the county. The order so issued by the 85458
commissioner shall prescribe the final extended date for the 85459
payment of taxes for that collection period. 85460

"Emergency," as used in this section, includes death or 85461
serious illness, any organized work stoppage, mechanical failure 85462
of office equipment or machinery, or a delay in complying with 85463
section 5715.24 or 5715.26 of the Revised Code which will cause an 85464
unavoidable delay in the delivery of duplicates or in the billing 85465
or collection of taxes. Such application shall contain a statement 85466
describing the emergency that will cause the unavoidable delay. 85467
Any application from the county auditor for an extension of time 85468
for delivery of the duplicate due to an emergency must be received 85469
by the tax commissioner on or before the last day of the month 85470
preceding the date required for such delivery. When an extension 85471
of time for delivery of the duplicate is so granted, the time for 85472
payment of taxes shall be extended for a like period of time. 85473

Whenever taxable real property has been destroyed or damaged 85474
by fire, flood, tornado, or otherwise, in an amount not less than 85475
twenty-five per cent of the value as listed and assessed for 85476
taxation but in no event less than two thousand dollars of taxable 85477
value, the county board of revision, by resolution, may extend the 85478
time for payment of taxes on such property not more than one year 85479
after the time fixed by section 323.12 of the Revised Code. The 85480

board shall file a copy of such resolution with the county auditor 85481
and county treasurer, stating the name of the owner and 85482
description as it appears on the tax list, the taxing district, 85483
the type and kind of property destroyed or damaged, and the 85484
board's estimate of the amount of such destruction or damage. 85485

Sec. 349.14. Except as provided in section 349.03 of the 85486
Revised Code, or as otherwise provided in a resolution adopted by 85487
the organizational board of commissioners of a new community 85488
authority, a new community authority organized under this chapter 85489
may be dissolved only on the vote of a majority of the voters of 85490
the new community district voting on the question of dissolution 85491
at a general election or a special election held on a day on which 85492
a primary election called may be held, as designated by the board 85493
of trustees ~~on the question of dissolution~~. Such an election may 85494
be called only after the board has determined that the new 85495
community development program has been completed, when no 85496
community authority bonds or notes are outstanding, and other 85497
legal indebtedness of the authority has been discharged or 85498
provided for, and only after there has been filed with the board 85499
of trustees a petition requesting such election, signed by a 85500
number of qualified electors residing in the new community 85501
district equal to not less than eight per cent of the total vote 85502
cast for all candidates for governor in the new community district 85503
at the most recent general election at which a governor was 85504
elected. If a majority of the votes cast favor dissolution, the 85505
board of trustees shall, by resolution, declare the authority 85506
dissolved and thereupon the community authority shall be 85507
dissolved. A certified copy of the resolution shall, within 85508
fifteen days after its adoption, be filed with the clerk of the 85509
organizational board of commissioners of the county with which the 85510
petition for the organization of the new community authority was 85511
filed. 85512

Upon dissolution of a new community authority, the powers 85513
thereof shall cease to exist. Any property of the new community 85514
authority shall vest with a municipal corporation, county, or 85515
township in which that property is located or with the developer 85516
of the new community authority or the developer's designee, all as 85517
provided in a resolution adopted by the organizational board of 85518
commissioners. Any vesting of property in a municipal corporation, 85519
township, or county shall be subject to acceptance of the property 85520
by resolution of the legislative authority of the municipal 85521
corporation, board of township trustees, or board of county 85522
commissioners, as applicable. If the legislative authority of a 85523
municipal corporation, board of township trustees, or board of 85524
county commissioners declines to accept the property, the property 85525
vests with the developer or the developer's designee. Any funds of 85526
the community authority at the time of dissolution shall be 85527
transferred to the municipal corporation and county or township, 85528
as provided in a resolution, in which the new community district 85529
is located in the proportion to the assessed valuation of taxable 85530
real property of the new community authority within such municipal 85531
corporation and township or county as said valuation appears on 85532
the current assessment rolls. 85533

Sec. 505.14. The board of township trustees of a township 85534
described in section 505.13 of the Revised Code, which, for any 85535
reason, is inaccessible from the mainland at some time of the 85536
year, may construct, acquire, purchase, lease, and maintain a 85537
house as the residence of a resident physician, when, in the 85538
opinion of a majority of the members of such board, it is 85539
necessary for the maintenance of the public health and welfare. 85540

For the maintenance, construction, acquisition, purchase, or 85541
lease of such a house the board may levy a tax upon all the 85542
taxable property in the township, in such amount as it determines. 85543

The question of levying such a tax shall be submitted to the 85544
qualified electors of the township at a general election or a 85545
special election held on a day on which a primary election may be 85546
held. The trustees shall certify such resolution to the board of 85547
elections not later than four p.m. of the ninetieth day before the 85548
day of the election. Twenty days' notice thereof shall be 85549
previously given by posting in at least three public places in the 85550
township. Such notice shall state specifically the amount to be 85551
raised and the purpose thereof. If a majority of all votes cast at 85552
such election upon the proposition is in favor thereof, the tax 85553
provided for is authorized. 85554

Upon the authorization of such tax levy the board may issue 85555
notes in anticipation of such revenues, to mature in not more than 85556
two years from the date of issue, and to bear interest at not more 85557
than four per cent per annum. 85558

Sec. 505.20. In addition to the tax already authorized by 85559
law, the board of township trustees may levy a tax, not to exceed 85560
five mills on the dollar for the purpose of drilling an oil or gas 85561
well in the township, when so authorized by a majority vote of the 85562
electors of such township at a ~~regular~~ general election or a 85563
special election held on a day on which a primary election may be 85564
held. Such election shall be conducted the same as elections for 85565
township officers, and the tax shall be collected as other taxes. 85566

Sec. 505.47. The board of township trustees may pay the cost 85567
of the construction, rebuilding, or repair of footbridges 85568
authorized by section 505.46 of the Revised Code out of any funds, 85569
unappropriated for any other purpose, in the township treasury. If 85570
there be no funds in the township treasury available for these 85571
purposes, the board may levy a tax for the purpose of procuring 85572
the necessary funds for the construction, rebuilding, or repair of 85573
the footbridges. The tax shall be levied upon all of the taxable 85574

property in the township and shall be certified, levied, and 85575
collected in the manner prescribed for other township taxes. The 85576
money so raised shall be paid over to the township fiscal officer, 85577
and the fiscal officer shall pay it out on the order of the board, 85578
certified by the fiscal officer. 85579

The tax shall not be levied until it has been approved by a 85580
majority of the qualified voters of the township, voting at ~~any a~~ 85581
general election or a special election held on a day on which a 85582
primary election at which the question shall be submitted may be 85583
held. ~~The election shall be called at a regular meeting of the~~ 85584
~~board and shall be held within thirty days from the date of the~~ 85585
~~resolution of the board calling for it.~~ Twenty days' notice of the 85586
election shall be given by the posting of notices by the fiscal 85587
officer in ten public places of the township. Provisions for 85588
holding the election shall be made by the board of elections, upon 85589
receiving notice from the fiscal officer of the date and purpose 85590
of the election. 85591

Sec. 511.27. (A) To defray the expenses of the township park 85592
district and for purchasing, appropriating, operating, 85593
maintaining, and improving lands for parks or recreational 85594
purposes, the board of park commissioners may levy a sufficient 85595
tax within the ten-mill limitation, not to exceed one mill on each 85596
dollar of valuation on all real and personal property within the 85597
township, and on all real and personal property within any 85598
municipal corporation that is within the township, that was within 85599
the township at the time that the park district was established, 85600
or the boundaries of which are coterminous with or include the 85601
township. The levy shall be over and above all other taxes and 85602
limitations on such property authorized by law. 85603

(B) Except as otherwise provided in division (C) of this 85604
section, the board of park commissioners, not less than ninety 85605

days before the day of the election, may declare by resolution 85606
that the amount of taxes that may be raised within the ten-mill 85607
limitation will be insufficient to provide an adequate amount for 85608
the necessary requirements of the district and that it is 85609
necessary to levy a tax in excess of that limitation for the use 85610
of the district. The resolution shall specify the purpose for 85611
which the taxes shall be used, the annual rate proposed, and the 85612
number of consecutive years the levy will be in effect. Upon the 85613
adoption of the resolution, the question of levying the taxes 85614
shall be submitted to the electors of the township and the 85615
electors of any municipal corporation that is within the township, 85616
that was within the township at the time that the park district 85617
was established, or the boundaries of which are coterminous with 85618
or include the township, at a general election or a special 85619
election to be held on a day on which a primary election may be held 85620
on whichever of the following occurs first: 85621

~~(1) The day of the next ensuing general election;~~ 85622

~~(2) The first Tuesday after the first Monday in May of any 85623
calendar year, except that, if a presidential primary election is 85624
held in that calendar year, then the day of that election. 85625~~

The rate submitted to the electors at any one election shall 85626
not exceed two mills annually upon each dollar of valuation. If a 85627
majority of the electors voting upon the question of the levy vote 85628
in favor of the levy, the tax shall be levied on all real and 85629
personal property within the township and on all real and personal 85630
property within any municipal corporation that is within the 85631
township, that was within the township at the time that the park 85632
district was established, or the boundaries of which are 85633
coterminous with or include the township, and the levy shall be 85634
over and above all other taxes and limitations on such property 85635
authorized by law. 85636

(C) In any township park district that contains only 85637

unincorporated territory, if the township board of park 85638
commissioners is appointed by the board of township trustees, 85639
before a tax can be levied and certified to the county auditor 85640
pursuant to section 5705.34 of the Revised Code or before a 85641
resolution for a tax levy can be certified to the board of 85642
elections pursuant to section 511.28 of the Revised Code, the 85643
board of park commissioners shall receive approval for its levy 85644
request from the board of township trustees. The board of park 85645
commissioners shall adopt a resolution requesting the board of 85646
township trustees to approve the levy request, stating the annual 85647
rate of the proposed levy and the reason for the levy request. On 85648
receiving this request, the board of township trustees shall vote 85649
on whether to approve the request and, if a majority votes to 85650
approve it, shall issue a resolution approving the levy at the 85651
requested rate. 85652

Sec. 511.28. A copy of any resolution for a tax levy adopted 85653
by the township board of park commissioners as provided in section 85654
511.27 of the Revised Code shall be certified by the clerk of the 85655
board of park commissioners to the board of elections of the 85656
proper county, together with a certified copy of the resolution 85657
approving the levy, passed by the board of township trustees if 85658
such a resolution is required by division (C) of section 511.27 of 85659
the Revised Code, not less than ninety days before a general 85660
election or a special election held on a day on which a primary 85661
election in any year may be held. The board of elections shall 85662
submit the proposal to the electors as provided in section 511.27 85663
of the Revised Code at ~~the succeeding general or primary~~ that 85664
election. A resolution to renew an existing levy may not be placed 85665
on the ballot unless the question is submitted at the general 85666
election held during the last year the tax to be renewed may be 85667
extended on the real and public utility property tax list and 85668
duplicate, or at ~~any~~ the general election or a special election 85669

held on a day on which a primary election may be held occurring in 85670
the ensuing year. The board of park commissioners shall cause 85671
notice that the vote will be taken to be published once a week for 85672
two consecutive weeks prior to the election in a newspaper of 85673
general circulation, or as provided in section 7.16 of the Revised 85674
Code, in the county within which the park district is located. 85675
Additionally, if the board of elections operates and maintains a 85676
web site, the board of elections shall post that notice on its web 85677
site for thirty days prior to the election. The notice shall state 85678
the purpose of the proposed levy, the annual rate proposed 85679
expressed in dollars and cents for each one hundred dollars of 85680
valuation as well as in mills for each one dollar of valuation, 85681
the number of consecutive years during which the levy shall be in 85682
effect, and the time and place of the election. 85683

The form of the ballots cast at the election shall be: "An 85684
additional tax for the benefit of (name of township park district) 85685
..... for the purpose of (purpose stated in the order of the 85686
board) at a rate not exceeding mills for 85687
each one dollar of valuation, which amounts to (rate expressed in 85688
dollars and cents) for each one hundred dollars of 85689
valuation, for (number of years the levy is to run)" 85690

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

If the levy submitted is a proposal to renew, increase, or 85695
decrease an existing levy, the form of the ballot specified in 85696
this section may be changed by substituting for the words "An 85697
additional" at the beginning of the form, the words "A renewal of 85698
a" in the case of a proposal to renew an existing levy in the same 85699
amount; the words "A renewal of mills and an increase 85700
of mills to constitute a" in the case of an increase; 85701

or the words "A renewal of part of an existing levy, being a 85702
reduction of mills, to constitute a" in the case of a 85703
decrease in the rate of the existing levy. 85704

If the tax is to be placed on the current tax list, the form 85705
of the ballot shall be modified by adding, after the statement of 85706
the number of years the levy is to run, the phrase ", commencing 85707
in (first year the tax is to be levied), first due in 85708
calendar year (first calendar year in which the tax 85709
shall be due)." 85710

The question covered by the order shall be submitted as a 85711
separate proposition, but may be printed on the same ballot with 85712
any other proposition submitted at the same election, other than 85713
the election of officers. More than one such question may be 85714
submitted at the same election. 85715

Sec. 511.34. In townships composed of islands, and on one of 85716
which islands lands have been conveyed in trust for the benefit of 85717
the inhabitants of the island for use as a park, and a board of 85718
park trustees has been provided for the control of the park, the 85719
board of township trustees may create a tax district of the island 85720
to raise funds by taxation as provided under divisions (A) and (B) 85721
of this section. 85722

(A) For the care and maintenance of parks on the island, the 85723
board of township trustees annually may levy a tax, not to exceed 85724
one mill, upon all the taxable property in the district. The tax 85725
shall be in addition to all other levies authorized by law, and 85726
subject to no limitation on tax rates except as provided in this 85727
division. 85728

The proceeds of the tax levy shall be expended by the board 85729
of township trustees for the purpose of the care and maintenance 85730
of the parks, and shall be paid out of the township treasury upon 85731
the orders of the board of park trustees. 85732

(B) For the purpose of acquiring additional land for use as a park, the board of township trustees may levy a tax in excess of the ten-mill limitation on all taxable property in the district.
The

The tax shall be proposed by resolution adopted by two-thirds of the members of the board of township trustees. The resolution shall specify the purpose and rate of the tax and the number of years the tax will be levied, which shall not exceed five years, and which may include a levy on the current tax list and duplicate. The resolution shall go into immediate effect upon its passage, and no publication of the resolution is necessary other than that provided for in the notice of election. The board of township trustees shall certify a copy of the resolution to the proper board of elections not later than ninety days before ~~the primary or a~~ a general election in the township or a special election held on a day on which a primary election may be held, and the board of elections shall submit the question of the tax to the voters of the district at ~~the succeeding primary or general~~ that election. The board of elections shall make the necessary arrangements for the submission of the question to the electors of the district, and the election shall be conducted, canvassed, and certified in the same manner as regular elections in the township for the election of officers. Notice of the election shall be published in a newspaper of general circulation in the township once a week for two consecutive weeks, or as provided in section 7.16 of the Revised Code prior to the election. If the board of elections operates and maintains a web site, notice of the election also shall be posted on that web site for thirty days prior to the election. The notice shall state the purpose of the tax, the proposed rate of the tax expressed in dollars and cents for each one hundred dollars of valuation and mills for each one dollar of valuation, the number of years the tax will be in effect, the first year the tax will be levied, and the time and

place of the election. 85766

The form of the ballots cast at an election held under this 85767
division shall be as follows: 85768

"An additional tax for the benefit of (name of the 85769
township) for the purpose of acquiring additional park land at a 85770
rate of mills for each one dollar of valuation, which 85771
amounts to (rate expressed in dollars and cents) for each 85772
one hundred dollars of valuation, for (number of years 85773
the levy is to run) beginning in (first year the tax 85774
will be levied). 85775

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

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The question shall be submitted as a separate proposition but 85780
may be printed on the same ballot with any other proposition 85781
submitted at the same election other than the election of 85782
officers. More than one such question may be submitted at the same 85783
election. 85784

If the levy is approved by a majority of electors voting on 85785
the question, the board of elections shall certify the result of 85786
the election to the tax commissioner. In the first year of the 85787
levy, the tax shall be extended on the tax lists after the 85788
February settlement following the election. If the tax is to be 85789
placed on the tax lists of the current year as specified in the 85790
resolution, the board of elections shall certify the result of the 85791
election immediately after the canvass to the board of township 85792
trustees, which shall forthwith make the necessary levy and 85793
certify the levy to the county auditor, who shall extend the levy 85794
on the tax lists for collection. After the first year of the levy, 85795
the levy shall be included in the annual tax budget that is 85796

certified to the county budget commission. 85797

Sec. 703.20. (A) Villages may surrender their corporate 85798
powers upon the petition to the legislative authority of the 85799
village, or, in the alternative, to the board of elections of the 85800
county in which the largest portion of the population of the 85801
village resides as provided in division (B)(1) of this section, of 85802
at least thirty per cent of the electors thereof, to be determined 85803
by the number voting at the last regular municipal election and by 85804
an affirmative vote of a majority of the electors at a general 85805
election or a special election held on a day on which a primary 85806
election may be held, which shall be provided for by the 85807
legislative authority or, in the alternative, at a general or such 85808
a special election as provided for by the board of elections under 85809
division (B)(1) of this section. The election shall be conducted, 85810
canvassed, and the result certified and made known as at regular 85811
municipal elections. If the result of the election is in favor of 85812
the surrender, the village clerk or, in the alternative, the board 85813
of elections shall certify the result to the secretary of state, 85814
the auditor of state, and the county recorder, who shall record it 85815
in their respective offices. The corporate powers of the village 85816
shall cease upon the recording of the certified election results 85817
in the county recorder's office. 85818

(B)(1) If the legislative authority of a village fails to act 85819
upon the petition within thirty days after receipt of the 85820
petition, the electors may present the petition to the board of 85821
elections to determine the validity and sufficiency of the 85822
signatures. The petition shall be governed by the rules of section 85823
3501.38 of the Revised Code. The petition shall be filed with the 85824
board of elections of the county in which the largest portion of 85825
the population of the village resides. If the petition is 85826
sufficient, the board of elections shall submit the question 85827
"Shall the village of surrender its corporate powers?" 85828

for the approval or rejection of the electors of the village at 85829
the next general election, or the next special election held on a 85830
day on which a primary election, ~~in any year~~ may be held, 85831
occurring after the period ending ninety days after the filing of 85832
the petition with the board. If the result of the election is in 85833
favor of the surrender, the board of elections shall certify the 85834
results to the secretary of state, the auditor of state, and the 85835
county recorder, who shall record it in their respective offices. 85836
The corporate powers of the village shall cease upon the recording 85837
of the certified election results in the county recorder's office. 85838

(2) In addition to filing the petition with the board of 85839
elections as provided in division (B)(1) of this section, a copy 85840
of the petition shall be filed with the board of township trustees 85841
of each township affected by the surrender. 85842

(C) The auditor of state shall assist in facilitating a 85843
timely and systematic manner for complying with the requirements 85844
of section 703.21 of the Revised Code. 85845

Sec. 707.30. (A) The petition required by section 707.29 of 85846
the Revised Code shall be signed by twenty per cent of the 85847
electors in the territory, as determined by the total number of 85848
votes cast within that territory for the office of governor at the 85849
preceding general election for that office, and filed with the 85850
board of county commissioners requesting that the question of 85851
incorporating territory as a city be placed on the ballot at a 85852
general election or a special election held on a day on which a 85853
primary election may be held. The petition shall contain or have 85854
attached to it all of the following: 85855

(1) A full description and an accurate map of the territory 85856
within the proposed municipal corporation; 85857

(2) A statement signed by the county auditor as to the total 85858
assessed valuation of the area proposed for incorporation; 85859

(3) A statement showing that the territory meets all the 85860
criteria for incorporation of a city listed in division (A) of 85861
section 707.29 of the Revised Code; 85862

(4) A statement by the secretary of state that the name 85863
proposed in the petition is not being used by any other municipal 85864
corporation in the state; 85865

(5) The name of a person to act as agent for the petitioners. 85866

(B) Upon filing the petition, the agent for the petitioners 85867
shall cause notice of the filing for incorporation, containing the 85868
substance of the petition and the date of filing, to be published 85869
in a newspaper of general circulation in the county, for a period 85870
of three consecutive weeks. Any interested person or any municipal 85871
corporation through a representative may appear in support of or 85872
against the information contained in the incorporation petition at 85873
any session of the board before the board makes its determination 85874
and informs the board of elections of its determination under 85875
division (D) of this section. 85876

(C) The petition required by section 707.29 of the Revised 85877
Code may be presented to the board of county commissioners at any 85878
session of the board, after which the board shall make it 85879
available for inspection by any interested person. 85880

Upon the filing of the petition with the board of county 85881
commissioners, the board shall inform the board of elections and 85882
transfer to it a copy of the petition and any other relevant 85883
information available so that the board of elections may determine 85884
the sufficiency of the signatures on the petition. The petition 85885
shall be in conformity with the requirements of section 3501.38 of 85886
the Revised Code. The board of elections shall make its 85887
determination and report its conclusions regarding the sufficiency 85888
of the signatures to the board of county commissioners within 85889
sixty days after the date the petition was filed with the board of 85890

county commissioners. 85891

The board of county commissioners may refer the description 85892
and the map or plat of the territory sought to be incorporated to 85893
the county engineer for a report upon their accuracy. When these 85894
items are so referred to ~~him~~ the engineer, the engineer shall, 85895
during the ninety-day period following the filing of the petition, 85896
report in writing to the board upon ~~his~~ the engineer's findings. 85897
~~His~~ The engineer's report is not conclusive upon the board. 85898
Failure of the engineer to make a report does not affect the 85899
jurisdiction or duty of the board to proceed. 85900

(D) The board of county commissioners shall, within ninety 85901
days after the petition is filed, determine whether the territory 85902
named in the petition fulfills all of the requirements listed in 85903
divisions (A)(1) to (5) of this section and whether notice has 85904
been published as required by division (B) of this section, and 85905
shall so inform the board of elections. If the board of county 85906
commissioners determines that the territory meets all of these 85907
requirements, and if the board of elections determines that the 85908
signatures on the petitions are sufficient, the board of elections 85909
shall ~~schedule a special election. Every~~ make the necessary 85910
arrangements for the submission of such question to every elector 85911
residing in the territory sought to be incorporated under the 85912
petition. The form of the ballots cast at such an election shall 85913
~~be permitted to vote on the following question, which shall be~~ 85914
~~placed on the ballot~~ as follows: 85915

"Shall the area known as (insert a brief 85916
description of the area sought to be incorporated) be incorporated 85917
into a new city to be known as (insert the name of the 85918
proposed new city)? 85919

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	For incorporation
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	Against incorporation	"
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If a majority of the voters voting in the ~~special~~ election votes in favor of incorporation, the board of elections shall certify this result to the board of county commissioners. The incorporation of the territory as a city shall proceed as provided for municipal corporations in sections 707.08, 707.09, 707.21 to 707.24, 707.27, and 707.28 of the Revised Code.

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If a majority of the voters voting in the ~~special~~ election votes against incorporation, the board of elections shall certify this result to the board of county commissioners, incorporation proceedings shall cease, and no further petitions shall be filed proposing the same incorporation for at least three years after the date of that election.

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(E) The ~~entire cost~~ costs of a ~~special an~~ election held pursuant to this section that are payable by a subdivision under division (D) of section 3501.17 of the Revised Code shall be charged, if the results of the election are in favor of incorporation, to the newly formed municipal corporation, and if the results of the election are against incorporation, to the township or townships from which territory was proposed for incorporation in the same proportion as the amount of territory in each township was to the total area proposed for incorporation.

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(F) If the territory sought to be incorporated does incorporate and if the territory includes any real property owned by an existing municipal corporation, such real property shall be exempt from zoning regulations of the new municipal corporation so long as it is used for public purposes by the municipal corporation that owns it.

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Public service contracts entered into by the township prior to the incorporation shall be renegotiated within six months after

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the effective date of incorporation. 85953

Sec. 715.38. The legislative authority of a municipal 85954
corporation which, for any reason, is inaccessible from the 85955
mainland at some time of the year, may provide for the maintenance 85956
of a physician when, in the opinion of a majority of the members 85957
of the legislative authority, it is necessary for the preservation 85958
of the public health and welfare. 85959

An additional tax may be levied upon all the taxable property 85960
in the municipal corporation, in such amount as the legislative 85961
authority determines, to provide for such maintenance. The 85962
question of levying such tax, and the amount thereof, shall be 85963
separately submitted to the qualified electors of the municipal 85964
corporation at a general election or a special election held on a 85965
day on which a primary election may be held. Twenty days' notice 85966
thereof shall be previously given by posting in at least three 85967
public places in the municipal corporation. Such notice shall 85968
state specifically the amount to be raised and the purpose 85969
thereof. If a majority of all votes cast at such election upon the 85970
proposition are in favor thereof, the tax provided for shall be 85971
authorized. 85972

Upon authorization of the tax levy as provided by this 85973
section, the legislative authority may issue notes in anticipation 85974
of such revenues, to mature in not more than two years from the 85975
date of issue, and to bear interest at not more than four per cent 85976
per annum. 85977

Sec. 715.691. (A) As used in this section: 85978

(1) "Contracting party" means a municipal corporation that 85979
has entered into a joint economic development zone contract or any 85980
party succeeding to the municipal corporation, or a township that 85981
entered into a joint economic development zone contract with a 85982

municipal corporation. 85983

(2) "Zone" means a joint economic development zone designated 85984
under this section. 85985

(3) "Substantial amendment" means an amendment to a joint 85986
economic development zone contract that increases the rate of 85987
municipal income tax that may be imposed within the zone, changes 85988
the purposes for which municipal income tax revenue derived from 85989
the zone may be used, or adds new territory to the zone. 85990

(B) This section provides procedures and requirements for 85991
creating and operating a joint economic development zone. This 85992
section applies only if one of the contracting parties to the zone 85993
does not levy a municipal income tax under Chapter 718. of the 85994
Revised Code. 85995

At any time before January 1, 2015, two or more municipal 85996
corporations or one or more townships and one or more municipal 85997
corporations may enter into a contract whereby they agree to share 85998
in the costs of improvements for an area or areas located in one 85999
or more of the contracting parties that they designate as a joint 86000
economic development zone for the purpose of facilitating new or 86001
expanded growth for commercial or economic development in the 86002
state. The contract and zone shall meet the requirements of 86003
divisions (B) to (J) of this section. 86004

(C) The contract shall set forth each contracting party's 86005
contribution to the joint economic development zone. The 86006
contributions may be in any form that the contracting parties 86007
agree to, and may include, but are not limited to, the provision 86008
of services, money, or equipment. The contract may be amended, 86009
renewed, or terminated with the consent of the contracting 86010
parties, subject to division (K) of this section. The contract 86011
shall continue in existence throughout the term it specifies and 86012
shall be binding on the contracting parties and on any entities 86013

succeeding to the contracting parties. If the contract is approved 86014
by the electors of any contracting party under division (F) of 86015
this section or substantially amended after the effective date of 86016
H.B. 289 of the 130th general assembly, June 5, 2014, the 86017
contracting parties shall include within the contract or the 86018
amendment to the contract an economic development plan for the 86019
zone, a schedule for the implementation or provision of any new, 86020
expanded, or additional services, facilities, or improvements 86021
within the zone or in the area surrounding the zone, and any 86022
provisions necessary for the contracting parties to create a joint 86023
economic development review council in compliance with section 86024
715.692 of the Revised Code. 86025

(D) Before the legislative authority of any of the 86026
contracting parties enacts an ordinance or resolution approving a 86027
contract to designate a joint economic development zone, the 86028
legislative authority of each of the contracting parties shall 86029
hold a public hearing concerning the contract and zone. Each 86030
legislative authority shall provide at least thirty days' public 86031
notice of the time and place of the public hearing in a newspaper 86032
of general circulation in the municipal corporation or township. 86033
During the thirty-day period prior to the public hearing, all of 86034
the following documents shall be available for public inspection 86035
in the office of the clerk of the legislative authority of a 86036
municipal corporation that is a contracting party and in the 86037
office of the fiscal officer of a township that is a contracting 86038
party: 86039

(1) A copy of the contract designating the zone; 86040

(2) A description of the area or areas to be included in the 86041
zone, including a map in sufficient detail to denote the specific 86042
boundaries of the area or areas; 86043

(3) An economic development plan for the zone that includes a 86044
schedule for the provision of any new, expanded, or additional 86045

services, facilities, or improvements. 86046

A public hearing held under division (D) of this section 86047
shall allow for public comment and recommendations on the contract 86048
and zone. The contracting parties may include in the contract any 86049
of those recommendations prior to approval of the contract. 86050

(E) After the public hearings required under division (D) of 86051
this section have been held and the economic development plan has 86052
been approved under division (D) of section 715.692 of the Revised 86053
Code, and before January 1, 2015, each contracting party may enact 86054
an ordinance or resolution approving the contract to designate a 86055
joint economic development zone. After each contracting party has 86056
enacted an ordinance or resolution, the clerk of the legislative 86057
authority of a municipal corporation that is a contracting party 86058
and the fiscal officer of a township that is a contracting party 86059
shall file with the board of elections of each county within which 86060
a contracting party is located a copy of the ordinance or 86061
resolution approving the contract and shall direct the board of 86062
elections to submit the ordinance or resolution to the electors of 86063
the contracting party on the day of the next general, primary, or 86064
special election occurring at least ninety days after the 86065
ordinance or resolution is filed with the board of elections. If 86066
any of the contracting parties is a township, however, then only 86067
the township or townships shall submit the resolution to the 86068
electors. The board of elections shall not submit an ordinance or 86069
resolution filed under this division to the electors at any 86070
election occurring on or after January 1, 2015. 86071

(F)(1) If a vote is required to approve a municipal 86072
corporation as a contracting party to a joint economic development 86073
zone under this section, the ballot shall be in the following 86074
form: 86075

"Shall the ordinance of the legislative authority of the 86076
(city or village) of (name of contracting party) approving the 86077

contract with (name of each other contracting party) for the 86078
designation of a joint economic development zone be approved? 86079

	FOR THE ORDINANCE AND CONTRACT
	AGAINST THE ORDINANCE AND CONTRACT

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"

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(2) If a vote is required to approve a township as a 86084
contracting party to a joint economic development zone under this 86085
section, the ballot shall be in the following form: 86086

"Shall the resolution of the board of township trustees of 86087
the township of (name of contracting party) approving the contract 86088
with (name of each other contracting party) for the designation of 86089
a joint economic development zone be approved? 86090

	FOR THE ORDINANCE AND CONTRACT
	AGAINST THE ORDINANCE AND CONTRACT

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If a majority of the electors of each contracting party 86095
voting on the issue vote for the ordinance or resolution and 86096
contract, the ordinance or resolution shall become effective 86097
immediately and the contract shall go into effect immediately or 86098
in accordance with its terms. 86099

(G)(1) A board of directors shall govern each joint economic 86100
development zone created under this section. The members of the 86101
board shall be appointed as provided in the contract. Each of the 86102
contracting parties shall appoint three members to the board. 86103

Terms for each member shall be for two years, each term ending on 86104
the same day of the month of the year as did the term that it 86105
succeeds. A member may be reappointed to the board. 86106

(2) Membership on the board is not the holding of a public 86107
office or employment within the meaning of any section of the 86108
Revised Code or any charter provision prohibiting the holding of 86109
other public office or employment. Membership on the board is not 86110
a direct or indirect interest in a contract or expenditure of 86111
money by a municipal corporation, township, county, or other 86112
political subdivision with which a member may be affiliated. 86113
Notwithstanding any provision of law or a charter to the contrary, 86114
no member of the board shall forfeit or be disqualified from 86115
holding any public office or employment by reason of membership on 86116
the board. 86117

(3) The board is a public body for the purposes of section 86118
121.22 of the Revised Code. Chapter 2744. of the Revised Code 86119
applies to the board and the zone. 86120

(H) The contract may grant to the board of directors 86121
appointed under division (G) of this section the power to adopt a 86122
resolution to levy an income tax within the zone. The income tax 86123
shall be used for the purposes of the zone and for the purposes of 86124
the contracting parties pursuant to the contract. Not less than 86125
fifty per cent of the revenue from the tax shall be used solely to 86126
provide the new, expanded, or additional services, facilities, or 86127
improvements specified in the economic development plan until all 86128
such services, facilities, or improvements have been completed as 86129
specified in that plan. The income tax may be levied in the zone 86130
based on income earned by persons working within the zone and on 86131
the net profits of businesses located in the zone. The income tax 86132
is subject to Chapter 718. of the Revised Code, except that a vote 86133
shall be required by the electors residing in the zone to approve 86134
the rate of income tax unless a majority of the electors residing 86135

within the zone, as determined by the total number of votes cast 86136
in the zone for the office of governor at the most recent general 86137
election for that office, submit a petition to the board 86138
requesting that the election provided for in division (H)(1) of 86139
this section not be held. If no electors reside within the zone, 86140
then division (H)(3) of this section applies. The rate of the 86141
income tax shall be no higher than the highest rate being levied 86142
by a municipal corporation that is a party to the contract. 86143

(1) The board of directors may levy an income tax at a rate 86144
that is not higher than the highest rate being levied by a 86145
municipal corporation that is a party to the contract, provided 86146
that the rate of the income tax is first submitted to and approved 86147
by the electors of the zone at the ~~succeeding regular~~ next general 86148
election or special election held on a day on which a primary 86149
~~election, or a special election called by the board may be held,~~ 86150
occurring subsequent to ninety days after a certified copy of the 86151
resolution levying the income tax and calling for the election is 86152
filed with the board of elections. If the voters approve the levy 86153
of the income tax, the income tax shall be in force for the full 86154
period of the contract establishing the zone. No election shall be 86155
held under this section if a majority of the electors residing 86156
within the zone, determined as specified in division (H) of this 86157
section, submit a petition to that effect to the board of 86158
directors. Any increase in the rate of an income tax by the board 86159
of directors shall be approved by a vote of the electors of the 86160
zone and shall be in force for the remaining period of the 86161
contract establishing the zone. 86162

(2) Whenever a zone is located in the territory of more than 86163
one contracting party, a majority vote of the electors in each of 86164
the several portions of the territory of the contracting parties 86165
constituting the zone approving the levy of the tax is required 86166
before it may be imposed under division (H) of this section. 86167

(3) If no electors reside in the zone, no election for the approval or rejection of an income tax shall be held under this section, provided that where no electors reside in the zone, the rate of the income tax shall be no higher than the highest rate being levied by a municipal corporation that is a party to the contract.

(4) The board of directors of a zone levying an income tax shall enter into an agreement with one of the municipal corporations that is a party to the contract to administer, collect, and enforce the income tax on behalf of the zone.

(5) The board of directors of a zone shall publish or post public notice within the zone of any resolution adopted levying an income tax in the same manner required of municipal corporations under sections 731.21 and 731.25 of the Revised Code.

(I)(1) If for any reason a contracting party reverts to or has its boundaries changed so that it is classified as a township that is the entity succeeding to that contracting party, the township is considered to be a municipal corporation for the purposes of the contract for the full period of the contract establishing the joint economic development zone, except that if that contracting party is administering, collecting, and enforcing the income tax on behalf of the district as provided in division (H)(4) of this section, the contract shall be amended to allow one of the other contracting parties to administer, collect, and enforce that tax.

(2) Notwithstanding any other section of the Revised Code, if there is any change in the boundaries of a township so that a municipal corporation once located within the township is no longer so located, the township shall remain in existence even though its remaining unincorporated area contains less than twenty-two square miles, if the township has been or becomes a party to a contract creating a joint economic development zone

under this section or the contract creating that joint economic 86200
development zone under this section is terminated or repudiated 86201
for any reason by any party or person. The township shall continue 86202
its existing status in all respects, including having the same 86203
form of government and the same elected board of trustees as its 86204
governing body. The township shall continue to receive all of its 86205
tax levies and sources of income as a township in accordance with 86206
any section of the Revised Code, whether the levies and sources of 86207
income generate millage within the ten-mill limitation or in 86208
excess of the ten-mill limitation. The name of the township may be 86209
changed to the name of the contracting party appearing in the 86210
contract creating a joint economic development zone under this 86211
section, so long as the name does not conflict with any other name 86212
in the state that has been certified by the secretary of state. 86213
The township shall have all of the powers set out in sections 86214
715.79, 715.80, and 715.81 of the Revised Code. 86215

(J) If, after creating and operating a joint economic 86216
development zone under this section, a contracting party that did 86217
not levy a municipal income tax under Chapter 718. of the Revised 86218
Code levies such a tax, the tax shall not apply to the zone for 86219
the full period of the contract establishing the zone if the board 86220
of directors of the zone has levied an income tax as provided in 86221
division (H) of this section. 86222

(K) No substantial amendment may be made to any joint 86223
economic development zone contract after December 31, 2014. 86224

Sec. 715.70. (A) This section and section 715.71 of the 86225
Revised Code apply only to: 86226

(1) Municipal corporations and townships within a county that 86227
has adopted a charter under Sections 3 and 4 of Article X, Ohio 86228
Constitution; 86229

(2) Municipal corporations and townships that have created a 86230

joint economic development district comprised entirely of real 86231
property owned by a municipal corporation at the time the district 86232
was created under this section. The real property owned by the 86233
municipal corporation shall include an airport owned by the 86234
municipal corporation and located entirely beyond the municipal 86235
corporation's corporate boundary. 86236

(3) Municipal corporations or townships that are part of or 86237
contiguous to a transportation improvement district created under 86238
Chapter 5540. of the Revised Code and that have created a joint 86239
economic development district under this section or section 715.71 86240
of the Revised Code prior to November 15, 1995; 86241

(4) Municipal corporations that have previously entered into 86242
a contract creating a joint economic development district pursuant 86243
to division (A)(2) of this section, even if the territory to be 86244
included in the district does not meet the requirements of that 86245
division. 86246

(B)(1) One or more municipal corporations and one or more 86247
townships may enter into a contract approved by the legislative 86248
authority of each contracting party pursuant to which they create 86249
as a joint economic development district an area or areas for the 86250
purpose of facilitating economic development to create or preserve 86251
jobs and employment opportunities and to improve the economic 86252
welfare of the people in the state and in the area of the 86253
contracting parties. A municipal corporation described in division 86254
(A)(4) of this section may enter into a contract with other 86255
municipal corporations and townships to create a new joint 86256
economic development district. In a district that includes a 86257
municipal corporation described in division (A)(4) of this 86258
section, the territory of each of the contracting parties shall be 86259
contiguous to the territory of at least one other contracting 86260
party, or contiguous to the territory of a township or municipal 86261
corporation that is contiguous to another contracting party, even 86262

if the intervening township or municipal corporation is not a 86263
contracting party. The area or areas of land to be included in the 86264
district shall not include any parcel of land owned in fee by a 86265
municipal corporation or a township or parcel of land that is 86266
leased to a municipal corporation or a township, unless the 86267
municipal corporation or township is a party to the contract or 86268
unless the municipal corporation or township has given its consent 86269
to have its parcel of land included in the district by the 86270
adoption of a resolution. As used in this division, "parcel of 86271
land" means any parcel of land owned by a municipal corporation or 86272
a township for at least a six-month period within a five-year 86273
period prior to the creation of a district, but "parcel of land" 86274
does not include streets or public ways and sewer, water, and 86275
other utility lines whether owned in fee or otherwise. 86276

The district created shall be located within the territory of 86277
one or more of the participating parties and may consist of all or 86278
a portion of such territory. The boundaries of the district shall 86279
be described in the contract or in an addendum to the contract. 86280

(2) Prior to the public hearing to be held pursuant to 86281
division (D)(2) of this section, the participating parties shall 86282
give a copy of the proposed contract to each municipal corporation 86283
located within one-quarter mile of the proposed joint economic 86284
development district and not otherwise a party to the contract, 86285
and afford the municipal corporation the reasonable opportunity, 86286
for a period of thirty days following receipt of the proposed 86287
contract, to make comments and suggestions to the participating 86288
parties regarding elements contained in the proposed contract. 86289

(3) The district shall not exceed two thousand acres in area. 86290
The territory of the district shall not completely surround 86291
territory that is not included within the boundaries of the 86292
district. 86293

(4) Sections 503.07 to 503.12 of the Revised Code do not 86294

apply to territory included within a district created pursuant to 86295
this section as long as the contract creating the district is in 86296
effect, unless the legislative authority of each municipal 86297
corporation and the board of township trustees of each township 86298
included in the district consent, by ordinance or resolution, to 86299
the application of those sections of the Revised Code. 86300

(5) Upon the execution of the contract creating the district 86301
by the parties to the contract, a participating municipal 86302
corporation or township included within the district shall file a 86303
copy of the fully executed contract with the county recorder of 86304
each county within which a party to the contract is located, in 86305
the miscellaneous records of the county. No annexation proceeding 86306
pursuant to Chapter 709. of the Revised Code that proposes the 86307
annexation to, merger, or consolidation with a municipal 86308
corporation of any unincorporated territory within the district 86309
shall be commenced for a period of three years after the contract 86310
is filed with the county recorder of each county within which a 86311
party to the contract is located unless each board of township 86312
trustees whose territory is included, in whole or part, within the 86313
district and the territory proposed to be annexed, merged, or 86314
consolidated adopts a resolution consenting to the commencement of 86315
the proceeding and a copy of the resolution is filed with the 86316
legislative authority of each county within which a party to the 86317
contract is located or unless the contract is terminated during 86318
this period. 86319

The contract entered into between the municipal corporations 86320
and townships pursuant to this section may provide for the 86321
prohibition of any annexation by the participating municipal 86322
corporations of any unincorporated territory within the district 86323
beyond the three-year mandatory prohibition of any annexation 86324
provided for in division (B)(5) of this section. 86325

(C)(1) After the legislative authority of a municipal 86326

corporation and the board of township trustees have adopted an 86327
ordinance and resolution approving a contract to create a joint 86328
economic development district pursuant to this section, and after 86329
a contract has been signed, the municipal corporations and 86330
townships shall jointly file a petition with the legislative 86331
authority of each county within which a party to the contract is 86332
located. 86333

(a) The petition shall contain all of the following: 86334

(i) A statement that the area or areas of the district ~~is~~ are 86335
not greater than two thousand acres and is located within the 86336
territory of one or more of the contracting parties; 86337

(ii) A brief summary of the services to be provided by each 86338
party to the contract or a reference to the portion of the 86339
contract describing those services; 86340

(iii) A description of the area or areas to be designated as 86341
the district; 86342

(iv) The signature of a representative of each of the 86343
contracting parties. 86344

(b) The following documents shall be filed with the petition: 86345

(i) A signed copy of the contract, together with copies of 86346
district maps and plans related to or part of the contract; 86347

(ii) A certified copy of the ordinances and resolutions of 86348
the contracting parties approving the contract; 86349

(iii) A certificate from each of the contracting parties 86350
indicating that the public hearings required by division (D)(2) of 86351
this section have been held, the date of the hearings, and 86352
evidence of publication of the notice of the hearings; 86353

(iv) One or more signed statements of persons who are owners 86354
of property located in whole or in part within the area to be 86355
designated as the district, requesting that the property be 86356

included within the district, provided that those statements shall 86357
represent a majority of the persons owning property located in 86358
whole or in part within the district and persons owning a majority 86359
of the acreage located within the district. A signature may be 86360
withdrawn by the signer up to but not after the time of the public 86361
hearing required by division (D)(2) of this section. 86362

(2) The legislative authority of each county within which a 86363
party to the contract is located shall adopt a resolution 86364
approving the petition for the creation of the district if the 86365
petition and other documents have been filed in accordance with 86366
the requirements of division (C)(1) of this section. If the 86367
petition and other documents do not substantially meet the 86368
requirements of that division, the legislative authority of any 86369
county within which a party to the contract is located may adopt a 86370
resolution disapproving the petition for the creation of the 86371
district. The legislative authority of each county within which a 86372
party to the contract is located shall adopt a resolution 86373
approving or disapproving the petition within thirty days after 86374
the petition was filed. If the legislative authority of each such 86375
county does not adopt the resolution within the thirty-day period, 86376
the petition shall be deemed approved and the contract shall go 86377
into effect immediately after that approval or at such other time 86378
as the contract specifies. 86379

(D)(1) The contract creating the district shall set forth or 86380
provide for the amount or nature of the contribution of each 86381
municipal corporation and township to the development and 86382
operation of the district and may provide for the sharing of the 86383
costs of the operation of and improvements for the district. The 86384
contributions may be in any form to which the contracting 86385
municipal corporations and townships agree and may include but are 86386
not limited to the provision of services, money, real or personal 86387
property, facilities, or equipment. The contract may provide for 86388

the contracting parties to share revenue from taxes levied on 86389
property by one or more of the contracting parties if those 86390
revenues may lawfully be applied to that purpose under the 86391
legislation by which those taxes are levied. The contract shall 86392
provide for new, expanded, or additional services, facilities, or 86393
improvements, including expanded or additional capacity for or 86394
other enhancement of existing services, facilities, or 86395
improvements, provided that those services, facilities, or 86396
improvements, or expanded or additional capacity for or 86397
enhancement of existing services, facilities, or improvements, 86398
required herein have been provided within the two-year period 86399
prior to the execution of the contract. 86400

(2) Before the legislative authority of a municipal 86401
corporation or a board of township trustees passes any ordinance 86402
or resolution approving a contract to create a joint economic 86403
development district pursuant to this section, the legislative 86404
authority of the municipal corporation and the board of township 86405
trustees shall each hold a public hearing concerning the joint 86406
economic development district contract and shall provide thirty 86407
days' public notice of the time and place of the public hearing in 86408
a newspaper of general circulation in the municipal corporation 86409
and the township. The board of township trustees may provide 86410
additional notice to township residents in accordance with section 86411
9.03 of the Revised Code, and any additional notice shall include 86412
the public hearing announcement; a summary of the terms of the 86413
contract; a statement that the entire text of the contract and 86414
district maps and plans are on file for public examination in the 86415
office of the township fiscal officer; and information pertaining 86416
to any tax changes that will or may occur as a result of the 86417
contract. 86418

During the thirty-day period prior to the public hearing, a 86419
copy of the text of the contract together with copies of district 86420

maps and plans related to or part of the contract shall be on 86421
file, for public examination, in the offices of the clerk of the 86422
legislative authority of the municipal corporation and of the 86423
township fiscal officer. The public hearing provided for in 86424
division (D)(2) of this section shall allow for public comment and 86425
recommendations from the public on the proposed contract. The 86426
contracting parties may include in the contract any of those 86427
recommendations prior to the approval of the contract. 86428

(3) Any resolution of the board of township trustees that 86429
approves a contract that creates a joint economic development 86430
district pursuant to this section shall be subject to a referendum 86431
of the electors of the township. When a referendum petition, 86432
signed by ten per cent of the number of electors in the township 86433
who voted for the office of governor at the most recent general 86434
election for the office of governor, is presented to the board of 86435
township trustees within thirty days after the board of township 86436
trustees adopted the resolution, ordering that the resolution be 86437
submitted to the electors of the township for their approval or 86438
rejection, the board of township trustees shall, after ten days 86439
and not later than four p.m. of the ninetieth day before the 86440
election, certify the text of the resolution to the board of 86441
elections. The board of elections shall submit the resolution to 86442
the electors of the township for their approval or rejection at 86443
the next general, election or special election held on a day on 86444
which a primary, or special election may be held, occurring 86445
subsequent to ninety days after the certifying of the petition to 86446
the board of elections. 86447

(4) Upon the creation of a district under this section or 86448
section 715.71 of the Revised Code, one of the contracting parties 86449
shall file a copy of the following with the director of 86450
development: 86451

(a) The petition and other documents described in division 86452

(C)(1) of this section, if the district is created under this 86453
section; 86454

(b) The documents described in division (D) of section 715.71 86455
of the Revised Code, if the district is created under this 86456
section. 86457

(E) The district created by the contract shall be governed by 86458
a board of directors that shall be established by or pursuant to 86459
the contract. The board is a public body for the purposes of 86460
section 121.22 of the Revised Code. The provisions of Chapter 86461
2744. of the Revised Code apply to the board and the district. The 86462
members of the board shall be appointed as provided in the 86463
contract from among the elected members of the legislative 86464
authorities and the elected chief executive officers of the 86465
contracting parties, provided that there shall be at least two 86466
members appointed from each of the contracting parties. 86467

(F) The contract shall enumerate the specific powers, duties, 86468
and functions of the board of directors of a district, and the 86469
contract shall provide for the determination of procedures that 86470
are to govern the board of directors. The contract may grant to 86471
the board the power to adopt a resolution to levy an income tax 86472
within the district. The income tax shall be used for the purposes 86473
of the district and for the purposes of the contracting municipal 86474
corporations and townships pursuant to the contract. The income 86475
tax may be levied in the district based on income earned by 86476
persons working or residing within the district and based on the 86477
net profits of businesses located in the district. The income tax 86478
shall follow the provisions of Chapter 718. of the Revised Code, 86479
except that a vote shall be required by the electors residing in 86480
the district to approve the rate of income tax. If no electors 86481
reside within the district, then division (F)(4) of this section 86482
applies. The rate of the income tax shall be no higher than the 86483
highest rate being levied by a municipal corporation that is a 86484

party to the contract. 86485

(1) Within one hundred eighty days after the first meeting of 86486
the board of directors, the board may levy an income tax, provided 86487
that the rate of the income tax is first submitted to and approved 86488
by the electors of the district at the ~~succeeding regular~~ next 86489
general election or special election held on a day on which a 86490
primary election, or a special election called by the board may be 86491
held, occurring subsequent to ninety days after a certified copy 86492
of the resolution levying the income tax and calling for the 86493
election is filed with the board of elections. If the voters 86494
approve the levy of the income tax, the income tax shall be in 86495
force for the full period of the contract establishing the 86496
district. Any increase in the rate of an income tax that was first 86497
levied within one hundred eighty days after the first meeting of 86498
the board of directors shall be approved by a vote of the electors 86499
of the district, shall be in force for the remaining period of the 86500
contract establishing the district, and shall not be subject to 86501
division (F)(2) of this section. 86502

(2) Any resolution of the board of directors levying an 86503
income tax that is adopted subsequent to one hundred eighty days 86504
after the first meeting of the board of directors shall be subject 86505
to a referendum as provided in division (F)(2) of this section. 86506
Any resolution of the board of directors levying an income tax 86507
that is adopted subsequent to one hundred eighty days after the 86508
first meeting of the board of directors shall be subject to an 86509
initiative proceeding to amend or repeal the resolution levying 86510
the income tax as provided in division (F)(2) of this section. 86511
When a referendum petition, signed by ten per cent of the number 86512
of electors in the district who voted for the office of governor 86513
at the most recent general election for the office of governor, is 86514
filed with the county auditor of each county within which a party 86515
to the contract is located within thirty days after the resolution 86516

is adopted by the board or when an initiative petition, signed by 86517
ten per cent of the number of electors in the district who voted 86518
for the office of governor at the most recent general election for 86519
the office of governor, is filed with the county auditor of each 86520
such county ordering that a resolution to amend or repeal a prior 86521
resolution levying an income tax be submitted to the electors 86522
within the district for their approval or rejection, the county 86523
auditor of each such county, after ten days and not later than 86524
four p.m. of the ninetieth day before the election, shall certify 86525
the text of the resolution to the board of elections of that 86526
county. The county auditor of each such county shall retain the 86527
petition. The board of elections shall submit the resolution to 86528
such electors, for their approval or rejection, at the next 86529
general, election or special election held on a day on which a 86530
primary, or special election may be held, occurring subsequent to 86531
ninety days after the certifying of such petition to the board of 86532
elections. 86533

(3) Whenever a district is located in the territory of more 86534
than one contracting party, a majority vote of the electors, if 86535
any, in each of the several portions of the territory of the 86536
contracting parties constituting the district approving the levy 86537
of the tax is required before it may be imposed pursuant to this 86538
division. 86539

(4) If there are no electors residing in the district, no 86540
election for the approval or rejection of an income tax shall be 86541
held pursuant to this section, provided that where no electors 86542
reside in the district, the maximum rate of the income tax that 86543
may be levied shall not exceed one per cent. 86544

(5) The board of directors of a district levying an income 86545
tax shall enter into an agreement with one of the municipal 86546
corporations that is a party to the contract to administer, 86547
collect, and enforce the income tax on behalf of the district. The 86548

resolution levying the income tax shall provide the same credits, 86549
if any, to residents of the district for income taxes paid to 86550
other such districts or municipal corporations where the residents 86551
work, as credits provided to residents of the municipal 86552
corporation administering the income tax. 86553

(6)(a) The board shall publish or post public notice within 86554
the district of any resolution adopted levying an income tax in 86555
the same manner required of municipal corporations under sections 86556
731.21 and 731.25 of the Revised Code. 86557

(b) Except as otherwise specified by this division, any 86558
referendum or initiative proceeding within a district shall be 86559
conducted in the same manner as is required for such proceedings 86560
within a municipal corporation pursuant to sections 731.28 to 86561
731.40 of the Revised Code. 86562

(G) Membership on the board of directors does not constitute 86563
the holding of a public office or employment within the meaning of 86564
any section of the Revised Code or any charter provision 86565
prohibiting the holding of other public office or employment, and 86566
shall not constitute an interest, either direct or indirect, in a 86567
contract or expenditure of money by any municipal corporation, 86568
township, county, or other political subdivision with which the 86569
member may be connected. No member of a board of directors shall 86570
be disqualified from holding any public office or employment, nor 86571
shall such member forfeit or be disqualified from holding any such 86572
office or employment, by reason of the member's membership on the 86573
board of directors, notwithstanding any law or charter provision 86574
to the contrary. 86575

(H) The powers and authorizations granted pursuant to this 86576
section or section 715.71 of the Revised Code are in addition to 86577
and not in derogation of all other powers granted to municipal 86578
corporations and townships pursuant to law. When exercising a 86579
power or performing a function or duty under a contract authorized 86580

pursuant to this section or section 715.71 of the Revised Code, a 86581
municipal corporation may exercise all of the powers of a 86582
municipal corporation, and may perform all the functions and 86583
duties of a municipal corporation, within the district, pursuant 86584
to and to the extent consistent with the contract. When exercising 86585
a power or performing a function or duty under a contract 86586
authorized pursuant to this section or section 715.71 of the 86587
Revised Code, a township may exercise all of the powers of a 86588
township, and may perform all the functions and duties of a 86589
township, within the district, pursuant to and to the extent 86590
consistent with the contract. The district board of directors has 86591
no powers except those specifically set forth in the contract as 86592
agreed to by the participating parties. No political subdivision 86593
shall authorize or grant any tax exemption pursuant to Chapter 86594
1728. or section 3735.67, 5709.62, 5709.63, or 5709.632 of the 86595
Revised Code on any property located within the district without 86596
the consent of the contracting parties. The prohibition for any 86597
tax exemption pursuant to this division shall not apply to any 86598
exemption filed, pending, or approved, or for which an agreement 86599
has been entered into, before the effective date of the contract 86600
entered into by the parties. 86601

(I) Municipal corporations and townships may enter into 86602
binding agreements pursuant to a contract authorized under this 86603
section or section 715.71 of the Revised Code with respect to the 86604
substance and administration of zoning and other land use 86605
regulations, building codes, public permanent improvements, and 86606
other regulatory and proprietary matters that are determined, 86607
pursuant to the contract, to be for a public purpose and to be 86608
desirable with respect to the operation of the district or to 86609
facilitate new or expanded economic development in the state or 86610
the district, provided that no contract shall exempt the territory 86611
within the district from the procedures and processes of land use 86612
regulation applicable pursuant to municipal corporation, township, 86613

and county regulations, including but not limited to procedures 86614
and processes concerning zoning. 86615

(J) A contract creating a joint economic development district 86616
under this section or section 715.71 of the Revised Code may 86617
designate property as a community entertainment district or may be 86618
amended to designate property as a community entertainment 86619
district as prescribed in division (D) of section 4301.80 of the 86620
Revised Code. A joint economic development district contract or 86621
amendment designating a community entertainment district shall 86622
include all information and documentation described in divisions 86623
(B)(1) through (6) of section 4301.80 of the Revised Code. The 86624
public notice required under division (D)(2) of this section and 86625
division (C) of section 715.71 of the Revised Code shall specify 86626
that the contract designates a community entertainment district 86627
and describe the location of that district. Except as provided in 86628
division (F) of section 4301.80 of the Revised Code, an area 86629
designated as a community entertainment district under a joint 86630
economic development district contract shall not lose its 86631
designation even if the contract is canceled or terminated. 86632

(K) A contract entered into pursuant to this section or 86633
section 715.71 of the Revised Code may be amended and it may be 86634
renewed, canceled, or terminated as provided in or pursuant to the 86635
contract. The contract may be amended to add property owned by one 86636
of the contracting parties to the district, or may be amended to 86637
delete property from the district whether or not one of the 86638
contracting parties owns the deleted property. The contract shall 86639
continue in existence throughout its term and shall be binding on 86640
the contracting parties and on any entities succeeding to such 86641
parties, whether by annexation, merger, or otherwise. The income 86642
tax levied by the board pursuant to this section or section 715.71 86643
of the Revised Code shall apply in the entire district throughout 86644
the term of the contract, notwithstanding that all or a portion of 86645

the district becomes subject to annexation, merger, or 86646
incorporation. No township or municipal corporation is divested of 86647
its rights or obligations under the contract because of 86648
annexation, merger, or succession of interests. 86649

(L) After the creation of a joint economic development 86650
district described in division (A)(2) of this section, a municipal 86651
corporation that is a contracting party may cease to own property 86652
included in the district, but such property shall continue to be 86653
included in the district and subject to the terms of the contract. 86654

Sec. 715.71. (A) This section provides alternative procedures 86655
and requirements to those set forth in section 715.70 of the 86656
Revised Code for creating and operating a joint economic 86657
development district. Divisions (B), (C), (D)(1) to (3), and (F) 86658
of section 715.70 of the Revised Code do not apply to a joint 86659
economic development district established under this section. 86660
However, divisions (A), (D)(4), (E), (G), (H), (I), (J), (K), and 86661
(L) of section 715.70 of the Revised Code do apply to a district 86662
established under this section. 86663

(B) One or more municipal corporations and one or more 86664
townships may enter into a contract approved by the legislative 86665
authority of each contracting party pursuant to which they create 86666
as a joint economic development district one or more areas for the 86667
purpose of facilitating economic development to create or preserve 86668
jobs and employment opportunities and to improve the economic 86669
welfare of the people in this state and in the area of the 86670
contracting parties. The district created shall be located within 86671
the territory of one or more of the contracting parties and may 86672
consist of all or a portion of that territory. The boundaries of 86673
the district shall be described in the contract or in an addendum 86674
to the contract. The area or areas of land to be included in the 86675
district shall not include any parcel of land owned in fee by or 86676

leased to a municipal corporation or township, unless the 86677
municipal corporation or township is a party to the contract or 86678
has given its consent to have its parcel of land included in the 86679
district by the adoption of a resolution. As used in this 86680
division, "parcel of land" has the same meaning as in division (B) 86681
of section 715.70 of the Revised Code. 86682

(C) Before the legislative authority of a municipal 86683
corporation or a board of township trustees adopts an ordinance or 86684
resolution approving a contract to create a joint economic 86685
development district under this section, it shall hold a public 86686
hearing concerning the joint economic development district 86687
contract and shall provide thirty days' public notice of the time 86688
and place of the public hearing in a newspaper of general 86689
circulation in the municipal corporation and the township. Each 86690
municipal corporation and township that is a party to the contract 86691
shall hold a public hearing. During the thirty-day period prior to 86692
a public hearing, a copy of the text of the contract together with 86693
copies of district maps and plans related to or part of the 86694
contract shall be on file, for public examination, in the offices 86695
of the clerk of the legislative authority of the municipal 86696
corporation and of the township fiscal officer. The public 86697
hearings provided for in this division shall allow for public 86698
comment and recommendations on the proposed contract. The 86699
participating parties may include in the contract any of those 86700
recommendations prior to approval of the contract. 86701

(D) After the legislative authority of a municipal 86702
corporation and the board of township trustees have adopted an 86703
ordinance and resolution approving a contract to create a joint 86704
economic development district, the municipal corporation and the 86705
township jointly shall file with the legislative authority of each 86706
county within which a party to the contract is located all of the 86707
following: 86708

(1) A signed copy of the contract, together with copies of district maps and plans related to or part of the contract; 86709
86710

(2) Certified copies of the ordinances and resolutions of the contracting parties relating to the district and the contract; 86711
86712

(3) A certificate of each of the contracting parties that the public hearings provided for in division (C) of this section have been held, the date of the hearings, and evidence of publication of the notice of the hearings. 86713
86714
86715
86716

(E) Within thirty days after the filing under division (D) of this section, the legislative authority of each county within which a party to the contract is located shall adopt a resolution acknowledging the receipt of the required documents, approving the creation of the joint economic development district, and directing that the resolution of the board of township trustees approving the contract be submitted to the electors of the township for approval at the next succeeding general, election or special election held on a day on which a primary, or special election may be held. The legislative authority of the county shall file with the board of elections at least ninety days before the day of the election a copy of the resolution of the board of township trustees approving the contract. The resolution of the legislative authority of the county also shall specify the date the election is to be held and shall direct the board of elections to conduct the election in the township. If the resolution of the legislative authority of the county is not adopted within the thirty-day period after the filing under division (D) of this section, the joint economic development district shall be deemed approved by the county legislative authority, and the board of township trustees shall file its resolution with the board of elections for submission to the electors of the township for approval at the next succeeding general, primary, election or special election held on the day on which a primary election may be held. The 86717
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filing shall occur at least ninety days before the specified date 86741
the election is to be held and shall direct the board of elections 86742
to conduct the election in the township. 86743

The ballot shall be in the following form: 86744

"Shall the resolution of the board of township trustees 86745
approving the contract with (here insert name of 86746
each municipal corporation and other township that is a party to 86747
the contract) for the creation of a joint economic development 86748
district be approved? 86749

	FOR THE RESOLUTION AND CONTRACT
	AGAINST THE RESOLUTION AND CONTRACT

"

If a majority of the electors of the township voting on the issue 86754
vote for the resolution and contract, the resolution shall become 86755
effective immediately and the contract shall go into effect 86756
immediately or in accordance with its terms. 86757

(F) The contract creating the district shall set forth or 86758
provide for the amount or nature of the contribution of each 86759
municipal corporation and township to the development and 86760
operation of the district and may provide for the sharing of the 86761
costs of the operation of and improvements for the district. The 86762
contributions may be in any form to which the contracting 86763
municipal corporations and townships agree and may include but are 86764
not limited to the provision of services, money, real or personal 86765
property, facilities, or equipment. The contract may provide for 86766
the contracting parties to share revenue from taxes levied on 86767
property by one or more of the contracting parties if those 86768
revenues may lawfully be applied to that purpose under the 86769
legislation by which those taxes are levied. The contract shall 86770
provide for new, expanded, or additional services, facilities, or 86771

improvements, including expanded or additional capacity for or 86772
other enhancement of existing services, facilities, or 86773
improvements, provided that the existing services, facilities, or 86774
improvements, or the expanded or additional capacity for or 86775
enhancement of the existing services, facilities, or improvements, 86776
have been provided within the two-year period prior to the 86777
execution of the contract. 86778

(G) The contract shall enumerate the specific powers, duties, 86779
and functions of the board of directors of the district and shall 86780
provide for the determination of procedures that are to govern the 86781
board of directors. The contract may grant to the board the power 86782
to adopt a resolution to levy an income tax within the district. 86783
The income tax shall be used for the purposes of the district and 86784
for the purposes of the contracting municipal corporations and 86785
townships pursuant to the contract. The income tax may be levied 86786
in the district based on income earned by persons working or 86787
residing within the district and based on the net profits of 86788
businesses located in the district. The income tax of the district 86789
shall follow the provisions of Chapter 718. of the Revised Code, 86790
except that no vote shall be required by the electors residing in 86791
the district. The rate of the income tax shall be no higher than 86792
the highest rate being levied by a municipal corporation that is a 86793
party to the contract. 86794

The board of directors of a district levying an income tax 86795
shall enter into an agreement with one of the municipal 86796
corporations that is a party to the contract to administer, 86797
collect, and enforce the income tax on behalf of the district. The 86798
resolution levying the income tax shall provide the same credits, 86799
if any, to residents of the district for income taxes paid to 86800
other districts or municipal corporations where the residents 86801
work, as credits provided to residents of the municipal 86802
corporation administering the income tax. 86803

(H) No annexation proceeding pursuant to Chapter 709. of the Revised Code that proposes the annexation to or merger or consolidation with a municipal corporation, except a municipal corporation that is a party to the contract, of any unincorporated territory within the district shall be commenced for a period of three years after the contract is filed with the legislative authority of each county within which a party to the contract is located in accordance with division (D) of this section unless each board of township trustees whose territory is included, in whole or part, within the district and the territory proposed to be annexed, merged, or consolidated adopts a resolution consenting to the commencement of the proceeding and a copy of the resolution is filed with the legislative authority of each such county or unless the contract is terminated during this three-year period. The contract entered into between the municipal corporations and townships pursuant to this section may provide for the prohibition of any annexation by the participating municipal corporations of any unincorporated territory within the district.

Sec. 715.72. (A) As used in this section: 86822

(1) "Contracting parties" means one or more municipal corporations, one or more townships, and, under division (D) of this section, one or more counties that have entered into a contract under this section to create a joint economic development district. 86823
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(2) "District" means a joint economic development district created under this section. 86828
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(3) "Contract for utility services" means a contract under which a municipal corporation agrees to provide to a township or another municipal corporation water, sewer, electric, or other utility services necessary to the public health, safety, and welfare. 86830
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(4) "Business" means a sole proprietorship, a corporation for profit, a pass-through entity as defined in section 5733.04 of the Revised Code, the federal government, the state, the state's political subdivisions, a nonprofit organization, or a school district.

(5) "Owner" means a partner of a partnership, a member of a limited liability company, a majority shareholder of an S corporation, a person with a majority ownership interest in a pass-through entity, or any officer, employee, or agent with authority to make decisions legally binding upon a business.

(6) "Record owner" means the person or persons in whose name a parcel is listed on the tax list or exempt list compiled by the county auditor under section 319.28 or 5713.08 of the Revised Code.

(7) A business "operates within" a district if the net profits of the business or the income of employees of the business would be subject to an income tax levied within the district.

(8) An employee is "employed within" a district if any portion of the employee's income would be subject to an income tax levied within the district.

(9) "Mixed-use development" means a real estate project that tends to mitigate traffic and sprawl by integrating some combination of retail, office, residential, hotel, recreation, and other functions in a pedestrian-oriented environment that maximizes the use of available space by allowing members of the community to live, work, and play in one architecturally expressive area with multiple amenities.

(B) This section provides alternative procedures and requirements to those set forth in sections 715.70 and 715.71 of the Revised Code for creating and operating a joint economic development district. This section applies to municipal

corporations and townships that are located in the same county or 86866
in adjacent counties. 86867

(C) One or more municipal corporations, one or more 86868
townships, and, under division (D) of this section, one or more 86869
counties may enter into a contract pursuant to which they 86870
designate one or more areas as a joint economic development 86871
district for the purpose of facilitating economic development and 86872
redevelopment, to create or preserve jobs and employment 86873
opportunities, and to improve the economic welfare of the people 86874
in this state and in the area of the contracting parties. 86875

(1) Except as otherwise provided in division (C)(2) of this 86876
section, the territory of each of the contracting parties shall be 86877
contiguous to the territory of at least one other contracting 86878
party, or contiguous to the territory of a township, municipal 86879
corporation, or county that is contiguous to another contracting 86880
party, even if the intervening township or municipal corporation 86881
is not a contracting party. 86882

(2) Contracting parties that have entered into a contract 86883
under section 715.70 or 715.71 of the Revised Code creating a 86884
joint economic development district prior to November 15, 1995, 86885
may enter into a contract under this section even if the territory 86886
of each of the contracting parties is not contiguous to the 86887
territory of at least one other contracting party, or contiguous 86888
to the territory of a township or municipal corporation that is 86889
contiguous to another contracting party as otherwise required 86890
under division (C)(1) of this section. The contract and district 86891
shall meet the requirements of this section. 86892

(D) If, on or after December 30, 2008, but on or before June 86893
30, 2009, one or more municipal corporations and one or more 86894
townships enter into a contract or amend an existing contract 86895
under this section, one or more counties in which all of those 86896
municipal corporations or townships are located also may enter 86897

into the contract as a contracting party or parties. 86898

(E)(1) The area or areas to be included in a joint economic 86899
development district shall meet all of the following criteria: 86900

(a) The area or areas shall be located within the territory 86901
of one or more of the contracting parties and may consist of all 86902
of the territory of any or all of the contracting parties. 86903

(b) No electors, except those residing in a mixed-use 86904
development, shall reside within the area or areas on the 86905
effective date of the contract creating the district. 86906

(c) The area or areas shall not include any parcel of land 86907
owned in fee by or leased to a municipal corporation or township, 86908
unless the municipal corporation or township is a contracting 86909
party or has given its consent to have the parcel of land included 86910
in the district by the adoption of an ordinance or resolution. 86911

(2) The contracting parties may designate excluded parcels 86912
within the boundaries of the joint economic development district. 86913
Excluded parcels are not part of the district and persons employed 86914
or residing on such parcels shall not be subject to any income tax 86915
imposed within the district under division (F)(5) of this section. 86916

(F)(1) The contract creating a joint economic development 86917
district shall provide for the amount or nature of the 86918
contribution of each contracting party to the development and 86919
operation of the district and may provide for the sharing of the 86920
costs of the operation of and improvements for the district. The 86921
contributions may be in any form to which the contracting parties 86922
agree and may include, but are not limited to, the provision of 86923
services, money, real or personal property, facilities, or 86924
equipment. 86925

(2) The contract may provide for the contracting parties to 86926
share revenue from taxes levied by one or more of the contracting 86927
parties if those revenues may lawfully be applied to that purpose 86928

under the legislation by which those taxes are levied. 86929

(3) The contract shall include an economic development plan 86930
for the district that consists of a schedule for the provision of 86931
new, expanded, or additional services, facilities, or 86932
improvements. The contract may provide for expanded or additional 86933
capacity for or other enhancement of existing services, 86934
facilities, or improvements. 86935

(4) The contract shall enumerate the specific powers, duties, 86936
and functions of the board of directors of the district described 86937
under division (P) of this section and shall designate procedures 86938
consistent with that division for appointing members to the board. 86939
The contract shall enumerate rules to govern the board in carrying 86940
out its business under this section. 86941

(5)(a) The contract may grant to the board the power to adopt 86942
a resolution to levy an income tax within the entire district or 86943
within portions of the district designated by the contract. The 86944
income tax shall be used to carry out the economic development 86945
plan for the district or the portion of the district in which the 86946
tax is levied and for any other lawful purpose of the contracting 86947
parties pursuant to the contract, including the provision of 86948
utility services by one or more of the contracting parties. 86949

(b) An income tax levied under this section shall be based on 86950
both the income earned by persons employed or residing within the 86951
district and the net profit of businesses operating within the 86952
district. 86953

Except as provided in this section, the income tax levied 86954
within the district is subject to Chapter 718. of the Revised 86955
Code, except that no vote shall be required. The rate of the 86956
income tax shall be no higher than the highest rate being levied 86957
by a municipal corporation that is a contracting party. 86958

(c) If the board adopts a resolution to levy an income tax, 86959

it shall enter into an agreement with a municipal corporation that 86960
is a contracting party to administer, collect, and enforce the 86961
income tax on behalf of the district. 86962

(d) A resolution levying an income tax under this section 86963
shall require the contracting parties to annually set aside a 86964
percentage, to be stated in the resolution, of the amount of the 86965
income tax collected for the long-term maintenance of the 86966
district. 86967

(e) An income tax levied under this section shall apply in 86968
the district or the portion of the district in which the contract 86969
authorizes an income tax throughout the term of the contract 86970
creating the district. The tax shall not apply to any persons 86971
employed or residing on a parcel excluded from the district under 86972
division (E)(2) of this section. 86973

(6) If there is unincorporated territory in the district, the 86974
contract shall specify that restrictions on annexation proceedings 86975
under division (R) of this section apply to such unincorporated 86976
territory. The contract may prohibit proceedings under Chapter 86977
709. of the Revised Code proposing the annexation to, merger of, 86978
or consolidation with a municipal corporation that is a 86979
contracting party of any unincorporated territory within a 86980
township that is a contracting party during the term of the 86981
contract regardless of whether that territory is located within 86982
the district. 86983

(7) The contract may designate property as a community 86984
entertainment district, or may be amended to designate property as 86985
a community entertainment district, as prescribed in division (D) 86986
of section 4301.80 of the Revised Code. A contract or amendment 86987
designating a community entertainment district shall include all 86988
information and documentation described in divisions (B)(1) to (6) 86989
of section 4301.80 of the Revised Code. The public notice required 86990
under division (I) of this section shall specify that the contract 86991

designates a community entertainment district and describe the 86992
location of that district. Except as provided in division (F) of 86993
section 4301.80 of the Revised Code, an area designated as a 86994
community entertainment district under a joint economic 86995
development district contract shall not lose its designation even 86996
if the contract is canceled or terminated. 86997

(G) The contract creating a joint economic development 86998
district shall continue in existence throughout its term and shall 86999
be binding on the contracting parties and on any parties 87000
succeeding to the contracting parties, whether by annexation, 87001
merger, or consolidation. Except as provided in division (H) of 87002
this section, the contract may be amended, renewed, or terminated 87003
with the approval of the contracting parties or any parties 87004
succeeding to the contracting parties. If the contract is amended 87005
to add or remove an area to or from an existing district, the 87006
amendment shall be adopted in the manner prescribed under division 87007
(L) of this section. 87008

(H) If two or more contracting parties previously have 87009
entered into a separate contract for utility services, then 87010
amendment, renewal, or termination of the separate contract for 87011
utility services shall not constitute any part of the 87012
consideration for the contract creating a joint economic 87013
development district. A contract creating a joint economic 87014
development district shall be rebuttably presumed to violate this 87015
division if it is entered into within two years prior or five 87016
years subsequent to the amendment, renewal, or termination of a 87017
separate contract for utility services that two or more 87018
contracting parties previously have entered into. The presumption 87019
stated in this division may be rebutted by clear and convincing 87020
evidence of both of the following: 87021

(1) That other substantial consideration existed to support 87022
the contract creating a joint economic development district; 87023

(2) That the contracting parties entered into the contract 87024
creating a joint economic development district freely and without 87025
duress or coercion related to the amendment, renewal, or 87026
termination of the separate contract for utility services. 87027

A contract creating a joint economic development district 87028
that violates this division is void and unenforceable. 87029

(I)(1) Before the legislative authority of any of the 87030
contracting parties adopts an ordinance or resolution approving a 87031
contract to create a district, the legislative authority of each 87032
of the contracting parties shall hold a public hearing concerning 87033
the contract and district. Each legislative authority shall 87034
provide at least thirty days' public notice of the time and place 87035
of the public hearing in a newspaper of general circulation in the 87036
municipal corporation, township, or county, as applicable. During 87037
the thirty-day period prior to the public hearing and until the 87038
date that an ordinance or resolution is adopted under division (K) 87039
of this section to approve the joint economic development district 87040
contract, all of the following documents shall be available for 87041
public inspection in the office of the clerk of the legislative 87042
authority of a municipal corporation and county that is a 87043
contracting party and in the office of the fiscal officer of a 87044
township that is a contracting party: 87045

(a) A copy of the contract creating the district, including 87046
the economic development plan for the district and the schedule 87047
for the provision of new, expanded, or additional services, 87048
facilities, or improvements described in division (F)(3) of this 87049
section; 87050

(b) A description of the area or areas to be included in the 87051
district, including a map in sufficient detail to denote the 87052
specific boundaries of the area or areas and to indicate any 87053
zoning restrictions applicable to the area or areas, and the 87054
parcel number, provided for under section 319.28 of the Revised 87055

Code, of any parcel located within the boundaries of the joint 87056
economic development district and excluded from the district under 87057
division (E)(2) of this section; 87058

(c) If the contract authorizes the board of directors of the 87059
district to adopt a resolution to levy an income tax within the 87060
district or within portions of the district, a schedule for the 87061
collection of the tax. 87062

(2) A public hearing held under this division shall allow for 87063
public comment and recommendations on the contract and district. 87064
The contracting parties may include in the contract any of those 87065
recommendations prior to approval of the contract. 87066

(J) Before any of the contracting parties approves a contract 87067
under division (K) of this section, the contracting parties shall 87068
circulate one or more petitions to record owners of real property 87069
located within the proposed joint economic development district 87070
and owners of businesses operating within the proposed district. 87071
The petitions shall state that all of the documents described in 87072
divisions (I)(1)(a) to (c) of this section are available for 87073
public inspection in the office of the clerk of the legislative 87074
authority of each municipal corporation and county that is a 87075
contracting party or the office of the fiscal officer of each 87076
township that is a contracting party. The petitions shall clearly 87077
indicate that, by signing the petition, the record owner or owner 87078
consents to the proposed joint economic development district. 87079

A contracting party may send written notice of the petitions 87080
by certified mail with return receipt requested to the last known 87081
mailing addresses of any or all of the record owners of real 87082
property located within the proposed district or the owners of 87083
businesses operating within the proposed district. The contracting 87084
parties shall equally share the costs of complying with this 87085
division. 87086

(K)(1) After the public hearings required under division (I) 87087
of this section have been held and the petitions described in 87088
division (J) of this section have been signed by the majority of 87089
the record owners of real property located within the proposed 87090
joint economic development district and by a majority of the 87091
owners of businesses, if any, operating within the proposed 87092
district, each contracting party may adopt an ordinance or 87093
resolution approving the contract to create a joint economic 87094
development district. Not later than ten days after all of the 87095
contracting parties have adopted ordinances or resolutions 87096
approving the district contract, each contracting party shall give 87097
notice of the proposed district to all of the following: 87098

(a) Each record owner of real property to be included in the 87099
district and in the territory of that contracting party who did 87100
not sign the petitions described in division (J) of this section; 87101

(b) An owner of each business operating within the district 87102
and in the territory of that contracting party no owner of which 87103
signed the petitions described in division (J) of this section. 87104

(2) Such notices shall be given by certified mail and shall 87105
specify that the property or business is located within an area to 87106
be included in the district and that all of the documents 87107
described in divisions (I)(1)(a) to (c) of this section are 87108
available for public inspection in the office of the clerk of the 87109
legislative authority of each municipal corporation and county 87110
that is a contracting party or the office of the fiscal officer of 87111
each township that is a contracting party. The contracting parties 87112
shall equally share the costs of complying with division (K) of 87113
this section. 87114

(L)(1) The contracting parties may amend the joint economic 87115
development district contract to add any area that was not 87116
originally included in the district if the area satisfies the 87117
criteria prescribed under division (E) of this section. The 87118

contracting parties may also amend the district contract to remove 87119
any area originally included in the district or exclude one or 87120
more parcels located within the district pursuant to division 87121
(E)(2) of this section. 87122

(2) An amendment adding an area to a district, removing an 87123
area from the district, or excluding one or more parcels from the 87124
district may be approved only by a resolution or ordinance adopted 87125
by each of the contracting parties. The contracting parties shall 87126
conduct public hearings on the amendment and provide notice in the 87127
manner required under division (I) of this section for original 87128
contracts. The contracting parties shall make available for public 87129
inspection a copy of the amendment, a description of the area to 87130
be added, removed, or excluded to or from the district, and a map 87131
of that area in sufficient detail to denote the specific 87132
boundaries of the area and to indicate any zoning restrictions 87133
applicable to the area. 87134

(3) Before adopting a resolution or ordinance approving the 87135
addition of an area to the district, the contracting parties shall 87136
circulate petitions to the record owners of real property located 87137
within the proposed addition to the district and owners of 87138
businesses operating within the proposed addition to the district 87139
in the same manner required under division (J) of this section for 87140
original contracts. The contracting parties may notify such record 87141
owners of real property and owners of businesses that the 87142
petitions are available for signing in the same manner provided by 87143
that division. The contracting parties shall equally share the 87144
costs of complying with this division. 87145

(4) The contracting parties to a joint economic development 87146
district may vote to approve an amendment to the district contract 87147
under this division after the public hearings required under 87148
division (L)(2) of this section are completed and, if the 87149
amendment adds an area or areas to the district, the petitions 87150

required under division (L)(3) of this section have been signed by 87151
the majority of record owners of real property located within the 87152
area or areas added to the district and by a majority of the 87153
owners of businesses, if any, operating within the proposed 87154
addition to the district. 87155

(5) Not later than ten days after all of the contracting 87156
parties have adopted ordinances or resolutions approving an 87157
amendment adding one or more areas to the district, each 87158
contracting party shall give notice of the addition to all of the 87159
following: 87160

(a) Each record owner of real property to be included in the 87161
addition to the district and in the territory of that contracting 87162
party who did not sign the petitions described in division (L)(3) 87163
of this section; 87164

(b) An owner of each business operating within the addition 87165
to the district and in the territory of that contracting party no 87166
owner of which signed the petitions described in division (L)(3) 87167
of this section. 87168

The contracting parties shall equally share the costs of 87169
complying with division (L)(5) of this section. 87170

(M)(1) A board of township trustees that is a party to a 87171
contract creating a joint economic development district may choose 87172
not to submit its resolution approving the contract to the 87173
electors of the township if all of the following conditions are 87174
satisfied: 87175

(a) The resolution has been approved by a unanimous vote of 87176
the members of the board of township trustees or, if a county is 87177
one of the contracting parties under division (D) of this section, 87178
the resolution has been approved by a majority vote of the members 87179
of the board of township trustees; 87180

(b) The contracting parties have circulated petitions as 87181

required under division (J) of this section and obtained the 87182
signatures required under division (L) of this section; 87183

(c) The territory to be included in the proposed district is 87184
zoned in a manner appropriate to the function of the district. 87185

(2) If the board of township trustees has not invoked its 87186
authority under division (M)(1) of this section, the board, at 87187
least ninety days before the date of the election, shall file its 87188
resolution approving the district contract with the board of 87189
elections for submission to the electors of the township for 87190
approval at the next succeeding general, election or special 87191
election held on a day on which a primary, ~~or special~~ election may 87192
be held. 87193

(3) Any contract creating a district in which a board of 87194
township trustees is a party shall provide that the contract is 87195
not effective before the thirty-first day after its approval, 87196
including approval by the electors of the township if required by 87197
this section. 87198

(4) If the board of township trustees invokes its authority 87199
under division (M)(1) of this section and does not submit the 87200
district contract to the electors for approval, the resolution of 87201
the board of township trustees approving the contract is subject 87202
to a referendum of the electors of the township when requested 87203
through a petition. When signed by ten per cent of the number of 87204
electors in the township who voted for the office of governor at 87205
the most recent general election, a referendum petition asking 87206
that the resolution be submitted to the electors of the township 87207
may be presented to the board of township trustees. Such a 87208
petition shall be presented within thirty days after the board of 87209
township trustees adopts the resolution approving the district 87210
contract. The board of township trustees shall, not later than 87211
four p.m. of the tenth day after receipt of the petition, certify 87212
the text of the resolution to the board of elections. The board of 87213

elections shall submit the resolution to the electors of the township for their approval or rejection at the next general, election or special election held on a day on which a primary, or special election may be held, occurring at least ninety days after certification of the resolution.

(N) The ballot respecting a resolution to create a district or a referendum of such a resolution shall be in the following form:

"Shall the resolution of the board of township trustees approving the contract with (here insert name of every other contracting party) for the creation of a joint economic development district be approved?

FOR THE RESOLUTION AND CONTRACT

AGAINST THE RESOLUTION AND CONTRACT"

If a majority of the electors of the township voting on the issue vote for the resolution and contract, the resolution shall become effective immediately and the contract shall go into effect on the thirty-first day after the election or thereafter in accordance with terms of the contract.

(O) Upon the creation of a district under this section, one of the contracting parties shall file a copy of each of the following documents with the director of development services:

(1) All of the documents described in divisions (I)(1)(a) to (c) of this section;

(2) Certified copies of the ordinances and resolutions of the contracting parties relating to the contract and district;

(3) Documentation from each contracting party that the public hearings required by division (I) of this section have been held, the date of the hearings, and evidence that notice of the hearings was published as required by that division;

(4) A copy of the signed petitions required under divisions (J) and (K) of this section. 87244
87245

(P) A board of directors shall govern each district created under this section. 87246
87247

(1) If there are businesses operating and persons employed within the district, the board shall be composed of the following members: 87248
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(a) One member representing the municipal corporations that are contracting parties; 87251
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(b) One member representing the townships that are contracting parties; 87253
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(c) One member representing the owners of businesses operating within the district; 87255
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(d) One member representing the persons employed within the district; 87257
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(e) One member representing the counties that are contracting parties, or, if no contracting party is a county, one member selected by the members described in divisions (P)(1)(a) to (d) of this section. 87259
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The members of the board shall be appointed as provided in the district contract. Of the members initially appointed to the board, the member described in division (P)(1)(a) of this section shall serve a term of one year; the member described in division (P)(1)(b) of this section shall serve a term of two years; the member described in division (P)(1)(c) of this section shall serve a term of three years; and the members described in divisions (P)(1)(d) and (e) of this section shall serve terms of four years. Thereafter, terms for each member shall be for four years, each term ending on the same day of the same month of the year as did the term that it succeeds. A member may be reappointed to the 87263
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board, but no member shall serve more than two consecutive terms 87274
on the board. 87275

The member described in division (P)(1)(e) of this section 87276
shall serve as chairperson of the board described under division 87277
(P)(1) of this section. 87278

(2) If there are no businesses operating or persons employed 87279
within the district, the board shall be composed of the following 87280
members: 87281

(a) One member representing the municipal corporations that 87282
are contracting parties; 87283

(b) One member representing the townships that are 87284
contracting parties; 87285

(c) One member representing the counties that are contracting 87286
parties, or if no contracting party is a county, one member 87287
selected by the members described in divisions (P)(2)(a) and (b) 87288
of this section. 87289

The members of the board shall be appointed as provided in 87290
the district contract. Of the members initially appointed to the 87291
board, the member described in division (P)(2)(a) of this section 87292
shall serve a term of one year; the member described in division 87293
(P)(2)(b) of this section shall serve a term of two years; and the 87294
member described in division (P)(2)(c) of this section shall serve 87295
a term of three years. Thereafter, terms for each member shall be 87296
for four years, each term ending on the same day of the same month 87297
of the year as did the term that it succeeds. A member may be 87298
reappointed to the board, but no member shall serve more than two 87299
consecutive terms on the board. 87300

The member described in division (P)(2)(c) of this section 87301
shall serve as chairperson of a board described under division 87302
(P)(2) of this section. 87303

(3) A board described under division (P)(1) or (2) of this section has no powers except as described in this section and in the contract creating the district.

(4) Membership on the board of directors of a joint economic development district created under this section is not the holding of a public office or employment within the meaning of any section of the Revised Code prohibiting the holding of other public office or employment. Membership on such a board is not a direct or indirect interest in a contract or expenditure of money by a municipal corporation, township, county, or other political subdivision with which a member may be affiliated. Notwithstanding any provision of law to the contrary, no member of a board of directors of a joint economic development district shall forfeit or be disqualified from holding any public office or employment by reason of membership on the board.

(5) The board of directors of a joint economic development district is a public body for the purposes of section 121.22 of the Revised Code. Chapter 2744. of the Revised Code applies to such a board and the district.

(Q)(1) On or before the date occurring six months after the effective date of the district contract, an owner of a business operating within the district may, on behalf of the business and its employees, file a complaint with the court of common pleas of the county in which the majority of the territory of the district is located requesting exemption from any income tax imposed by the board of directors of the district under division (F)(5) of this section if all of the following apply:

(a) The business operated within an unincorporated area of the district before the effective date of the district contract;

(b) No owner of the business signed a petition described in division (J) of this section;

(c) Neither the business nor its employees has derived or 87335
will derive any material benefit from the new, expanded, or 87336
additional services, facilities, or improvements described in the 87337
economic development plan for the district, or the material 87338
benefit that has, or will be, derived is negligible in comparison 87339
to the income tax revenue generated from the net profits of the 87340
business and the income of employees of the business. 87341

The legislative authority of each contracting party shall be 87342
made a party to the proceedings and the business owner filing the 87343
complaint shall serve notice of the complaint by certified mail to 87344
each such contracting party. The court shall not accept any 87345
complaint filed more than six months after the effective date of 87346
the district contract. 87347

(2) Any or all of the contracting parties may submit a 87348
written answer to the complaint submitted under division (Q)(1) of 87349
this section to the court within thirty days after notice of the 87350
complaint was served upon them. Such a contracting party shall 87351
submit to the court, along with the answer, documentation 87352
sufficient to prove that the contracting party sent copies of the 87353
answer to the owner of the business who filed the complaint. 87354

(3) The court shall review each complaint submitted by a 87355
business owner under division (Q)(1) of this section and each 87356
answer submitted by a contracting party under division (Q)(2) of 87357
this section. The court may make a determination on the record and 87358
the evidence thus submitted, or it may conduct a hearing and 87359
request the presence of the business owner and the contracting 87360
parties to present evidence relevant to the complaint. The court 87361
shall make a determination on the complaint not sooner than thirty 87362
days but not later than sixty days after the complaint is filed by 87363
the business owner. The court may make a determination more than 87364
sixty days after the complaint is filed if the business owner and 87365
all contracting parties to the district consent. 87366

(4) The court shall grant the exemption requested in the 87367
complaint if all of the criteria described in divisions (Q)(1)(a) 87368
to (c) of this section are met. 87369

(5) If all the criteria described in divisions (Q)(1)(a) to 87370
(c) of this section are not met, the court shall deny the 87371
complaint and the exemption. 87372

(6) The court shall send notice of the determination with 87373
respect to the complaint to the owner of the business and each 87374
contracting party. If the court grants the exemption, the net 87375
profits of the business from operations within the district and 87376
the income of its employees from employment within the district 87377
are exempt from any income tax imposed by the board of directors 87378
of the district. If the court denies the exemption, the net 87379
profits of the business and the income of its employees shall be 87380
taxed according to the terms of the district contract and any 87381
taxes, penalties, and interest accrued before the date of the 87382
court's determination shall be paid in full. In addition, no owner 87383
of the business may submit another complaint under division (Q)(1) 87384
of this section for the same district contract. The court's 87385
determination on a complaint filed under division (Q) of this 87386
section is final. 87387

(7) Chapter 2506. of the Revised Code does not apply to the 87388
proceedings described in division (Q) of this section. 87389

(R)(1) No proceeding pursuant to Chapter 709. of the Revised 87390
Code that proposes the annexation to, merger of, or consolidation 87391
with a municipal corporation of any unincorporated territory 87392
within a joint economic development district may be commenced at 87393
any time between the effective date of the contract creating the 87394
district and the date the contract expires, terminates, or is 87395
otherwise rendered unenforceable. This division does not apply if 87396
each board of township trustees whose territory is included within 87397
the district and whose territory is proposed to be annexed, 87398

merged, or consolidated adopts a resolution consenting to the 87399
commencement of the proceeding. Each such board of township 87400
trustees shall file a copy of the resolution with the clerk of the 87401
legislative authority of each county within which a contracting 87402
party is located. 87403

(2) The contract creating a joint economic development 87404
district may prohibit any annexation proceeding by a contracting 87405
municipal corporation of any unincorporated territory within the 87406
district or zone beyond the period described in division (R)(1) of 87407
this section. 87408

(3) No contracting party is divested or relieved of its 87409
rights or obligations under the contract creating a joint economic 87410
development district because of annexation, merger, or 87411
consolidation. 87412

(S) Contracting parties may enter into agreements pursuant to 87413
the contract creating a joint economic development district with 87414
respect to the substance and administration of zoning and other 87415
land use regulations, building codes, permanent public 87416
improvements, and other regulatory and proprietary matters 87417
determined to be for a public purpose. No contract, however, shall 87418
exempt the territory within the district from the procedures of 87419
land use regulation applicable pursuant to municipal corporation, 87420
township, and county regulations, including, but not limited to, 87421
zoning procedures. 87422

(T) The powers granted under this section are in addition to 87423
and not in the derogation of all other powers possessed by or 87424
granted to municipal corporations, townships, and counties 87425
pursuant to law. 87426

(1) When exercising a power or performing a function or duty 87427
under a contract entered into under this section, a municipal 87428
corporation may exercise all the powers of a municipal 87429

corporation, and may perform all the functions and duties of a 87430
municipal corporation, within the district, pursuant to and to the 87431
extent consistent with the contract. 87432

(2) When exercising a power or performing a function or duty 87433
under a contract entered into under division (D) of this section, 87434
a county may exercise all of the powers of a county, and may 87435
perform all the functions and duties of a county, within the 87436
district pursuant to and to the extent consistent with the 87437
contract. 87438

(3) When exercising a power or performing a function or duty 87439
under a contract entered into under this section, a township may 87440
exercise all the powers of a township, and may perform all the 87441
functions and duties of a township, within the district, pursuant 87442
to and to the extent consistent with the contract. 87443

(U) No political subdivision shall grant any tax exemption 87444
under Chapter 1728. or section 3735.67, 5709.62, 5709.63, or 87445
5709.632 of the Revised Code on any property located within the 87446
district without the consent of all the contracting parties. The 87447
prohibition against granting a tax exemption under this section 87448
does not apply to any exemption filed, pending, or approved before 87449
the effective date of the contract entered into under this 87450
section. 87451

Sec. 718.04. (A) Notwithstanding division (A) of section 87452
715.013 of the Revised Code, a municipal corporation may levy a 87453
tax on income and a withholding tax if such taxes are levied in 87454
accordance with the provisions and limitations specified in this 87455
chapter. On or after January 1, 2016, the ordinance or resolution 87456
levying such taxes, as adopted or amended by the legislative 87457
authority of the municipal corporation, shall include all of the 87458
following: 87459

(1) A statement that the tax is an annual tax levied on the 87460

income of every person residing in or earning or receiving income 87461
in the municipal corporation and that the tax shall be measured by 87462
municipal taxable income; 87463

(2) A statement that the municipal corporation is levying the 87464
tax in accordance with the limitations specified in this chapter 87465
and that the resolution or ordinance thereby incorporates the 87466
provisions of this chapter; 87467

(3) The rate of the tax; 87468

(4) Whether, and the extent to which, a credit, as described 87469
in division (D) of this section, will be allowed against the tax; 87470

(5) The purpose or purposes of the tax; 87471

(6) Any other provision necessary for the administration of 87472
the tax, provided that the provision does not conflict with any 87473
provision of this chapter. 87474

(B) Any municipal corporation that, on or before March 23, 87475
2015, levies an income tax at a rate in excess of one per cent may 87476
continue to levy the tax at the rate specified in the original 87477
ordinance or resolution, provided that such rate continues in 87478
effect as specified in the original ordinance or resolution. 87479

(C)(1) No municipal corporation shall tax income at other 87480
than a uniform rate. 87481

(2) Except as provided in division (B) of this section, no 87482
municipal corporation shall levy a tax on income at a rate in 87483
excess of one per cent without having obtained the approval of the 87484
excess by a majority of the electors of the municipality voting on 87485
the question at a general, ~~primary,~~ election or a special election 87486
held on a day on which a primary election may be held. The 87487
legislative authority of the municipal corporation shall file with 87488
the board of elections at least ninety days before the day of the 87489
election a copy of the ordinance together with a resolution 87490

specifying the date the election is to be held and directing the board of elections to conduct the election. The ballot shall be in the following form: "Shall the Ordinance providing for a... per cent levy on income for (Brief description of the purpose of the proposed levy) be passed?"

	FOR THE INCOME TAX
	AGAINST THE INCOME TAX

"

In the event of an affirmative vote, the proceeds of the levy may be used only for the specified purpose.

(D) A municipal corporation may, by ordinance or resolution, grant a credit to residents of the municipal corporation for all or a portion of the taxes paid to any municipal corporation, in this state or elsewhere, by the resident or by a pass-through entity owned, directly or indirectly, by a resident, on the resident's distributive or proportionate share of the income of the pass-through entity. A municipal corporation is not required to refund taxes not paid to the municipal corporation.

(E) Except as otherwise provided in this chapter, a municipal corporation that levies an income tax in effect for taxable years beginning before January 1, 2016, may continue to administer and enforce the provisions of such tax for all taxable years beginning before January 1, 2016, provided that the provisions of such tax are consistent with this chapter as it existed prior to March 23, 2015.

(F) Nothing in this chapter authorizes a municipal corporation to levy a tax on income, or to administer or collect such a tax or penalties or interest related to such a tax, contrary to the provisions and limitations specified in this chapter. No municipal corporation shall enforce an ordinance or

resolution that conflicts with the provisions of this chapter. 87522

(G)(1) Division (G) of this section applies to a municipal 87523
corporation that, at the time of entering into a written agreement 87524
under division (G)(2) of this section, shares the same territory 87525
as a city, local, or exempted village school district, to the 87526
extent that not more than thirty per cent of the territory of the 87527
municipal corporation is located outside the school district and a 87528
portion of the territory of the school district that is not 87529
located within the municipal corporation is located within another 87530
municipal corporation having a population of four hundred thousand 87531
or more according to the federal decennial census most recently 87532
completed before the agreement is entered into under division 87533
(G)(2) of this section. 87534

(2) The legislative authority of a municipal corporation to 87535
which division (G) of this section applies may propose to the 87536
electors an income tax, one of the purposes of which shall be to 87537
provide financial assistance to the school district described in 87538
division (G)(1) of this section. Prior to proposing the tax, the 87539
legislative authority shall negotiate and enter into a written 87540
agreement with the board of education of that school district 87541
specifying the tax rate; the percentage or amount of tax revenue 87542
to be paid to the school district or the method of establishing or 87543
determining that percentage or amount, which may be subject to 87544
change periodically; the purpose for which the school district 87545
will use the money; the first year the tax will be levied; the 87546
date of the election on the question of the tax; and the method 87547
and schedule by which, and the conditions under which, the 87548
municipal corporation will make payments to the school district. 87549
The tax shall otherwise comply with the provisions and limitations 87550
specified in this chapter. 87551

Sec. 718.09. (A) This section applies to either of the 87552

following: 87553

(1) A municipal corporation that shares the same territory as 87554
a city, local, or exempted village school district, to the extent 87555
that not more than five per cent of the territory of the municipal 87556
corporation is located outside the school district and not more 87557
than five per cent of the territory of the school district is 87558
located outside the municipal corporation; 87559

(2) A municipal corporation that shares the same territory as 87560
a city, local, or exempted village school district, to the extent 87561
that not more than five per cent of the territory of the municipal 87562
corporation is located outside the school district, more than five 87563
per cent but not more than ten per cent of the territory of the 87564
school district is located outside the municipal corporation, and 87565
that portion of the territory of the school district that is 87566
located outside the municipal corporation is located entirely 87567
within another municipal corporation having a population of four 87568
hundred thousand or more according to the federal decennial census 87569
most recently completed before the agreement is entered into under 87570
division (B) of this section. 87571

(B) The legislative authority of a municipal corporation to 87572
which this section applies may propose to the electors an income 87573
tax, one of the purposes of which shall be to provide financial 87574
assistance to the school district through payment to the district 87575
of not less than twenty-five per cent of the revenue generated by 87576
the tax, except that the legislative authority may not propose to 87577
levy the income tax on the incomes of nonresident individuals. 87578
Prior to proposing the tax, the legislative authority shall 87579
negotiate and enter into a written agreement with the board of 87580
education of the school district specifying the tax rate, the 87581
percentage of tax revenue to be paid to the school district, the 87582
purpose for which the school district will use the money, the 87583

first year the tax will be levied, which shall be the first year 87584
after the year in which the levy is approved or any later year, 87585
the date of the ~~special~~ election ~~on~~ at which the question of the 87586
tax will appear on the ballot, which shall be a general election 87587
or a special election held on a day on which a primary election 87588
may be held, and the method and schedule by which the municipal 87589
corporation will make payments to the school district. ~~The special~~ 87590
~~election shall be held on a day specified in division (D) of~~ 87591
~~section 3501.01 of the Revised Code, except that the special~~ 87592
~~election may not be held on the day for holding a primary election~~ 87593
~~as authorized by the municipal corporation's charter unless the~~ 87594
~~municipal corporation is to have a primary election on that day.~~ 87595

After the legislative authority and board of education have 87596
entered into the agreement, the legislative authority shall 87597
provide for levying the tax by ordinance. The ordinance shall 87598
include the provisions described in division (A) of section 718.04 87599
of the Revised Code and shall state the tax rate, the percentage 87600
of tax revenue to be paid to the school district, the purpose for 87601
which the municipal corporation will use its share of the tax 87602
revenue, the first year the tax will be levied, and that the 87603
question of the income tax will be submitted to the electors of 87604
the municipal corporation. The legislative authority also shall 87605
adopt a resolution specifying the ~~regular or special election~~ date 87606
the election will be held, as provided in the written agreement, 87607
and directing the board of elections to conduct the election. At 87608
least ninety days before the date of the election, the legislative 87609
authority shall file certified copies of the ordinance and 87610
resolution with the board of elections. 87611

(C) The board of elections shall make the necessary 87612
arrangements for the submission of the question to the electors of 87613
the municipal corporation, and shall conduct the election in the 87614
same manner as any other municipal income tax election. Notice of 87615

the election shall be published in a newspaper of general 87616
circulation in the municipal corporation once a week for four 87617
consecutive weeks, or as provided in section 7.16 of the Revised 87618
Code, prior to the election, and shall include statements of the 87619
rate and municipal corporation and school district purposes of the 87620
income tax, the percentage of tax revenue that will be paid to the 87621
school district, and the first year the tax will be levied. The 87622
ballot shall be in the following form: 87623

"Shall the ordinance providing for a per cent levy on 87624
income for (brief description of the municipal corporation and 87625
school district purposes of the levy, including a statement of the 87626
percentage of tax revenue that will be paid to the school 87627
district) be passed? The income tax, if approved, will not be 87628
levied on the incomes of individuals who do not reside in (the 87629
name of the municipal corporation). 87630

	For the income tax	
	Against the income tax	"

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(D) If the question is approved by a majority of the 87635
electors, the municipal corporation shall impose the income tax 87636
beginning on the first day of January of the year specified in the 87637
ordinance. The proceeds of the levy may be used only for the 87638
specified purposes, including payment of the specified percentage 87639
to the school district. 87640

Sec. 718.10. (A) This section applies to a group of two or 87641
more municipal corporations that, taken together, share the same 87642
territory as a single city, local, or exempted village school 87643
district, to the extent that not more than five per cent of the 87644
territory of the municipal corporations as a group is located 87645
outside the school district and not more than five per cent of the 87646

territory of the school district is located outside the municipal 87647
corporations as a group. 87648

(B) The legislative authorities of the municipal corporations 87649
in a group of municipal corporations to which this section applies 87650
each may propose to the electors an income tax, to be levied in 87651
concert with income taxes in the other municipal corporations of 87652
the group, except that a legislative authority may not propose to 87653
levy the income tax on the incomes of individuals who do not 87654
reside in the municipal corporation. One of the purposes of such a 87655
tax shall be to provide financial assistance to the school 87656
district through payment to the district of not less than 87657
twenty-five per cent of the revenue generated by the tax. Prior to 87658
proposing the taxes, the legislative authorities shall negotiate 87659
and enter into a written agreement with each other and with the 87660
board of education of the school district specifying the tax rate, 87661
the percentage of the tax revenue to be paid to the school 87662
district, the first year the tax will be levied, which shall be 87663
the first year after the year in which the levy is approved or any 87664
later year, and the date of the election on the question of the 87665
tax, which shall be a general election or a special election held 87666
on a day on which a primary election may be held, and all of which 87667
shall be the same for each municipal corporation. The agreement 87668
also shall state the purpose for which the school district will 87669
use the money, and specify the method and schedule by which each 87670
municipal corporation will make payments to the school district. 87671
~~The special election shall be held on a day specified in division~~ 87672
~~(D) of section 3501.01 of the Revised Code, including a day on~~ 87673
~~which all of the municipal corporations are to have a primary~~ 87674
~~election.~~ 87675

After the legislative authorities and board of education have 87676
entered into the agreement, each legislative authority shall 87677
provide for levying its tax by ordinance. Each ordinance shall 87678

include the provisions described in division (A) of section 718.04 87679
of the Revised Code and shall state the rate of the tax, the 87680
percentage of tax revenue to be paid to the school district, the 87681
purpose for which the municipal corporation will use its share of 87682
the tax revenue, and the first year the tax will be levied. Each 87683
ordinance also shall state that the question of the income tax 87684
will be submitted to the electors of the municipal corporation on 87685
the same date as the submission of questions of an identical tax 87686
to the electors of each of the other municipal corporations in the 87687
group, and that unless the electors of all of the municipal 87688
corporations in the group approve the tax in their respective 87689
municipal corporations, none of the municipal corporations in the 87690
group shall levy the tax. Each legislative authority also shall 87691
adopt a resolution specifying the ~~regular or special election~~ date 87692
the election will be held, as provided in the written agreement, 87693
and directing the board of elections to conduct the election. At 87694
least ninety days before the date of the election, each 87695
legislative authority shall file certified copies of the ordinance 87696
and resolution with the board of elections. 87697

(C) For each of the municipal corporations, the board of 87698
elections shall make the necessary arrangements for the submission 87699
of the question to the electors, and shall conduct the election in 87700
the same manner as any other municipal income tax election. For 87701
each of the municipal corporations, notice of the election shall 87702
be published in a newspaper of general circulation in the 87703
municipal corporation once a week for four consecutive weeks, or 87704
as provided in section 7.16 of the Revised Code, prior to the 87705
election. The notice shall include a statement of the rate and 87706
municipal corporation and school district purposes of the income 87707
tax, the percentage of tax revenue that will be paid to the school 87708
district, and the first year the tax will be levied, and an 87709
explanation that the tax will not be levied unless an identical 87710
tax is approved by the electors of each of the other municipal 87711

corporations in the group. The ballot shall be in the following form: 87712
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"Shall the ordinance providing for a ... per cent levy on income for (brief description of the municipal corporation and school district purposes of the levy, including a statement of the percentage of income tax revenue that will be paid to the school district) be passed? The income tax, if approved, will not be levied on the incomes of individuals who do not reside in (the name of the municipal corporation). In order for the income tax to be levied, the voters of (the other municipal corporations in the group), which are also in the (name of the school district) school district, must approve an identical income tax and agree to pay the same percentage of the tax revenue to the school district. 87714
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	For the income tax	
	Against the income tax	"

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(D) If the question is approved by a majority of the electors and identical taxes are approved by a majority of the electors in each of the other municipal corporations in the group, the municipal corporation shall impose the tax beginning on the first day of January of the year specified in the ordinance. The proceeds of the levy may be used only for the specified purposes, including payment of the specified percentage to the school district. 87729
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Sec. 1545.041. (A) Any township park district created pursuant to section 511.18 of the Revised Code that includes park land located outside the township in which the park district was established may be converted under the procedures provided in this section into a park district to be operated and maintained as provided for in this chapter, provided that there is no existing 87737
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park district created under section 1545.04 of the Revised Code in 87743
the county in which the township park district is located. The 87744
proposed park district shall include within its boundary all 87745
townships and municipal corporations in which lands owned by the 87746
township park district seeking conversion are located, and may 87747
include any other townships and municipal corporations in the 87748
county in which the township park district is located. 87749

(B) Conversion of a township park district into a park 87750
district operated and maintained under this chapter shall be 87751
initiated by a resolution adopted by the board of park 87752
commissioners of the park district. Any resolution initiating a 87753
conversion shall include the following: 87754

(1) The name of the township park district seeking 87755
conversion; 87756

(2) The name of the proposed park district; 87757

(3) An accurate description of the territory to be included 87758
in the proposed district; 87759

(4) An accurate map or plat of the proposed park district. 87760
The resolution may also include a proposed tax levy for the 87761
operation and maintenance of the proposed park district. If such a 87762
tax levy is proposed, the resolution shall specify the annual rate 87763
of the tax, expressed in dollars and cents for each one hundred 87764
dollars of valuation and in mills for each dollar of valuation, 87765
and shall specify the number of consecutive years the levy will be 87766
in effect. The annual rate of such a tax may not be higher than 87767
the total combined millage of all levies then in effect for the 87768
benefit of the township park district named in the resolution. 87769

(C) Upon adoption of the resolution provided for in division 87770
(B) of this section, the board of park commissioners of the 87771
township park district seeking conversion under this section shall 87772
certify the resolution to the board of elections of the county in 87773

which the park district is located no later than four p.m. of the 87774
seventy-fifth day before the day of the election at which the 87775
question will be voted upon. Upon certification of the resolution 87776
to the board, the board of elections shall make the necessary 87777
arrangements to submit the question of conversion of the township 87778
park into a park district operated and maintained under Chapter 87779
1545. of the Revised Code, to the electors who reside in the 87780
territory of the proposed park district and are qualified to vote 87781
at the next ~~primary or~~ general election ~~who reside in the~~ 87782
~~territory of the proposed park district~~ or special election held 87783
on a day on which a primary election may be held. The question 87784
shall provide for a tax levy if such a levy is specified in the 87785
resolution. 87786

(D) The ballot submitted to the electors as provided in 87787
division (C) of this section shall contain the following language: 87788

"Shall the (name of the township park 87789
district seeking conversion) be converted into a park district to 87790
be operated and maintained under Chapter 1545. of the Revised Code 87791
under the name of (name of proposed park 87792
district), which park district shall include the following 87793
townships and municipal corporations: 87794

(Name townships and municipal corporations) 87795

Approval of the proposed conversion will result in the 87796
termination of all existing tax levies voted for the benefit of 87797
..... (name of the township park district sought to be 87798
converted) and in the levy of a new tax for the operation and 87799
maintenance of (name of proposed park district) at 87800
a rate not exceeding (number of mills) mills for each 87801
one dollar of valuation, which is (rate expressed in 87802
dollars and cents) for each one hundred dollars of valuation, for 87803
..... (number of years the millage is to be imposed) years, 87804
commencing on the (year) tax duplicate. 87805

	For the proposed conversion	
	Against the proposed conversion	"

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(E) If the proposed conversion is approved by at least a majority of the electors voting on the proposal, the township park district that seeks conversion shall become a park district subject to Chapter 1545. of the Revised Code effective the first day of January following approval by the voters. The park district shall have the name specified in the resolution, and effective the first day of January following approval by the voters, the following shall occur:

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(1) The indebtedness of the former township park district shall be assumed by the new park district;

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(2) All rights, assets, properties, and other interests of the former township park district shall become vested in the new park district, including the rights to any tax revenues previously vested in the former township park district; provided, that all tax levies in excess of the ten mill limitation approved for the benefit of the former township park district shall be removed from the tax lists after the February settlement next succeeding the conversion. Any tax levy approved in connection with the conversion shall be certified as provided in section 5705.25 of the Revised Code.

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(3) The members of the board of park commissioners of the former township park district shall be the members ~~of the members~~ of the board of park commissioners of the new park district, with all the same powers and duties as if appointed under section 1545.05 of the Revised Code. The term of each such commissioner shall expire on the first day of January of the year following the year in which his term would have expired under section 511.19 of

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the Revised Code. Thereafter, commissioners shall be appointed 87837
pursuant to section 1545.05 of the Revised Code. 87838

Sec. 1545.21. The board of park commissioners, by resolution, 87839
may submit to the electors of the park district the question of 87840
levying taxes for the use of the district. The resolution shall 87841
declare the necessity of levying such taxes, shall specify the 87842
purpose for which such taxes shall be used, the annual rate 87843
proposed, and the number of consecutive years the rate shall be 87844
levied. Such resolution shall be forthwith certified to the board 87845
of elections in each county in which any part of such district is 87846
located, not later than the ninetieth day before the day of the 87847
election, and the question of the levy of taxes as provided in 87848
such resolution shall be submitted to the electors of the district 87849
at a general election or a special election held on a day on which 87850
a primary election to be held on whichever of the following occurs 87851
first: 87852

~~(A) The day of the next general election;~~ 87853

~~(B) The first Tuesday after the first Monday in May in any 87854
calendar year, except that if a presidential primary election is 87855
held in that calendar year, then the day of that election may be 87856
held. The 87857~~

The ballot shall set forth the purpose for which the taxes 87858
shall be levied, the annual rate of levy, and the number of years 87859
of such levy. If the tax is to be placed on the current tax list, 87860
the form of the ballot shall state that the tax will be levied in 87861
the current tax year and shall indicate the first calendar year 87862
the tax will be due. If the resolution of the board of park 87863
commissioners provides that an existing levy will be canceled upon 87864
the passage of the new levy, the ballot may include a statement 87865
that: "an existing levy of ... mills (stating the original levy 87866
millage), having ... years remaining, will be canceled and 87867

replaced upon the passage of this levy." In such case, the ballot 87868
may refer to the new levy as a "replacement levy" if the new 87869
millage does not exceed the original millage of the levy being 87870
canceled or as a "replacement and additional levy" if the new 87871
millage exceeds the original millage of the levy being canceled. 87872
If a majority of the electors voting upon the question of such 87873
levy vote in favor thereof, such taxes shall be levied and shall 87874
be in addition to the taxes authorized by section 1545.20 of the 87875
Revised Code, and all other taxes authorized by law. The rate 87876
submitted to the electors at any one time shall not exceed two 87877
mills annually upon each dollar of valuation unless the purpose of 87878
the levy includes providing operating revenues for one of Ohio's 87879
major metropolitan zoos, as defined in section 4503.74 of the 87880
Revised Code, in which case the rate shall not exceed three mills 87881
annually upon each dollar of valuation. When a tax levy has been 87882
authorized as provided in this section or in section 1545.041 of 87883
the Revised Code, the board of park commissioners may issue bonds 87884
pursuant to section 133.24 of the Revised Code in anticipation of 87885
the collection of such levy, provided that such bonds shall be 87886
issued only for the purpose of acquiring and improving lands. Such 87887
levy, when collected, shall be applied in payment of the bonds so 87888
issued and the interest thereon. The amount of bonds so issued and 87889
outstanding at any time shall not exceed one per cent of the total 87890
tax valuation in such district. Such bonds shall bear interest at 87891
a rate not to exceed the rate determined as provided in section 87892
9.95 of the Revised Code. 87893

Sec. 3311.21. (A) In addition to the resolutions authorized 87894
by sections 5705.194, 5705.199, 5705.21, 5705.212, and 5705.213 of 87895
the Revised Code, the board of education of a joint vocational or 87896
cooperative education school district by a vote of two-thirds of 87897
its full membership may at any time adopt a resolution declaring 87898
the necessity to levy a tax in excess of the ten-mill limitation 87899

for a period not to exceed ten years to provide funds for any one 87900
or more of the following purposes, which may be stated in the 87901
following manner in such resolution, the ballot, and the notice of 87902
election: purchasing a site or enlargement thereof and for the 87903
erection and equipment of buildings; for the purpose of enlarging, 87904
improving, or rebuilding thereof; for the purpose of providing for 87905
the current expenses of the joint vocational or cooperative school 87906
district; or for a continuing period for the purpose of providing 87907
for the current expenses of the joint vocational or cooperative 87908
education school district. The resolution shall specify the amount 87909
of the proposed rate and, if a renewal, whether the levy is to 87910
renew all, or a portion of, the existing levy, and shall specify 87911
the first year in which the levy will be imposed. If the levy 87912
provides for but is not limited to current expenses, the 87913
resolution shall apportion the annual rate of the levy between 87914
current expenses and the other purpose or purposes. Such 87915
apportionment may but need not be the same for each year of the 87916
levy, but the respective portions of the rate actually levied each 87917
year for current expenses and the other purpose or purposes shall 87918
be limited by such apportionment. The portion of any such rate 87919
actually levied for current expenses of a joint vocational or 87920
cooperative education school district shall be used in applying 87921
division (A) of section 3317.01 of the Revised Code. The portion 87922
of any such rate not apportioned to the current expenses of a 87923
joint vocational or cooperative education school district shall be 87924
used in applying division (B) of this section. On the adoption of 87925
such resolution, the joint vocational or cooperative education 87926
school district board of education shall certify the resolution to 87927
the board of elections of the county containing the most populous 87928
portion of the district, which board shall receive resolutions for 87929
filing and send them to the boards of elections of each county in 87930
which territory of the district is located, furnish all ballots 87931
for the election as provided in section 3505.071 of the Revised 87932

Code, and prepare the election notice; and the board of elections 87933
of each county in which the territory of such district is located 87934
shall make the other necessary arrangements for the submission of 87935
the question to the electors of the joint vocational or 87936
cooperative education school district at the next ~~primary or~~ 87937
general election or special election held on a day on which a 87938
primary election may be held, occurring not less than ninety days 87939
after the resolution was received from the joint vocational or 87940
cooperative education school district board of education, ~~or at a~~ 87941
~~special election to be held at a time designated by the district~~ 87942
~~board of education consistent with the requirements of section~~ 87943
~~3501.01 of the Revised Code, which date shall not be earlier than~~ 87944
~~ninety days after the adoption and certification of the~~ 87945
~~resolution.~~ 87946

The board of elections of the county or counties in which 87947
territory of the joint vocational or cooperative education school 87948
district is located shall cause to be published in a newspaper of 87949
general circulation in that district an advertisement of the 87950
proposed tax levy question, together with a statement of the 87951
amount of the proposed levy once a week for two consecutive weeks 87952
or as provided in section 7.16 of the Revised Code, prior to the 87953
election at which the question is to appear on the ballot. If the 87954
board of elections operates and maintains a web site, the board 87955
also shall post the advertisement on its web site for thirty days 87956
prior to that election. 87957

If a majority of the electors voting on the question of 87958
levying such tax vote in favor of the levy, the joint vocational 87959
or cooperative education school district board of education shall 87960
annually make the levy within the district at the rate specified 87961
in the resolution and ballot or at any lesser rate, and the county 87962
auditor of each affected county shall annually place the levy on 87963
the tax list and duplicate of each school district in the county 87964

having territory in the joint vocational or cooperative education 87965
school district. The taxes realized from the levy shall be 87966
collected at the same time and in the same manner as other taxes 87967
on the duplicate, and the taxes, when collected, shall be paid to 87968
the treasurer of the joint vocational or cooperative education 87969
school district and deposited to a special fund, which shall be 87970
established by the joint vocational or cooperative education 87971
school district board of education for all revenue derived from 87972
any tax levied pursuant to this section and for the proceeds of 87973
anticipation notes which shall be deposited in such fund. After 87974
the approval of the levy, the joint vocational or cooperative 87975
education school district board of education may anticipate a 87976
fraction of the proceeds of the levy and from time to time, during 87977
the life of the levy, but in any year prior to the time when the 87978
tax collection from the levy so anticipated can be made for that 87979
year, issue anticipation notes in an amount not exceeding fifty 87980
per cent of the estimated proceeds of the levy to be collected in 87981
each year up to a period of five years after the date of the 87982
issuance of the notes, less an amount equal to the proceeds of the 87983
levy obligated for each year by the issuance of anticipation 87984
notes, provided that the total amount maturing in any one year 87985
shall not exceed fifty per cent of the anticipated proceeds of the 87986
levy for that year. Each issue of notes shall be sold as provided 87987
in Chapter 133. of the Revised Code, and shall, except for such 87988
limitation that the total amount of such notes maturing in any one 87989
year shall not exceed fifty per cent of the anticipated proceeds 87990
of the levy for that year, mature serially in substantially equal 87991
installments, during each year over a period not to exceed five 87992
years after their issuance. 87993

(B) Prior to the application of section 319.301 of the 87994
Revised Code, the rate of a levy that is limited to, or to the 87995
extent that it is apportioned to, purposes other than current 87996
expenses shall be reduced in the same proportion in which the 87997

district's total valuation increases during the life of the levy 87998
because of additions to such valuation that have resulted from 87999
improvements added to the tax list and duplicate. 88000

(C) The form of ballot cast at an election under division (A) 88001
of this section shall be as prescribed by section 5705.25 of the 88002
Revised Code. 88003

Sec. 3311.213. (A) With the approval of the board of 88004
education of a joint vocational school district that is in 88005
existence, any school district in the county or counties 88006
comprising the joint vocational school district or any school 88007
district in a county adjacent to a county comprising part of a 88008
joint vocational school district may become a part of the joint 88009
vocational school district. On the adoption of a resolution of 88010
approval by the board of education of the joint vocational school 88011
district, it shall advertise a copy of such resolution in a 88012
newspaper of general circulation in the school district proposing 88013
to become a part of such joint vocational school district once 88014
each week for two weeks, or as provided in section 7.16 of the 88015
Revised Code, immediately following the date of the adoption of 88016
such resolution. Such resolution shall not become effective until 88017
the later of the sixty-first day after its adoption or until the 88018
board of elections certifies the results of an election in favor 88019
of joining of the school district to the joint vocational school 88020
district if such an election is held under division (B) of this 88021
section. 88022

(B) During the sixty-day period following the date of the 88023
adoption of a resolution to join a school district to a joint 88024
vocational school district under division (A) of this section, the 88025
electors of the school district that proposes joining the joint 88026
vocational school district may petition for a referendum vote on 88027
the resolution. The question whether to approve or disapprove the 88028

resolution shall be submitted to the electors of such school 88029
district if a number of qualified electors equal to twenty per 88030
cent of the number of electors in the school district who voted 88031
for the office of governor at the most recent general election for 88032
that office sign a petition asking that the question of whether 88033
the resolution shall be disapproved be submitted to the electors. 88034
The petition shall be filed with the board of elections of the 88035
county in which the school district is located. If the school 88036
district is located in more than one county, the petition shall be 88037
filed with the board of elections of the county in which the 88038
majority of the territory of the school district is located. The 88039
board shall certify the validity and sufficiency of the signatures 88040
on the petition. 88041

The board of elections shall immediately notify the board of 88042
education of the joint vocational school district and the board of 88043
education of the school district that proposes joining the joint 88044
vocational school district that the petition has been filed. 88045

The effect of the resolution shall be stayed until the board 88046
of elections certifies the validity and sufficiency of the 88047
signatures on the petition. If the board of elections determines 88048
that the petition does not contain a sufficient number of valid 88049
signatures and sixty days have passed since the adoption of the 88050
resolution, the resolution shall become effective. 88051

If the board of elections certifies that the petition 88052
contains a sufficient number of valid signatures, the board shall 88053
submit the question to the qualified electors of the school 88054
district ~~on the day of~~ at the next general or special election 88055
held on a day on which a primary election may be held, occurring 88056
at least ninety days after but no later than six months after the 88057
board of elections certifies the validity and sufficiency of 88058
signatures on the petition. ~~If there is no general or primary~~ 88059
~~election held at least ninety days after but no later than six~~ 88060

~~months after the board of elections certifies the validity and~~ 88061
~~sufficiency of signatures on the petition, the board shall submit~~ 88062
~~the question to the electors at a special election to be held on~~ 88063
~~the next day specified for special elections in division (D) of~~ 88064
~~section 3501.01 of the Revised Code that occurs at least ninety~~ 88065
~~days after the board certifies the validity and sufficiency of~~ 88066
~~signatures on the petition.~~ The election shall be conducted and 88067
canvassed and the results shall be certified in the same manner as 88068
in regular elections for the election of members of a board of 88069
education. 88070

If a majority of the electors voting on the question 88071
disapprove the resolution, the resolution shall not become 88072
effective. 88073

(C) If the resolution becomes effective, the board of 88074
education of the joint vocational school district shall notify the 88075
county auditor of the county in which the school district becoming 88076
a part of the joint vocational school district is located, who 88077
shall thereupon have any outstanding levy for building purposes, 88078
bond retirement, or current expenses in force in the joint 88079
vocational school district spread over the territory of the school 88080
district becoming a part of the joint vocational school district. 88081
On the addition of a city or exempted village school district or 88082
an educational service center to the joint vocational school 88083
district, pursuant to this section, the board of education of such 88084
joint vocational school district shall submit to the state board 88085
of education a proposal to enlarge the membership of such board by 88086
the addition of one or more persons at least one of whom shall be 88087
a member of the board of education or governing board of such 88088
additional school district or educational service center, and the 88089
term of each such additional member. On the addition of a local 88090
school district to the joint vocational school district, pursuant 88091
to this section, the board of education of such joint vocational 88092

school district may submit to the state board of education a 88093
proposal to enlarge the membership of such board by the addition 88094
of one or more persons who are members of the educational service 88095
center governing board of such additional local school district. 88096
On approval by the state board of education additional members 88097
shall be added to such joint vocational school district board of 88098
education. 88099

Sec. 3311.22. A governing board of an educational service 88100
center may propose, by resolution adopted by majority vote of its 88101
full membership, or qualified electors of the area affected equal 88102
in number to at least fifty-five per cent of the qualified 88103
electors voting at the last general election residing within that 88104
portion of a school district, or districts proposed to be 88105
transferred may propose, by petition, the transfer of a part or 88106
all of one or more local school districts to another local school 88107
district or districts within the territory of the educational 88108
service center. Such transfers may be made only to local school 88109
districts adjoining the school district that is proposed to be 88110
transferred, unless the board of education of the district 88111
proposed to be transferred has entered into an agreement pursuant 88112
to section 3313.42 of the Revised Code, in which case such 88113
transfers may be made to any local school district within the 88114
territory of the educational service center. 88115

When a governing board of an educational service center 88116
adopts a resolution proposing a transfer of school territory it 88117
shall forthwith file a copy of such resolution, together with an 88118
accurate map of the territory described in the resolution, with 88119
the board of education of each school district whose boundaries 88120
would be altered by such proposal. A governing board of an 88121
educational service center proposing a transfer of territory under 88122
the provisions of this section shall at its next regular meeting 88123
that occurs not earlier than thirty days after the adoption by the 88124

governing board of a resolution proposing such transfer, adopt a 88125
resolution making the transfer effective at any time prior to the 88126
next succeeding first day of July, unless, prior to the expiration 88127
of such thirty-day period, qualified electors residing in the area 88128
proposed to be transferred, equal in number to a majority of the 88129
qualified electors voting at the last general election, file a 88130
petition of referendum against such transfer. 88131

Any petition of transfer or petition of referendum filed 88132
under the provisions of this section shall be filed at the office 88133
of the educational service center superintendent. The person 88134
presenting the petition shall be given a receipt containing 88135
thereon the time of day, the date, and the purpose of the 88136
petition. 88137

The educational service center superintendent shall cause the 88138
board of elections to check the sufficiency of signatures on any 88139
petition of transfer or petition of referendum filed under this 88140
section and, if found to be sufficient, the superintendent shall 88141
present the petition to the educational service center governing 88142
board at a meeting of the board which shall occur not later than 88143
thirty days following the filing of the petition. 88144

Upon presentation to the educational service center governing 88145
board of a proposal to transfer territory as requested by petition 88146
of fifty-five per cent of the qualified electors voting at the 88147
last general election or a petition of referendum against a 88148
proposal of the county board to transfer territory, the governing 88149
board shall promptly certify the proposal to the board of 88150
elections for the purpose of having the proposal placed on the 88151
ballot at the next general election or special election held on a 88152
day on which a primary election ~~which occurs~~ may be held, 88153
occurring not less than ninety days after the date of such 88154
certification, ~~or at a special election, the date of which shall~~ 88155
~~be specified in the certification, which date shall not be less~~ 88156

~~than ninety days after the date of such certification.~~ Signatures 88157
on a petition of transfer or petition of referendum may be 88158
withdrawn up to and including the above mentioned meeting of the 88159
educational service center governing board only by order of the 88160
board upon testimony of the petitioner concerned under oath before 88161
the board that the petitioner's signature was obtained by fraud, 88162
duress, or misrepresentation. 88163

If a petition is filed with the educational service center 88164
governing board which proposes the transfer of a part or all of 88165
the territory included in a resolution of transfer previously 88166
adopted by the educational service center governing board, no 88167
action shall be taken on such petition if within the thirty-day 88168
period after the adoption of the resolution of transfer a 88169
referendum petition is filed. After the election, if the proposed 88170
transfer fails to receive a majority vote, action on such petition 88171
shall then be processed under this section as though originally 88172
filed under the provisions hereof. If no referendum petition is 88173
filed within the thirty-day period after the adoption of the 88174
resolution of transfer, no action shall be taken on such petition. 88175

If a petition is filed with the educational service center 88176
governing board which proposes the transfer of a part or all of 88177
the territory included in a petition previously filed by electors 88178
no action shall be taken on such new petition. 88179

Upon certification of a proposal to the board or boards of 88180
elections pursuant to this section, the board or boards of 88181
elections shall make the necessary arrangements for the submission 88182
of such question to the electors of the county or counties 88183
qualified to vote thereon, and the election shall be conducted and 88184
canvassed and the results shall be certified in the same manner as 88185
in regular elections for the election of members of a board of 88186
education. 88187

The persons qualified to vote upon a proposal are the 88188

electors residing in the district or districts containing 88189
territory that is proposed to be transferred. If the proposed 88190
transfer be approved by at least a majority of the electors voting 88191
on the proposal, the educational service center governing board 88192
shall make such transfer at any time prior to the next succeeding 88193
first day of July. If the proposed transfer is not approved by at 88194
least a majority of the electors voting on the proposal, the 88195
question of transferring any property included in the territory 88196
covered by the proposal shall not be submitted to electors at any 88197
election prior to the first general election the date of which is 88198
at least two years after the date of the original election, or the 88199
first special election held on a day on which a primary election 88200
may be held in an even-numbered year the date of which is at least 88201
two years after the date of the original election. A transfer 88202
shall be subject to the approval of the receiving board or boards 88203
of education, unless the proposal was initiated by the educational 88204
service center governing board, in which case, if the transfer is 88205
opposed by the board of education offered the territory, the local 88206
board may, within thirty days, following the receipt of the notice 88207
of transfer, appeal to the state board of education which shall 88208
then either approve or disapprove the transfer. 88209

Following an election upon a proposed transfer initiated by a 88210
petition the board of education that is offered territory shall, 88211
within thirty days following receipt of the proposal, either 88212
accept or reject the transfer. 88213

When an entire school district is proposed to be transferred 88214
to two or more school districts and the offer is rejected by any 88215
one of the receiving boards of education, none of the territory 88216
included in the proposal shall be transferred. 88217

Upon the acceptance of territory by the receiving board or 88218
boards of education the educational service center governing board 88219
offering the territory shall file with the county auditor and with 88220

the state board of education an accurate map showing the 88221
boundaries of the territory transferred. 88222

Upon the making of such transfer, the net indebtedness of the 88223
former district from which territory was transferred shall be 88224
apportioned between the acquiring school district and that portion 88225
of the former school district remaining after the transfer in the 88226
ratio which the assessed valuation of the territory transferred to 88227
the acquiring school district bears to the assessed valuation of 88228
the original school district as of the effective date of the 88229
transfer. As used in this section "net indebtedness" means the 88230
difference between the par value of the outstanding and unpaid 88231
bonds and notes of the school district and the amount held in the 88232
sinking fund and other indebtedness retirement funds for their 88233
redemption. 88234

Upon the making of any transfer under this section, the funds 88235
of the district from which territory was transferred shall be 88236
divided equitably by the educational service center governing 88237
board between the acquiring district and any part of the original 88238
district remaining after the transfer. 88239

If an entire district is transferred the board of education 88240
of such district is thereby abolished or if a member of the board 88241
of education lives in that part of a school district transferred 88242
the member becomes a nonresident of the school district from which 88243
the territory was transferred and such member ceases to be a 88244
member of the board of education of such district. 88245

The legal title of all property of the board of education in 88246
the territory transferred shall become vested in the board of 88247
education of the school district to which such territory is 88248
transferred. 88249

Subsequent to June 30, 1959, if an entire district is 88250
transferred, foundation program moneys accruing to a district 88251

accepting school territory under the provisions of this section or 88252
former section 3311.22 of the Revised Code, shall not be less, in 88253
any year during the next succeeding three years following the 88254
transfer, than the sum of the amounts received by the districts 88255
separately in the year in which the transfer was consummated. 88256

Sec. 3311.231. A governing board of an educational service 88257
center may propose, by resolution adopted by majority vote of its 88258
full membership, or qualified electors of the area affected equal 88259
in number to not less than fifty-five per cent of the qualified 88260
electors voting at the last general election residing within that 88261
portion of a school district proposed to be transferred may 88262
propose, by petition, the transfer of a part or all of one or more 88263
local school districts within the territory of the center to an 88264
adjoining educational service center or to an adjoining city or 88265
exempted village school district. 88266

A governing board of an educational service center adopting a 88267
resolution proposing a transfer of school territory under this 88268
section shall file a copy of such resolution together with an 88269
accurate map of the territory described in the resolution, with 88270
the board of education of each school district whose boundaries 88271
would be altered by such proposal. Where a transfer of territory 88272
is proposed by a governing board of an educational service center 88273
under this section, the governing board shall, at its next regular 88274
meeting that occurs not earlier than the thirtieth day after the 88275
adoption by the governing board of the resolution proposing such 88276
transfer, adopt a resolution making the transfer as originally 88277
proposed, effective at any time prior to the next succeeding first 88278
day of July, unless, prior to the expiration of such thirty-day 88279
period, qualified electors residing in the area proposed to be 88280
transferred, equal in number to a majority of the qualified 88281
electors voting at the last general election, file a petition of 88282
referendum against such transfer. 88283

Any petition of transfer or petition of referendum under the 88284
provisions of this section shall be filed at the office of the 88285
educational service center superintendent. The person presenting 88286
the petition shall be given a receipt containing thereon the time 88287
of day, the date, and the purpose of the petition. 88288

The educational service center superintendent shall cause the 88289
board of elections to check the sufficiency of signatures on any 88290
such petition, and, if found to be sufficient, the superintendent 88291
shall present the petition to the educational service center 88292
governing board at a meeting of said governing board which shall 88293
occur not later than thirty days following the filing of said 88294
petition. 88295

The educational service center governing board shall promptly 88296
certify the proposal to the board of elections of such counties in 88297
which school districts whose boundaries would be altered by such 88298
proposal are located for the purpose of having the proposal placed 88299
on the ballot at the next general election or special election 88300
held on a day on which a primary election which occurs may be 88301
held, occurring not less than ninety days after the date of such 88302
certification ~~or at a special election, the date of which shall be~~ 88303
~~specified in the certification, which date shall not be less than~~ 88304
~~ninety days after the date of such certification.~~ 88305

Signatures on a petition of transfer or petition of 88306
referendum may be withdrawn up to and including the above 88307
mentioned meeting of the educational service center governing 88308
board only by order of the governing board upon testimony of the 88309
petitioner concerned under oath before the board that the 88310
petitioner's signature was obtained by fraud, duress, or 88311
misrepresentation. 88312

If a petition is filed with the educational service center 88313
governing board which proposes the transfer of a part or all of 88314
the territory included either in a petition previously filed by 88315

electors or in a resolution of transfer previously adopted by the 88316
educational service center governing board, no action shall be 88317
taken on such new petition as long as the previously initiated 88318
proposal is pending before the governing board or is subject to an 88319
election. 88320

Upon certification of a proposal to the board or boards of 88321
elections pursuant to this section, the board or boards of 88322
elections shall make the necessary arrangements for the submission 88323
of such question to the electors of the county or counties 88324
qualified to vote thereon, and the election shall be conducted and 88325
canvassed and the results shall be certified in the same manner as 88326
in regular elections for the election of members of a board of 88327
education. 88328

The persons qualified to vote upon a proposal are the 88329
electors residing in the district or districts containing 88330
territory that is proposed to be transferred. If the proposed 88331
transfer is approved by at least a majority of the electors voting 88332
on the proposal, the educational service center governing board 88333
shall make such transfer at any time prior to the next succeeding 88334
first day of July, subject to the approval of the receiving board 88335
of education in case of a transfer to a city or exempted village 88336
school district, and subject to the approval of the educational 88337
service center governing board of the receiving center, in case of 88338
a transfer to an educational service center. If the proposed 88339
transfer is not approved by at least a majority of the electors 88340
voting on the proposal, the question of transferring any property 88341
included in the territory covered by the proposal shall not be 88342
submitted to electors at any election prior to the first general 88343
election the date of which is at least two years after the date of 88344
the original election, or the first special election held on a day 88345
on which a primary election may be held in an even-numbered year 88346
the date of which is at least two years after the date of the 88347

original election. 88348

Where a territory is transferred under this section to a city 88349
or exempted village school district, the board of education of 88350
such district shall, and where territory is transferred to an 88351
educational service center the governing board of such educational 88352
service center shall, within thirty days following receipt of the 88353
proposal, either accept or reject the transfer. 88354

Where a governing board of an educational service center 88355
adopts a resolution accepting territory transferred to the 88356
educational service center under the provisions of sections 88357
3311.231 and 3311.24 of the Revised Code, the governing board 88358
shall, at the time of the adoption of the resolution accepting the 88359
territory, designate the school district to which the accepted 88360
territory shall be annexed. 88361

When an entire school district is proposed to be transferred 88362
to two or more adjoining school districts and the offer is 88363
rejected by any one of the receiving boards of education, none of 88364
the territory included in the proposal shall be transferred. 88365

Upon the acceptance of territory by the receiving board or 88366
boards of education the educational service center governing board 88367
offering the territory shall file with the county auditor of each 88368
county affected by the transfer and with the state board of 88369
education an accurate map showing the boundaries of the territory 88370
transferred. 88371

Upon the making of such transfer, the net indebtedness of the 88372
former district from which territory was transferred shall be 88373
apportioned between the acquiring school district and the portion 88374
of the former school district remaining after the transfer in the 88375
ratio which the assessed valuation of the territory transferred to 88376
the acquiring school district bears to the assessed valuation of 88377
the original school district as of the effective date of the 88378

transfer. As used in this section "net indebtedness" means the 88379
difference between the par value of the outstanding and unpaid 88380
bonds and notes of the school district and the amount held in the 88381
sinking fund and other indebtedness retirement funds for their 88382
redemption. 88383

Upon the making of any transfer under this section, the funds 88384
of the district from which territory was transferred shall be 88385
divided equitably by the educational service center governing 88386
board, between the acquiring district and any part of the original 88387
district remaining after the transfer. 88388

If an entire district is transferred the board of education 88389
of such district is thereby abolished or if a member of the board 88390
of education lives in that part of a school district transferred 88391
the member becomes a nonresident of the school district from which 88392
the territory was transferred and such member ceases to be a 88393
member of the board of education of such district. 88394

The legal title of all property of the board of education in 88395
the territory transferred shall become vested in the board of 88396
education of the school district to which such territory is 88397
transferred. 88398

If an entire district is transferred, foundation program 88399
moneys accruing to a district receiving school territory under the 88400
provisions of this section shall not be less, in any year during 88401
the next succeeding three years following the transfer, than the 88402
sum of the amounts received by the districts separately in the 88403
year in which the transfer was consummated. 88404

Sec. 3311.26. The state board of education may, by resolution 88405
adopted by majority vote of its full membership, propose the 88406
creation of a new local school district from one or more local 88407
school districts or parts thereof, including the creation of a 88408
local district with noncontiguous territory from one or more local 88409

school districts if one of those districts has entered into an 88410
agreement under section 3313.42 of the Revised Code. Such proposal 88411
shall include an accurate map showing the territory affected. 88412
After the adoption of the resolution, the state board shall file a 88413
copy of such proposal with the board of education of each school 88414
district whose boundaries would be altered by such proposal. 88415

88416

Upon the creation of a new district under this section, the 88417
state board shall at its next regular meeting that occurs not 88418
earlier than thirty days after the adoption by the state board of 88419
the resolution proposing such creation, adopt a resolution making 88420
the creation effective prior to the next succeeding first day of 88421
July, unless, prior to the expiration of such thirty-day period, 88422
qualified electors residing in the area included in such proposed 88423
new district, equal in number to thirty-five per cent of the 88424
qualified electors voting at the last general election, file a 88425
petition of referendum against the creation of the proposed new 88426
district. 88427

A petition of referendum filed under this section shall be 88428
filed at the office of the state superintendent of public 88429
instruction. The person presenting the petition shall be given a 88430
receipt containing thereon the time of day, the date, and the 88431
purpose of the petition. 88432

If a petition of referendum is filed, the state board shall, 88433
at the next regular meeting of the state board, certify the 88434
proposal to the board of elections for the purpose of having the 88435
proposal placed on the ballot at the next general election or 88436
special election held on a day on which a primary election which 88437
occurs may be held, occurring not less than ninety days after the 88438
date of such certification, ~~or at a special election, the date of~~ 88439
~~which shall be specified in the certification, which date shall~~ 88440
~~not be less than ninety days after the date of such certification.~~ 88441

Upon certification of a proposal to the board or boards of 88442
elections pursuant to this section, the board or boards of 88443
elections shall make the necessary arrangements for the submission 88444
of such question to the electors of the county or counties 88445
qualified to vote thereon, and the election shall be conducted and 88446
canvassed and the results shall be certified in the same manner as 88447
in regular elections for the election of members of a board of 88448
education. 88449

The persons qualified to vote upon a proposal are the 88450
electors residing in the proposed new districts. 88451

If the proposed district be approved by at least a majority 88452
of the electors voting on the proposal, the state board shall then 88453
create such new district prior to the next succeeding first day of 88454
July. 88455

Upon the creation of such district, the indebtedness of each 88456
former district becoming in its entirety a part of the new 88457
district shall be assumed in full by the new district. Upon the 88458
creation of such district, that part of the net indebtedness of 88459
each former district becoming only in part a part of the new 88460
district shall be assumed by the new district which bears the same 88461
ratio to the entire net indebtedness of the former district as the 88462
assessed valuation of the part taken by the new district bears to 88463
the entire assessed valuation of the former district as fixed on 88464
the effective date of transfer. As used in this section, "net 88465
indebtedness" means the difference between the par value of the 88466
outstanding and unpaid bonds and notes of the school district and 88467
the amount held in the sinking fund and other indebtedness 88468
retirement funds for their redemption. Upon the creation of such 88469
district, the funds of each former district becoming in its 88470
entirety a part of the new district shall be paid over in full to 88471
the new district. Upon the creation of such district, the funds of 88472
each former district becoming only in part a part of the new 88473

district shall be divided equitably by the state board between the 88474
new district and that part of the former district not included in 88475
the new district as such funds existed on the effective date of 88476
the creation of the new district. 88477

The state board shall, following the election, file with the 88478
county auditor of each county affected by the creation of a new 88479
district an accurate map showing the boundaries of such newly 88480
created district. 88481

When a new local school district is so created, a board of 88482
education for such newly created district shall be appointed by 88483
the state board. The members of such appointed board of education 88484
shall hold their office until their successors are elected and 88485
qualified. A board of education shall be elected for such newly 88486
created district at the next general election held in an odd 88487
numbered year occurring more than ninety days after the 88488
appointment of the board of education of such newly created 88489
district. At such election two members shall be elected for a term 88490
of two years and three members shall be elected for a term of four 88491
years, and, thereafter, their successors shall be elected in the 88492
same manner and for the same terms as members of the board of 88493
education of a local school district. 88494

When the new district consists of territory lying in two or 88495
more counties, the state board shall determine to which 88496
educational service center the new district shall be assigned. 88497

The legal title of all property of the board of education in 88498
the territory taken shall become vested in the board of education 88499
of the newly created school district. 88500

Foundation program moneys accruing to a district created 88501
under the provisions of this section or previous section 3311.26 88502
of the Revised Code, shall not be less, in any year during the 88503
next succeeding three years following the creation, than the sum 88504

of the amounts received by the districts separately in the year in 88505
which the creation of the district became effective. 88506

If, prior to September 26, 2003, a local school district 88507
board of education or a group of individuals requests the 88508
governing board of an educational service center to consider 88509
proposing the creation of a new local school district, the 88510
governing board, at any time during the one-year period following 88511
the date that request is made, may adopt a resolution proposing 88512
the creation of a new local school district in response to that 88513
request and in accordance with the first paragraph of the version 88514
of this section in effect prior to September 26, 2003. If the 88515
governing board so proposes within that one-year period, the 88516
governing board may proceed to create the new local school 88517
district as it proposed, in accordance with the version of this 88518
section in effect prior to September 26, 2003, subject to the 88519
provisions of that version authorizing a petition and referendum 88520
on the matter. 88521

Consolidations of school districts which include all of the 88522
schools of a county and which become effective on or after July 1, 88523
1959, shall be governed and included under this section. 88524

Sec. 3311.50. (A) As used in this section, "county school 88525
financing district" means a taxing district consisting of the 88526
following territory: 88527

(1) The territory that constitutes the educational service 88528
center on the date that the governing board of that educational 88529
service center adopts a resolution under division (B) of this 88530
section declaring that the territory of the educational service 88531
center is a county school financing district, exclusive of any 88532
territory subsequently withdrawn from the district under division 88533
(D) of this section; 88534

(2) Any territory that has been added to the county school 88535

financing district under this section. 88536

A county school financing district may include the territory 88537
of a city, local, or exempted village school district whose 88538
territory also is included in the territory of one or more other 88539
county school financing districts. 88540

(B) The governing board of any educational service center 88541
may, by resolution, declare that the territory of the educational 88542
service center is a county school financing district. The 88543
resolution shall state the purpose for which the county school 88544
financing district is created, which may be for any one or more of 88545
the following purposes: 88546

(1) To levy taxes for the provision of special education by 88547
the school districts that are a part of the district, including 88548
taxes for permanent improvements for special education; 88549

(2) To levy taxes for the provision of specified educational 88550
programs and services by the school districts that are a part of 88551
the district, as identified in the resolution creating the 88552
district, including the levying of taxes for permanent 88553
improvements for those programs and services. Services financed by 88554
the levy may include school safety and security and mental health 88555
services, including training and employment of or contracting for 88556
the services of safety personnel, mental health personnel, social 88557
workers, and counselors. 88558

(3) To levy taxes for permanent improvements of school 88559
districts that are a part of the district. 88560

The governing board of the educational service center that 88561
creates a county school financing district shall serve as the 88562
taxing authority of the district and may use educational service 88563
center governing board employees to perform any of the functions 88564
necessary in the performance of its duties as a taxing authority. 88565
A county school financing district shall not employ any personnel. 88566

With the approval of a majority of the members of the board 88567
of education of each school district within the territory of the 88568
county school financing district, the taxing authority of the 88569
financing district may amend the resolution creating the district 88570
to broaden or narrow the purposes for which it was created. 88571

A governing board of an educational service center may create 88572
more than one county school financing district. If a governing 88573
board of an educational service center creates more than one such 88574
district, it shall clearly distinguish among the districts it 88575
creates by including a designation of each district's purpose in 88576
the district's name. 88577

(C) A majority of the members of a board of education of a 88578
city, local, or exempted village school district may adopt a 88579
resolution requesting that its territory be joined with the 88580
territory of any county school financing district. Copies of the 88581
resolution shall be filed with the state board of education and 88582
the taxing authority of the county school financing district. 88583
Within sixty days of its receipt of such a resolution, the county 88584
school financing district's taxing authority shall vote on the 88585
question of whether to accept the school district's territory as 88586
part of the county school financing district. If a majority of the 88587
members of the taxing authority vote to accept the territory, the 88588
school district's territory shall thereupon become a part of the 88589
county school financing district unless the county school 88590
financing district has in effect a tax imposed under section 88591
5705.215 of the Revised Code. If the county school financing 88592
district has such a tax in effect, the taxing authority shall 88593
certify a copy of its resolution accepting the school district's 88594
territory to the school district's board of education, which may 88595
then adopt a resolution, with the affirmative vote of a majority 88596
of its members, proposing the submission to the electors of the 88597
question of whether the district's territory shall become a part 88598

of the county school financing district and subject to the taxes 88599
imposed by the financing district. The resolution shall set forth 88600
the date on which the question shall be submitted to the electors, 88601
which shall be at a general election or a special election held on 88602
a day on which a primary election may be held on a date , as 88603
specified in the resolution, which shall not be earlier than 88604
ninety days after the adoption and certification of the 88605
resolution. A copy of the resolution shall immediately be 88606
certified to the board of elections of the proper county, which 88607
shall make arrangements for the submission of the proposal to the 88608
electors of the school district. The board of the joining district 88609
shall publish notice of the election in a newspaper of general 88610
circulation in the county once a week for two consecutive weeks, 88611
or as provided in section 7.16 of the Revised Code, prior to the 88612
election. Additionally, if the board of elections operates and 88613
maintains a web site, the board of elections shall post notice of 88614
the election on its web site for thirty days prior to the 88615
election. The question appearing on the ballot shall read: 88616

"Shall the territory within (name of the school 88617
district proposing to join the county school financing district) 88618
..... be added to (name) county school 88619
financing district, and a property tax for the purposes of 88620
..... (here insert purposes) at a rate of taxation 88621
not exceeding (here insert the outstanding tax rate) 88622
..... be in effect for (here insert the number of 88623
years the tax is to be in effect or "a continuing period of time," 88624
as applicable)?" 88625

If the proposal is approved by a majority of the electors 88626
voting on it, the joinder shall take effect on the first day of 88627
July following the date of the election, and the county board of 88628
elections shall notify the county auditor of each county in which 88629
the school district joining its territory to the county school 88630

financing district is located. 88631

(D) The board of any city, local, or exempted village school 88632
district whose territory is part of a county school financing 88633
district may withdraw its territory from the county school 88634
financing district thirty days after submitting to the governing 88635
board that is the taxing authority of the district and the state 88636
board a resolution proclaiming such withdrawal, adopted by a 88637
majority vote of its members, but any county school financing 88638
district tax levied in such territory on the effective date of the 88639
withdrawal shall remain in effect in such territory until such tax 88640
expires or is renewed. No board may adopt a resolution withdrawing 88641
from a county school financing district that would take effect 88642
during the forty-five days preceding the date of an election at 88643
which a levy proposed under section 5705.215 of the Revised Code 88644
is to be voted upon. 88645

(E) A city, local, or exempted village school district does 88646
not lose its separate identity or legal existence by reason of 88647
joining its territory to a county school financing district under 88648
this section and an educational service center does not lose its 88649
separate identity or legal existence by reason of creating a 88650
county school financing district that accepts or loses territory 88651
under this section. 88652

Sec. 3313.38. The board of education of a school district 88653
that is inaccessible from the mainland at some time of the year 88654
for any reason may purchase, erect, or rent, and maintain a 88655
residence for a principal or teacher, when in the opinion of a 88656
majority of the members of the board it is necessary to insure 88657
adequate personnel for the schools of such district. To provide a 88658
sum sufficient for the purchase price, the cost of the erection, 88659
or the cost of renting such residence an additional tax may be 88660
levied upon all the taxable property in the school district, in 88661

such amount as the board determines. The question of levying such 88662
tax, and the amount thereof, shall be separately submitted to the 88663
qualified electors of the school district at a general election or 88664
a special election held on a day on which a primary election may 88665
be held. Twenty days' notice thereof shall be previously given by 88666
posting notice of such election in at least three public places in 88667
the school district. Such notice shall state specifically the 88668
amount to be raised and the purposes thereof. If a majority of all 88669
votes cast at such election upon the proposition are in favor 88670
thereof, the tax provided for shall be authorized. 88671

Upon authorization of the tax levy the members of the board 88672
may issue notes in anticipation of such revenues to mature in not 88673
more than two years from the date of issue and to bear interest at 88674
not more than four per cent per annum. 88675

Sec. 3313.911. The state board of education may adopt a 88676
resolution assigning a city, exempted village, or local school 88677
district that is not a part of a joint vocational school district 88678
to membership in a joint vocational school district. A copy of the 88679
resolution shall be certified to the board of education of the 88680
joint vocational school district and the board of education of the 88681
district proposed to be assigned. The board of education of the 88682
joint vocational school district shall advertise a copy of the 88683
resolution in a newspaper of general circulation in the district 88684
proposed to be assigned once each week for two weeks, or as 88685
provided in section 7.16 of the Revised Code, immediately 88686
following the certification of the resolution to the board. The 88687
assignment shall take effect on the ninety-first day after the 88688
state board adopts the resolution, unless prior to that date 88689
qualified electors residing in the school district proposed for 88690
assignment, equal in number to ten per cent of the qualified 88691
electors of that district voting at the last general election, 88692
file a petition against the assignment. 88693

The petition of referendum shall be filed with the treasurer 88694
of the board of education of the district proposed to be assigned 88695
to the joint vocational school district. The treasurer shall give 88696
the person presenting the petition a receipt showing the time of 88697
day, date, and purpose of the petition. The treasurer shall cause 88698
the board of elections to determine the sufficiency of signatures 88699
on the petition and if the signatures are found to be sufficient, 88700
shall present the petition to the board of education of the 88701
district. The board of education shall promptly certify the 88702
question to the board of elections for the purpose of having the 88703
question placed on the ballot at the next general, ~~primary,~~ 88704
election or special election held on a day on which a primary 88705
election may be held, occurring not earlier than sixty days after 88706
the date of the certification. 88707

Only those qualified electors residing in the district 88708
proposed for assignment to the joint vocational school district 88709
are qualified to vote on the question. If a majority of the 88710
electors voting on the question vote against the assignment, it 88711
shall not take place, and the state board of education shall 88712
require the district to contract with the joint vocational school 88713
district or another school district as authorized by section 88714
3313.91 of the Revised Code. 88715

If a majority of the electors voting on the question do not 88716
vote against the assignment, the assignment shall take immediate 88717
effect, and the board of education of the joint vocational school 88718
district shall notify the county auditor of the county in which 88719
the school district becoming a part of the joint vocational school 88720
district is located to have any outstanding levy of the joint 88721
vocational school district spread over the territory of the school 88722
district that has become a part of the joint vocational school 88723
district. 88724

The assignment of a school district to a joint vocational 88725

school district pursuant to this section is subject to any 88726
agreements made between the board of education of the assigned 88727
school district and the board of education of the joint vocational 88728
school district. Such an agreement may include provisions for a 88729
payment by the assigned school district to the joint vocational 88730
school district of an amount to be contributed toward the cost of 88731
the existing facilities of the joint vocational school district. 88732

Sec. 3318.06. (A) After receipt of the conditional approval 88733
of the Ohio facilities construction commission, the school 88734
district board by a majority of all of its members shall, if it 88735
desires to proceed with the project, declare all of the following 88736
by resolution: 88737

(1) That by issuing bonds in an amount equal to the school 88738
district's portion of the basic project cost the district is 88739
unable to provide adequate classroom facilities without assistance 88740
from the state; 88741

(2) Unless the school district board has resolved to transfer 88742
money in accordance with section 3318.051 of the Revised Code or 88743
to apply the proceeds of a property tax or the proceeds of an 88744
income tax, or a combination of proceeds from such taxes, as 88745
authorized under section 3318.052 of the Revised Code, that to 88746
qualify for such state assistance it is necessary to do either of 88747
the following: 88748

(a) Levy a tax outside the ten-mill limitation the proceeds 88749
of which shall be used to pay the cost of maintaining the 88750
classroom facilities included in the project; 88751

(b) Earmark for maintenance of classroom facilities from the 88752
proceeds of an existing permanent improvement tax levied under 88753
section 5705.21 of the Revised Code, if such tax can be used for 88754
maintenance, an amount equivalent to the amount of the additional 88755
tax otherwise required under this section and sections 3318.05 and 88756

3318.08 of the Revised Code. 88757

(3) That the question of any tax levy specified in a 88758
resolution described in division (A)(2)(a) of this section, if 88759
required, shall be submitted to the electors of the school 88760
district at the next general election or special election held on 88761
a day on which a primary election may be held, ~~if there be a~~ 88762
~~general or primary election occurring~~ not less than ninety and not 88763
more than one hundred ten days after the day of the adoption of 88764
such resolution ~~or, if not, at a special election to be held at a~~ 88765
~~time specified in the resolution which shall be not less than~~ 88766
~~ninety days after the day of the adoption of the resolution and~~ 88767
~~which shall be in accordance with the requirements of section~~ 88768
~~3501.01 of the Revised Code.~~ 88769

Such resolution shall also state that the question of issuing 88770
bonds of the board shall be combined in a single proposal with the 88771
question of such tax levy. More than one election under this 88772
section may be held in any one calendar year. Such resolution 88773
shall specify both of the following: 88774

(a) That the rate which it is necessary to levy shall be at 88775
the rate of not less than one-half mill for each one dollar of 88776
valuation, and that such tax shall be levied for a period of 88777
twenty-three years; 88778

(b) That the proceeds of the tax shall be used to pay the 88779
cost of maintaining the classroom facilities included in the 88780
project. 88781

(B) A copy of a resolution adopted under division (A) of this 88782
section shall after its passage and not less than ninety days 88783
prior to the date set therein for the election be certified to the 88784
county board of elections. 88785

The resolution of the school district board, in addition to 88786
meeting other applicable requirements of section 133.18 of the 88787

Revised Code, shall state that the amount of bonds to be issued 88788
will be an amount equal to the school district's portion of the 88789
basic project cost, and state the maximum maturity of the bonds 88790
which may be any number of years not exceeding the term calculated 88791
under section 133.20 of the Revised Code as determined by the 88792
board. In estimating the amount of bonds to be issued, the board 88793
shall take into consideration the amount of moneys then in the 88794
bond retirement fund and the amount of moneys to be collected for 88795
and disbursed from the bond retirement fund during the remainder 88796
of the year in which the resolution of necessity is adopted. 88797

If the bonds are to be issued in more than one series, the 88798
resolution may state, in addition to the information required to 88799
be stated under division (B)(3) of section 133.18 of the Revised 88800
Code, the number of series, which shall not exceed five, the 88801
principal amount of each series, and the approximate date each 88802
series will be issued, and may provide that no series, or any 88803
portion thereof, may be issued before such date. Upon such a 88804
resolution being certified to the county auditor as required by 88805
division (C) of section 133.18 of the Revised Code, the county 88806
auditor, in calculating, advising, and confirming the estimated 88807
average annual property tax levy under that division, shall also 88808
calculate, advise, and confirm by certification the estimated 88809
average property tax levy for each series of bonds to be issued. 88810

Notice of the election shall include the fact that the tax 88811
levy shall be at the rate of not less than one-half mill for each 88812
one dollar of valuation for a period of twenty-three years, and 88813
that the proceeds of the tax shall be used to pay the cost of 88814
maintaining the classroom facilities included in the project. 88815

If the bonds are to be issued in more than one series, the 88816
board of education, when filing copies of the resolution with the 88817
board of elections as required by division (D) of section 133.18 88818
of the Revised Code, may direct the board of elections to include 88819

in the notice of election the principal amount and approximate 88820
date of each series, the maximum number of years over which the 88821
principal of each series may be paid, the estimated additional 88822
average property tax levy for each series, and the first calendar 88823
year in which the tax is expected to be due for each series, in 88824
addition to the information required to be stated in the notice 88825
under divisions (E)(3)(a) to (e) of section 133.18 of the Revised 88826
Code. 88827

(C)(1) Except as otherwise provided in division (C)(2) of 88828
this section, the form of the ballot to be used at such election 88829
shall be: 88830

"A majority affirmative vote is necessary for passage. 88831

Shall bonds be issued by the (here insert name 88832
of school district) school district to pay the local share of 88833
school construction under the State of Ohio Classroom Facilities 88834
Assistance Program in the principal amount of (here 88835
insert principal amount of the bond issue), to be repaid annually 88836
over a maximum period of (here insert the maximum 88837
number of years over which the principal of the bonds may be paid) 88838
years, and an annual levy of property taxes be made outside the 88839
ten-mill limitation, estimated by the county auditor to average 88840
over the repayment period of the bond issue (here 88841
insert the number of mills estimated) mills for each one dollar of 88842
tax valuation, which amounts to (rate expressed in 88843
cents or dollars and cents, such as "thirty-six cents" or "\$0.36") 88844
for each one hundred dollars of tax valuation to pay the annual 88845
debt charges on the bonds and to pay debt charges on any notes 88846
issued in anticipation of the bonds?" 88847

and, unless the additional levy 88848

of taxes is not required pursuant 88849

to division (C) of section 88850

3318.05 of the Revised Code, 88851

"Shall an additional levy of taxes be made for a period of 88852
 twenty-three years to benefit the (here insert name 88853
 of school district) school district, the proceeds of which shall 88854
 be used to pay the cost of maintaining the classroom facilities 88855
 included in the project at the rate of (here insert the 88856
 number of mills, which shall not be less than one-half mill) mills 88857
 for each one dollar of valuation? 88858

	FOR THE BOND ISSUE AND TAX LEVY	
	AGAINST THE BOND ISSUE AND TAX LEVY	"

88859
 88860
 88861
 88862

(2) If authority is sought to issue bonds in more than one 88863
 series and the board of education so elects, the form of the 88864
 ballot shall be as prescribed in section 3318.062 of the Revised 88865
 Code. If the board of education elects the form of the ballot 88866
 prescribed in that section, it shall so state in the resolution 88867
 adopted under this section. 88868

(D) If it is necessary for the school district to acquire a 88869
 site for the classroom facilities to be acquired pursuant to 88870
 sections 3318.01 to 3318.20 of the Revised Code, the district 88871
 board may propose either to issue bonds of the board or to levy a 88872
 tax to pay for the acquisition of such site, and may combine the 88873
 question of doing so with the questions specified in division (B) 88874
 of this section. Bonds issued under this division for the purpose 88875
 of acquiring a site are a general obligation of the school 88876
 district and are Chapter 133. securities. 88877

The form of that portion of the ballot to include the 88878
 question of either issuing bonds or levying a tax for site 88879
 acquisition purposes shall be one of the following: 88880

(1) "Shall bonds be issued by the (here insert 88881
 name of the school district) school district to pay costs of 88882

acquiring a site for classroom facilities under the State of Ohio 88883
Classroom Facilities Assistance Program in the principal amount of 88884
..... (here insert principal amount of the bond issue), to be 88885
repaid annually over a maximum period of (here insert 88886
maximum number of years over which the principal of the bonds may 88887
be paid) years, and an annual levy of property taxes be made 88888
outside the ten-mill limitation, estimated by the county auditor 88889
to average over the repayment period of the bond issue 88890
(here insert number of mills) mills for each one dollar of tax 88891
valuation, which amount to (here insert rate expressed 88892
in cents or dollars and cents, such as "thirty-six cents" or 88893
"\$0.36") for each one hundred dollars of valuation to pay the 88894
annual debt charges on the bonds and to pay debt charges on any 88895
notes issued in anticipation of the bonds?" 88896

(2) "Shall an additional levy of taxes outside the ten-mill 88897
limitation be made for the benefit of the (here insert 88898
name of the school district) school district for the purpose of 88899
acquiring a site for classroom facilities in the sum of 88900
(here insert annual amount the levy is to produce) estimated by 88901
the county auditor to average (here insert number of 88902
mills) mills for each one hundred dollars of valuation, for a 88903
period of (here insert number of years the millage is to 88904
be imposed) years?" 88905

Where it is necessary to combine the question of issuing 88906
bonds of the school district and levying a tax as described in 88907
division (B) of this section with the question of issuing bonds of 88908
the school district for acquisition of a site, the question 88909
specified in that division to be voted on shall be "For the Bond 88910
Issues and the Tax Levy" and "Against the Bond Issues and the Tax 88911
Levy." 88912

Where it is necessary to combine the question of issuing 88913
bonds of the school district and levying a tax as described in 88914

division (B) of this section with the question of levying a tax 88915
for the acquisition of a site, the question specified in that 88916
division to be voted on shall be "For the Bond Issue and the Tax 88917
Levies" and "Against the Bond Issue and the Tax Levies." 88918

Where the school district board chooses to combine the 88919
question in division (B) of this section with any of the 88920
additional questions described in divisions (A) to (D) of section 88921
3318.056 of the Revised Code, the question specified in division 88922
(B) of this section to be voted on shall be "For the Bond Issues 88923
and the Tax Levies" and "Against the Bond Issues and the Tax 88924
Levies." 88925

If a majority of those voting upon a proposition hereunder 88926
which includes the question of issuing bonds vote in favor 88927
thereof, and if the agreement provided for by section 3318.08 of 88928
the Revised Code has been entered into, the school district board 88929
may proceed under Chapter 133. of the Revised Code, with the 88930
issuance of bonds or bond anticipation notes in accordance with 88931
the terms of the agreement. 88932

Sec. 3318.061. This section applies only to school districts 88933
eligible to receive additional assistance under division (B)(2) of 88934
section 3318.04 of the Revised Code. 88935

The board of education of a school district in which a tax 88936
described by division (B) of section 3318.05 and levied under 88937
section 3318.06 of the Revised Code is in effect, may adopt a 88938
resolution by vote of a majority of its members to extend the term 88939
of that tax beyond the expiration of that tax as originally 88940
approved under that section. The school district board may include 88941
in the resolution a proposal to extend the term of that tax at the 88942
rate of not less than one-half mill for each dollar of valuation 88943
for a period of twenty-three years from the year in which the 88944
school district board and the Ohio facilities construction 88945

commission enter into an agreement under division (B)(2) of 88946
section 3318.04 of the Revised Code or in the following year, as 88947
specified in the resolution. Such a resolution may be adopted at 88948
any time before such an agreement is entered into and before the 88949
tax levied pursuant to section 3318.06 of the Revised Code 88950
expires. If the resolution is combined with a resolution to issue 88951
bonds to pay the school district's portion of the basic project 88952
cost, it shall conform with the requirements of divisions (A)(1), 88953
(2), and (3) of section 3318.06 of the Revised Code, except that 88954
the resolution also shall state that the tax levy proposed in the 88955
resolution is an extension of an existing tax levied under that 88956
section. A resolution proposing an extension adopted under this 88957
section does not take effect until it is approved by a majority of 88958
electors voting in favor of the resolution at a general, election 88959
or a special election held on a day on which a primary, or special 88960
election may be held, as provided in this section. 88961

A tax levy extended under this section is subject to the same 88962
terms and limitations to which the original tax levied under 88963
section 3318.06 of the Revised Code is subject under that section, 88964
except the term of the extension shall be as specified in this 88965
section. 88966

The school district board shall certify a copy of the 88967
resolution adopted under this section to the proper county board 88968
of elections not later than ninety days before the date set in the 88969
resolution as the date of the election at which the question will 88970
be submitted to electors. The notice of the election shall conform 88971
with the requirements of division (A)(3) of section 3318.06 of the 88972
Revised Code, except that the notice also shall state that the 88973
maintenance tax levy is an extension of an existing tax levy. 88974

The form of the ballot shall be as follows: 88975

"Shall the existing tax levied to pay the cost of maintaining 88976
classroom facilities constructed with the proceeds of the 88977

previously issued bonds at the rate of (here insert the 88978
number of mills, which shall not be less than one-half mill) mills 88979
per dollar of tax valuation, be extended until (here 88980
insert the year that is twenty-three years after the year in which 88981
the district and commission will enter into an agreement under 88982
division (B)(2) of section 3318.04 of the Revised Code or the 88983
following year)? 88984

	FOR EXTENDING THE EXISTING TAX LEVY	
	AGAINST EXTENDING THE EXISTING TAX LEVY	"

88985

88986

88987

88988

Section 3318.07 of the Revised Code applies to ballot 88989
questions under this section. 88990

Sec. 3318.063. If the board of education of a city, exempted 88991
village, or local school district that has entered into an 88992
agreement under section 3318.051 of the Revised Code to make 88993
transfers of money in lieu of levying the tax for maintenance of 88994
the classroom facilities included in the district's project 88995
determines that it no longer can continue making the transfers so 88996
agreed to and desires to rescind that agreement, the board shall 88997
adopt the resolution to submit the question of the tax levy 88998
prescribed in this section. 88999

The resolution shall declare that the question of a tax levy 89000
specified in division (F) of section 3318.051 of the Revised Code 89001
shall be submitted to the electors of the school district at the 89002
next general election or special election held on a day on which a 89003
primary election may be held, ~~if there be a general or primary~~ 89004
~~election occurring~~ not less than seventy-five and not more than 89005
ninety-five days after the day of the adoption of such resolution 89006
~~or, if not, at a special election to be held at a time specified~~ 89007
~~in the resolution which shall be not less than seventy-five days~~ 89008

~~after the day of the adoption of the resolution and which shall be~~ 89009
~~in accordance with the requirements of section 3501.01 of the~~ 89010
~~Revised Code.~~ Such resolution shall specify both of the following: 89011

(A) That the rate which it is necessary to levy shall be at 89012
the rate of not less than one-half mill for each one dollar of 89013
valuation, and that such tax shall be levied for the number of 89014
years required by division (F) of section 3318.051 of the Revised 89015
Code; 89016

(B) That the proceeds of the tax shall be used to pay the 89017
cost of maintaining the classroom facilities included in the 89018
project. 89019

A copy of such resolution shall after its passage and not 89020
less than seventy-five days prior to the date set therein for the 89021
election be certified to the county board of elections. 89022

Notice of the election shall include the fact that the tax 89023
levy shall be at the rate of not less than one-half mill for each 89024
one dollar of valuation for the number of years required by 89025
division (F) of section 3318.051 of the Revised Code, and that the 89026
proceeds of the tax shall be used to pay the cost of maintaining 89027
the classroom facilities included in the project. 89028

The form of the ballot to be used at such election shall be: 89029

"Shall a levy of taxes be made for a period of 89030
(here insert the number of years, which shall not be less than the 89031
number required by division (F) of section 3318.051 of the Revised 89032
Code) years to benefit the (here insert name of 89033
school district) school district, the proceeds of which shall be 89034
used to pay the cost of maintaining the classroom facilities 89035
included in the project at the rate of (here insert the 89036
number of mills, which shall not be less than one-half mill) mills 89037
for each one dollar of valuation? 89038

89039

	FOR THE TAX LEVY	89040
	AGAINST THE TAX LEVY	89041

89042

Sec. 3318.361. A school district board opting to qualify for state assistance pursuant to section 3318.36 of the Revised Code through levying the tax specified in division (D)(2)(a) or (D)(4) of that section shall declare by resolution that the question of a tax levy specified in division (D)(2)(a) or (4), as applicable, of section 3318.36 of the Revised Code shall be submitted to the electors of the school district at the next general election or special election held on a day on which a primary election may be held, ~~if there be a general or primary election occurring~~ not less than ninety and not more than one hundred ten days after the day of the adoption of such resolution ~~or, if not, at a special election to be held at a time specified in the resolution which shall be not less than ninety days after the day of the adoption of the resolution and which shall be in accordance with the requirements of section 3501.01 of the Revised Code.~~ Such resolution shall specify both of the following:

(A) That the rate which it is necessary to levy shall be at the rate of not less than one-half mill for each one dollar of valuation, and that such tax shall be levied for a period of twenty-three years;

(B) That the proceeds of the tax shall be used to pay the cost of maintaining the classroom facilities included in the project.

A copy of such resolution shall after its passage and not less than ninety days prior to the date set therein for the election be certified to the county board of elections.

Notice of the election shall include the fact that the tax levy shall be at the rate of not less than one-half mill for each

one dollar of valuation for a period of twenty-three years, and 89071
that the proceeds of the tax shall be used to pay the cost of 89072
maintaining the classroom facilities included in the project. 89073

The form of the ballot to be used at such election shall be: 89074

"Shall a levy of taxes be made for a period of twenty-three 89075
years to benefit the (here insert name of school 89076
district) school district, the proceeds of which shall be used to 89077
pay the cost of maintaining the classroom facilities included in 89078
the project at the rate of (here insert the number of 89079
mills, which shall not be less than one-half mill) mills for each 89080
one dollar of valuation? 89081

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

89082
89083
89084
89085

Sec. 3354.02. A community college district may be created 89086
with the approval of the Ohio board of regents pursuant to 89087
standards established by the board. The standards shall take into 89088
consideration such factors as the population of the proposed 89089
district, the present and potential pupil enrollment, the present 89090
and potential higher education facilities in the district, and 89091
such other factors as pertain to the educational needs of the 89092
district. The Ohio board of regents may undertake or contract for 89093
a study to be made relative to the establishment of a community 89094
college district. 89095

The attorney general shall be the attorney for each community 89096
college district and shall provide legal advice in all matters 89097
relating to its powers and duties. 89098

A proposal to create a community college district may be 89099
presented to the Ohio board of regents in any of the following 89100

ways: 89101

(A) The board of county commissioners of any county, having a 89102
population of not less than seventy-five thousand, may, by 89103
resolution approved by two-thirds of its members, propose the 89104
creation of a community college district consisting of the whole 89105
territory of such county. 89106

(B) The boards of county commissioners of any two or more 89107
contiguous counties, which together have a combined population of 89108
not less than seventy-five thousand, may, by a resolution approved 89109
by two-thirds of the members of each such board, together and 89110
jointly propose the creation of a community college district 89111
consisting of the whole territories of such counties together. 89112

(C) Qualified electors residing in a county or in two or more 89113
contiguous counties may execute a petition proposing the creation 89114
of a community college district comprised of the territory of a 89115
county or two or more contiguous counties, respectively. Such 89116
petition shall be presented to the board of elections of the most 89117
populous county in which the proposed community college district 89118
is situated, and shall be signed by at least two per cent of the 89119
total number of resident electors who voted in the most recent 89120
election for governor in the territory of such proposed district. 89121
Such petition shall set forth the necessity for the district, a 89122
demonstration that it will be conducive to the public convenience 89123
and welfare, and a description of the territory to be included in 89124
the proposed district. 89125

Upon receiving a petition duly executed pursuant to this 89126
division, the board of elections of the most populous county shall 89127
certify the fact of such petition to the election boards of the 89128
other counties, if any, to be included in such district. The 89129
proposal to create such district shall be placed on the ballot by 89130
the board of elections and submitted to vote in each affected 89131
county or group of contiguous counties, at the next ~~primary or~~ 89132

general election or special election held on a day on which a 89133
primary election may be held, occurring more than seventy-five 89134
days after the filing of such petition. ~~If there is no primary or~~ 89135
~~general election occurring within ninety days after the filing of~~ 89136
~~such petition, the board of elections of the most populous county~~ 89137
~~shall fix the date of a special election to be held in each~~ 89138
~~affected county, or group of contiguous counties, such date to be~~ 89139
~~not less than seventy five days after the filing of the petition~~ 89140
~~and to be consistent with the requirements of section 3501.01 of~~ 89141
~~the Revised Code.~~ If a majority of the electors voting on the 89142
proposition in the proposed community college district vote in 89143
favor thereof, the board of elections of the most populous county 89144
in which the proposed district is situated shall certify such fact 89145
to the Ohio board of regents. 89146

(D) No county shall be included in the territory of more than 89147
one community college district. 89148

A community college district may also be created under 89149
division (D) of section 3358.02 of the Revised Code. 89150

Sec. 3354.12. (A) Upon the request by resolution approved by 89151
the board of trustees of a community college district, and upon 89152
certification to the board of elections not less than ninety days 89153
prior to ~~the~~ a general election or a special election held on a 89154
day on which a primary election may be held, the boards of 89155
elections of the county or counties comprising such district shall 89156
place upon the ballot in their respective counties the question of 89157
levying a tax on all the taxable property in the community college 89158
district outside the ten-mill limitation, for a specified period 89159
of years or for a continuing period of time, to provide funds for 89160
any one or more of the following purposes: the acquisition of 89161
sites, the erection, furnishing, and equipment of buildings, the 89162
acquisition, construction, or improvement of any property which 89163

the board of trustees of a community college district is 89164
authorized to acquire, construct, or improve and which has an 89165
estimated life of usefulness of five years or more as certified by 89166
the fiscal officer, and the payment of operating costs. ~~Not more~~ 89167
~~than two special elections shall be held in any one calendar year.~~ 89168
Levies for a continuing period of time adopted under this section 89169
may be reduced in accordance with section 5705.261 of the Revised 89170
Code. 89171

If such proposal is to be or include the renewal of an 89172
existing levy at the expiration thereof, the ballot for such 89173
election shall state whether it is a renewal of a tax; a renewal 89174
of a stated number of mills and an increase of a stated number of 89175
mills, or a renewal of a part of an existing levy with a reduction 89176
of a stated number of mills; the year of the tax duplicate on 89177
which such renewal will first be made; and if earlier, the year of 89178
the tax duplicate on which such additional levy will first be 89179
made, which may include the tax duplicate for the current year 89180
unless the election is to be held after the first Tuesday after 89181
the first Monday in November of the current tax year. The ballot 89182
shall also state the period of years for such levy or that it is 89183
for a continuing period of time. If a levy for a continuing period 89184
of time provides for but is not limited to current expenses, the 89185
resolution of the board of trustees providing for the election on 89186
such levy shall apportion the annual rate of the levy between 89187
current expenses and the other purpose or purposes. Such 89188
apportionment need not be the same for each year of the levy, but 89189
the respective portions of the rate actually levied each year for 89190
current expenses and the other purpose or purposes shall be 89191
limited by such apportionment. The portion of the rate apportioned 89192
to the other purpose or purposes shall be reduced as provided in 89193
division (B) of this section. 89194

If a majority of the electors in such district voting on such 89195

question approve thereof, the county auditor or auditors of the 89196
county or counties comprising such district shall annually, for 89197
the applicable years, place such levy on the tax duplicate in such 89198
district, in an amount determined by the board of trustees, but 89199
not to exceed the amount set forth in the proposition approved by 89200
the electors. 89201

The boards of trustees of a community college district shall 89202
establish a special fund for all revenue derived from any tax 89203
levied pursuant to this section. 89204

The boards of elections of the county or counties comprising 89205
the district shall cause to be published in a newspaper of general 89206
circulation in each such county an advertisement of the proposed 89207
tax levy question once a week for two consecutive weeks, or as 89208
provided in section 7.16 of the Revised Code, prior to the 89209
election at which the question is to appear on the ballot. If a 89210
board of elections operates and maintains a web site, that board 89211
also shall post the advertisement on its web site for thirty days 89212
prior to that election. 89213

After the approval of such levy by vote, the board of 89214
trustees of a community college district may anticipate a fraction 89215
of the proceeds of such levy and from time to time issue 89216
anticipation notes having such maturity or maturities that the 89217
aggregate principal amount of all such notes maturing in any 89218
calendar year shall not exceed seventy-five per cent of the 89219
anticipated proceeds from such levy for such year, and that no 89220
note shall mature later than the thirty-first day of December of 89221
the tenth calendar year following the calendar year in which such 89222
note is issued. Each issue of notes shall be sold as provided in 89223
Chapter 133. of the Revised Code. 89224

The amount of bonds or anticipatory notes authorized pursuant 89225
to Chapter 3354. of the Revised Code, may include sums to repay 89226
moneys previously borrowed, advanced, or granted and expended for 89227

the purposes of such bond or anticipatory note issues, whether 89228
such moneys were advanced from the available funds of the 89229
community college district or by other persons, and the community 89230
college district may restore and repay to such funds or persons 89231
from the proceeds of such issues the moneys so borrowed, advanced 89232
or granted. 89233

All operating costs of such community college may be paid out 89234
of any gift or grant from the state, pursuant to division (K) of 89235
section 3354.09 of the Revised Code; out of student fees and 89236
tuition collected pursuant to division (G) of section 3354.09 of 89237
the Revised Code; or out of unencumbered funds from any other 89238
source of the community college income not prohibited by law. 89239

(B) Prior to the application of section 319.301 of the 89240
Revised Code, the rate of a levy that is limited to, or to the 89241
extent that it is apportioned to, purposes other than current 89242
expenses shall be reduced in the same proportion in which the 89243
district's total valuation increases during the life of the levy 89244
because of additions to such valuation that have resulted from 89245
improvements added to the tax list and duplicate. 89246

Sec. 3357.02. A technical college district may be created 89247
with the approval of the Ohio board of regents pursuant to 89248
standards established by it. Such standards shall take into 89249
consideration such factors as the population of the proposed 89250
district, the present and potential pupil enrollment, present and 89251
potential higher education facilities in the district, and such 89252
other factors as may pertain to the educational needs of the 89253
district. The Ohio board of regents may undertake a study or 89254
contract for a study to be made relative to its establishment or 89255
application of such standards. 89256

The attorney general shall be the attorney for each technical 89257
college district and shall provide legal advice in all matters 89258

relating to its powers and duties. 89259

A proposal to create a technical college district may be 89260
presented to the Ohio board of regents in any of the following 89261
ways: 89262

(A) The board of education of a city school district may by 89263
resolution approved by a majority of its members propose the 89264
creation of a technical college district consisting of the whole 89265
territory of such district. 89266

(B) The boards of two or more contiguous city, exempted 89267
village, or local school districts or educational service centers 89268
may by resolutions approved by a majority of the members of each 89269
participating board propose the creation of a technical college 89270
district consisting of the whole territories of all the 89271
participating school districts and educational service centers. 89272

(C) The governing board of any educational service center may 89273
by resolution approved by a majority of its members propose the 89274
creation of a technical college district consisting of the whole 89275
territory of such educational service center. 89276

(D) The governing boards of any two or more contiguous 89277
educational service centers may by resolutions approved by a 89278
majority of the members of each participating board, propose the 89279
creation of a technical college district consisting of the whole 89280
territories of such educational service centers. 89281

(E) Qualified electors residing in a city school district, in 89282
a county, in two or more contiguous school districts, or in two or 89283
more contiguous counties may execute a petition proposing the 89284
creation of a technical college district comprised of the 89285
territory of the city school district, educational service center, 89286
two or more contiguous school districts or educational service 89287
centers, or two or more contiguous counties, respectively. Such 89288
petition shall be presented to the board of elections of the most 89289

populous county in which the technical college district is 89290
situated and shall bear the signatures of at least two per cent of 89291
the total number of resident electors who voted in the most recent 89292
election for governor in the territory of such proposed district. 89293
Such petition shall set forth the necessity for the district, a 89294
demonstration that it will be conducive to the public convenience 89295
and welfare, and a description of the territory to be included in 89296
the proposed district. 89297

Upon receiving a petition duly executed pursuant to division 89298
(E) of this section, the board of elections of the most populous 89299
county shall certify the fact of such petition to the boards of 89300
elections of the other counties, if any, in which any of the 89301
territory of the proposed district is situated. The proposal to 89302
create a technical college district shall be placed on the ballot 89303
by the board of elections and submitted to vote in each affected 89304
city school district, county, or group of contiguous school 89305
districts or counties, at the next ~~primary or~~ general election or 89306
special election held on a day on which a primary election may be 89307
held, occurring more than ninety days after the filing of such 89308
petition. ~~If there is no primary or general election occurring~~ 89309
~~within one hundred five days after the filing of such petition,~~ 89310
~~the board of elections of the most populous county shall fix the~~ 89311
~~date of a special election to be held in each affected city school~~ 89312
~~district, county, or group of contiguous school districts or~~ 89313
~~counties, such date to be not less than ninety days after the~~ 89314
~~filing of the petition.~~ If a majority of electors voting on the 89315
proposition in the proposed technical college district vote in 89316
favor thereof, the board of elections of the most populous county 89317
in which the proposed district is situated shall certify such fact 89318
to the Ohio board of regents. 89319

Sec. 3357.11. For the purposes of purchasing a site or 89320
enlargement thereof, and for the erection and equipment of 89321

buildings, or for the purpose of enlarging, improving, or 89322
rebuilding existing facilities, the board of trustees of a 89323
technical college district shall determine the amount of bonds to 89324
be issued and such other matters as pertain thereto, and may when 89325
authorized by the vote of the electors of the district, issue and 89326
sell such bonds as provided in Chapter 133. of the Revised Code. 89327
Such board of trustees shall have the same authority and be 89328
subject to the same procedure as provided in such chapter in the 89329
case where the board of education proposes a bond issue for the 89330
purposes noted in this section. 89331

At any time the board of trustees of a technical college 89332
district by a vote of two-thirds of all its members may declare by 89333
resolution the necessity of a tax outside the ten-mill limitation 89334
for a period of years not to exceed ten years, to provide funds 89335
for one or more of the following purposes: for operation and 89336
maintenance, for purchasing a site or enlargement thereof, for the 89337
erection and construction or equipment of buildings, or for the 89338
purpose of enlarging or improving or rebuilding thereon. A copy of 89339
such resolution shall be certified to the board of elections of 89340
the county or counties in which such technical college district is 89341
situated, for the purpose of placing the proposal on the ballot at 89342
~~an~~ a general election or a special election held on a day on which 89343
a primary election ~~to~~ may be held at , occurring on a date 89344
designated by such board of trustees, ~~which date shall be~~ 89345
~~eonsistent with the requirements of section 3501.01 of the Revised~~ 89346
~~Code,~~ but which shall not be earlier than ninety days after the 89347
adoption and certification of such resolution. If a majority of 89348
the electors in such district voting on such question vote in 89349
favor of such levy, the resolution shall go into immediate effect. 89350
The trustees shall certify their action to the auditors of the 89351
county or counties in which such technical college district is 89352
situated, who shall annually thereafter place such levy on the tax 89353
duplicate in such district in the amount set forth in the 89354

proposition approved by the voters. 89355

After the approval of such levy by vote the board of trustees 89356
of a technical college district may anticipate a fraction of the 89357
proceeds of such levy and from time to time, during the life of 89358
such levy, issue anticipation notes in an amount not to exceed 89359
seventy-five per cent of the estimated proceeds of such levy to be 89360
collected in each year over a period of five years after the date 89361
of the issuance of such notes, less an amount equal to the 89362
proceeds of such levy previously obligated for each year by the 89363
issuance of anticipation notes, provided, that the total amount 89364
maturing in any one year shall not exceed seventy-five per cent of 89365
the anticipated proceeds of such levy for that year. 89366

Each issue of notes shall be sold as provided in Chapter 133. 89367
of the Revised Code and shall mature serially in substantially 89368
equal amounts, during each remaining year of the levy, not to 89369
exceed five, after their issuance. 89370

All necessary expenses for the operation of such technical 89371
college may be paid from any gifts, from grants of the state or 89372
federal government, from student fees and tuition collected 89373
pursuant to division (G) of section 3357.09 of the Revised Code, 89374
or from unencumbered funds from any other source of the technical 89375
college income, not prohibited by law. 89376

Sec. 3381.03. Any county, or any two or more counties, 89377
municipal corporations, or townships, or any combination of these 89378
may create a regional arts and cultural district by the adoption 89379
of a resolution or ordinance by the board of county commissioners 89380
of each county, the legislative authority of each municipal 89381
corporation, and the board of township trustees of each township 89382
that desires to create or to join in the creation of the district. 89383
The resolution or ordinance shall state all of the following: 89384

(A) The purposes for the creation of the district; 89385

(B) The counties, municipal corporations, or townships that are to be included in the district;	89386 89387
(C) The official name by which the district shall be known;	89388
(D) The location of the principal office of the district or the manner in which the location shall be selected;	89389 89390
(E) Subject to section 3381.05 of the Revised Code, the number, term, and compensation, which shall not exceed the sum of fifty dollars for each board and committee meeting attended by a member, of the members of the board of trustees of the district;	89391 89392 89393 89394
(F) Subject to section 3381.05 of the Revised Code, the manner in which members of the board of trustees of the district shall be appointed; the method of filling vacancies; and the period, if any, for which a trustee continues in office after expiration of the trustee's term pending the appointment of the trustee's successor;	89395 89396 89397 89398 89399 89400
(G) The manner of apportioning expenses of the district among the participating counties, municipal corporations, and townships.	89401 89402
The resolution or ordinance may also provide that the authority of the districts to make grants under section 3381.20 of the Revised Code may be totally or partially delegated to one or more area arts councils, as defined in section 757.03 of the Revised Code, located within the district.	89403 89404 89405 89406 89407
The district provided for in the resolution or ordinance shall be created upon the adoption of the resolution or ordinance by the board of county commissioners of each county, the legislative authority of each municipal corporation, and the board of township trustees of each township enumerated in the resolution or ordinance. The resolution or ordinance may be amended to include additional counties, municipal corporations, or townships or for any other purpose by the adoption of an amendment by the board of county commissioners of each county, the legislative	89408 89409 89410 89411 89412 89413 89414 89415 89416

authority of each municipal corporation, and the board of township 89417
trustees of each township that has created or joined or proposes 89418
to join the district. 89419

After each county, municipal corporation, and township has 89420
adopted a resolution or ordinance approving inclusion of 89421
additional counties, municipal corporations, or townships in the 89422
district, a copy of the resolution or ordinance shall be filed 89423
with the clerk of the board of the county commissioners of each 89424
county, the clerk of the legislative authority of each municipal 89425
corporation, and the fiscal officer of the board of trustees of 89426
each township proposed to be included in the district. The 89427
inclusion is effective when all such filing is completed unless 89428
the district to which territory is to be added has authority to 89429
levy an ad valorem tax on property within its territory, in which 89430
event the inclusion shall become effective upon voter approval of 89431
the joinder and the tax. The board of trustees shall promptly 89432
certify the proposal to the board or boards of elections for the 89433
purpose of having the proposal placed on the ballot at the next 89434
general election or special election held on a day on which a 89435
primary election that occurs may be held, occurring not less than 89436
sixty days after the date of the meeting of the board of trustees, 89437
~~or at a special election held on a date specified in the~~ 89438
~~certification that is not less than sixty days after the date of~~ 89439
~~the meeting of the board.~~ If territory of more than one county, 89440
municipal corporation, or township is to be added to the regional 89441
arts and cultural district, the electors of the territories of the 89442
counties, municipal corporations, or townships which are to be 89443
added shall vote as a district, and the outcome of the election 89444
shall be determined by the vote cast in the entire district. Upon 89445
certification of a proposal to the board or boards of elections 89446
pursuant to this section, the board or boards of elections shall 89447
make the necessary arrangements for the submission of the 89448
questions to the electors of the territory to be added to the 89449

district, and the election shall be held, canvassed, and certified 89450
in the manner provided for the submission of tax levies under 89451
section 5705.19 of the Revised Code, except that the question 89452
appearing on the ballot shall read: 89453

"Shall the territory within the (name or 89454
names of political subdivisions to be joined) be added to 89455
..... (name) regional arts and cultural 89456
district? And shall a(n) (here insert type of 89457
tax or taxes) at a rate of taxation not to exceed (here 89458
insert maximum tax rate or rates) be levied for purposes of such 89459
district?" 89460

If the question is approved by a majority of the electors 89461
voting on the question, the joinder is effective immediately, and 89462
the district may extend the levy of the tax against all the 89463
taxable property within the territory that has been added. If the 89464
question is approved at a general election ~~or at a special~~ 89465
~~election occurring prior to a general election but after the~~ 89466
~~fifteenth day of July in any calendar year~~, the district may amend 89467
its budget and resolution adopted pursuant to section 5705.34 of 89468
the Revised Code, and the levy shall be placed on the current tax 89469
list and duplicate and collected as other taxes are collected from 89470
all taxable property within the territory of the district, 89471
including the territory added as a result of the election. 89472

The territory of a district shall be coextensive with the 89473
territory of the counties, municipal corporations, and townships 89474
included within the district, provided that the same territory may 89475
not be included in more than one regional arts and cultural 89476
district, and provided, that if a district includes only a portion 89477
of an entire county, a district may be created in the remaining 89478
portion of the same county by resolution of the board of county 89479
commissioners acting alone or in conjunction with municipal 89480
corporations and townships as provided in this section. 89481

Sec. 3501.022. (A) Notwithstanding any section of the Revised Code to the contrary except as authorized under section 5705.214 or 5748.07 of the Revised Code, no question or issue proposing either of the following may be placed on the ballot at a special election held in August:

(1) To levy, renew, replace, increase, decrease, or repeal any tax;

(2) To create, dissolve, or change the territorial boundaries of a political subdivision or other entity authorized to submit to the electors a question described in division (A)(1) of this section.

(B) A board of elections may not accept a resolution or ordinance proposing to submit to the electors a question or issue described in division (A) of this section at a special election held in August.

Sec. 4301.421. (A) For the purposes of section 307.696 of the Revised Code, to pay the expenses of administering the tax, and to pay any or all of the charge the board of elections makes against the county to hold the election on the question of levying the tax, or for those purposes and to provide revenues to the county for permanent improvements, the board of county commissioners may levy a tax on the sale of beer at a rate not to exceed sixteen cents per gallon, on the sale of cider at a rate not to exceed twenty-four cents per gallon, and on the sale of wine and mixed beverages at a rate not to exceed thirty-two cents per gallon. The tax shall be imposed on all beer, cider, wine, and mixed beverages sold for resale at retail in the county, and on all beer, cider, wine, and mixed beverages sold at retail in the county by the manufacturer, bottler, importer, or other person upon which the tax has not been paid. The tax shall not be levied on the sale of

wine to be used for known sacramental purposes. The tax may be 89512
levied for any number of years not exceeding twenty. The tax shall 89513
be in addition to the taxes imposed by sections 4301.42, 4301.43, 89514
4301.432, and 4305.01 of the Revised Code. The tax shall not be 89515
considered a cost in any computation required under rules of the 89516
liquor control commission regulating minimum prices or mark-ups. 89517
89518

Only one sale of the same article shall be used in computing, 89519
reporting, and paying the amount of tax due. 89520

The tax shall be levied pursuant to a resolution of the 89521
county commissioners approved by a majority of the electors in the 89522
county voting on the question of levying the tax, which resolution 89523
shall specify the rate of the tax, the number of years the tax 89524
will be levied, and the purposes for which the tax is levied. The 89525
election may be held on the date of a general election or a 89526
special election held on a day on which a primary election or 89527
special election may be held, occurring not sooner than ninety 89528
days after the date the board certifies its resolution to the 89529
board of elections. If approved by the electors, the tax shall 89530
take effect on the first day of the month specified in the 89531
resolution but not sooner than the first day of the month that is 89532
at least sixty days after the certification of the election 89533
results by the board of elections. A copy of the resolution 89534
levying the tax and the certification of the board of elections 89535
shall be certified to the tax commissioner at least sixty days 89536
prior to the date on which the tax is to become effective. 89537

A resolution under this section may be joined on the ballot 89538
as a single question with a resolution adopted under section 89539
307.697 or 5743.024 of the Revised Code to levy a tax for the same 89540
purposes and for the purpose of paying the expenses of 89541
administering the tax. The form of the ballot in an election held 89542
pursuant to this section shall be as prescribed in section 307.697 89543

of the Revised Code. 89544

(B) The board of county commissioners of a county in which a 89545
tax is imposed under this section on the effective date of the 89546
amendment of this section by H.B. 59 of the 130th general 89547
assembly, September 29, 2013, may levy a tax for the purpose of 89548
section 307.673 of the Revised Code regardless of whether or not 89549
the cooperative agreement authorized under that section has been 89550
entered into prior to the day the resolution adopted under 89551
division (B)(1) or (2) of this section is adopted, for the purpose 89552
of reimbursing a county for costs incurred in the construction of 89553
a sports facility pursuant to an agreement entered into by the 89554
county under section 307.696 of the Revised Code, or for the 89555
purpose of paying the costs of capital repairs of and improvements 89556
to a sports facility. The tax shall be levied and approved in one 89557
of the manners prescribed by division (B)(1) or (2) of this 89558
section. 89559

(1) The tax may be levied pursuant to a resolution adopted by 89560
a majority of the members of the board of county commissioners not 89561
later than September 2, 1995. A board of county commissioners 89562
approving a tax under division (B)(1) of this section may approve 89563
a tax under division (D)(1) of section 307.697 or division (C)(1) 89564
of section 5743.024 of the Revised Code at the same time. Subject 89565
to the resolution being submitted to a referendum under sections 89566
305.31 to 305.41 of the Revised Code, the resolution shall take 89567
effect immediately, but the tax levied pursuant to the resolution 89568
shall not be levied prior to the day following the last day that 89569
any tax previously levied pursuant to this division may be levied. 89570

(2) The tax may be levied pursuant to a resolution adopted by 89571
a majority of the members of the board of county commissioners not 89572
later than September 1, 2015, and approved by a majority of the 89573
electors of the county voting on the question of levying the tax. 89574
The board of county commissioners shall certify a copy of the 89575

resolution to the board of elections immediately upon adopting a 89576
resolution under division (D)(2) of this section. The election may 89577
be held on the date of a general election or a special election 89578
held on a day on which a primary election may be held, occurring 89579
not sooner than ninety days after the date the board certifies its 89580
resolution to the board of elections. The form of the ballot shall 89581
be as prescribed by division (C) of section 307.697 of the Revised 89582
Code, except that the phrase "paying not more than one-half of the 89583
costs of providing a sports facility together with related 89584
redevelopment and economic development projects" shall be replaced 89585
by the phrase "paying the costs of constructing, renovating, 89586
improving, or repairing a sports facility and reimbursing a county 89587
for costs incurred by the county in the construction of a sports 89588
facility," and the phrase ", beginning (here insert the 89589
earliest date the tax would take effect)" shall be appended after 89590
"years." A board of county commissioners submitting the question 89591
of a tax under division (B)(2) of this section may submit the 89592
question of a tax under division (D)(2) of section 307.697 or 89593
division (C)(2) of section 5743.024 of the Revised Code as a 89594
single question, and the form of the ballot shall include each of 89595
the proposed taxes. 89596

If approved by a majority of electors voting on the question, 89597
the tax shall take effect on the day specified on the ballot, 89598
which shall not be earlier than the day following the last day 89599
that any tax previously levied pursuant to this division may be 89600
levied. 89601

The rate of a tax levied pursuant to division (B)(1) or (2) 89602
of this section shall not exceed the rate specified in division 89603
(A) of this section. A tax levied pursuant to division (B)(1) or 89604
(2) of this section may be levied for any number of years not 89605
exceeding twenty. 89606

A board of county commissioners adopting a resolution under 89607

division (B)(1) or (2) of this section shall certify a copy of the 89608
resolution to the tax commissioner immediately upon adoption of 89609
the resolution. 89610

(C) No tax shall be levied under division (A) of this section 89611
on or after September 23, 2008. This division does not apply to a 89612
tax levied under division (B) of this section, and does not 89613
prevent the collection of any tax levied under this section before 89614
September 23, 2008, so long as that tax remains effective. 89615

Sec. 4301.424. (A) For the purpose of section 351.26 of the 89616
Revised Code and to pay any or all of the charge the board of 89617
elections makes against the county to hold the election on the 89618
question of levying the tax, the board of county commissioners, in 89619
the manner prescribed by division (A) of section 351.26 of the 89620
Revised Code, may levy a tax on each gallon of spirituous liquor; 89621
on the sale of beer; and on the sale of wine and mixed beverages. 89622
The tax on spirituous liquor shall be imposed on spirituous liquor 89623
sold to or purchased by liquor permit holders for resale, and sold 89624
at retail by the division of liquor control, in the county at a 89625
rate not greater than three dollars per gallon; the tax on beer, 89626
wine, and mixed beverages shall be imposed on all beer, wine, and 89627
mixed beverages sold for resale at retail in the county, and on 89628
all beer, wine, and mixed beverages sold at retail in the county 89629
by the manufacturer, bottler, importer, or other person and upon 89630
which the tax has not been paid. The rate of the tax on beer shall 89631
not exceed sixteen cents per gallon, and the rate of the tax on 89632
wine and mixed beverages shall not exceed thirty-two cents per 89633
gallon. Only one sale of the same article shall be used in 89634
computing, reporting, and paying the amount of tax due. The tax 89635
may be levied for any number of years not exceeding twenty. 89636

The tax shall be levied pursuant to a resolution of the board 89637
of county commissioners adopted as prescribed by division (A) of 89638

section 351.26 of the Revised Code and approved by a majority of 89639
the electors in the county voting on the question of levying the 89640
tax. The resolution shall specify the rates of the tax, the number 89641
of years the tax will be levied, and the purposes for which the 89642
tax is levied. Such election may be held on the date of a general 89643
election or a special election held on a day on which a primary 89644
election may be held, occurring not sooner than ninety days after 89645
the date the board certifies its resolution to the board of 89646
elections. If approved by the electors, the tax takes effect on 89647
the first day of the month specified in the resolution but not 89648
sooner than the first day of the month that is at least sixty days 89649
after the certification of the election results by the board of 89650
elections. A copy of the resolution levying the tax shall be 89651
certified to the division of liquor control and the tax 89652
commissioner at least sixty days prior to the date on which the 89653
tax is to become effective. 89654

(B) A resolution under this section may be joined on the 89655
ballot as a single question with a resolution adopted under 89656
section 5743.026 of the Revised Code to levy a tax for the same 89657
purposes, and for the purpose of paying the expenses of 89658
administering that tax. 89659

(C) The form of the ballot in an election held on the 89660
question of levying a tax proposed pursuant to this section shall 89661
be as prescribed by section 351.26 of the Revised Code. 89662

(D) No tax shall be levied under this section on or after 89663
September 23, 2008. This division does not prevent the collection 89664
of any tax levied under this section before that date so long as 89665
that tax remains effective. 89666

Sec. 5705.191. The taxing authority of any subdivision, other 89667
than the board of education of a school district or the taxing 89668
authority of a county school financing district, by a vote of 89669

two-thirds of all its members, may declare by resolution that the 89670
amount of taxes that may be raised within the ten-mill limitation 89671
by levies on the current tax duplicate will be insufficient to 89672
provide an adequate amount for the necessary requirements of the 89673
subdivision, and that it is necessary to levy a tax in excess of 89674
such limitation for any of the purposes in section 5705.19 of the 89675
Revised Code, or to supplement the general fund for the purpose of 89676
making appropriations for one or more of the following purposes: 89677
public assistance, human or social services, relief, welfare, 89678
hospitalization, health, and support of general hospitals, and 89679
that the question of such additional tax levy shall be submitted 89680
to the electors of the subdivision at a general, election or a 89681
special election held on a day on which a primary, ~~or special~~ 89682
election ~~to~~ may be held, occurring at a time therein specified. In 89683
the case of a qualifying library levy for the support of a library 89684
association or private corporation, the question of the levy shall 89685
be submitted to the electors of the association library district. 89686
Such resolution shall not include a levy on the current tax list 89687
and duplicate unless such election is to be held at or prior to 89688
the general election day of the current tax year. Such resolution 89689
shall conform to the requirements of section 5705.19 of the 89690
Revised Code, except that a levy to supplement the general fund 89691
for the purposes of public assistance, human or social services, 89692
relief, welfare, hospitalization, health, or the support of 89693
general or tuberculosis hospitals may not be for a longer period 89694
than ten years. All other levies under this section may not be for 89695
a longer period than five years unless a longer period is 89696
permitted by section 5705.19 of the Revised Code, and the 89697
resolution shall specify the date of holding such election, which 89698
shall not be earlier than ninety days after the adoption and 89699
certification of such resolution. The resolution shall go into 89700
immediate effect upon its passage and no publication of the same 89701
is necessary other than that provided for in the notice of 89702

election. A copy of such resolution, immediately after its 89703
passage, shall be certified to the board of elections of the 89704
proper county or counties in the manner provided by section 89705
5705.25 of the Revised Code, and such section shall govern the 89706
arrangements for the submission of such question and other matters 89707
with respect to such election, to which section 5705.25 of the 89708
Revised Code refers, excepting that such election shall be held on 89709
the date of the general election or the special election held on a 89710
day on which a primary election may be held, as specified in the 89711
resolution, ~~which shall be consistent with the requirements of~~ 89712
~~section 3501.01 of the Revised Code,~~ provided that only one 89713
~~special~~ election for the submission of such question may be held 89714
in any one calendar year ~~and provided that a special election may~~ 89715
~~be held upon the same day a primary election is held.~~ Publication 89716
of notice of that election shall be made in a newspaper of general 89717
circulation in the county once a week for two consecutive weeks, 89718
or as provided in section 7.16 of the Revised Code, prior to the 89719
election. If the board of elections operates and maintains a web 89720
site, the board of elections shall post notice of the election on 89721
its web site for thirty days prior to the election. 89722

If a majority of the electors voting on the question vote in 89723
favor thereof, the taxing authority of the subdivision may make 89724
the necessary levy within such subdivision or, in the case of a 89725
qualifying library levy for the support of a library association 89726
or private corporation, within the association library district, 89727
at the additional rate or at any lesser rate outside the ten-mill 89728
limitation on the tax list and duplicate for the purpose stated in 89729
the resolution. Such tax levy shall be included in the next annual 89730
tax budget that is certified to the county budget commission. 89731

After the approval of such a levy by the electors, the taxing 89732
authority of the subdivision may anticipate a fraction of the 89733
proceeds of such levy and issue anticipation notes. In the case of 89734

a continuing levy that is not levied for the purpose of current 89735
expenses, notes may be issued at any time after approval of the 89736
levy in an amount not more than fifty per cent of the total 89737
estimated proceeds of the levy for the succeeding ten years, less 89738
an amount equal to the fraction of the proceeds of the levy 89739
previously anticipated by the issuance of anticipation notes. In 89740
the case of a levy for a fixed period that is not for the purpose 89741
of current expenses, notes may be issued at any time after 89742
approval of the levy in an amount not more than fifty per cent of 89743
the total estimated proceeds of the levy throughout the remaining 89744
life of the levy, less an amount equal to the fraction of the 89745
proceeds of the levy previously anticipated by the issuance of 89746
anticipation notes. In the case of a levy for current expenses, 89747
notes may be issued after the approval of the levy by the electors 89748
and prior to the time when the first tax collection from the levy 89749
can be made. Such notes may be issued in an amount not more than 89750
fifty per cent of the total estimated proceeds of the levy 89751
throughout the term of the levy in the case of a levy for a fixed 89752
period, or fifty per cent of the total estimated proceeds for the 89753
first ten years of the levy in the case of a continuing levy. 89754

No anticipation notes that increase the net indebtedness of a 89755
county may be issued without the prior consent of the board of 89756
county commissioners of that county. The notes shall be issued as 89757
provided in section 133.24 of the Revised Code, shall have 89758
principal payments during each year after the year of their 89759
issuance over a period not exceeding the life of the levy 89760
anticipated, and may have a principal payment in the year of their 89761
issuance. 89762

"Taxing authority" and "subdivision" have the same meanings 89763
as in section 5705.01 of the Revised Code. 89764

This section is supplemental to and not in derogation of 89765
sections 5705.20, 5705.21, and 5705.22 of the Revised Code. 89766

Sec. 5705.192. (A) For the purposes of this section only, 89767
"taxing authority" includes a township board of park commissioners 89768
appointed under section 511.18 of the Revised Code. 89769

(B) A taxing authority may propose to replace an existing 89770
levy that the taxing authority is authorized to levy, regardless 89771
of the section of the Revised Code under which the authority is 89772
granted, except a school district emergency levy proposed pursuant 89773
to sections 5705.194 to 5705.197 of the Revised Code. The taxing 89774
authority may propose to replace the existing levy in its entirety 89775
at the rate at which it is authorized to be levied; may propose to 89776
replace a portion of the existing levy at a lesser rate; or may 89777
propose to replace the existing levy in its entirety and increase 89778
the rate at which it is levied. If the taxing authority proposes 89779
to replace an existing levy, the proposed levy shall be called a 89780
replacement levy and shall be so designated on the ballot. Except 89781
as otherwise provided in this division, a replacement levy shall 89782
be limited to the purpose of the existing levy, and shall appear 89783
separately on the ballot from, and shall not be conjoined with, 89784
the renewal of any other existing levy. In the case of an existing 89785
school district levy imposed under section 5705.21 of the Revised 89786
Code for the purpose specified in division (F) of section 5705.19 89787
of the Revised Code, or in the case of an existing school district 89788
levy imposed under section 5705.217 of the Revised Code for the 89789
acquisition, construction, enlargement, renovation, and financing 89790
of permanent improvements, the replacement for that existing levy 89791
may be for the same purpose or for the purpose of general 89792
permanent improvements as defined in section 5705.21 of the 89793
Revised Code. The replacement for an existing levy imposed under 89794
division (L) of section 5705.19 or section 5705.222 of the Revised 89795
Code may be for any purpose authorized for a levy imposed under 89796
section 5705.222 of the Revised Code. 89797

The resolution proposing a replacement levy shall specify the 89798

purpose of the levy; its proposed rate expressed in mills; whether 89799
the proposed rate is the same as the rate of the existing levy, a 89800
reduction, or an increase; the extent of any reduction or increase 89801
expressed in mills; the first calendar year in which the levy will 89802
be due; and the term of the levy, expressed in years or, if 89803
applicable, that it will be levied for a continuing period of 89804
time. 89805

The sections of the Revised Code governing the maximum rate 89806
and term of the existing levy, the contents of the resolution that 89807
proposed the levy, the adoption of the resolution, the 89808
arrangements for the submission of the question of the levy, and 89809
notice of the election also govern the respective provisions of 89810
the proposal to replace the existing levy, except as provided in 89811
divisions (B)(1) to (4) of this section: 89812

(1) In the case of an existing school district levy that is 89813
imposed under section 5705.21 of the Revised Code for the purpose 89814
specified in division (F) of section 5705.19 of the Revised Code 89815
or under section 5705.217 of the Revised Code for the acquisition, 89816
construction, enlargement, renovation, and financing of permanent 89817
improvements, and that is to be replaced by a levy for general 89818
permanent improvements, the term of the replacement levy may be 89819
for a continuing period of time. 89820

(2) The date on which the election is held shall be as 89821
follows: 89822

(a) For the replacement of a levy with a fixed term of years, 89823
the date of the general election held during the last year the 89824
existing levy may be extended on the real and public utility 89825
property tax list and duplicate, or the date of ~~any~~ either the 89826
general election or the special election held on a day on which a 89827
primary election may be held, occurring in the ensuing year; 89828

(b) For the replacement of a levy imposed for a continuing 89829

period of time, the date of ~~any~~ a general election or a special 89830
election held on a day on which a primary election may be held, 89831
occurring in any year after the year the levy to be replaced is 89832
first approved by the electors, except that only one election on 89833
the question of replacing the levy may be held during any calendar 89834
year. 89835

The failure by the electors to approve a proposal to replace 89836
a levy imposed for a continuing period of time does not terminate 89837
the existing continuing levy. 89838

(3) In the case of an existing school district levy imposed 89839
under division (B) of section 5705.21, division (C) of section 89840
5705.212, or division ~~(J)~~(I) of section 5705.218 of the Revised 89841
Code, the rates allocated to the qualifying school district and to 89842
partnering community schools each may be increased or decreased or 89843
remain the same, and the total rate may be increased, decreased, 89844
or remain the same. 89845

(4) In the case of an existing levy imposed under division 89846
(L) of section 5705.19 of the Revised Code, the term may be for 89847
any number of years not exceeding ten or for a continuing period 89848
of time. 89849

(C) The form of the ballot at the election on the question of 89850
a replacement levy shall be as follows: 89851

"A replacement of a tax for the benefit of (name 89852
of subdivision or public library) for the purpose of 89853
(the purpose stated in the resolution) at a rate not exceeding 89854
..... mills for each one dollar of valuation, which amounts 89855
to (rate expressed in dollars and cents) for each one 89856
hundred dollars in valuation, for (number of years levy 89857
is to run, or that it will be levied for a continuous period of 89858
time) 89859

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	FOR THE TAX LEVY	89861
	AGAINST THE TAX LEVY	89862

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If the replacement levy is proposed by a qualifying school district to replace an existing tax levied under division (B) of section 5705.21, division (C)(1) of section 5705.212, or division ~~(J)~~(I) of section 5705.218 of the Revised Code, the form of the ballot shall be modified by adding, after the phrase "each one dollar of valuation," the following: "(of which mills is to be allocated to partnering community schools)."

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If the proposal is to replace an existing levy and increase the rate of the existing levy, the form of the ballot shall be changed by adding the words "..... mills of an existing levy and an increase of mills, to constitute" after the words "a replacement of." If the proposal is to replace only a portion of an existing levy, the form of the ballot shall be changed by adding the words "a portion of an existing levy, being a reduction of mills, to constitute" after the words "a replacement of." If the existing levy is imposed under division (B) of section 5705.21, division (C)(1) of section 5705.212, or division ~~(J)~~(I) of section 5705.218 of the Revised Code, the form of the ballot also shall state the portion of the total increased rate or of the total rate as reduced that is to be allocated to partnering community schools.

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If the tax is to be placed on the tax list of the current tax year, the form of the ballot shall be modified by adding at the end of the form the phrase ", commencing in (first year the replacement tax is to be levied), first due in calendar year (first calendar year in which the tax shall be due)."

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The question covered by the resolution shall be submitted as a separate proposition, but may be printed on the same ballot with any other proposition submitted at the same election, other than

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the election of officers. More than one such question may be 89893
submitted at the same election. 89894

(D) Two or more existing levies, or any portion of those 89895
levies, may be combined into one replacement levy, so long as all 89896
of the existing levies are for the same purpose and either all are 89897
due to expire the same year or all are for a continuing period of 89898
time. The question of combining all or portions of those existing 89899
levies into the replacement levy shall appear as one ballot 89900
proposition before the electors. If the electors approve the 89901
ballot proposition, all or the stated portions of the existing 89902
levies are replaced by one replacement levy. 89903

(E) A levy approved in excess of the ten-mill limitation 89904
under this section shall be certified to the tax commissioner. In 89905
the first year of a levy approved under this section, the levy 89906
shall be extended on the tax lists after the February settlement 89907
succeeding the election at which the levy was approved. If the 89908
levy is to be placed on the tax lists of the current year, as 89909
specified in the resolution providing for its submission, the 89910
result of the election shall be certified immediately after the 89911
canvass by the board of elections to the taxing authority, which 89912
shall forthwith make the necessary levy and certify it to the 89913
county auditor, who shall extend it on the tax lists for 89914
collection. After the first year, the levy shall be included in 89915
the annual tax budget that is certified to the county budget 89916
commission. 89917

If notes are authorized to be issued in anticipation of the 89918
proceeds of the existing levy, notes may be issued in anticipation 89919
of the proceeds of the replacement levy, and such issuance is 89920
subject to the terms and limitations governing the issuance of 89921
notes in anticipation of the proceeds of the existing levy. 89922

(F) This section does not authorize a tax to be levied in any 89923
year after the year in which revenue is not needed for the purpose 89924

for which the tax is levied. 89925

Sec. 5705.194. The board of education of any city, local, 89926
exempted village, cooperative education, or joint vocational 89927
school district at any time may declare by resolution that the 89928
revenue that will be raised by all tax levies which the district 89929
is authorized to impose, when combined with state and federal 89930
revenues, will be insufficient to provide for the emergency 89931
requirements of the school district or to avoid an operating 89932
deficit, and that it is therefore necessary to levy an additional 89933
tax in excess of the ten-mill limitation. The resolution shall be 89934
confined to a single purpose and shall specify that purpose. If 89935
the levy is proposed to renew all or a portion of the proceeds 89936
derived from one or more existing levies imposed pursuant to this 89937
section, it shall be called a renewal levy and shall be so 89938
designated on the ballot. If two or more existing levies are to be 89939
included in a single renewal levy but are not scheduled to expire 89940
in the same year, the resolution shall specify that the existing 89941
levies to be renewed shall not be levied after the year preceding 89942
the year in which the renewal levy is first imposed. 89943
Notwithstanding the original purpose of any one or more existing 89944
levies that are to be in any single renewal levy, the purpose of 89945
the renewal levy may be either to avoid an operating deficit or to 89946
provide for the emergency requirements of the school district. The 89947
resolution shall further specify the amount of money it is 89948
necessary to raise for the specified purpose for each calendar 89949
year the millage is to be imposed; if a renewal levy, whether the 89950
levy is to renew all, or a portion of, the proceeds derived from 89951
one or more existing levies; and the number of years in which the 89952
millage is to be in effect, which may include a levy upon the 89953
current year's tax list. The number of years may be any number not 89954
exceeding ten. 89955

The question shall be submitted at a general election or a 89956

special election ~~held~~ on a ~~date~~ day on which a primary election 89957
may be held, as specified in the resolution. The date shall not be 89958
earlier than eighty days after the adoption and certification of 89959
the resolution to the county auditor ~~and shall be consistent with~~ 89960
~~the requirements of section 3501.01 of the Revised Code.~~ A 89961
resolution for a renewal levy shall not be placed on the ballot 89962
unless the question is submitted ~~on a date on which~~ either at a 89963
general election or a special election held on a day on which a 89964
primary election may be held ~~under division (D) of section 3501.01~~ 89965
~~of the Revised Code, except for the first Tuesday after the first~~ 89966
~~Monday in August,~~ occurring during the last year the levy to be 89967
renewed may be extended on the real and public utility property 89968
tax list and duplicate, or at any such election held in the 89969
ensuing year, except that if the resolution proposes renewing two 89970
or more existing levies, the question shall be submitted on the 89971
date of ~~the~~ a general election or a special election held on a day 89972
on which a primary election may be held during , occurring in the 89973
last year at least one of the levies to be renewed may be extended 89974
on ~~that~~ the tax list and duplicate, or at any such election held 89975
during the ensuing year. For purposes of this section and sections 89976
5705.197 and 5705.199 of the Revised Code, a levy shall be 89977
considered to be an "existing levy" through the year following the 89978
last year it can be placed on the real and public utility property 89979
tax list and duplicate. 89980

~~The submission of questions to the electors under this~~ 89981
~~section is subject to the limitation on the number of election~~ 89982
~~dates established by section 5705.214 of the Revised Code.~~ 89983

The resolution shall go into immediate effect upon its 89984
passage, and no publication of the resolution shall be necessary 89985
other than that provided for in the notice of election. A copy of 89986
the resolution shall immediately after its passing be certified to 89987
the county auditor of the proper county. Section 5705.195 of the 89988

Revised Code shall govern the arrangements for the submission of 89989
questions to the electors under this section and other matters 89990
concerning the election. Publication of notice of the election 89991
shall be made in one newspaper of general circulation in the 89992
county once a week for two consecutive weeks, or as provided in 89993
section 7.16 of the Revised Code, prior to the election. If the 89994
board of elections operates and maintains a web site, the board of 89995
elections shall post notice of the election on its web site for 89996
thirty days prior to the election. If a majority of the electors 89997
voting on the question submitted in an election vote in favor of 89998
the levy, the board of education of the school district may make 89999
the additional levy necessary to raise the amount specified in the 90000
resolution for the purpose stated in the resolution. The tax levy 90001
shall be included in the next tax budget that is certified to the 90002
county budget commission. 90003

After the approval of the levy and prior to the time when the 90004
first tax collection from the levy can be made, the board of 90005
education may anticipate a fraction of the proceeds of the levy 90006
and issue anticipation notes in an amount not exceeding the total 90007
estimated proceeds of the levy to be collected during the first 90008
year of the levy. 90009

The notes shall be issued as provided in section 133.24 of 90010
the Revised Code, shall have principal payments during each year 90011
after the year of their issuance over a period not to exceed five 90012
years, and may have principal payment in the year of their 90013
issuance. 90014

Sec. 5705.199. (A) At any time the board of education of a 90015
city, local, exempted village, cooperative education, or joint 90016
vocational school district, by a vote of two-thirds of all its 90017
members, may declare by resolution that the revenue that will be 90018
raised by all tax levies that the district is authorized to 90019

impose, when combined with state and federal revenues, will be 90020
insufficient to provide for the necessary requirements of the 90021
school district, and that it is therefore necessary to levy a tax 90022
in excess of the ten-mill limitation for the purpose of providing 90023
for the necessary requirements of the school district. Such a levy 90024
shall be proposed as a substitute for all or a portion of one or 90025
more existing levies imposed under sections 5705.194 to 5705.197 90026
of the Revised Code or under this section, by levying a tax as 90027
follows: 90028

(1) In the initial year the levy is in effect, the levy shall 90029
be in a specified amount of money equal to the aggregate annual 90030
dollar amount of proceeds derived from the levy or levies, or 90031
portion thereof, being substituted. 90032

(2) In each subsequent year the levy is in effect, the levy 90033
shall be in a specified amount of money equal to the sum of the 90034
following: 90035

(a) The dollar amount of the proceeds derived from the levy 90036
in the prior year; and 90037

(b) The dollar amount equal to the product of the total 90038
taxable value of all taxable real property in the school district 90039
in the then-current year, excluding carryover property as defined 90040
in section 319.301 of the Revised Code, multiplied by the annual 90041
levy, expressed in mills for each one dollar of valuation, that 90042
was required to produce the annual dollar amount of the levy under 90043
this section in the prior year; provided, that the amount under 90044
division (A)(2)(b) of this section shall not be less than zero. 90045

(B) The resolution proposing the substitute levy shall 90046
specify the annual dollar amount the levy is to produce in its 90047
initial year; the first calendar year in which the levy will be 90048
due; and the term of the levy expressed in years, which may be any 90049
number not exceeding ten, or for a continuing period of time. The 90050

resolution shall specify the date of holding the election, which 90051
shall not be earlier than ninety days after certification of the 90052
resolution to the board of elections, and which shall be 90053
~~consistent with the requirements of section 3501.01 of the Revised~~ 90054
~~Code~~ the date of a general election or a special election held on 90055
a day on which a primary election may be held. If two or more 90056
existing levies are to be included in a single substitute levy, 90057
but are not scheduled to expire in the same year, the resolution 90058
shall specify that the existing levies to be substituted shall not 90059
be levied after the year preceding the year in which the 90060
substitute levy is first imposed. 90061

The resolution shall go into immediate effect upon its 90062
passage, and no publication of the resolution shall be necessary 90063
other than that provided for in the notice of election. A copy of 90064
the resolution shall immediately after its passage be certified to 90065
the county auditor in the manner provided by section 5705.195 of 90066
the Revised Code, and sections 5705.194 and 5705.196 of the 90067
Revised Code shall govern the arrangements for the submission of 90068
the question and other matters concerning the notice of election 90069
and the election, except as may be provided otherwise in this 90070
section. 90071

(C) The form of the ballot to be used at the election on the 90072
question of a levy under this section shall be as follows: 90073

"Shall a tax levy substituting for an existing levy be 90074
imposed by the (here insert name of school district) 90075
for the purpose of providing for the necessary requirements of the 90076
school district in the initial sum of (here insert the 90077
annual dollar amount the levy is to produce in its initial year), 90078
and a levy of taxes be made outside of the ten-mill limitation 90079
estimated by the county auditor to require (here insert 90080
number of mills) mills for each one dollar of valuation, which 90081
amounts to (here insert rate expressed in dollars and 90082

cents) for each one hundred dollars of valuation for the initial 90083
year of the tax, for a period of (here insert the 90084
number of years the levy is to be imposed, or that it will be 90085
levied for a continuing period of time), commencing in 90086
(first year the tax is to be levied), first due in calendar year 90087
..... (first calendar year in which the tax shall be due), 90088
with the sum of such tax to increase only if and as new land or 90089
real property improvements not previously taxed by the school 90090
district are added to its tax list? 90091

	FOR THE TAX LEVY	"
	AGAINST THE TAX LEVY	

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If the levy submitted is a proposal to substitute all or a 90096
portion of more than one existing levy, the form of the ballot may 90097
be changed so long as the ballot reflects the number of levies to 90098
be substituted and that none of the existing levies to be 90099
substituted will be levied after the year preceding the year in 90100
which the substitute levy is first imposed. The form of the ballot 90101
shall be modified by substituting the statement "Shall a tax levy 90102
substituting for an existing levy" with "Shall a tax levy 90103
substituting for existing levies" and adding the following 90104
statement after "added to its tax list?" and before "For the Tax 90105
Levy": 90106

"If approved, any remaining tax years on any of the 90107
..... (here insert the number of existing levies) existing 90108
levies will not be collected after (here insert the 90109
current tax year or, if not the current tax year, the applicable 90110
tax year)."

~~(D) The submission of questions to the electors under this 90112
section is subject to the limitation on the number of election 90113~~

~~dates established by section 5705.214 of the Revised Code.~~ 90114

~~(E)~~ If a majority of the electors voting on the question so 90115
submitted in an election vote in favor of the levy, the board of 90116
education may make the necessary levy within the school district 90117
at the rate and for the purpose stated in the resolution. The tax 90118
levy shall be included in the next tax budget that is certified to 90119
the county budget commission. 90120

~~(F)~~(E) A levy for a continuing period of time may be 90121
decreased pursuant to section 5705.261 of the Revised Code. 90122

~~(G)~~(F) A levy under this section substituting for all or a 90123
portion of one or more existing levies imposed under sections 90124
5705.194 to 5705.197 of the Revised Code or under this section 90125
shall be treated as having renewed the levy or levies being 90126
substituted for purposes of the payments made under sections 90127
5751.20 to 5751.22 of the Revised Code. 90128

~~(H)~~(G) After the approval of a levy on the current tax list 90129
and duplicate, and prior to the time when the first tax collection 90130
from the levy can be made, the board of education may anticipate a 90131
fraction of the proceeds of the levy and issue anticipation notes 90132
in a principal amount not exceeding fifty per cent of the total 90133
estimated proceeds of the levy to be collected during the first 90134
year of the levy. The notes shall be issued as provided in section 90135
133.24 of the Revised Code, shall have principal payments during 90136
each year after the year of their issuance over a period not to 90137
exceed five years, and may have a principal payment in the year of 90138
their issuance. 90139

Sec. 5705.21. (A) At any time, the board of education of any 90140
city, local, exempted village, cooperative education, or joint 90141
vocational school district, by a vote of two-thirds of all its 90142
members, may declare by resolution that the amount of taxes that 90143
may be raised within the ten-mill limitation by levies on the 90144

current tax duplicate will be insufficient to provide an adequate 90145
amount for the necessary requirements of the school district, that 90146
it is necessary to levy a tax in excess of such limitation for one 90147
of the purposes specified in division (A), (D), (F), (H), or (DD) 90148
of section 5705.19 of the Revised Code, for general permanent 90149
improvements, for the purpose of operating a cultural center, for 90150
the purpose of providing for school safety and security, or for 90151
the purpose of providing education technology, and that the 90152
question of such additional tax levy shall be submitted to the 90153
electors of the school district at a general election or a special 90154
election held on a day ~~to~~ on which a primary election may be held, 90155
as specified in the resolution. In the case of a qualifying 90156
library levy for the support of a library association or private 90157
corporation, the question shall be submitted to the electors of 90158
the association library district. If the resolution states that 90159
the levy is for the purpose of operating a cultural center, the 90160
ballot shall state that the levy is "for the purpose of operating 90161
the..... (name of cultural center)." 90162

As used in this division, "cultural center" means a 90163
freestanding building, separate from a public school building, 90164
that is open to the public for educational, musical, artistic, and 90165
cultural purposes; "education technology" means, but is not 90166
limited to, computer hardware, equipment, materials, and 90167
accessories, equipment used for two-way audio or video, and 90168
software; "general permanent improvements" means permanent 90169
improvements without regard to the limitation of division (F) of 90170
section 5705.19 of the Revised Code that the improvements be a 90171
specific improvement or a class of improvements that may be 90172
included in a single bond issue; and "providing for school safety 90173
and security" includes but is not limited to providing for 90174
permanent improvements to provide or enhance security, employment 90175
of or contracting for the services of safety personnel, providing 90176

mental health services and counseling, or providing training in 90177
safety and security practices and responses. 90178

A resolution adopted under this division shall be confined to 90179
a single purpose and shall specify the amount of the increase in 90180
rate that it is necessary to levy, the purpose of the levy, and 90181
the number of years during which the increase in rate shall be in 90182
effect. The number of years may be any number not exceeding five 90183
or, if the levy is for current expenses of the district or for 90184
general permanent improvements, for a continuing period of time. 90185

(B)(1) The board of education of a qualifying school 90186
district, by resolution, may declare that it is necessary to levy 90187
a tax in excess of the ten-mill limitation for the purpose of 90188
paying the current expenses of partnering community schools and, 90189
if any of the levy proceeds are so allocated, of the district. A 90190
qualifying school district that is not a municipal school district 90191
may allocate all of the levy proceeds to partnering community 90192
schools. A municipal school district shall allocate a portion of 90193
the levy proceeds to the current expenses of the district. The 90194
resolution shall declare that the question of the additional tax 90195
levy shall be submitted to the electors of the school district at 90196
a general election or a special election held on a day ~~to~~ on which 90197
a primary election may be held, as specified in the resolution. 90198
The resolution shall state the purpose of the levy, the rate of 90199
the tax expressed in mills per dollar of taxable value, the number 90200
of such mills to be levied for the current expenses of the 90201
partnering community schools and the number of such mills, if any, 90202
to be levied for the current expenses of the school district, the 90203
number of years the tax will be levied, and the first year the tax 90204
will be levied. The number of years the tax may be levied may be 90205
any number not exceeding ten years, or for a continuing period of 90206
time. 90207

The levy of a tax for the current expenses of a partnering 90208

community school under this section and the distribution of 90209
proceeds from the tax by a qualifying school district to 90210
partnering community schools is hereby determined to be a proper 90211
public purpose. 90212

(2)(a) If any portion of the levy proceeds are to be 90213
allocated to the current expenses of the qualifying school 90214
district, the form of the ballot at an election held pursuant to 90215
division (B) of this section shall be as follows: 90216

"Shall a levy be imposed by the..... (insert the name of 90217
the qualifying school district) for the purpose of current 90218
expenses of the school district and of partnering community 90219
schools at a rate not exceeding..... (insert the number of mills) 90220
mills for each one dollar of valuation, of which..... (insert the 90221
number of mills to be allocated to partnering community schools) 90222
mills is to be allocated to partnering community schools), which 90223
amounts to..... (insert the rate expressed in dollars and cents) 90224
for each one hundred dollars of valuation, for..... (insert the 90225
number of years the levy is to be imposed, or that it will be 90226
levied for a continuing period of time), beginning..... (insert 90227
first year the tax is to be levied), which will first be payable 90228
in calendar year..... (insert the first calendar year in which 90229
the tax would be payable)? 90230

	FOR THE TAX LEVY	
	AGAINST THE TAX LEVY	"

(b) If all of the levy proceeds are to be allocated to the 90233
current expenses of partnering community schools, the form of the 90234
ballot shall be as follows: 90235

"Shall a levy be imposed by the..... (insert the name of 90236
the qualifying school district) for the purpose of current 90237
expenses of partnering community schools at a rate not 90238
exceeding..... (insert the number of mills) mills for each one 90239
dollar of valuation which amounts to..... (insert the rate 90240

expressed in dollars and cents) for each one hundred dollars of 90241
valuation, for..... (insert the number of years the levy is to be 90242
imposed, or that it will be levied for a continuing period of 90243
time), beginning..... (insert first year the tax is to be 90244
levied), which will first be payable in calendar year..... 90245
(insert the first calendar year in which the tax would be 90246
payable)? 90247

	FOR THE TAX LEVY	
	AGAINST THE TAX LEVY	"

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(3) Upon each receipt of a tax distribution by the qualifying 90250
school district, the board of education shall credit the portion 90251
allocated to partnering community schools to the partnering 90252
community schools fund. All income from the investment of money in 90253
the partnering community schools fund shall be credited to that 90254
fund. 90255

(a) If the qualifying school district is a municipal school 90256
district, the board of education shall distribute the partnering 90257
community schools amount among the then qualifying community 90258
schools not more than forty-five days after the school district 90259
receives and deposits each tax distribution. From each tax 90260
distribution, each such partnering community school shall receive 90261
a portion of the partnering community schools amount in the 90262
proportion that the number of its resident students bears to the 90263
aggregate number of resident students of all such partnering 90264
community schools as of the date of receipt and deposit of the tax 90265
distribution. 90266

(b) If the qualifying school district is not a municipal 90267
school district, the board of education may distribute all or a 90268
portion of the amount in the partnering community schools fund 90269
during a fiscal year to partnering community schools on or before 90270
the first day of June of the preceding fiscal year. Each such 90271
partnering community school shall receive a portion of the amount 90272

distributed by the board from the partnering community schools 90273
fund during the fiscal year in the proportion that the number of 90274
its resident students bears to the aggregate number of resident 90275
students of all such partnering community schools as of the date 90276
the school district received and deposited the most recent tax 90277
distribution. On or before the fifteenth day of June of each 90278
fiscal year, the board of education shall announce an estimated 90279
allocation to partnering community schools for the ensuing fiscal 90280
year. The board is not required to allocate to partnering 90281
community schools the entire partnering community schools amount 90282
in the fiscal year in which a tax distribution is received and 90283
deposited in the partnering community schools fund. The estimated 90284
allocation shall be published on the web site of the school 90285
district and expressed as a dollar amount per resident student. 90286
The actual allocation to community schools in a fiscal year need 90287
not conform to the estimate published by the school district so 90288
long if the estimate was made in good faith. 90289

Distributions by a school district under division (B)(3)(b) 90290
of this section shall be made in accordance with distribution 90291
agreements entered into by the board of education and each 90292
partnering community school eligible for distributions under this 90293
division. The distribution agreements shall be certified to the 90294
department of education each fiscal year before the thirtieth day 90295
of July. Each agreement shall provide for at least three 90296
distributions by the school district to the partnering community 90297
school during the fiscal year and shall require the initial 90298
distribution be made on or before the thirtieth day of July. 90299

(c) For the purposes of division (B) of this section, the 90300
number of resident students shall be the number of such students 90301
reported under section 3317.03 of the Revised Code and established 90302
by the department of education as of the date of receipt and 90303
deposit of the tax distribution. 90304

(4) To the extent an agreement whereby the qualifying school district and a community school endorse each other's programs is necessary for the community school to qualify as a partnering community school under division (B)(6)(b) of this section, the board of education of the school district shall certify to the department of education the agreement along with the determination that such agreement satisfies the requirements of that division. The board's determination is conclusive.

(5) For the purposes of Chapter 3317. of the Revised Code or other laws referring to the "taxes charged and payable" for a school district, the taxes charged and payable for a qualifying school district that levies a tax under division (B) of this section includes only the taxes charged and payable under that levy for the current expenses of the school district, and does not include the taxes charged and payable for the current expenses of partnering community schools. The taxes charged and payable for the current expenses of partnering community schools shall not affect the calculation of "state education aid" as defined in section 5751.20 of the Revised Code.

(6) As used in division (B) of this section:

(a) "Qualifying school district" means a municipal school district, as defined in section 3311.71 of the Revised Code or a school district that contains within its territory a partnering community school.

(b) "Partnering community school" means a community school established under Chapter 3314. of the Revised Code that is located within the territory of the qualifying school district and meets one of the following criteria:

(i) If the qualifying school district is a municipal school district, the community school is sponsored by the district or is a party to an agreement with the district whereby the district and

the community school endorse each other's programs; 90336

(ii) If the qualifying school district is not a municipal 90337
school district, the community school is sponsored by a sponsor 90338
that was rated as "exemplary" in the ratings most recently 90339
published under section 3314.016 of the Revised Code before the 90340
resolution proposing the levy is certified to the board of 90341
elections. 90342

(c) "Partnering community schools amount" means the product 90343
obtained, as of the receipt and deposit of the tax distribution, 90344
by multiplying the amount of a tax distribution by a fraction, the 90345
numerator of which is the number of mills per dollar of taxable 90346
value of the property tax to be allocated to partnering community 90347
schools, and the denominator of which is the total number of mills 90348
per dollar of taxable value authorized by the electors in the 90349
election held under division (B) of this section, each as set 90350
forth in the resolution levying the tax. If the resolution 90351
allocates all of the levy proceeds to partnering community 90352
schools, the "partnering schools amount" equals the amount of the 90353
tax distribution. 90354

(d) "Partnering community schools fund" means a separate fund 90355
established by the board of education of a qualifying school 90356
district for the deposit of partnering community school amounts 90357
under this section. 90358

(e) "Resident student" means a student enrolled in a 90359
partnering community school who is entitled to attend school in 90360
the qualifying school district under section 3313.64 or 3313.65 of 90361
the Revised Code. 90362

(f) "Tax distribution" means a distribution of proceeds of 90363
the tax authorized by division (B) of this section under section 90364
321.24 of the Revised Code and distributions that are attributable 90365
to that tax under sections 323.156 and 4503.068 of the Revised 90366

Code or other applicable law. 90367

(C) A resolution adopted under this section shall specify the 90368
date of holding the election, as authorized under this section, 90369
which shall not be earlier than ninety days after the adoption and 90370
certification of the resolution ~~and which shall be consistent with~~ 90371
~~the requirements of section 3501.01 of the Revised Code.~~ 90372

A resolution adopted under this section may propose to renew 90373
one or more existing levies imposed under division (A) or (B) of 90374
this section or to increase or decrease a single levy imposed 90375
under either such division. 90376

If the board of education imposes one or more existing levies 90377
for the purpose specified in division (F) of section 5705.19 of 90378
the Revised Code, the resolution may propose to renew one or more 90379
of those existing levies, or to increase or decrease a single such 90380
existing levy, for the purpose of general permanent improvements. 90381

If the resolution proposes to renew two or more existing 90382
levies, the levies shall be levied for the same purpose. The 90383
resolution shall identify those levies and the rates at which they 90384
are levied. The resolution also shall specify that the existing 90385
levies shall not be extended on the tax lists after the year 90386
preceding the year in which the renewal levy is first imposed, 90387
regardless of the years for which those levies originally were 90388
authorized to be levied. 90389

If the resolution proposes to renew an existing levy imposed 90390
under division (B) of this section, the rates allocated to the 90391
qualifying school district and to partnering community schools 90392
each may be increased or decreased or remain the same, and the 90393
total rate may be increased, decreased, or remain the same. The 90394
resolution and notice of election shall specify the number of the 90395
mills to be levied for the current expenses of the partnering 90396
community schools and the number of the mills, if any, to be 90397

levied for the current expenses of the qualifying school district. 90398

A resolution adopted under this section shall go into 90399
immediate effect upon its passage, and no publication of the 90400
resolution shall be necessary other than that provided for in the 90401
notice of election. A copy of the resolution shall immediately 90402
after its passing be certified to the board of elections of the 90403
proper county in the manner provided by section 5705.25 of the 90404
Revised Code. That section shall govern the arrangements for the 90405
submission of such question and other matters concerning the 90406
election to which that section refers, including publication of 90407
notice of the election, except that the election shall be held on 90408
the date specified in the resolution. In the case of a resolution 90409
adopted under division (B) of this section, the publication of 90410
notice of that election shall state the number of the mills, if 90411
any, to be levied for the current expenses of partnering community 90412
schools and the number of the mills to be levied for the current 90413
expenses of the qualifying school district. If a majority of the 90414
electors voting on the question so submitted in an election vote 90415
in favor of the levy, the board of education may make the 90416
necessary levy within the school district or, in the case of a 90417
qualifying library levy for the support of a library association 90418
or private corporation, within the association library district, 90419
at the additional rate, or at any lesser rate in excess of the 90420
ten-mill limitation on the tax list, for the purpose stated in the 90421
resolution. A levy for a continuing period of time may be reduced 90422
pursuant to section 5705.261 of the Revised Code. The tax levy 90423
shall be included in the next tax budget that is certified to the 90424
county budget commission. 90425

(D)(1) After the approval of a levy on the current tax list 90426
and duplicate for current expenses, for recreational purposes, for 90427
community centers provided for in section 755.16 of the Revised 90428
Code, or for a public library of the district under division (A) 90429

of this section, and prior to the time when the first tax 90430
collection from the levy can be made, the board of education may 90431
anticipate a fraction of the proceeds of the levy and issue 90432
anticipation notes in a principal amount not exceeding fifty per 90433
cent of the total estimated proceeds of the levy to be collected 90434
during the first year of the levy. 90435

(2) After the approval of a levy for general permanent 90436
improvements for a specified number of years or for permanent 90437
improvements having the purpose specified in division (F) of 90438
section 5705.19 of the Revised Code, the board of education may 90439
anticipate a fraction of the proceeds of the levy and issue 90440
anticipation notes in a principal amount not exceeding fifty per 90441
cent of the total estimated proceeds of the levy remaining to be 90442
collected in each year over a period of five years after the 90443
issuance of the notes. 90444

The notes shall be issued as provided in section 133.24 of 90445
the Revised Code, shall have principal payments during each year 90446
after the year of their issuance over a period not to exceed five 90447
years, and may have a principal payment in the year of their 90448
issuance. 90449

(3) After approval of a levy for general permanent 90450
improvements for a continuing period of time, the board of 90451
education may anticipate a fraction of the proceeds of the levy 90452
and issue anticipation notes in a principal amount not exceeding 90453
fifty per cent of the total estimated proceeds of the levy to be 90454
collected in each year over a specified period of years, not 90455
exceeding ten, after the issuance of the notes. 90456

The notes shall be issued as provided in section 133.24 of 90457
the Revised Code, shall have principal payments during each year 90458
after the year of their issuance over a period not to exceed ten 90459
years, and may have a principal payment in the year of their 90460
issuance. 90461

(4) After the approval of a levy on the current tax list and duplicate under division (B) of this section, and prior to the time when the first tax collection from the levy can be made, the board of education may anticipate a fraction of the proceeds of the levy for the current expenses of the school district and issue anticipation notes in a principal amount not exceeding fifty per cent of the estimated proceeds of the levy to be collected during the first year of the levy and allocated to the school district. The portion of the levy proceeds to be allocated to partnering community schools under that division shall not be included in the estimated proceeds anticipated under this division and shall not be used to pay debt charges on any anticipation notes.

The notes shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not to exceed five years, and may have a principal payment in the year of their issuance.

~~(E) The submission of questions to the electors under this section is subject to the limitation on the number of election dates established by section 5705.214 of the Revised Code.~~

~~(F)~~ The board of education of any school district that levies a tax under this section for the purpose of providing for school safety and security may report to the department of education how the district is using revenue from that tax.

Sec. 5705.211. (A) As used in this section:

(1) "Adjusted charge-off increase" for a tax year means two and two-tenths per cent of the cumulative carryover property value increase.

(2) "Cumulative carryover property value increase" means the sum of the increases in carryover value certified under division

(B)(2) of section 3317.015 of the Revised Code and included in a school district's total taxable value in the computation of recognized valuation under division (B) of that section for all fiscal years from the fiscal year that ends in the first tax year a levy under this section is extended on the tax list of real and public utility property until and including the fiscal year that ends in the current tax year.

(3) "Taxes charged and payable" means the taxes charged and payable from a tax levy extended on the real and public utility property tax list and the general list of personal property before any reduction under section 319.302, 323.152, or 323.158 of the Revised Code.

(B) The board of education of a city, local, or exempted village school district may adopt a resolution proposing the levy of a tax in excess of the ten-mill limitation for the purpose of paying the current operating expenses of the district. If the resolution is approved as provided in division (D) of this section, the tax may be levied at such a rate each tax year that the total taxes charged and payable from the levy equals the adjusted charge-off increase for the tax year or equals a lesser amount as prescribed under division (C) of this section. The tax may be levied for a continuing period of time or for a specific number of years, but not fewer than five years, as provided in the resolution. The tax may not be placed on the tax list for a tax year beginning before the first day of January following adoption of the resolution. A board of education may not adopt a resolution under this section proposing to levy a tax under this section concurrently with any other tax levied by the board under this section.

(C) After the first year a tax is levied under this section, the rate of the tax in any year shall not exceed the rate, estimated by the county auditor, that would cause the sums levied

from the tax against carryover property to exceed one hundred four 90524
per cent of the sums levied from the tax against carryover 90525
property in the preceding year. A board of education imposing a 90526
tax under this section may specify in the resolution imposing the 90527
tax that the percentage shall be less than one hundred four per 90528
cent, but the percentage shall not be less than one hundred per 90529
cent. At any time after a resolution adopted under this section is 90530
approved by a majority of electors as provided in division (D) of 90531
this section, the board of education, by resolution, may decrease 90532
the percentage specified in the resolution levying the tax. 90533

(D) A resolution adopted under this section shall state that 90534
the purpose of the tax is to pay current operating expenses of the 90535
district, and shall specify the first year in which the tax is to 90536
be levied, the number of years the tax will be levied or that it 90537
will be levied for a continuing period of time, and the election 90538
at which the question of the tax is to appear on the ballot, which 90539
shall be a general election or a special election ~~consistent with~~ 90540
~~the requirements of section 3501.01 of the Revised Code held on a~~ 90541
day on which a primary election may be held. If the board of 90542
education specifies a percentage less than one hundred four per 90543
cent pursuant to division (C) of this section, the percentage 90544
shall be specified in the resolution. 90545

Upon adoption of the resolution, the board of education may 90546
certify a copy of the resolution to the proper county board of 90547
elections. The copy of the resolution shall be certified to the 90548
board of elections not later than ninety days before the day of 90549
the election at which the question of the tax is to appear on the 90550
ballot. Upon receiving a timely certified copy of such a 90551
resolution, the board of elections shall make the necessary 90552
arrangements for the submission of the question to the electors of 90553
the school district, and the election shall be conducted, 90554
canvassed, and certified in the same manner as regular elections 90555

in the school district for the election of members of the board of education. Notice of the election shall be published in a newspaper of general circulation in the school district once per week for four consecutive weeks or as provided in section 7.16 of the Revised Code. The notice shall state that the purpose of the tax is for the current operating expenses of the school district, the first year the tax is to be levied, the number of years the tax is to be levied or that it is to be levied for a continuing period of time, that the tax is to be levied each year in an amount estimated to offset decreases in state base cost funding caused by appreciation in real estate values, and that the estimated additional tax in any year shall not exceed the previous year's by more than four per cent, or a lesser percentage specified in the resolution levying the tax, except for increases caused by the addition of new taxable property.

The question shall be submitted as a separate proposition but may be printed on the same ballot with any other proposition submitted at the same election other than the election of officers.

The form of the ballot shall be substantially as follows:

"An additional tax for the benefit of (name of school district) for the purpose of paying the current operating expenses of the district, for (number of years or for continuing period of time), at a rate sufficient to offset any reduction in basic state funding caused by appreciation in real estate values? This levy will permit variable annual growth in revenue up to (amount specified by school district) per cent for the duration of the levy.

	For the tax levy
	Against the tax levy

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If a majority of the electors of the school district voting on the question vote in favor of the question, the board of elections shall certify the results of the election to the board of education and to the tax commissioner immediately after the canvass.

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(E) When preparing any estimate of the contemplated receipts from a tax levied pursuant to this section for the purposes of sections 5705.28 to 5705.40 of the Revised Code, and in preparing to certify the tax under section 5705.34 of the Revised Code, a board of education authorized to levy such a tax shall use information supplied by the department of education to determine the adjusted charge-off increase for the tax year for which that certification is made. If the board levied a tax under this section in the preceding tax year, the sum to be certified for collection from the tax shall not exceed the sum that would exceed the limitation imposed under division (C) of this section. At the request of the board of education or the treasurer of the school district, the county auditor shall assist the board of education in determining the rate or sum that may be levied under this section.

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The board of education shall certify the sum authorized to be levied to the county auditor, and, for the purpose of the county auditor determining the rate at which the tax is to be levied in the tax year, the sum so certified shall be the sum to be raised by the tax unless the sum exceeds the limitation imposed by division (C) of this section. A tax levied pursuant to this section shall not be levied at a rate in excess of the rate estimated by the county auditor to produce the sum certified by the board of education before the reductions under sections 319.302, 323.152, and 323.158 of the Revised Code. Notwithstanding section 5705.34 of the Revised Code, a board of education

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authorized to levy a tax under this section shall certify the tax 90619
to the county auditor before the first day of October of the tax 90620
year in which the tax is to be levied, or at a later date as 90621
approved by the tax commissioner. 90622

Sec. 5705.212. (A)(1) The board of education of any school 90623
district, at any time and by a vote of two-thirds of all of its 90624
members, may declare by resolution that the amount of taxes that 90625
may be raised within the ten-mill limitation will be insufficient 90626
to provide an adequate amount for the present and future 90627
requirements of the school district, that it is necessary to levy 90628
not more than five taxes in excess of that limitation for current 90629
expenses, and that each of the proposed taxes first will be levied 90630
in a different year, over a specified period of time. The board 90631
shall identify the taxes proposed under this section as follows: 90632
the first tax to be levied shall be called the "original tax." 90633
Each tax subsequently levied shall be called an "incremental tax." 90634
The rate of each incremental tax shall be identical, but the rates 90635
of such incremental taxes need not be the same as the rate of the 90636
original tax. The resolution also shall state that the question of 90637
these additional taxes shall be submitted to the electors of the 90638
school district at a general election or a special election held 90639
on a day on which a primary election may be held. The resolution 90640
shall specify separately for each tax proposed: the amount of the 90641
increase in rate that it is necessary to levy, expressed 90642
separately for the original tax and each incremental tax; that the 90643
purpose of the levy is for current expenses; the number of years 90644
during which the original tax shall be in effect; a specification 90645
that the last year in which the original tax is in effect shall 90646
also be the last year in which each incremental tax shall be in 90647
effect; and the year in which each tax first is proposed to be 90648
levied. The original tax may be levied for any number of years not 90649
exceeding ten, or for a continuing period of time. The resolution 90650

shall specify the date of holding the ~~special~~ election, which 90651
shall not be earlier than ninety days after the adoption and 90652
certification of the resolution ~~and shall be consistent with the~~ 90653
~~requirements of section 3501.01 of the Revised Code.~~ 90654

(2) The board of education, by a vote of two-thirds of all of 90655
its members, may adopt a resolution proposing to renew taxes 90656
levied other than for a continuing period of time under division 90657
(A)(1) of this section. Such a resolution shall provide for 90658
levying a tax and specify all of the following: 90659

(a) That the tax shall be called and designated on the ballot 90660
as a renewal levy; 90661

(b) The rate of the renewal tax, which shall be a single rate 90662
that combines the rate of the original tax and each incremental 90663
tax into a single rate. The rate of the renewal tax shall not 90664
exceed the aggregate rate of the original and incremental taxes. 90665

(c) The number of years, not to exceed ten, that the renewal 90666
tax will be levied, or that it will be levied for a continuing 90667
period of time; 90668

(d) That the purpose of the renewal levy is for current 90669
expenses; 90670

(e) Subject to the certification and notification 90671
requirements of section 5705.251 of the Revised Code, that the 90672
question of the renewal levy shall be submitted to the electors of 90673
the school district at the general election held during the last 90674
year the original tax may be extended on the real and public 90675
utility property tax list and duplicate or at a the general 90676
election or the special election held on a day on which a primary 90677
election may be held, occurring during the ensuing year. 90678

(3) A resolution adopted under division (A)(1) or (2) of this 90679
section shall go into immediate effect upon its adoption and no 90680
publication of the resolution is necessary other than that 90681

provided for in the notice of election. Immediately after its 90682
adoption, a copy of the resolution shall be certified to the board 90683
of elections of the proper county in the manner provided by 90684
division (A) of section 5705.251 of the Revised Code, and that 90685
division shall govern the arrangements for the submission of the 90686
question and other matters concerning the election to which that 90687
section refers. The election shall be held on the date specified 90688
in the resolution. If a majority of the electors voting on the 90689
question so submitted in an election vote in favor of the taxes or 90690
a renewal tax, the board of education, if the original or a 90691
renewal tax is authorized to be levied for the current year, 90692
immediately may make the necessary levy within the school district 90693
at the authorized rate, or at any lesser rate in excess of the 90694
ten-mill limitation, for the purpose stated in the resolution. No 90695
tax shall be imposed prior to the year specified in the resolution 90696
as the year in which it is first proposed to be levied. The rate 90697
of the original tax and the rate of each incremental tax shall be 90698
cumulative, so that the aggregate rate levied in any year is the 90699
sum of the rates of both the original tax and all incremental 90700
taxes levied in or prior to that year under the same proposal. A 90701
tax levied for a continuing period of time under this section may 90702
be reduced pursuant to section 5705.261 of the Revised Code. 90703

(B) Notwithstanding section 133.30 of the Revised Code, after 90704
the approval of a tax to be levied in the current or the 90705
succeeding year and prior to the time when the first tax 90706
collection from that levy can be made, the board of education may 90707
anticipate a fraction of the proceeds of the levy and issue 90708
anticipation notes in an amount not to exceed fifty per cent of 90709
the total estimated proceeds of the levy to be collected during 90710
the first year of the levy. The notes shall be sold as provided in 90711
Chapter 133. of the Revised Code. If anticipation notes are 90712
issued, they shall mature serially and in substantially equal 90713
amounts during each year over a period not to exceed five years; 90714

and the amount necessary to pay the interest and principal as the 90715
anticipation notes mature shall be deemed appropriated for those 90716
purposes from the levy, and appropriations from the levy by the 90717
board of education shall be limited each fiscal year to the 90718
balance available in excess of that amount. 90719

If the auditor of state has certified a deficit pursuant to 90720
section 3313.483 of the Revised Code, the notes authorized under 90721
this section may be sold in accordance with Chapter 133. of the 90722
Revised Code, except that the board may sell the notes after 90723
providing a reasonable opportunity for competitive bidding. 90724

(C)(1) The board of education of a qualifying school 90725
district, at any time and by a vote of two-thirds of all its 90726
members, may declare by resolution that it is necessary to levy 90727
not more than five taxes in excess of the ten-mill limitation for 90728
the current expenses of partnering community schools and, if any 90729
of the levy proceeds are so allocated, of the school district, and 90730
that each of the proposed taxes first will be levied in a 90731
different year, over a specified period of time. A qualifying 90732
school district that is not a municipal school district may 90733
allocate all of the levy proceeds to partnering community schools. 90734
A municipal school district shall allocate a portion of the levy 90735
proceeds to the current expenses of the district. The board shall 90736
identify the taxes proposed under this division in the same manner 90737
as in division (A)(1) of this section. The rate of each 90738
incremental tax shall be identical, but the rates of such 90739
incremental taxes need not be the same as the rate of the original 90740
tax. In addition to the specifications required of the resolution 90741
in division (A) of this section, the resolution shall state the 90742
number of the mills to be levied each year for the current 90743
expenses of the partnering community schools and the number of the 90744
mills, if any, to be levied each year for the current expenses of 90745
the school district. The number of mills for the current expenses 90746

of partnering community schools shall be the same for each of the 90747
incremental taxes, and the number of mills for the current 90748
expenses of the qualifying school district shall be the same for 90749
each of the incremental taxes. 90750

The levy of taxes for the current expenses of a partnering 90751
community school under division (C) of this section and the 90752
distribution of proceeds from the tax by a qualifying school 90753
district to partnering community schools is hereby determined to 90754
be a proper public purpose. 90755

(2) The board of education, by a vote of two-thirds of all of 90756
its members, may adopt a resolution proposing to renew taxes 90757
levied other than for a continuing period of time under division 90758
(C)(1) of this section. In such a renewal levy, the rates 90759
allocated to the qualifying school district and to partnering 90760
community schools each may be increased or decreased or remain the 90761
same, and the total rate may be increased, decreased, or remain 90762
the same. In addition to the requirements of division (A)(2) of 90763
this section, the resolution shall state the number of the mills 90764
to be levied for the current expenses of the partnering community 90765
schools and the number of the mills to be levied for the current 90766
expenses of the school district. 90767

(3) A resolution adopted under division (C)(1) or (2) of this 90768
section is subject to the rules and procedures prescribed by 90769
division (A)(3) of this section. 90770

(4) The proceeds of each tax levied under division (C)(1) or 90771
(2) of this section shall be credited and distributed in the 90772
manner prescribed by division (B)(3) of section 5705.21 of the 90773
Revised Code, and divisions (B)(4), (5), and (6) of that section 90774
apply to taxes levied under division (C) of this section. 90775

(5) Notwithstanding section 133.30 of the Revised Code, after 90776
the approval of a tax to be levied under division (C)(1) or (2) of 90777

this section, in the current or succeeding year and prior to the 90778
time when the first tax collection from that levy can be made, the 90779
board of education may anticipate a fraction of the proceeds of 90780
the levy for the current expenses of the qualifying school 90781
district and issue anticipation notes in a principal amount not 90782
exceeding fifty per cent of the estimated proceeds of the levy to 90783
be collected during the first year of the levy and allocated to 90784
the school district. The portion of levy proceeds to be allocated 90785
to partnering community schools shall not be included in the 90786
estimated proceeds anticipated under this division and shall not 90787
be used to pay debt charges on any anticipation notes. 90788

The notes shall be sold as provided in Chapter 133. of the 90789
Revised Code. If anticipation notes are issued, they shall mature 90790
serially and in substantially equal amounts during each year over 90791
a period not to exceed five years. The amount necessary to pay the 90792
interest and principal as the anticipation notes mature shall be 90793
deemed appropriated for those purposes from the levy, and 90794
appropriations from the levy by the board of education shall be 90795
limited each fiscal year to the balance available in excess of 90796
that amount. 90797

If the auditor of state has certified a deficit pursuant to 90798
section 3313.483 of the Revised Code, the notes authorized under 90799
this section may be sold in accordance with Chapter 133. of the 90800
Revised Code, except that the board may sell the notes after 90801
providing a reasonable opportunity for competitive bidding. 90802

As used in division (C) of this section, "qualifying school 90803
district" and "partnering community schools" have the same 90804
meanings as in section 5705.21 of the Revised Code. 90805

~~(D) The submission of questions to the electors under this 90806
section is subject to the limitation on the number of election 90807
dates established by section 5705.214 of the Revised Code. 90808~~

Sec. 5705.213. (A)(1) The board of education of any school 90809
district, at any time and by a vote of two-thirds of all of its 90810
members, may declare by resolution that the amount of taxes that 90811
may be raised within the ten-mill limitation will be insufficient 90812
to provide an adequate amount for the present and future 90813
requirements of the school district and that it is necessary to 90814
levy a tax in excess of that limitation for current expenses. The 90815
resolution also shall state that the question of the additional 90816
tax shall be submitted to the electors of the school district at a 90817
general election or a special election held on a day on which a 90818
primary election may be held. The resolution shall specify, for 90819
each year the levy is in effect, the amount of money that the levy 90820
is proposed to raise, which may, for years after the first year 90821
the levy is made, be expressed in terms of a dollar or percentage 90822
increase over the prior year's amount. The resolution also shall 90823
specify that the purpose of the levy is for current expenses, the 90824
number of years during which the tax shall be in effect which may 90825
be for any number of years not exceeding ten, and the year in 90826
which the tax first is proposed to be levied. The resolution shall 90827
specify the date of holding the ~~special~~ election, which shall not 90828
be earlier than ninety-five days after the adoption and 90829
certification of the resolution to the county auditor and not 90830
earlier than ninety days after certification to the board of 90831
elections. ~~The date of the election shall be consistent with the~~ 90832
~~requirements of section 3501.01 of the Revised Code.~~ 90833

(2) The board of education, by a vote of two-thirds of all of 90834
its members, may adopt a resolution proposing to renew a tax 90835
levied under division (A)(1) of this section. Such a resolution 90836
shall provide for levying a tax and specify all of the following: 90837

(a) That the tax shall be called and designated on the ballot 90838
as a renewal levy; 90839

(b) The amount of the renewal tax, which shall be no more than the amount of tax levied during the last year the tax being renewed is authorized to be in effect;

(c) The number of years, not to exceed ten, that the renewal tax will be levied, or that it will be levied for a continuing period of time;

(d) That the purpose of the renewal levy is for current expenses;

(e) Subject to the certification and notification requirements of section 5705.251 of the Revised Code, that the question of the renewal levy shall be submitted to the electors of the school district at the general election held during the last year the tax being renewed may be extended on the real and public utility property tax list and duplicate or at a the general election or the special election held on a day on which a primary election may be held, occurring during the ensuing year.

(3) A resolution adopted under division (A)(1) or (2) of this section shall go into immediate effect upon its adoption and no publication of the resolution is necessary other than that provided for in the notice of election. Immediately after its adoption, a copy of the resolution shall be certified to the county auditor of the proper county, who shall, within five days, calculate and certify to the board of education the estimated levy, for the first year, and for each subsequent year for which the tax is proposed to be in effect. The estimates shall be made both in mills for each dollar of valuation, and in dollars and cents for each one hundred dollars of valuation. In making the estimates, the auditor shall assume that the amount of the tax list remains throughout the life of the levy, the same as the tax list for the current year. If the tax list for the current year is not determined, the auditor shall base the auditor's estimates on the estimated amount of the tax list for the current year as

submitted to the county budget commission. 90872

If the board desires to proceed with the submission of the 90873
question, it shall certify its resolution, with the estimated tax 90874
levy expressed in mills and dollars and cents per hundred dollars 90875
of valuation for each year that the tax is proposed to be in 90876
effect, to the board of elections of the proper county in the 90877
manner provided by division (A) of section 5705.251 of the Revised 90878
Code. Section 5705.251 of the Revised Code shall govern the 90879
arrangements for the submission of the question and other matters 90880
concerning the election to which that section refers. The election 90881
shall be held on the date specified in the resolution. If a 90882
majority of the electors voting on the question so submitted in an 90883
election vote in favor of the tax, and if the tax is authorized to 90884
be levied for the current year, the board of education immediately 90885
may make the additional levy necessary to raise the amount 90886
specified in the resolution or a lesser amount for the purpose 90887
stated in the resolution. 90888

~~(4) The submission of questions to the electors under this 90889
section is subject to the limitation on the number of election 90890
dates established by section 5705.214 of the Revised Code. 90891~~

(B) Notwithstanding sections 133.30 and 133.301 of the 90892
Revised Code, after the approval of a tax to be levied in the 90893
current or the succeeding year and prior to the time when the 90894
first tax collection from that levy can be made, the board of 90895
education may anticipate a fraction of the proceeds of the levy 90896
and issue anticipation notes in an amount not to exceed fifty per 90897
cent of the total estimated proceeds of the levy to be collected 90898
during the first year of the levy. The notes shall be sold as 90899
provided in Chapter 133. of the Revised Code. If anticipation 90900
notes are issued, they shall mature serially and in substantially 90901
equal amounts during each year over a period not to exceed five 90902
years; and the amount necessary to pay the interest and principal 90903

as the anticipation notes mature shall be deemed appropriated for 90904
those purposes from the levy, and appropriations from the levy by 90905
the board of education shall be limited each fiscal year to the 90906
balance available in excess of that amount. 90907

If the auditor of state has certified a deficit pursuant to 90908
section 3313.483 of the Revised Code, the notes authorized under 90909
this section may be sold in accordance with Chapter 133. of the 90910
Revised Code, except that the board may sell the notes after 90911
providing a reasonable opportunity for competitive bidding. 90912

Sec. 5705.214. Notwithstanding any section of the Revised 90913
Code to the contrary, the board of education of a school district 90914
may submit a proposal to levy a property tax on the ballot at a 90915
special election held in August if the resolution or ordinance 90916
proposing the tax declares that the purpose of such tax, in 90917
addition to any other purpose authorized for that tax under the 90918
Revised Code, is to prevent the conditions that would qualify the 90919
school district for a fiscal emergency declaration as described in 90920
division (B) of section 3316.03 of the Revised Code. This 90921
additional purpose shall be included in the election notice 90922
advertising the levy and in the levy's ballot language. 90923

Sec. 5705.217. (A) The board of education of a city, local, 90924
or exempted village school district, at any time by a vote of 90925
two-thirds of all its members, may declare by resolution that the 90926
amount of taxes that can be raised within the ten-mill limitation 90927
will be insufficient to provide an adequate amount for the present 90928
and future requirements of the school district; that it is 90929
necessary to levy an additional tax in excess of that limitation 90930
for the purposes of providing funds for current operating expenses 90931
and for general permanent improvements as defined in section 90932
5705.21 of the Revised Code; and that the question of the tax 90933
shall be submitted to the electors of the district at a general 90934

election or a special election held on a day on which a primary 90935
election may be held. The tax may be levied for a specified number 90936
of years not exceeding five or for a continuing period of time. 90937
The resolution shall specify the proposed tax rate, the first year 90938
the tax will be levied, and the number of years it will be levied, 90939
or that it will be levied for a continuing period of time. The 90940
resolution shall apportion the annual rate of the tax between 90941
current operating expenses and permanent improvements. The 90942
apportionment may but need not be the same for each year of the 90943
tax, but the respective portions of the rate actually levied each 90944
year for current operating expenses and permanent improvements 90945
shall be limited by the apportionment. 90946

The resolution shall specify the date of holding the ~~special~~ 90947
election, which shall not be earlier than ninety days after 90948
certification of the resolution to the board of elections ~~and~~ 90949
~~shall be consistent with the requirements of section 3501.01 of~~ 90950
~~the Revised Code.~~ The resolution shall go into immediate effect 90951
upon its passage, and no publication of it is necessary other than 90952
that provided in the notice of election. The board of education 90953
shall certify a copy of the resolution to the board of elections 90954
immediately after its adoption. Section 5705.25 of the Revised 90955
Code governs the arrangements and form of the ballot for the 90956
submission of the question to the electors. 90957

If a majority of the electors voting on the question vote in 90958
favor of the tax, the board of education may make the levy at the 90959
additional rate, or at any lesser rate in excess of the ten-mill 90960
limitation. If the tax is for a continuing period of time, it may 90961
be decreased in accordance with section 5705.261 of the Revised 90962
Code. 90963

A board of education may adopt a resolution to renew one or 90964
more existing levies imposed under this section, or to increase or 90965
decrease the rate of a tax levied under this section, for the 90966

purpose of providing funds for either current expenses and general 90967
permanent improvements or solely for general permanent 90968
improvements. 90969

(B)(1) After the approval of a tax for current operating 90970
expenses under this section and prior to the time the first 90971
collection and distribution from the levy can be made, the board 90972
of education may anticipate a fraction of the proceeds of such 90973
levy and issue anticipation notes in a principal amount not 90974
exceeding fifty per cent of the total estimated proceeds of the 90975
tax to be collected during the first year of the levy. 90976

(2) After the approval of a tax for general permanent 90977
improvements levied under this section for a specified number of 90978
years, the board of education may anticipate a fraction of the 90979
proceeds of such tax and issue anticipation notes in a principal 90980
amount not exceeding fifty per cent of the total estimated 90981
proceeds of the tax remaining to be collected in each year over a 90982
specified period of years, not exceeding the number of years for 90983
which the tax was levied, after issuance of the notes. 90984

(3) After the approval of a tax for general permanent 90985
improvements levied under this section for a continuing period of 90986
time, the board of education may anticipate a fraction of the 90987
proceeds of such tax and issue anticipation notes in a principal 90988
amount not exceeding fifty per cent of the total estimated 90989
proceeds of the tax to be collected in each year over a specified 90990
period of years, not exceeding ten, after issuance of the notes. 90991

Anticipation notes under this section shall be issued as 90992
provided in section 133.24 of the Revised Code. Notes issued under 90993
division (B)(1) or (2) of this section shall have principal 90994
payments during each year after the year of their issuance over a 90995
period not to exceed five years, and may have a principal payment 90996
in the year of their issuance. Notes issued under division (B)(3) 90997
of this section shall have principal payments during each year 90998

after the year of their issuance over a period not to exceed ten 90999
years, and may have a principal payment in the year of their 91000
issuance. 91001

~~(C) The submission of a question to the electors under this 91002
section is subject to the limitation on the number of elections 91003
that can be held in a year under section 5705.214 of the Revised 91004
Code. 91005~~

Sec. 5705.218. (A) The board of education of a city, local, 91006
or exempted village school district, at any time by a vote of 91007
two-thirds of all its members, may declare by resolution that it 91008
may be necessary for the school district to issue general 91009
obligation bonds for permanent improvements. The resolution shall 91010
state all of the following: 91011

(1) The necessity and purpose of the bond issue; 91012

(2) The date of the ~~special~~ election at which the question 91013
shall be submitted to the electors, which shall be the date of a 91014
general election or a special election held on a day on which a 91015
primary election may be held; 91016

(3) The amount, approximate date, estimated rate of interest, 91017
and maximum number of years over which the principal of the bonds 91018
may be paid; 91019

(4) The necessity of levying a tax outside the ten-mill 91020
limitation to pay debt charges on the bonds and any anticipatory 91021
securities. 91022

On adoption of the resolution, the board shall certify a copy 91023
of it to the county auditor. The county auditor promptly shall 91024
estimate and certify to the board the average annual property tax 91025
rate required throughout the stated maturity of the bonds to pay 91026
debt charges on the bonds, in the same manner as under division 91027
(C) of section 133.18 of the Revised Code. 91028

(B) After receiving the county auditor's certification under 91029
division (A) of this section, the board of education of the city, 91030
local, or exempted village school district, by a vote of 91031
two-thirds of all its members, may declare by resolution that the 91032
amount of taxes that can be raised within the ten-mill limitation 91033
will be insufficient to provide an adequate amount for the present 91034
and future requirements of the school district; that it is 91035
necessary to issue general obligation bonds of the school district 91036
for permanent improvements and to levy an additional tax in excess 91037
of the ten-mill limitation to pay debt charges on the bonds and 91038
any anticipatory securities; that it is necessary for a specified 91039
number of years or for a continuing period of time to levy 91040
additional taxes in excess of the ten-mill limitation to provide 91041
funds for the acquisition, construction, enlargement, renovation, 91042
and financing of permanent improvements or to pay for current 91043
operating expenses, or both; and that the question of the bonds 91044
and taxes shall be submitted to the electors of the school 91045
district at a general election or a special election held on a day 91046
on which a primary election may be held, which shall not be 91047
earlier than ninety days after certification of the resolution to 91048
the board of elections, ~~and the date of which shall be consistent~~ 91049
~~with section 3501.01 of the Revised Code.~~ The resolution shall 91050
specify all of the following: 91051

(1) The county auditor's estimate of the average annual 91052
property tax rate required throughout the stated maturity of the 91053
bonds to pay debt charges on the bonds; 91054

(2) The proposed rate of the tax, if any, for current 91055
operating expenses, the first year the tax will be levied, and the 91056
number of years it will be levied, or that it will be levied for a 91057
continuing period of time; 91058

(3) The proposed rate of the tax, if any, for permanent 91059
improvements, the first year the tax will be levied, and the 91060

number of years it will be levied, or that it will be levied for a 91061
continuing period of time. 91062

The resolution shall apportion the annual rate of the tax 91063
between current operating expenses and permanent improvements, if 91064
both taxes are proposed. The apportionment may but need not be the 91065
same for each year of the tax, but the respective portions of the 91066
rate actually levied each year for current operating expenses and 91067
permanent improvements shall be limited by the apportionment. The 91068
resolution shall go into immediate effect upon its passage, and no 91069
publication of it is necessary other than that provided in the 91070
notice of election. The board of education shall certify a copy of 91071
the resolution, along with copies of the auditor's estimate and 91072
its resolution under division (A) of this section, to the board of 91073
elections immediately after its adoption. 91074

(C) The board of elections shall make the arrangements for 91075
the submission to the electors of the school district of the 91076
question proposed under division (B) or ~~(J)~~(I) of this section, 91077
and the election shall be conducted, canvassed, and certified in 91078
the same manner as regular elections in the district for the 91079
election of county officers. The resolution shall be put before 91080
the electors as one ballot question, with a favorable vote 91081
indicating approval of the bond issue, the levy to pay debt 91082
charges on the bonds and any anticipatory securities, the current 91083
operating expenses levy, the permanent improvements levy, and the 91084
levy for the current expenses of a qualifying school district and 91085
of partnering community schools, as those levies may be proposed. 91086
The board of elections shall publish notice of the election in a 91087
newspaper of general circulation in the school district once a 91088
week for two consecutive weeks, or as provided in section 7.16 of 91089
the Revised Code, prior to the election. If a board of elections 91090
operates and maintains a web site, that board also shall post 91091
notice of the election on its web site for thirty days prior to 91092

the election. The notice of election shall state all of the	91093
following:	91094
(1) The principal amount of the proposed bond issue;	91095
(2) The permanent improvements for which the bonds are to be issued;	91096 91097
(3) The maximum number of years over which the principal of the bonds may be paid;	91098 91099
(4) The estimated additional average annual property tax rate to pay the debt charges on the bonds, as certified by the county auditor;	91100 91101 91102
(5) The proposed rate of the additional tax, if any, for current operating expenses and, if the question is proposed under division (J) <u>(I)</u> of this section, the portion of the rate to be allocated to the school district and the portion to be allocated to partnering community schools;	91103 91104 91105 91106 91107
(6) The number of years the current operating expenses tax will be in effect, or that it will be in effect for a continuing period of time;	91108 91109 91110
(7) The proposed rate of the additional tax, if any, for permanent improvements;	91111 91112
(8) The number of years the permanent improvements tax will be in effect, or that it will be in effect for a continuing period of time;	91113 91114 91115
(9) The time and place of the special election.	91116
(D) The form of the ballot for an election under this section is as follows:	91117 91118
"Shall the school district be authorized to do the following:	91119 91120
(1) Issue bonds for the purpose of in the	91121

principal amount of \$....., to be repaid annually over a maximum 91122
 period of years, and levy a property tax outside the 91123
 ten-mill limitation, estimated by the county auditor to average 91124
 over the bond repayment period mills for each one dollar of 91125
 tax valuation, which amounts to (rate expressed in cents or 91126
 dollars and cents, such as "36 cents" or "\$1.41") for each \$100 of 91127
 tax valuation, to pay the annual debt charges on the bonds, and to 91128
 pay debt charges on any notes issued in anticipation of those 91129
 bonds?" 91130

If either a levy for permanent improvements or a levy for 91131
 current operating expenses is proposed, or both are proposed, the 91132
 ballot also shall contain the following language, as appropriate: 91133

"(2) Levy an additional property tax to provide funds for the 91134
 acquisition, construction, enlargement, renovation, and financing 91135
 of permanent improvements at a rate not exceeding mills 91136
 for each one dollar of tax valuation, which amounts to 91137
 (rate expressed in cents or dollars and cents) for each \$100 of 91138
 tax valuation, for (number of years of the levy, or a 91139
 continuing period of time)? 91140

(3) Levy an additional property tax to pay current operating 91141
 expenses at a rate not exceeding mills for each one dollar 91142
 of tax valuation, which amounts to (rate expressed in 91143
 cents or dollars and cents) for each \$100 of tax valuation, for 91144
 (number of years of the levy, or a continuing period of 91145
 time)? 91146

	FOR THE BOND ISSUE AND LEVY (OR LEVIES)	
	AGAINST THE BOND ISSUE AND LEVY (OR LEVIES)	"

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 91148
 91149
 91150

If the question is proposed under division ~~(J)~~(L) of this 91151
 section, the form of the ballot shall be modified as prescribed by 91152

division ~~(J)~~(I)(4) of this section. 91153

(E) The board of elections promptly shall certify the results 91154
of the election to the tax commissioner and the county auditor of 91155
the county in which the school district is located. If a majority 91156
of the electors voting on the question vote for it, the board of 91157
education may proceed with issuance of the bonds and with the levy 91158
and collection of the property tax or taxes at the additional rate 91159
or any lesser rate in excess of the ten-mill limitation. Any 91160
securities issued by the board of education under this section are 91161
Chapter 133. securities, as that term is defined in section 133.01 91162
of the Revised Code. 91163

(F)(1) After the approval of a tax for current operating 91164
expenses under this section and prior to the time the first 91165
collection and distribution from the levy can be made, the board 91166
of education may anticipate a fraction of the proceeds of such 91167
levy and issue anticipation notes in a principal amount not 91168
exceeding fifty per cent of the total estimated proceeds of the 91169
tax to be collected during the first year of the levy. 91170

(2) After the approval of a tax under this section for 91171
permanent improvements having a specific purpose, the board of 91172
education may anticipate a fraction of the proceeds of such tax 91173
and issue anticipation notes in a principal amount not exceeding 91174
fifty per cent of the total estimated proceeds of the tax 91175
remaining to be collected in each year over a period of five years 91176
after issuance of the notes. 91177

(3) After the approval of a tax under this section for 91178
general permanent improvements as defined under section 5705.21 of 91179
the Revised Code, the board of education may anticipate a fraction 91180
of the proceeds of such tax and issue anticipation notes in a 91181
principal amount not exceeding fifty per cent of the total 91182
estimated proceeds of the tax to be collected in each year over a 91183
specified period of years, not exceeding ten, after issuance of 91184

the notes. 91185

Anticipation notes under this section shall be issued as 91186
provided in section 133.24 of the Revised Code. Notes issued under 91187
division (F)(1) or (2) of this section shall have principal 91188
payments during each year after the year of their issuance over a 91189
period not to exceed five years, and may have a principal payment 91190
in the year of their issuance. Notes issued under division (F)(3) 91191
of this section shall have principal payments during each year 91192
after the year of their issuance over a period not to exceed ten 91193
years, and may have a principal payment in the year of their 91194
issuance. 91195

(G) A tax for current operating expenses or for permanent 91196
improvements levied under this section for a specified number of 91197
years may be renewed or replaced in the same manner as a tax for 91198
current operating expenses or for permanent improvements levied 91199
under section 5705.21 of the Revised Code. A tax for current 91200
operating expenses or for permanent improvements levied under this 91201
section for a continuing period of time may be decreased in 91202
accordance with section 5705.261 of the Revised Code. 91203

~~(H) The submission of a question to the electors under this 91204
section is subject to the limitation on the number of elections 91205
that can be held in a year under section 5705.214 of the Revised 91206
Code. 91207~~

~~(I)~~ A school district board of education proposing a ballot 91208
measure under this section to generate local resources for a 91209
project under the school building assistance expedited local 91210
partnership program under section 3318.36 of the Revised Code may 91211
combine the questions under division (D) of this section with a 91212
question for the levy of a property tax to generate moneys for 91213
maintenance of the classroom facilities acquired under that 91214
project as prescribed in section 3318.361 of the Revised Code. 91215

~~(J)~~(I)(1) After receiving the county auditor's certification 91216
under division (A) of this section, the board of education of a 91217
qualifying school district, by a vote of two-thirds of all its 91218
members, may declare by resolution that it is necessary to levy a 91219
tax in excess of the ten-mill limitation for the purpose of paying 91220
the current expenses of the school district and of partnering 91221
community schools, as defined in section 5705.21 of the Revised 91222
Code; that it is necessary to issue general obligation bonds of 91223
the school district for permanent improvements of the district and 91224
to levy an additional tax in excess of the ten-mill limitation to 91225
pay debt charges on the bonds and any anticipatory securities; and 91226
that the question of the bonds and taxes shall be submitted to the 91227
electors of the school district at a general election or a special 91228
election held on a day on which a primary election may be held, 91229
~~which shall~~ occurring not be earlier than ninety days after 91230
certification of the resolution to the board of elections, ~~and the~~ 91231
~~date of which shall be consistent with section 3505.01 of the~~ 91232
~~Revised Code.~~ 91233

The levy of taxes for the current expenses of a partnering 91234
community school under division ~~(J)~~(I) of this section and the 91235
distribution of proceeds from the tax by a qualifying school 91236
district to partnering community schools is hereby determined to 91237
be a proper public purpose. 91238

(2) The tax for the current expenses of the school district 91239
and of partnering community schools is subject to the requirements 91240
of divisions (B)(3), (4), and (5) of section 5705.21 of the 91241
Revised Code. 91242

(3) In addition to the required specifications of the 91243
resolution under division (B) of this section, the resolution 91244
shall express the rate of the tax in mills per dollar of taxable 91245
value, state the number of the mills to be levied for the current 91246
expenses of the partnering community schools and the number of the 91247

mills to be levied for the current expenses of the school district, specify the number of years (not exceeding ten) the tax will be levied or that it will be levied for a continuing period of time, and state the first year the tax will be levied.

The resolution shall go into immediate effect upon its passage, and no publication of it is necessary other than that provided in the notice of election. The board of education shall certify a copy of the resolution, along with copies of the auditor's estimate and its resolution under division (A) of this section, to the board of elections immediately after its adoption.

(4) The form of the ballot shall be modified by replacing the ballot form set forth in division (D)(3) of this section with the following:

"Levy an additional property tax for the purpose of the current expenses of the school district and of partnering community schools at a rate not exceeding (insert the number of mills) mills for each one dollar of valuation (of which (insert the number of mills to be allocated to partnering community schools) mills is to be allocated to partnering community schools), which amounts to (insert the rate expressed in dollars and cents) for each one hundred dollars of valuation, for (insert the number of years the levy is to be imposed, or that it will be levied for a continuing period of time)?

	FOR THE BOND ISSUE AND LEVY (OR LEVIES)
	AGAINST THE BOND ISSUE AND LEVY (OR LEVIES)

91272
91273
"

(5) After the approval of a tax for the current expenses of the school district and of partnering community schools under division ~~(J)~~(L) of this section, and prior to the time the first collection and distribution from the levy can be made, the board

of education may anticipate a fraction of the proceeds of the levy 91279
for the current expenses of the school district and issue 91280
anticipation notes in a principal amount not exceeding fifty per 91281
cent of the estimated proceeds of the levy to be collected during 91282
the first year of the levy and allocated to the school district. 91283
The portion of levy proceeds to be allocated to partnering 91284
community schools shall not be included in the estimated proceeds 91285
anticipated under this division and shall not be used to pay debt 91286
charges on any anticipation notes. 91287

The notes shall be issued as provided in section 133.24 of 91288
the Revised Code, shall have principal payments during each year 91289
after the year of their issuance over a period not to exceed five 91290
years, and may have a principal payment in the year of their 91291
issuance. 91292

(6) A tax for the current expenses of the school district and 91293
of partnering community schools levied under division ~~(J)~~(I) of 91294
this section for a specified number of years may be renewed or 91295
replaced in the same manner as a tax for the current expenses of a 91296
school district and of partnering community schools levied under 91297
division (B) of section 5705.21 of the Revised Code. A tax for the 91298
current expenses of the school district and of partnering 91299
community schools levied under this division for a continuing 91300
period of time may be decreased in accordance with section 91301
5705.261 of the Revised Code. 91302

(7) The proceeds from the issuance of the general obligation 91303
bonds under division ~~(J)~~(I) of this section shall be used solely 91304
to pay for permanent improvements of the school district and not 91305
for permanent improvements of partnering community schools. 91306

Sec. 5705.219. (A) As used in this section: 91307

(1) "Eligible school district" means a city, local, or 91308
exempted village school district in which the taxes charged and 91309

payable for current expenses on residential/agricultural real 91310
property in the tax year preceding the year in which the levy 91311
authorized by this section will be submitted for elector approval 91312
or rejection are greater than two per cent of the taxable value of 91313
the residential/agricultural real property. 91314

(2) "Residential/agricultural real property" and 91315
"nonresidential/agricultural real property" means the property 91316
classified as such under section 5713.041 of the Revised Code. 91317

(3) "Effective tax rate" and "taxes charged and payable" have 91318
the same meanings as in division (B) of section 319.301 of the 91319
Revised Code. 91320

(B) On or after January 1, 2010, but before January 1, 2015, 91321
the board of education of an eligible school district, by a vote 91322
of two-thirds of all its members, may adopt a resolution proposing 91323
to convert existing levies imposed for the purpose of current 91324
expenses into a levy raising a specified amount of tax money by 91325
repealing all or a portion of one or more of those existing levies 91326
and imposing a levy in excess of the ten-mill limitation that will 91327
raise a specified amount of money for current expenses of the 91328
district. 91329

The board of education shall certify a copy of the resolution 91330
to the tax commissioner not later than one hundred five days 91331
before the election upon which the repeal and levy authorized by 91332
this section will be proposed to the electors. Within ten days 91333
after receiving the copy of the resolution, the tax commissioner 91334
shall determine each of the following and certify the 91335
determinations to the board of education: 91336

(1) The dollar amount to be raised by the proposed levy, 91337
which shall be the product of: 91338

(a) The difference between the aggregate effective tax rate 91339
for residential/agricultural real property for the tax year 91340

preceding the year in which the repeal and levy will be proposed 91341
to the electors and twenty mills per dollar of taxable value; 91342

(b) The total taxable value of all property on the tax list 91343
of real and public utility property for the tax year preceding the 91344
year in which the repeal and levy will be proposed to the 91345
electors. 91346

(2) The estimated tax rate of the proposed levy. 91347

(3) The existing levies and any portion of an existing levy 91348
to be repealed upon approval of the question. Levies shall be 91349
repealed in reverse chronological order from most recently imposed 91350
to least recently imposed until the sum of the effective tax rates 91351
repealed for residential/agricultural real property is equal to 91352
the difference calculated in division (B)(1)(a) of this section. 91353

(4) The sum of the following: 91354

(a) The total taxable value of nonresidential/agricultural 91355
real property for the tax year preceding the year in which the 91356
repeal and levy will be proposed to the electors multiplied by the 91357
difference between (i) the aggregate effective tax rate for 91358
nonresidential/agricultural real property for the existing levies 91359
and any portion of an existing levy to be repealed and (ii) the 91360
amount determined under division (B)(1)(a) of this section, but 91361
not less than zero; 91362

(b) The total taxable value of public utility tangible 91363
personal property for the tax year preceding the year in which the 91364
repeal and levy will be proposed to the electors multiplied by the 91365
difference between (i) the aggregate voted tax rate for the 91366
existing levies and any portion of an existing levy to be repealed 91367
and (ii) the amount determined under division (B)(1)(a) of this 91368
section, but not less than zero. 91369

(C) Upon receipt of the certification from the tax 91370
commissioner under division (B) of this section, a majority of the 91371

members of the board of education may adopt a resolution proposing 91372
the repeal of the existing levies as identified in the 91373
certification and the imposition of a levy in excess of the 91374
ten-mill limitation that will raise annually the amount certified 91375
by the commissioner. If the board determines that the tax should 91376
be for an amount less than that certified by the commissioner, the 91377
board may request that the commissioner redetermine the rate under 91378
division (B)(2) of this section on the basis of the lesser amount 91379
the levy is to raise as specified by the board. The amount 91380
certified under division (B)(4) and the levies to be repealed as 91381
certified under division (B)(3) of this section shall not be 91382
redetermined. Within ten days after receiving a timely request 91383
specifying the lesser amount to be raised by the levy, the 91384
commissioner shall redetermine the rate and recertify it to the 91385
board as otherwise provided in division (B) of this section. Only 91386
one such request may be made by the board of education of an 91387
eligible school district. 91388

The resolution shall state the first calendar year in which 91389
the levy will be due; the existing levies and any portion of an 91390
existing levy that will be repealed, as certified by the 91391
commissioner; the term of the levy expressed in years, which may 91392
be any number not exceeding ten, or that it will be levied for a 91393
continuing period of time; and the date of the election, which 91394
shall be the date of a ~~primary or~~ general election or a special 91395
election held on a day on which a primary election may be held. 91396

Immediately upon its passage, the resolution shall go into 91397
effect and shall be certified by the board of education to the 91398
county auditor of the proper county. The county auditor and the 91399
board of education shall proceed as required under section 91400
5705.195 of the Revised Code. No publication of the resolution is 91401
necessary other than that provided for in the notice of election. 91402
Section 5705.196 of the Revised Code shall govern the matters 91403

concerning the election. ~~The submission of a question to the~~ 91404
~~electors under this section is subject to the limitation on the~~ 91405
~~number of election dates established by section 5705.214 of the~~ 91406
~~Revised Code.~~ 91407

(D) The form of the ballot to be used at the election 91408
 provided for in this section shall be as follows: 91409

"Shall the existing levy of (insert the voted 91410
 millage rate of the levy to be repealed), currently being charged 91411
 against residential and agricultural property by the 91412
 (insert the name of school district) at a rate of 91413
 (insert the residential/agricultural real property effective tax 91414
 rate of the levy being repealed) for the purpose of 91415
 (insert the purpose of the existing levy) be repealed, and shall a 91416
 levy be imposed by the (insert the name of school 91417
 district) in excess of the ten-mill limitation for the necessary 91418
 requirements of the school district in the sum of 91419
 (insert the annual amount the levy is to produce), estimated by 91420
 the tax commissioner to require (insert the number of 91421
 mills) mills for each one dollar of valuation, which amounts to 91422
 (insert the rate expressed in dollars and cents) for 91423
 each one hundred dollars of valuation for the initial year of the 91424
 tax, for a period of (insert the number of years the 91425
 levy is to be imposed, or that it will be levied for a continuing 91426
 period of time), commencing in (insert the first year 91427
 the tax is to be levied), first due in calendar year 91428
 (insert the first calendar year in which the tax shall be due)? 91429

91430

	FOR THE REPEAL AND TAX
	AGAINST THE REPEAL AND TAX

91431

"

91432

91433

If the question submitted is a proposal to repeal all or a 91434

portion of more than one existing levy, the form of the ballot 91435
shall be modified by substituting the statement "shall the 91436
existing levy of" with "shall existing levies of" and inserting 91437
the aggregate voted and aggregate effective tax rates to be 91438
repealed. 91439

(E) If a majority of the electors voting on the question 91440
submitted in an election vote in favor of the repeal and levy, the 91441
result shall be certified immediately after the canvass by the 91442
board of elections to the board of education. The board of 91443
education may make the levy necessary to raise the amount 91444
specified in the resolution for the purpose stated in the 91445
resolution and shall certify it to the county auditor, who shall 91446
extend it on the current year tax lists for collection. After the 91447
first year, the levy shall be included in the annual tax budget 91448
that is certified to the county budget commission. 91449

(F) A levy imposed under this section for a continuing period 91450
of time may be decreased or repealed pursuant to section 5705.261 91451
of the Revised Code. If a levy imposed under this section is 91452
decreased, the amount calculated under division (B)(4) of this 91453
section and paid under section 5705.2110 of the Revised Code shall 91454
be decreased by the same proportion as the levy is decreased. If 91455
the levy is repealed, no further payments shall be made to the 91456
district under that section. 91457

(G) At any time, the board of education, by a vote of 91458
two-thirds of all of its members, may adopt a resolution to renew 91459
a tax levied under this section. The resolution shall provide for 91460
levying the tax and specifically all of the following: 91461

(1) That the tax shall be called, and designated on the 91462
ballot as, a renewal levy; 91463

(2) The amount of the renewal tax, which shall be no more 91464
than the amount of tax previously collected; 91465

(3) The number of years, not to exceed ten, that the renewal tax will be levied, or that it will be levied for a continuing period of time; 91466
91467
91468

(4) That the purpose of the renewal tax is for current expenses. 91469
91470

The board shall certify a copy of the resolution to the board of elections not later than ninety days before the date of the election at which the question is to be submitted, which shall be the date of a ~~primary or~~ general election or a special election held on a day on which a primary election may be held. 91471
91472
91473
91474
91475

(H) The form of the ballot to be used at the election on the question of renewing a levy under this section shall be as follows: 91476
91477
91478

"Shall a tax levy renewing an existing levy of (insert the annual dollar amount the levy is to produce each year), estimated to require (insert the number of mills) mills for each one dollar of valuation be imposed by the (insert the name of school district) for the purpose of current expenses for a period of (insert the number of years the levy is to be imposed, or that it will be levied for a continuing period of time), commencing in (insert the first year the tax is to be levied), first due in calendar year (insert the first calendar year in which the tax shall be due)? 91479
91480
91481
91482
91483
91484
91485
91486
91487
91488
91489

	FOR THE RENEWAL OF THE TAX LEVY	
	AGAINST THE RENEWAL OF THE TAX LEVY	"

91490
91491
91492
91493

If the levy submitted is to be for less than the amount of money previously collected, the form of the ballot shall be modified to add "and reducing" after "renewing" and to add before 91494
91495
91496

"estimated to require" the statement "be approved at a tax rate 91497
necessary to produce (insert the lower annual dollar 91498
amount the levy is to produce each year)." 91499

Sec. 5705.2111. (A) If the board of directors of a regional 91500
student education district created under section 3313.83 of the 91501
Revised Code desires to levy a tax in excess of the ten-mill 91502
limitation throughout the district for the purpose of funding the 91503
services to be provided by the district to students enrolled in 91504
the school districts of which the district is composed and their 91505
immediate family members, the board shall propose the levy to each 91506
of the boards of education of those school districts. The proposal 91507
shall specify the rate or amount of the tax, the number of years 91508
the tax will be levied or that it will be levied for a continuing 91509
period of time, and that the aggregate rate of the tax shall not 91510
exceed three mills per dollar of taxable value in the regional 91511
student education district. 91512

(B)(1) If a majority of the boards of education of the school 91513
districts of which the regional student education district is 91514
composed approves the proposal for the tax levy, the board of 91515
directors of the regional student education district may adopt a 91516
resolution approved by a majority of the board's full membership 91517
declaring the necessity of levying the proposed tax in excess of 91518
the ten-mill limitation throughout the district for the purpose of 91519
funding the services to be provided by the district to students 91520
enrolled in the school districts of which the district is composed 91521
and their immediate family members. The resolution shall provide 91522
for the question of the tax to be submitted to the electors of the 91523
district at a general, election or a special election held on a 91524
day on which a primary, ~~or special~~ election ~~on a day to~~ may be 91525
held, as specified in the resolution ~~that is consistent with the~~ 91526
~~requirements of section 3501.01 of the Revised Code and that~~ 91527
~~occurs~~ , occurring at least ninety days after the resolution is 91528

certified to the board of elections. The resolution shall specify 91529
the rate or amount of the tax and the number of years the tax will 91530
be levied or that the tax will be levied for a continuing period 91531
of time. The aggregate rate of tax levied by a regional student 91532
education district under this section at any time shall not exceed 91533
three mills per dollar of taxable value in the district. A tax 91534
levied under this section may be renewed, subject to section 91535
5705.25 of the Revised Code, or replaced as provided in section 91536
5705.192 of the Revised Code. 91537

(2) The resolution shall take effect immediately upon 91538
passage, and no publication of the resolution is necessary other 91539
than that provided in the notice of election. The resolution shall 91540
be certified and submitted in the manner provided under section 91541
5705.25 of the Revised Code, and that section governs the 91542
arrangements governing submission of the question and other 91543
matters concerning the election. 91544

Sec. 5705.2112. (A) As used in this section and section 91545
5705.2113 of the Revised Code: 91546

(1) "Qualifying partnership" has the same meaning as in 91547
section 3318.71 of the Revised Code. 91548

(2) "Fiscal board" means the board of education of the school 91549
district that is selected as the fiscal agent of a qualifying 91550
partnership under division (D) of section 3318.71 of the Revised 91551
Code. 91552

(3) "Participating school district" means a city, local, 91553
exempted village, cooperative education, or joint vocational 91554
school district that is a party to the qualifying partnership 91555
agreement described in section 3318.71 of the Revised Code. 91556

(4) "Tax distribution" means a distribution of proceeds of 91557
the tax authorized by this section under section 321.24 of the 91558

Revised Code and distributions that are attributable to that tax 91559
under sections 323.156 and 4503.068 of the Revised Code or other 91560
applicable law. 91561

(5) "Acquisition of classroom facilities" has the same 91562
meaning as in section 3318.01 of the Revised Code. 91563

(B) The fiscal board of a qualifying partnership may levy a 91564
tax under this section in excess of the ten-mill limitation for 91565
the purpose of funding the acquisition of classroom facilities 91566
that benefit the qualifying partnership. The tax is subject to the 91567
approval of the electors of all participating school districts. 91568
Before proposing the tax to such electors, the fiscal board shall 91569
obtain identical resolutions adopted by two-thirds of the members 91570
of the board of education of each participating school district. 91571
The resolutions shall specify all of the following: 91572

(1) The rate of the levy; 91573

(2) The purpose of the levy, which shall be confined to the 91574
acquisition of classroom facilities; 91575

(3) The number of years during which the levy shall be in 91576
effect, which shall be for any number of years not exceeding ten; 91577

(4) That the question of the levy shall be submitted to the 91578
electors of each participating school district at a general 91579
election or a special election held on a day on which a primary 91580
election may be held; 91581

(5) The date that such ~~special~~ election shall be held, which 91582
shall not be earlier than ninety days after the resolutions are 91583
certified to the board or boards of elections under division (C) 91584
of this section ~~and which shall be consistent with the~~ 91585
~~requirements of section 3501.01 of the Revised Code.~~ 91586

(C) A resolution adopted under division (B) of this section 91587
shall go into immediate effect upon its passage, and no 91588

publication of the resolution shall be necessary other than that 91589
provided for in the notice of election. Upon passing such a 91590
resolution, the board of education of a participating school 91591
district shall certify a copy of the resolution to the fiscal 91592
board of the qualifying partnership. Once the fiscal board 91593
receives an identical resolution from each participating school 91594
district, the fiscal board shall certify copies of such 91595
resolutions to the board of elections of the proper county or 91596
counties in the manner provided by section 5705.25 of the Revised 91597
Code. That section shall govern the arrangements for the 91598
submission of the levy to the electors of each participating 91599
school district and other matters concerning the election to which 91600
that section refers, including publication of notice of the 91601
election, except that the election shall be held on the date 91602
specified in the resolutions and the notice shall be published in 91603
newspapers of general circulation in all the participating school 91604
districts. 91605

The question of the levy shall be submitted as a single 91606
ballot issue to the electors of all the participating school 91607
districts. If a majority of all such electors voting on the 91608
question so submitted in the election vote in favor of the levy, 91609
the fiscal board may make the necessary levy within the territory 91610
of the participating school districts at the additional rate, or 91611
at any lesser rate in excess of the ten-mill limitation on the tax 91612
list, for the purpose stated in the resolutions. 91613

~~The submission of questions to the electors under this 91614
section is subject to the limitation on the number of election 91615
dates established by section 5705.214 of the Revised Code. 91616~~

(D) Each tax distribution shall be deposited to a special 91617
fund, established for the purposes described in the resolutions 91618
proposing the tax levy, in the county treasury of the county in 91619
which the fiscal board of the qualifying partnership is located. 91620

The fiscal board shall be the custodian of the amounts deposited 91621
to such fund and shall have the same rights and responsibilities 91622
with respect to the fund as boards of education do with respect to 91623
other levy revenues. 91624

(E) The levy of a tax under this section for the purpose of 91625
funding the acquisition of classroom facilities benefiting a 91626
qualifying partnership is hereby determined to be a proper public 91627
purpose. For the purposes of Chapter 3317. of the Revised Code or 91628
other laws referring to the "taxes charged and payable" for a 91629
school district, the taxes charged and payable for a levy 91630
authorized under this section are not included in the taxes 91631
charged and payable for any participating school district. The 91632
taxes charged and payable for a levy authorized under this section 91633
shall not affect the calculation of "state education aid," as 91634
defined in section 5751.20 of the Revised Code, for any 91635
participating school district. 91636

(F)(1) After the approval of a levy under this section for a 91637
specified number of years, the fiscal board of a qualifying 91638
partnership may anticipate a fraction of the proceeds of the levy 91639
and issue anticipation notes in a principal amount not exceeding 91640
seventy-five per cent of the total estimated proceeds of the levy 91641
remaining to be collected in each year over a period of ten years 91642
after the issuance of the notes. 91643

The notes shall be issued as provided in section 133.24 of 91644
the Revised Code, shall have principal payments during each year 91645
after the year of their issuance over a period not to exceed ten 91646
years, and may have a principal payment in the year of their 91647
issuance. 91648

(2) The fiscal board of a qualifying partnership is a "taxing 91649
authority" for the purposes of Chapter 133. of the Revised Code 91650
with respect to the tax and securities authorized under this 91651
section, and the treasurer of the school district serving as the 91652

fiscal board is the fiscal officer for the purposes of that 91653
chapter. 91654

Sec. 5705.221. (A) At any time, the board of county 91655
commissioners of any county by a majority vote of the full 91656
membership may declare by resolution and certify to the board of 91657
elections of the county that the amount of taxes which may be 91658
raised within the ten-mill limitation by levies on the current tax 91659
duplicate will be insufficient to provide the necessary 91660
requirements of the county's alcohol, drug addiction, and mental 91661
health service district established pursuant to Chapter 340. of 91662
the Revised Code, or the county's contribution to a joint-county 91663
district of which the county is a part, and that it is necessary 91664
to levy a tax in excess of such limitation for the operation of 91665
community addiction services providers and community mental health 91666
services providers and the acquisition, construction, renovation, 91667
financing, maintenance, and operation of alcohol and drug 91668
addiction facilities and mental health facilities. 91669

Such resolution shall conform to section 5705.19 of the 91670
Revised Code, except that the increased rate may be in effect for 91671
any number of years not exceeding ten. 91672

The resolution shall be certified and submitted in the manner 91673
provided in section 5705.25 of the Revised Code, ~~except that it~~ . 91674
The resolution may be placed on the ballot ~~in any~~ at a general 91675
election or a special election held on a day on which a primary 91676
election may be held, and shall be certified to the board of 91677
elections not less than ninety days before the election at which 91678
it will be voted upon. 91679

If the majority of the electors voting on a levy to 91680
supplement general fund appropriations for the support of the 91681
comprehensive community addiction and mental health services 91682
providers vote in favor of the levy, the board may levy a tax 91683

within the county at the additional rate outside the ten-mill 91684
limitation during the specified or continuing period, for the 91685
purpose stated in the resolution. 91686

(B) When electors have approved a tax levy under this 91687
section, the board of county commissioners may anticipate a 91688
fraction of the proceeds of the levy and, from time to time, issue 91689
anticipation notes in accordance with section 5705.191 or 5705.193 91690
of the Revised Code. 91691

(C) The county auditor who is the fiscal officer of the 91692
alcohol, drug addiction, and mental health service district, upon 91693
receipt of a resolution from the board of alcohol, drug addiction, 91694
and mental health services, shall establish for the district a 91695
capital improvements account or a reserve balance account, or 91696
both, as specified in the resolution. The capital improvements 91697
account shall be a contingency fund for the necessary acquisition, 91698
replacement, renovation, or construction of facilities and movable 91699
and fixed equipment. Upon the request of the board, funds not 91700
needed to pay for current expenses may be appropriated to the 91701
capital improvements account, in amounts such that the account 91702
does not exceed twenty-five per cent of the replacement value of 91703
all capital facilities and equipment currently used by the board 91704
for programs and services. Other funds which are available for 91705
current capital expenses from federal, state, or local sources may 91706
also be appropriated to this account. 91707

The reserve balance account shall contain those funds that 91708
are not needed to pay for current operating expenses and not 91709
deposited in the capital improvements account but that will be 91710
needed to pay for operating expenses in the future. Upon the 91711
request of a board, such funds shall be appropriated to the 91712
reserve balance account. Payments from the capital improvements 91713
account and the reserve balance account shall be made by the 91714
county treasurer who is the custodian of funds for the district 91715

upon warrants issued by the county auditor who is the fiscal 91716
officer of the district pursuant to orders of the board. 91717

Sec. 5705.222. (A) At any time the board of county 91718
commissioners of any county by a majority vote of the full 91719
membership may declare by resolution and certify to the board of 91720
elections of the county that the amount of taxes which may be 91721
raised within the ten-mill limitation by levies on the current tax 91722
duplicate will be insufficient to provide the necessary 91723
requirements of the county board of developmental disabilities 91724
established pursuant to Chapter 5126. of the Revised Code and that 91725
it is necessary to levy a tax in excess of such limitation for the 91726
operation of community programs and services authorized by county 91727
boards of developmental disabilities, for the acquisition, 91728
construction, renovation, financing, maintenance, and operation of 91729
developmental disabilities facilities, or for both of such 91730
purposes. 91731

The resolution shall conform to section 5705.19 of the 91732
Revised Code, except that the increased rate may be in effect for 91733
any number of years not exceeding ten or for a continuing period 91734
of time. 91735

The resolution shall be certified and submitted in the manner 91736
provided in section 5705.25 of the Revised Code, ~~except that it~~ . 91737
The resolution may be placed on the ballot ~~in any~~ at a general 91738
election or at a special election held on a day on which a primary 91739
election may be held, and shall be certified to the board of 91740
elections not less than ninety days before the election at which 91741
it will be voted upon. 91742

If the majority of the electors voting on a levy for the 91743
support of the programs and services of the county board of 91744
developmental disabilities vote in favor of the levy, the board of 91745
county commissioners may levy a tax within the county at the 91746

additional rate outside the ten-mill limitation during the 91747
specified or continuing period, for the purpose stated in the 91748
resolution. 91749

The county board of developmental disabilities, within its 91750
budget and with the approval of the board of county commissioners 91751
through annual appropriations, shall use the proceeds of a levy 91752
approved under this section or division (L) of section 5705.19 of 91753
the Revised Code solely for the purposes authorized by that 91754
section or division. 91755

A board of county commissioners that levies a tax under this 91756
section or for the purpose authorized by division (L) of section 91757
5705.19 of the Revised Code, by a majority vote of the full 91758
membership, may adopt a resolution to renew such a levy, or renew 91759
two or more such levies as a single ballot question, in the manner 91760
provided by section 5705.25 of the Revised Code for the renewal of 91761
existing levies. The purpose of the renewal levy may be for any of 91762
the purposes authorized for a levy imposed under this section or 91763
division (L) of section 5705.19 of the Revised Code. The term of 91764
the renewal levy may be for any number of years not exceeding ten 91765
or for a continuing period of time. 91766

(B) When electors have approved a tax levy under this 91767
section, the county commissioners may anticipate a fraction of the 91768
proceeds of the levy and issue anticipation notes in accordance 91769
with section 5705.191 or 5705.193 of the Revised Code. 91770

(C) The county auditor, upon receipt of a resolution from the 91771
county board of developmental disabilities, shall establish a 91772
capital improvements account or a reserve balance account, or 91773
both, as specified in the resolution. The capital improvements 91774
account shall be a contingency account for the necessary 91775
acquisition, replacement, renovation, or construction of 91776
facilities and movable and fixed equipment. Upon the request of 91777
the county board of developmental disabilities, moneys not needed 91778

to pay for current expenses may be appropriated to this account, 91779
in amounts such that this account does not exceed twenty-five per 91780
cent of the replacement value of all capital facilities and 91781
equipment currently used by the county board of developmental 91782
disabilities for developmental disabilities programs and services. 91783
Other moneys available for current capital expenses from federal, 91784
state, or local sources may also be appropriated to this account. 91785

The reserve balance account shall contain those moneys that 91786
are not needed to pay for current operating expenses and not 91787
deposited in the capital improvements account but that will be 91788
needed to pay for operating expenses in the future. Upon the 91789
request of a county board of developmental disabilities, the board 91790
of county commissioners may appropriate moneys to the reserve 91791
balance account. 91792

Sec. 5705.23. The board of library trustees of any county, 91793
municipal corporation, school district, or township public library 91794
by a vote of two-thirds of all its members may at any time declare 91795
by resolution that the amount of taxes which may be raised within 91796
the ten-mill limitation by levies on the current tax duplicate 91797
will be insufficient to provide an adequate amount for the 91798
necessary requirements of the public library, that it is necessary 91799
to levy a tax in excess of such limitation for current expenses of 91800
the public library or for the construction of any specific 91801
permanent improvement or class of improvements which the board of 91802
library trustees is authorized to make or acquire and which could 91803
be included in a single issue of bonds, and that the question of 91804
such additional tax levy shall be submitted by the taxing 91805
authority of the political subdivision to whose jurisdiction the 91806
board is subject, to the electors of the subdivision, or, in the 91807
case of a qualifying library levy, to the electors residing within 91808
the boundaries of the library district ~~on the day specified by~~ 91809
~~division (E) of section 3501.01 of the Revised Code for the~~ 91810

~~holding of at a general election or a special election held on a~~ 91811
~~day on which a primary election or at an election on another day~~ 91812
~~to be specified in the resolution. No more than two elections~~ 91813
~~shall may be held under authority of this section in any one~~ 91814
~~calendar year.~~ Such resolution shall conform to section 5705.19 of 91815
the Revised Code, except that the tax levy may be in effect for 91816
any specified number of years or for a continuing period of time, 91817
as set forth in the resolution, and the resolution shall specify 91818
the date of holding the election, which shall not be earlier than 91819
ninety days after the adoption and certification of the resolution 91820
to the taxing authority of the political subdivision to whose 91821
jurisdiction the board is subject, ~~and which shall be consistent~~ 91822
~~with the requirements of section 3501.01 of the Revised Code.~~ The 91823
resolution shall not include a levy on the current tax list and 91824
duplicate unless the election is to be held at or prior to the 91825
first Tuesday after the first Monday in November of the current 91826
tax year. 91827

Upon receipt of the resolution, the taxing authority of the 91828
political subdivision to whose jurisdiction the board is subject 91829
shall adopt a resolution providing for the submission of such 91830
additional tax levy to the electors of the subdivision, or, in the 91831
case of a qualifying library levy, to the electors residing within 91832
the boundaries of the library district on the date specified in 91833
the resolution of the board of library trustees. The resolution 91834
adopted by the taxing authority shall otherwise conform to the 91835
resolution certified to it by the board. The resolution of the 91836
taxing authority shall be certified to the board of elections of 91837
the proper county not less than ninety days before the date of 91838
such election. Such resolution shall go into immediate effect upon 91839
its passage, and no publication of the resolution shall be 91840
necessary other than that provided in the notice of election. 91841
Section 5705.25 of the Revised Code shall govern the arrangements 91842
for the submission of such question and other matters concerning 91843

the election, to which that section refers, except that such 91844
election shall be held on the date specified in the resolution. If 91845
a majority of the electors voting on the question so submitted in 91846
an election vote in favor of such levy, the taxing authority may 91847
forthwith make the necessary levy within the subdivision or, in 91848
the case of a qualifying library levy, within the boundaries of 91849
the library district at the additional rate in excess of the 91850
ten-mill limitation on the tax list, for the purpose stated in 91851
such resolutions. Such tax levy shall be included in the next 91852
annual tax budget that is certified to the county budget 91853
commission. The proceeds of any library levy in excess of the 91854
ten-mill limitation shall be used for purposes of the board in 91855
accordance with the law applicable to the board. 91856

After the approval of a levy on the current tax list and 91857
duplicate to provide an increase in current expenses, and prior to 91858
the time when the first tax collection from such levy can be made, 91859
the taxing authority at the request of the board of library 91860
trustees may anticipate a fraction of the proceeds of such levy 91861
and issue anticipation notes in an amount not exceeding fifty per 91862
cent of the total estimated proceeds of the levy to be collected 91863
during the first year of the levy. 91864

After the approval of a levy to provide revenues for the 91865
construction or acquisition of any specific permanent improvement 91866
or class of improvements, the taxing authority at the request of 91867
the board of library trustees may anticipate a fraction of the 91868
proceeds of such levy and issue anticipation notes in a principal 91869
amount not exceeding fifty per cent of the total estimated 91870
proceeds of the levy to be collected in each year over a period of 91871
ten years after the issuance of such notes. 91872

The notes shall be issued as provided in section 133.24 of 91873
the Revised Code, shall have principal payments during each year 91874
after the year of their issuance over a period not to exceed ten 91875

years, and may have a principal payment in the year of their 91876
issuance. 91877

Any levy approved by the electors of a library district shall 91878
be made within the library district only. 91879

Sec. 5705.233. (A) As used in this section, "criminal justice 91880
facility" means any facility located within the county in which a 91881
tax is levied under this section and for which the board of 91882
commissioners of such county may make an appropriation under 91883
section 307.45 of the Revised Code. 91884

(B) The board of county commissioners of any county, at any 91885
time, may declare by resolution that it may be necessary for the 91886
county to issue general obligation bonds for permanent 91887
improvements to a criminal justice facility, including the 91888
acquisition, construction, enlargement, renovation, or maintenance 91889
of such a facility. The resolution shall state all of the 91890
following: 91891

(1) The necessity and purpose of the bond issue; 91892

(2) The date of the ~~general or special~~ election at which the 91893
question shall be submitted to the electors, which shall be the 91894
day of a general election or a special election held on a day on 91895
which a primary election may be held; 91896

(3) The amount, approximate date, estimated rate of interest, 91897
and maximum number of years over which the principal of the bonds 91898
may be paid; 91899

(4) The necessity of levying a tax outside the ten-mill 91900
limitation to pay debt charges on the bonds and any anticipatory 91901
securities. 91902

On adoption of the resolution, the board of county 91903
commissioners shall certify a copy of it to the county auditor. 91904
The county auditor promptly shall estimate and certify to the 91905

board the average annual property tax rate required throughout the 91906
stated maturity of the bonds to pay debt charges on the bonds, in 91907
the same manner as under division (C) of section 133.18 of the 91908
Revised Code. Division (B) of section 5705.03 of the Revised Code 91909
does not apply to tax levy proceedings initiated under this 91910
section. 91911

(C) After receiving the county auditor's certification under 91912
division (B) of this section, the board of county commissioners 91913
may declare by resolution that the amount of taxes that can be 91914
raised within the ten-mill limitation will be insufficient to 91915
provide an adequate amount for the present and future criminal 91916
justice requirements of the county; that it is necessary to issue 91917
general obligation bonds of the county for permanent improvements 91918
to a criminal justice facility and to levy an additional tax in 91919
excess of the ten-mill limitation to pay debt charges on the bonds 91920
and any anticipatory securities; that it is necessary for a 91921
specified number of years or for a continuing period of time to 91922
levy additional taxes in excess of the ten-mill limitation to 91923
provide funds for the acquisition, construction, enlargement, 91924
renovation, maintenance, and financing of permanent improvements 91925
to such a criminal justice facility or to pay for operating 91926
expenses of the facility and other criminal justice services for 91927
which the board may make an appropriation under section 307.45 of 91928
the Revised Code, or both; and that the question of the bonds and 91929
taxes shall be submitted to the electors of the county at a 91930
general election or a special election held on a day on which a 91931
primary election may be held, which shall not be earlier than 91932
ninety days after certification of the resolution to the board of 91933
elections, ~~and the date of which shall be consistent with section~~ 91934
~~3501.01 of the Revised Code.~~ The resolution shall specify all of 91935
the following: 91936

(1) The county auditor's estimate of the average annual 91937

property tax rate required throughout the stated maturity of the 91938
bonds to pay debt charges on the bonds; 91939

(2) The proposed rate of the tax, if any, for operating 91940
expenses and criminal justice services, the first year the tax 91941
will be levied, and the number of years it will be levied, or that 91942
it will be levied for a continuing period of time; 91943

(3) The proposed rate of the tax, if any, for permanent 91944
improvements to a criminal justice facility, the first year the 91945
tax will be levied, and the number of years it will be levied, or 91946
that it will be levied for a continuing period of time. 91947

The resolution shall go into immediate effect upon its 91948
passage, and no publication of it is necessary other than that 91949
provided in the notice of election. The board of county 91950
commissioners shall certify a copy of the resolution, along with 91951
copies of the auditor's estimate and its resolution under division 91952
(B) of this section, to the board of elections immediately after 91953
its adoption. 91954

(D) The board of elections shall make the arrangements for 91955
the submission of the question proposed under division (C) of this 91956
section to the electors of the county, and the election shall be 91957
conducted, canvassed, and certified in the same manner as regular 91958
elections in the county for the election of county officers. The 91959
resolution shall be put before the electors as one ballot 91960
question, with a favorable vote indicating approval of the bond 91961
issue, the levy to pay debt charges on the bonds and any 91962
anticipatory securities, the operating expenses and criminal 91963
justice services levy, and the permanent improvements levy, as 91964
those levies may be proposed. The board of elections shall publish 91965
notice of the election in a newspaper of general circulation in 91966
the county once a week for two consecutive weeks, or as provided 91967
in section 7.16 of the Revised Code, before the election. If a 91968
board of elections operates and maintains a web site, that board 91969

also shall post notice of the election on its web site for thirty	91970
days before the election. The notice of election shall state all	91971
of the following:	91972
(1) The principal amount of the proposed bond issue;	91973
(2) The permanent improvements for which the bonds are to be	91974
issued;	91975
(3) The maximum number of years over which the principal of	91976
the bonds may be paid;	91977
(4) The estimated additional average annual property tax rate	91978
to pay the debt charges on the bonds, as certified by the county	91979
auditor;	91980
(5) The proposed rate of the additional tax, if any, for	91981
operating expenses and criminal justice services;	91982
(6) The number of years the operating expenses or criminal	91983
justice services tax will be in effect, or that it will be in	91984
effect for a continuing period of time;	91985
(7) The proposed rate of the additional tax, if any, for	91986
permanent improvements;	91987
(8) The number of years the permanent improvements tax will	91988
be in effect, or that it will be in effect for a continuing period	91989
of time;	91990
(9) The time and place of the election.	91991
(E) The form of the ballot for an election under this section	91992
is as follows:	91993
"Shall be authorized to do the following:	91994
(1) Issue bonds for the purpose of in the	91995
principal amount of \$....., to be repaid annually over a maximum	91996
period of years, and levy a property tax outside the	91997
ten-mill limitation, estimated by the county auditor to average	91998

over the bond repayment period mills for each one dollar of 91999
tax valuation, which amounts to (rate expressed in cents or 92000
dollars and cents, such as "36 cents" or "\$1.41") for each \$100 of 92001
tax valuation, to pay the annual debt charges on the bonds, and to 92002
pay debt charges on any notes issued in anticipation of those 92003
bonds?" 92004

If either a levy for permanent improvements or a levy for 92005
operating expenses and criminal justice services is proposed, or 92006
both are proposed, the ballot also shall contain the following 92007
language, as appropriate: 92008

"(2) Levy an additional property tax to provide funds for the 92009
acquisition, construction, enlargement, renovation, maintenance, 92010
and financing of permanent improvements to a criminal justice 92011
facility at a rate not exceeding mills for each one dollar 92012
of tax valuation, which amounts to (rate expressed in 92013
cents or dollars and cents) for each \$100 of tax valuation, for 92014
..... (number of years of the levy, or a continuing period of 92015
time)? 92016

(3) Levy an additional property tax to pay operating expenses 92017
of a criminal justice facility and provide other criminal justice 92018
services at a rate not exceeding mills for each one dollar 92019
of tax valuation, which amounts to (rate expressed in 92020
cents or dollars and cents) for each \$100 of tax valuation, for 92021
..... (number of years of the levy, or a continuing period of 92022
time)? 92023

FOR THE BOND ISSUE AND LEVY (OR LEVIES) 92024

AGAINST THE BOND ISSUE AND LEVY (OR LEVIES)" 92025

(F) The board of elections promptly shall certify the results 92026
of the election to the tax commissioner and the county auditor. If 92027
a majority of the electors voting on the question vote for it, the 92028
board of county commissioners may proceed with issuance of the 92029

bonds and the levy and collection of the property tax for the debt 92030
service on the bonds and any anticipatory securities in the same 92031
manner and subject to the same limitations as for securities 92032
issued under section 133.18 of the Revised Code, and with the levy 92033
and collection of the property tax or taxes for operating expenses 92034
and criminal justice services and for permanent improvements at 92035
the additional rate or any lesser rate in excess of the ten-mill 92036
limitation. Any securities issued by the board of commissioners 92037
under this section are Chapter 133. securities, as that term is 92038
defined in section 133.01 of the Revised Code. 92039

(G)(1) After the approval of a tax for operating expenses and 92040
criminal justice services under this section and before the time 92041
the first collection and distribution from the levy can be made, 92042
the board of county commissioners may anticipate a fraction of the 92043
proceeds of the levy and issue anticipation notes in a principal 92044
amount not exceeding fifty per cent of the total estimated 92045
proceeds of the tax to be collected during the first year of the 92046
levy. 92047

(2) After the approval of a tax under this section for 92048
permanent improvements to a criminal justice facility, the board 92049
of county commissioners may anticipate a fraction of the proceeds 92050
of the tax and issue anticipation notes in a principal amount not 92051
exceeding fifty per cent of the total estimated proceeds of the 92052
tax remaining to be collected in each year over a period of five 92053
years after issuance of the notes. 92054

Anticipation notes under this section shall be issued as 92055
provided in section 133.24 of the Revised Code. Notes issued under 92056
division (G) of this section shall have principal payments during 92057
each year after the year of their issuance over a period not to 92058
exceed five years, and may have a principal payment in the year of 92059
their issuance. 92060

(H) A tax for operating expenses and criminal justice 92061

services or for permanent improvements levied under this section 92062
for a specified number of years may be renewed or replaced in the 92063
same manner as a tax for current operating expenses or permanent 92064
improvements levied under section 5705.19 of the Revised Code. A 92065
tax levied under this section for a continuing period of time may 92066
be decreased in accordance with section 5705.261 of the Revised 92067
Code. 92068

Sec. 5705.24. The board of county commissioners of any 92069
county, at any time and in any year, after providing the normal 92070
and customary percentage of the total general fund appropriations 92071
for the support of children services and the care and placement of 92072
children, by vote of two-thirds of all the members of said board 92073
may declare by resolution that the amount of taxes which may be 92074
raised within the ten-mill limitation will be insufficient to 92075
provide an adequate amount for the support of such children 92076
services, and that it is necessary to levy a tax in excess of the 92077
ten-mill limitation to supplement such general fund appropriations 92078
for such purpose. Taxes collected from a levy imposed under this 92079
section may be expended for any operating or capital improvement 92080
expenditure necessary for the support of children services and the 92081
care and placement of children. 92082

Such resolution shall conform to the requirements of section 92083
5705.19 of the Revised Code, except that the levy may be for any 92084
number of years not exceeding ten. The resolution shall be 92085
certified to the board of elections not less than ninety days 92086
before the ~~general, primary, or special~~ election upon which it 92087
will be voted, and which shall be a general election or a special 92088
election held on a day on which a primary election may be held. 92089
The resolution shall be submitted in the manner provided in 92090
section 5705.25 of the Revised Code, ~~except that it may be placed~~ 92091
~~on the ballot in any such election.~~ 92092

If the majority of the electors voting on a levy to supplement general fund appropriations for the support of children services and the care and placement of children vote in favor thereof, the board may levy a tax within such county at the additional rate outside the ten-mill limitation during the period and for the purpose stated in the resolution or at any less rate or for any of the said years.

After the approval of such levy and prior to the time when the first tax collection from such levy can be made, the board of county commissioners may anticipate a fraction of the proceeds of such levy and issue anticipation notes in a principal amount not to exceed fifty per cent of the total estimated proceeds of the levy throughout its life.

Such notes shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not exceeding the life of the levy, and may have a principal payment in the year of their issuance.

Sec. 5705.25. (A) A copy of any resolution adopted as provided in section 5705.19 or 5705.2111 of the Revised Code shall be certified by the taxing authority to the board of elections of the proper county not less than ninety days before the general election in any year, and the board shall submit the proposal to the electors of the subdivision at the succeeding November election. In the case of a qualifying library levy, the board shall submit the question to the electors of the library district or association library district. Except as otherwise provided in this division, a resolution to renew an existing levy, regardless of the section of the Revised Code under which the tax was imposed, shall not be placed on the ballot unless the question is submitted at the general election held during the last year the

tax to be renewed may be extended on the real and public utility 92124
property tax list and duplicate, or at ~~any~~ the general election or 92125
at the special election held on a day on which a primary election 92126
may be held, occurring in the ensuing year. The limitation of the 92127
foregoing sentence does not apply to a resolution to renew and 92128
increase or to renew part of an existing levy that was imposed 92129
under section 5705.191 of the Revised Code to supplement the 92130
general fund for the purpose of making appropriations for one or 92131
more of the following purposes: for public assistance, human or 92132
social services, relief, welfare, hospitalization, health, and 92133
support of general hospitals. The limitation of the second 92134
preceding sentence also does not apply to a resolution that 92135
proposes to renew two or more existing levies imposed under 92136
section 5705.222 or division (L) of section 5705.19 of the Revised 92137
Code, or under section 5705.21 or 5705.217 of the Revised Code, in 92138
which case the question shall be submitted on the date of the 92139
general election or the special election held on a day on which a 92140
primary election may be held, occurring during the last year at 92141
least one of the levies to be renewed may be extended on the real 92142
and public utility property tax list and duplicate, or at any such 92143
election held during the ensuing year. For purposes of this 92144
section, a levy shall be considered to be an "existing levy" 92145
through the year following the last year it can be placed on that 92146
tax list and duplicate. 92147

The board shall make the necessary arrangements for the 92148
submission of such questions to the electors of such subdivision, 92149
library district, or association library district, and the 92150
election shall be conducted, canvassed, and certified in the same 92151
manner as regular elections in such subdivision, library district, 92152
or association library district for the election of county 92153
officers. Notice of the election shall be published in a newspaper 92154
of general circulation in the subdivision, library district, or 92155
association library district once a week for two consecutive 92156

weeks, or as provided in section 7.16 of the Revised Code, prior 92157
to the election. If the board of elections operates and maintains 92158
a web site, the board of elections shall post notice of the 92159
election on its web site for thirty days prior to the election. 92160
The notice shall state the purpose, the proposed increase in rate 92161
expressed in dollars and cents for each one hundred dollars of 92162
valuation as well as in mills for each one dollar of valuation, 92163
the number of years during which the increase will be in effect, 92164
the first month and year in which the tax will be levied, and the 92165
time and place of the election. 92166

(B) The form of the ballots cast at an election held pursuant 92167
to division (A) of this section shall be as follows: 92168

"An additional tax for the benefit of (name of subdivision or 92169
public library) for the purpose of (purpose stated in 92170
the resolution) at a rate not exceeding mills 92171
for each one dollar of valuation, which amounts to (rate expressed 92172
in dollars and cents) for each one hundred dollars of 92173
valuation, for (life of indebtedness or number of years the 92174
levy is to run). 92175

	For the Tax Levy	
	Against the Tax Levy	"

92176
92177
92178
92179

(C) If the levy is to be in effect for a continuing period of 92180
time, the notice of election and the form of ballot shall so state 92181
instead of setting forth a specified number of years for the levy. 92182

If the tax is to be placed on the current tax list, the form 92183
of the ballot shall be modified by adding, after the statement of 92184
the number of years the levy is to run, the phrase ", commencing 92185
in (first year the tax is to be levied), first due in 92186
calendar year (first calendar year in which the tax 92187

shall be due)." 92188

If the levy submitted is a proposal to renew, increase, or 92189
decrease an existing levy, the form of the ballot specified in 92190
division (B) of this section may be changed by substituting for 92191
the words "An additional" at the beginning of the form, the words 92192
"A renewal of a" in case of a proposal to renew an existing levy 92193
in the same amount; the words "A renewal of mills and an 92194
increase of mills to constitute a" in the case of an 92195
increase; or the words "A renewal of part of an existing levy, 92196
being a reduction of mills, to constitute a" in the case of 92197
a decrease in the proposed levy. 92198

If the levy submitted is a proposal to renew two or more 92199
existing levies imposed under section 5705.222 or division (L) of 92200
section 5705.19 of the Revised Code, or under section 5705.21 or 92201
5705.217 of the Revised Code, the form of the ballot specified in 92202
division (B) of this section shall be modified by substituting for 92203
the words "an additional tax" the words "a renewal of(insert 92204
the number of levies to be renewed) existing taxes." 92205

If the levy submitted is a levy under section 5705.72 of the 92206
Revised Code or a proposal to renew, increase, or decrease an 92207
existing levy imposed under that section, the name of the 92208
subdivision shall be "the unincorporated area of (name 92209
of township)." 92210

The question covered by such resolution shall be submitted as 92211
a separate proposition but may be printed on the same ballot with 92212
any other proposition submitted at the same election, other than 92213
the election of officers. More than one such question may be 92214
submitted at the same election. 92215

(D) A levy voted in excess of the ten-mill limitation under 92216
this section shall be certified to the tax commissioner. In the 92217
first year of the levy, it shall be extended on the tax lists 92218

after the February settlement succeeding the election. If the 92219
additional tax is to be placed upon the tax list of the current 92220
year, as specified in the resolution providing for its submission, 92221
the result of the election shall be certified immediately after 92222
the canvass by the board of elections to the taxing authority, who 92223
shall make the necessary levy and certify it to the county 92224
auditor, who shall extend it on the tax lists for collection. 92225
After the first year, the tax levy shall be included in the annual 92226
tax budget that is certified to the county budget commission. 92227

Sec. 5705.251. (A) A copy of a resolution adopted under 92228
section 5705.212 or 5705.213 of the Revised Code shall be 92229
certified by the board of education to the board of elections of 92230
the proper county not less than ninety days before the date of the 92231
election specified in the resolution, ~~and the~~ which shall be a 92232
general election or a special election held on a day on which a 92233
primary election may be held. The board of elections shall submit 92234
the proposal to the electors of the school district at ~~a special~~ 92235
~~the specified~~ election ~~to be held on that date.~~ The board of 92236
elections shall make the necessary arrangements for the submission 92237
of the question or questions to the electors of the school 92238
district, and the election shall be conducted, canvassed, and 92239
certified in the same manner as regular elections in the school 92240
district for the election of county officers. Notice of the 92241
election shall be published in a newspaper of general circulation 92242
in the subdivision once a week for two consecutive weeks, or as 92243
provided in section 7.16 of the Revised Code, prior to the 92244
election. If the board of elections operates and maintains a web 92245
site, the board of elections shall post notice of the election on 92246
its web site for thirty days prior to the election. 92247

(1) In the case of a resolution adopted under section 92248
5705.212 of the Revised Code, the notice shall state separately, 92249
for each tax being proposed, the purpose; the proposed increase in 92250

rate, expressed in dollars and cents for each one hundred dollars 92251
of valuation as well as in mills for each one dollar of valuation; 92252
the number of years during which the increase will be in effect; 92253
and the first calendar year in which the tax will be due. For an 92254
election on the question of a renewal levy, the notice shall state 92255
the purpose; the proposed rate, expressed in dollars and cents for 92256
each one hundred dollars of valuation as well as in mills for each 92257
one dollar of valuation; and the number of years the tax will be 92258
in effect. If the resolution is adopted under division (C) of that 92259
section, the rate of each tax being proposed shall be expressed as 92260
both the total rate and the portion of the total rate to be 92261
allocated to the qualifying school district and the portion to be 92262
allocated to partnering community schools. 92263

(2) In the case of a resolution adopted under section 92264
5705.213 of the Revised Code, the notice shall state the purpose; 92265
the amount proposed to be raised by the tax in the first year it 92266
is levied; the estimated average additional tax rate for the first 92267
year it is proposed to be levied, expressed in mills for each one 92268
dollar of valuation and in dollars and cents for each one hundred 92269
dollars of valuation; the number of years during which the 92270
increase will be in effect; and the first calendar year in which 92271
the tax will be due. The notice also shall state the amount by 92272
which the amount to be raised by the tax may be increased in each 92273
year after the first year. The amount of the allowable increase 92274
may be expressed in terms of a dollar increase over, or a 92275
percentage of, the amount raised by the tax in the immediately 92276
preceding year. For an election on the question of a renewal levy, 92277
the notice shall state the purpose; the amount proposed to be 92278
raised by the tax; the estimated tax rate, expressed in mills for 92279
each one dollar of valuation and in dollars and cents for each one 92280
hundred dollars of valuation; and the number of years the tax will 92281
be in effect. 92282

In any case, the notice also shall state the time and place of the election. 92283
 92284

(B)(1) The form of the ballot in an election on taxes proposed under section 5705.212 of the Revised Code shall be as follows: 92285
 92286
 92287

"Shall the school district be authorized to levy taxes for current expenses, the aggregate rate of which may increase in (number) increment(s) of not more than mill(s) for each dollar of valuation, from an original rate of mill(s) for each dollar of valuation, which amounts to (rate expressed in dollars and cents) for each one hundred dollars of valuation, to a maximum rate of mill(s) for each dollar of valuation, which amounts to (rate expressed in dollars and cents) for each one hundred dollars of valuation? The original tax is first proposed to be levied in (the first year of the tax), and the incremental tax in (the first year of the increment) (if more than one incremental tax is proposed in the resolution, the first year that each incremental tax is proposed to be levied shall be stated in the preceding format, and the increments shall be referred to as the first, second, third, or fourth increment, depending on their number). The aggregate rate of tax so authorized will (insert either, "expire with the original rate of tax which shall be in effect for years" or "be in effect for a continuing period of time"). 92288
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 92307

	FOR THE TAX LEVIES
	AGAINST THE TAX LEVIES

"

If the tax is proposed by a qualifying school district under division (C)(1) of section 5705.212 of the Revised Code, the form 92308
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 92310
 92311
 92312
 92313

of the ballot shall be modified by adding, after the phrase "each 92314
dollar of valuation," the following: "(of which mills is to 92315
be allocated to partnering community schools)." 92316

(2) The form of the ballot in an election on the question of 92317
a renewal levy under section 5705.212 of the Revised Code shall be 92318
as follows: 92319

"Shall the school district be authorized to renew a 92320
tax for current expenses at a rate not exceeding mills 92321
for each dollar of valuation, which amounts to (rate 92322
expressed in dollars and cents) for each one hundred dollars of 92323
valuation, for (number of years the levy shall be in 92324
effect, or a continuing period of time)? 92325

	FOR THE TAX LEVY	
	AGAINST THE TAX LEVY	"

92326
92327
92328
92329
If the tax is proposed by a qualifying school district under 92330
division (C)(2) of section 5705.212 of the Revised Code and the 92331
total rate and the rates allocated to the school district and 92332
partnering community schools are to remain the same as those of 92333
the levy being renewed, the form of the ballot shall be modified 92334
by adding, after the phrase "each dollar of valuation," the 92335
following: "(of which mills is to be allocated to 92336
partnering community schools)." If the total rate is to be 92337
increased, the form of the ballot shall state that the proposal is 92338
to renew the existing tax with an increase in rate and shall state 92339
the increase in rate, the total rate resulting from the increase, 92340
and, of that rate, the portion of the rate to be allocated to 92341
partnering community schools. If the total rate is to be 92342
decreased, the form of the ballot shall state that the proposal is 92343
to renew a part of the existing tax and shall state the reduction 92344

in rate, the total rate resulting from the decrease, and, of that 92345
rate, the portion of the rate to be allocated to partnering 92346
community schools. 92347

(3) If a tax proposed by a ballot form prescribed in division 92348
(B)(1) or (2) of this section is to be placed on the current tax 92349
list, the form of the ballot shall be modified by adding, after 92350
the statement of the number of years the levy is to be in effect, 92351
the phrase ", commencing in (first year the tax is to 92352
be levied), first due in calendar year (first calendar 92353
year in which the tax shall be due)." 92354

(C) The form of the ballot in an election on a tax proposed 92355
under section 5705.213 of the Revised Code shall be as follows: 92356

"Shall the school district be authorized to levy the 92357
following tax for current expenses? The tax will first be levied 92358
in (year) to raise (dollars). In the (number 92359
of years) following years, the tax will increase by not more than 92360
..... (per cent or dollar amount of increase) each year, so that, 92361
during (last year of the tax), the tax will raise 92362
approximately (dollars). The county auditor estimates that 92363
the rate of the tax per dollar of valuation will be 92364
mill(s), which amounts to \$...... per one hundred dollars of 92365
valuation, both during (first year of the tax) and 92366
mill(s), which amounts to \$...... per one hundred dollars of 92367
valuation, during (last year of the tax). The tax will not 92368
be levied after (year). 92369

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

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92371
92372
92373
The form of the ballot in an election on the question of a 92374
renewal levy under section 5705.213 of the Revised Code shall be 92375

as follows: 92376

"Shall the school district be authorized to renew a 92377
tax for current expenses which will raise (dollars), 92378
estimated by the county auditor to be mills for each 92379
dollar of valuation, which amounts to (rate expressed in 92380
dollars and cents) for each one hundred dollars of valuation? The 92381
tax shall be in effect for (the number of years the levy 92382
shall be in effect, or a continuing period of time). 92383

	FOR THE TAX LEVY	
	AGAINST THE TAX LEVY	"

92384
92385
92386
92387

If the tax is to be placed on the current tax list, the form 92388
of the ballot shall be modified by adding, after the statement of 92389
the number of years the levy is to be in effect, the phrase ", 92390
commencing in (first year the tax is to be levied), 92391
first due in calendar year (first calendar year in 92392
which the tax shall be due)." 92393

(D) The question covered by a resolution adopted under 92394
section 5705.212 or 5705.213 of the Revised Code shall be 92395
submitted as a separate question, but may be printed on the same 92396
ballot with any other question submitted at the same election, 92397
other than the election of officers. More than one question may be 92398
submitted at the same election. 92399

(E) Taxes voted in excess of the ten-mill limitation under 92400
division (B) or (C) of this section shall be certified to the tax 92401
commissioner. If an additional tax is to be placed upon the tax 92402
list of the current year, as specified in the resolution providing 92403
for its submission, the result of the election shall be certified 92404
immediately after the canvass by the board of elections to the 92405
board of education. The board of education immediately shall make 92406

the necessary levy and certify it to the county auditor, who shall 92407
extend it on the tax list for collection. After the first year, 92408
the levy shall be included in the annual tax budget that is 92409
certified to the county budget commission. 92410

Sec. 5705.261. The question of decrease of an increased rate 92411
of levy approved for a continuing period of time by the voters of 92412
a subdivision or, in the case of a qualifying library levy, the 92413
voters of the library district or association library district, 92414
may be initiated by the filing of a petition with the board of 92415
elections of the proper county not less than ninety days before 92416
the general election in any year requesting that an election be 92417
held on such question. Such petition shall state the amount of the 92418
proposed decrease in the rate of levy and shall be signed by 92419
qualified electors residing in the subdivision, library district, 92420
or association library district equal in number to at least ten 92421
per cent of the total number of votes cast in the subdivision, 92422
library district, or association library district for the office 92423
of governor at the most recent general election for that office. 92424
Only one such petition may be filed during each five-year period 92425
following the election at which the voters approved the increased 92426
rate for a continuing period of time. 92427

After determination by it that such petition is valid, the 92428
board of elections shall submit the question to the electors of 92429
the subdivision, library district, or association library district 92430
at the succeeding general election. The election shall be 92431
conducted, canvassed, and certified in the same manner as regular 92432
elections in such subdivision, library district, or association 92433
library district for county offices. Notice of the election shall 92434
be published in a newspaper of general circulation in the district 92435
once a week for two consecutive weeks, or as provided in section 92436
7.16 of the Revised Code, prior to the election. If the board of 92437
elections operates and maintains a web site, the board of 92438

elections shall post notice of the election on its web site for 92439
thirty days prior to the election. The notice shall state the 92440
purpose, the amount of the proposed decrease in rate, and the time 92441
and place of the election. The form of the ballot cast at such 92442
election shall be prescribed by the secretary of state. The 92443
question covered by such petition shall be submitted as a separate 92444
proposition but it may be printed on the same ballot with any 92445
other propositions submitted at the same election other than the 92446
election of officers. If a majority of the qualified electors 92447
voting on the question of a decrease at such election approve the 92448
proposed decrease in rate, the result of the election shall be 92449
certified immediately after the canvass by the board of elections 92450
to the appropriate taxing authority, which shall thereupon, after 92451
the current year, cease to levy such increased rate or levy such 92452
tax at such reduced rate upon the duplicate of the subdivision, 92453
library district, or association library district. If notes have 92454
been issued in anticipation of the collection of such levy, the 92455
taxing authority shall continue to levy and collect under 92456
authority of the election authorizing the original levy such 92457
amounts as will be sufficient to pay the principal of and interest 92458
on such anticipation notes as the same fall due. 92459

In the case of a levy for the current expenses of a 92460
qualifying school district and of partnering community schools 92461
imposed under section 5705.192, division (B) of section 5705.21, 92462
division (C) of section 5705.212, or division ~~(J)~~ (I) of section 92463
5705.218 of the Revised Code for a continuing period of time, the 92464
rate allocated to the school district and to partnering community 92465
schools shall each be decreased by a number of mills per dollar 92466
that is proportionate to the decrease in the rate of the levy in 92467
proportion to the rate at which the levy was imposed before the 92468
decrease. 92469

Sec. 5705.55. (A) The board of directors of a lake facilities 92470

authority, by a vote of two-thirds of all its members, may at any 92471
time declare by resolution that the amount of taxes which may be 92472
raised within the ten-mill limitation by levies on the current tax 92473
duplicate will be insufficient to provide an adequate amount for 92474
the necessary requirements of the authority, that it is necessary 92475
to levy a tax in excess of such limitation for any of the purposes 92476
specified in divisions (A), (B), (F), and (H) of section 5705.19 92477
of the Revised Code, and that the question of such additional tax 92478
levy shall be submitted by the board to the electors residing 92479
within the boundaries of the impacted lake district on the day of 92480
a ~~primary or~~ general election or a special election held on a day 92481
on which a primary election may be held. The resolution shall 92482
conform to section 5705.19 of the Revised Code, except that the 92483
tax levy may be in effect for no more than five years, as set 92484
forth in the resolution, unless the levy is for the payment of 92485
debt charges, and the total number of mills levied for each dollar 92486
of taxable valuation that may be levied under this section for any 92487
tax year shall not exceed one mill. If the levy is for the payment 92488
of debt charges, the levy shall be for the life of the bond 92489
indebtedness. 92490

The resolution shall specify the date of holding the 92491
election, which shall not be earlier than ninety days after the 92492
adoption and certification of the resolution to the board of 92493
elections. The resolution shall not include a levy on the current 92494
tax list and duplicate unless the election is to be held at or 92495
prior to the first Tuesday after the first Monday in November of 92496
the current tax year. 92497

The resolution shall be certified to the board of elections 92498
of the proper county or counties not less than ninety days before 92499
the date of the election. The resolution shall go into immediate 92500
effect upon its passage, and no publication of the resolution 92501
shall be necessary other than that provided in the notice of 92502

election. Section 5705.25 of the Revised Code shall govern the 92503
arrangements for the submission of such question and other matters 92504
concerning the election, to which that section refers, except that 92505
the election shall be held on the date specified in the 92506
resolution. If a majority of the electors voting on the question 92507
so submitted in an election vote in favor of the levy, the board 92508
of directors may forthwith make the necessary levy within the 92509
boundaries of the impacted lake district at the additional rate in 92510
excess of the ten-mill limitation on the tax list, for the purpose 92511
stated in the resolution. The tax levy shall be included in the 92512
next annual tax budget that is certified to the county budget 92513
commission. 92514

(B) The form of the ballot in an election held on the 92515
question of levying a tax proposed pursuant to this section shall 92516
be as follows or in any other form acceptable to the secretary of 92517
state: 92518

"A tax for the benefit of (name of lake facilities authority) 92519
..... for the purpose of at a rate not exceeding 92520
..... mills for each one dollar of valuation, which amounts to 92521
(rate expressed in dollars and cents) for each one 92522
hundred dollars of valuation, for (life of 92523
indebtedness or number of years the levy is to run). 92524

	For the Tax Levy	
	Against the Tax Levy	"

(C) On approval of the levy, notes may be issued in 92525
anticipation of the collection of the proceeds of the tax levy, 92526
other than the proceeds to be received for the payment of bond 92527
debt charges, in the amount and manner and at the times as are 92528
provided in section 5705.193 of the Revised Code, for the issuance 92529
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of notes by a county in anticipation of the proceeds of a tax 92534
levy. The lake facilities authority may borrow money in 92535
anticipation of the collection of current revenues as provided in 92536
section 133.10 of the Revised Code. 92537

(D) If a tax is levied under this section in a tax year, no 92538
other taxing authority of a subdivision or taxing unit, including 92539
a port authority, may levy a tax on property in the impacted lake 92540
district in the same tax year if the purpose of the levy is 92541
substantially the same as the purpose for which the lake 92542
facilities authority of the impacted lake district was created. 92543

Sec. 5705.72. (A) As used in this section and in section 92544
5705.25 of the Revised Code with regard to a levy submitted under 92545
this section, "electors" means electors of the unincorporated area 92546
of a township. 92547

(B) The board of trustees of any township that withdraws or 92548
proposes by resolution to withdraw the unincorporated area of the 92549
township from a regional transit authority under section 306.55 of 92550
the Revised Code, by vote of two-thirds of all the members of the 92551
board of trustees, may declare by resolution that the amount of 92552
taxes that may be raised within the ten-mill limitation will be 92553
insufficient to provide transportation services to the 92554
unincorporated area of the township and that it is necessary to 92555
levy a tax in excess of that limitation within the unincorporated 92556
area of that township for the purpose of providing transportation 92557
services for the movement of persons within, from, or to the 92558
unincorporated area of that township. 92559

The resolution shall specify the necessary amount of the 92560
increase in rate to levy, the purpose of such increase, and the 92561
number of years, not exceeding ten, during which the rate increase 92562
shall be in effect, which may or may not include a levy upon the 92563
tax list of the current year. 92564

The resolution shall be submitted to the proper county board 92565
of elections not less than ninety days before the date of the 92566
election at which the question will appear on the ballot and in 92567
the manner provided by section 5705.25 of the Revised Code, ~~except~~ 92568
~~that the.~~ The question may be submitted to electors at a general 92569
election or a special election held on a ~~date consistent with~~ 92570
~~section 3501.01 of the Revised Code~~ day on which a primary 92571
election may be held. 92572

A resolution adopted by the board of trustees of a township 92573
under this section may be combined with a resolution for the 92574
withdrawal of the unincorporated area of the township from a 92575
regional transit authority as provided in section 306.55 of the 92576
Revised Code, by vote of two-thirds of all members of the board. 92577
The board may certify the combined resolution to the board of 92578
elections as a combined question. The question appearing on the 92579
ballot shall be as provided in section 5705.252 of the Revised 92580
Code. 92581

When electors have approved a tax levy under this section, 92582
the board of township trustees may anticipate a fraction of the 92583
proceeds of the levy and issue anticipation notes as authorized by 92584
section 5705.191 of the Revised Code for a current expense levy 92585
with a fixed term, and may anticipate the collection of current 92586
revenue under section 133.10 of the Revised Code. 92587

Sec. 5739.021. (A) For the purpose of providing additional 92588
general revenues for the county, supporting criminal and 92589
administrative justice services in the county, funding a regional 92590
transportation improvement project under section 5595.06 of the 92591
Revised Code, or any combination of the foregoing, and to pay the 92592
expenses of administering such levy, any county may levy a tax at 92593
the rate of not more than one per cent upon every retail sale made 92594
in the county, except sales of watercraft and outboard motors 92595

required to be titled pursuant to Chapter 1548. of the Revised 92596
Code and sales of motor vehicles, and may increase the rate of an 92597
existing tax to not more than one per cent. The rate of any tax 92598
levied pursuant to this section shall be a multiple of one-fourth 92599
or one-tenth of one per cent. 92600

The tax shall be levied and the rate increased pursuant to a 92601
resolution of the board of county commissioners. The resolution 92602
shall state the purpose for which the tax is to be levied and the 92603
number of years for which the tax is to be levied, or that it is 92604
for a continuing period of time. If the tax is to be levied for 92605
the purpose of providing additional general revenues and for the 92606
purpose of supporting criminal and administrative justice 92607
services, the resolution shall state the rate or amount of the tax 92608
to be apportioned to each such purpose. The rate or amount may be 92609
different for each year the tax is to be levied, but the rates or 92610
amounts actually apportioned each year shall not be different from 92611
that stated in the resolution for that year. If the resolution is 92612
adopted as an emergency measure necessary for the immediate 92613
preservation of the public peace, health, or safety, it must 92614
receive an affirmative vote of all of the members of the board of 92615
county commissioners and shall state the reasons for such 92616
necessity. The board shall deliver a certified copy of the 92617
resolution to the tax commissioner, not later than the sixty-fifth 92618
day prior to the date on which the tax is to become effective, 92619
which shall be the first day of the calendar quarter. 92620

Prior to the adoption of any resolution under this section, 92621
the board of county commissioners shall conduct two public 92622
hearings on the resolution, the second hearing to be not less than 92623
three nor more than ten days after the first. Notice of the date, 92624
time, and place of the hearings shall be given by publication in a 92625
newspaper of general circulation in the county, or as provided in 92626
section 7.16 of the Revised Code, once a week on the same day of 92627

the week for two consecutive weeks, the second publication being 92628
not less than ten nor more than thirty days prior to the first 92629
hearing. 92630

Except as provided in division (B)(3) of this section, the 92631
resolution shall be subject to a referendum as provided in 92632
sections 305.31 to 305.41 of the Revised Code. 92633

If a petition for a referendum is filed, the county auditor 92634
with whom the petition was filed shall, within five days, notify 92635
the board of county commissioners and the tax commissioner of the 92636
filing of the petition by certified mail. If the board of 92637
elections with which the petition was filed declares the petition 92638
invalid, the board of elections, within five days, shall notify 92639
the board of county commissioners and the tax commissioner of that 92640
declaration by certified mail. If the petition is declared to be 92641
invalid, the effective date of the tax or increased rate of tax 92642
levied by this section shall be the first day of a calendar 92643
quarter following the expiration of sixty-five days from the date 92644
the commissioner receives notice from the board of elections that 92645
the petition is invalid. 92646

(B)(1) A resolution that is not adopted as an emergency 92647
measure may direct the board of elections to submit the question 92648
of levying the tax or increasing the rate of tax to the electors 92649
of the county at a general election or a special election held on 92650
a day on which a primary election may be held ~~on the date~~ , as 92651
specified by the board of county commissioners in the resolution, 92652
provided that the election occurs not less than ninety days after 92653
a certified copy of such resolution is transmitted to the board of 92654
elections ~~and the election is not held in February or August of~~ 92655
~~any year~~. Upon transmission of the resolution to the board of 92656
elections, the board of county commissioners shall notify the tax 92657
commissioner in writing of the levy question to be submitted to 92658
the electors. No resolution adopted under this division shall go 92659

into effect unless approved by a majority of those voting upon it, 92660
and, except as provided in division (B)(3) of this section, shall 92661
become effective on the first day of a calendar quarter following 92662
the expiration of sixty-five days from the date the tax 92663
commissioner receives notice from the board of elections of the 92664
affirmative vote. 92665

(2) A resolution that is adopted as an emergency measure 92666
shall go into effect as provided in division (A) of this section, 92667
but may direct the board of elections to submit the question of 92668
repealing the tax or increase in the rate of the tax to the 92669
electors of the county at the next general election in the county 92670
occurring not less than ninety days after a certified copy of the 92671
resolution is transmitted to the board of elections. Upon 92672
transmission of the resolution to the board of elections, the 92673
board of county commissioners shall notify the tax commissioner in 92674
writing of the levy question to be submitted to the electors. The 92675
ballot question shall be the same as that prescribed in section 92676
5739.022 of the Revised Code. The board of elections shall notify 92677
the board of county commissioners and the tax commissioner of the 92678
result of the election immediately after the result has been 92679
declared. If a majority of the qualified electors voting on the 92680
question of repealing the tax or increase in the rate of the tax 92681
vote for repeal of the tax or repeal of the increase, the board of 92682
county commissioners, on the first day of a calendar quarter 92683
following the expiration of sixty-five days after the date the 92684
board and tax commissioner receive notice of the result of the 92685
election, shall, in the case of a repeal of the tax, cease to levy 92686
the tax, or, in the case of a repeal of an increase in the rate of 92687
the tax, cease to levy the increased rate and levy the tax at the 92688
rate at which it was imposed immediately prior to the increase in 92689
rate. 92690

(3) If a vendor makes a sale in this state by printed catalog 92691

and the consumer computed the tax on the sale based on local rates 92692
published in the catalog, any tax levied or repealed or rate 92693
changed under this section shall not apply to such a sale until 92694
the first day of a calendar quarter following the expiration of 92695
one hundred twenty days from the date of notice by the tax 92696
commissioner pursuant to division (H) of this section. 92697

(C) If a resolution is rejected at a referendum or if a 92698
resolution adopted after January 1, 1982, as an emergency measure 92699
is repealed by the electors pursuant to division (B)(2) of this 92700
section or section 5739.022 of the Revised Code, then for one year 92701
after the date of the election at which the resolution was 92702
rejected or repealed the board of county commissioners may not 92703
adopt any resolution authorized by this section as an emergency 92704
measure. 92705

(D) The board of county commissioners, at any time while a 92706
tax levied under this section is in effect, may by resolution 92707
reduce the rate at which the tax is levied to a lower rate 92708
authorized by this section. Any reduction in the rate at which the 92709
tax is levied shall be made effective on the first day of a 92710
calendar quarter next following the sixty-fifth day after a 92711
certified copy of the resolution is delivered to the tax 92712
commissioner. 92713

(E) The tax on every retail sale subject to a tax levied 92714
pursuant to this section shall be in addition to the tax levied by 92715
section 5739.02 of the Revised Code and any tax levied pursuant to 92716
section 5739.023 or 5739.026 of the Revised Code. 92717

A county that levies a tax pursuant to this section shall 92718
levy a tax at the same rate pursuant to section 5741.021 of the 92719
Revised Code. 92720

The additional tax levied by the county shall be collected 92721
pursuant to section 5739.025 of the Revised Code. If the 92722

additional tax or some portion thereof is levied for the purpose 92723
of criminal and administrative justice services, the revenue from 92724
the tax, or the amount or rate apportioned to that purpose, shall 92725
be credited to a special fund created in the county treasury for 92726
receipt of that revenue. 92727

Any tax levied pursuant to this section is subject to the 92728
exemptions provided in section 5739.02 of the Revised Code and in 92729
addition shall not be applicable to sales not within the taxing 92730
power of a county under the Constitution of the United States or 92731
the Ohio Constitution. 92732

(F) For purposes of this section, a copy of a resolution is 92733
"certified" when it contains a written statement attesting that 92734
the copy is a true and exact reproduction of the original 92735
resolution. 92736

(G) If a board of commissioners intends to adopt a resolution 92737
to levy a tax in whole or in part for the purpose of criminal and 92738
administrative justice services, the board shall prepare and make 92739
available at the first public hearing at which the resolution is 92740
considered a statement containing the following information: 92741

(1) For each of the two preceding fiscal years, the amount of 92742
expenditures made by the county from the county general fund for 92743
the purpose of criminal and administrative justice services; 92744

(2) For the fiscal year in which the resolution is adopted, 92745
the board's estimate of the amount of expenditures to be made by 92746
the county from the county general fund for the purpose of 92747
criminal and administrative justice services; 92748

(3) For each of the two fiscal years after the fiscal year in 92749
which the resolution is adopted, the board's preliminary plan for 92750
expenditures to be made from the county general fund for the 92751
purpose of criminal and administrative justice services, both 92752
under the assumption that the tax will be imposed for that purpose 92753

and under the assumption that the tax would not be imposed for 92754
that purpose, and for expenditures to be made from the special 92755
fund created under division (E) of this section under the 92756
assumption that the tax will be imposed for that purpose. 92757

The board shall prepare the statement and the preliminary 92758
plan using the best information available to the board at the time 92759
the statement is prepared. Neither the statement nor the 92760
preliminary plan shall be used as a basis to challenge the 92761
validity of the tax in any court of competent jurisdiction, nor 92762
shall the statement or preliminary plan limit the authority of the 92763
board to appropriate, pursuant to section 5705.38 of the Revised 92764
Code, an amount different from that specified in the preliminary 92765
plan. 92766

(H) Upon receipt from a board of county commissioners of a 92767
certified copy of a resolution required by division (A) or (D) of 92768
this section, or from the board of elections of a notice of the 92769
results of an election required by division (A) or (B)(1) or (2) 92770
of this section, the tax commissioner shall provide notice of a 92771
tax rate change in a manner that is reasonably accessible to all 92772
affected vendors. The commissioner shall provide this notice at 92773
least sixty days prior to the effective date of the rate change. 92774
The commissioner, by rule, may establish the method by which 92775
notice will be provided. 92776

(I) As used in this section, "criminal and administrative 92777
justice services" means the exercise by the county sheriff of all 92778
powers and duties vested in that office by law; the exercise by 92779
the county prosecuting attorney of all powers and duties vested in 92780
that office by law; the exercise by any court in the county of all 92781
powers and duties vested in that court; the exercise by the clerk 92782
of the court of common pleas, any clerk of a municipal court 92783
having jurisdiction throughout the county, or the clerk of any 92784
county court of all powers and duties vested in the clerk by law 92785

except, in the case of the clerk of the court of common pleas, the 92786
titling of motor vehicles or watercraft pursuant to Chapter 1548. 92787
or 4505. of the Revised Code; the exercise by the county coroner 92788
of all powers and duties vested in that office by law; making 92789
payments to any other public agency or a private, nonprofit 92790
agency, the purposes of which in the county include the diversion, 92791
adjudication, detention, or rehabilitation of criminals or 92792
juvenile offenders; the operation and maintenance of any detention 92793
facility, as defined in section 2921.01 of the Revised Code; and 92794
the construction, acquisition, equipping, or repair of such a 92795
detention facility, including the payment of any debt charges 92796
incurred in the issuance of securities pursuant to Chapter 133. of 92797
the Revised Code for the purpose of constructing, acquiring, 92798
equipping, or repairing such a facility. 92799

Sec. 5739.026. (A) A board of county commissioners may levy a 92800
tax on every retail sale in the county, except sales of watercraft 92801
and outboard motors required to be titled pursuant to Chapter 92802
1548. of the Revised Code and sales of motor vehicles, at a rate 92803
of not more than one-half of one per cent and may increase the 92804
rate of an existing tax to not more than one-half of one per cent 92805
to pay the expenses of administering the tax and, except as 92806
provided in division (A)(6) of this section, for any one or more 92807
of the following purposes provided that the aggregate levy for all 92808
such purposes does not exceed one-half of one per cent: 92809

(1) To provide additional revenues for the payment of bonds 92810
or notes issued in anticipation of bonds issued by a convention 92811
facilities authority established by the board of county 92812
commissioners under Chapter 351. of the Revised Code and to 92813
provide additional operating revenues for the convention 92814
facilities authority; 92815

(2) To provide additional revenues for a transit authority 92816

operating in the county; 92817

(3) To provide additional revenue for the county's general 92818
fund; 92819

(4) To provide additional revenue for permanent improvements 92820
to be distributed by the community improvements board in 92821
accordance with section 307.283 and to pay principal, interest, 92822
and premium on bonds issued under section 307.284 of the Revised 92823
Code; 92824

(5) To provide additional revenue for the acquisition, 92825
construction, equipping, or repair of any specific permanent 92826
improvement or any class or group of permanent improvements, which 92827
improvement or class or group of improvements shall be enumerated 92828
in the resolution required by division (D) of this section, and to 92829
pay principal, interest, premium, and other costs associated with 92830
the issuance of bonds or notes in anticipation of bonds issued 92831
pursuant to Chapter 133. of the Revised Code for the acquisition, 92832
construction, equipping, or repair of the specific permanent 92833
improvement or class or group of permanent improvements; 92834

(6) To provide revenue for the implementation and operation 92835
of a 9-1-1 system in the county. If the tax is levied or the rate 92836
increased exclusively for such purpose, the tax shall not be 92837
levied or the rate increased for more than five years. At the end 92838
of the last year the tax is levied or the rate increased, any 92839
balance remaining in the special fund established for such purpose 92840
shall remain in that fund and be used exclusively for such purpose 92841
until the fund is completely expended, and, notwithstanding 92842
section 5705.16 of the Revised Code, the board of county 92843
commissioners shall not petition for the transfer of money from 92844
such special fund, and the tax commissioner shall not approve such 92845
a petition. 92846

If the tax is levied or the rate increased for such purpose 92847

for more than five years, the board of county commissioners also 92848
shall levy the tax or increase the rate of the tax for one or more 92849
of the purposes described in divisions (A)(1) to (5) of this 92850
section and shall prescribe the method for allocating the revenues 92851
from the tax each year in the manner required by division (C) of 92852
this section. 92853

(7) To provide additional revenue for the operation or 92854
maintenance of a detention facility, as that term is defined under 92855
division (F) of section 2921.01 of the Revised Code; 92856

(8) To provide revenue to finance the construction or 92857
renovation of a sports facility, but only if the tax is levied for 92858
that purpose in the manner prescribed by section 5739.028 of the 92859
Revised Code. 92860

As used in division (A)(8) of this section: 92861

(a) "Sports facility" means a facility intended to house 92862
major league professional athletic teams. 92863

(b) "Constructing" or "construction" includes providing 92864
fixtures, furnishings, and equipment. 92865

(9) To provide additional revenue for the acquisition of 92866
agricultural easements, as defined in section 5301.67 of the 92867
Revised Code; to pay principal, interest, and premium on bonds 92868
issued under section 133.60 of the Revised Code; and for the 92869
supervision and enforcement of agricultural easements held by the 92870
county; 92871

(10) To provide revenue for the provision of ambulance, 92872
paramedic, or other emergency medical services; 92873

(11) To provide revenue for the operation of a lake 92874
facilities authority and the remediation of an impacted watershed 92875
by a lake facilities authority, as provided in Chapter 353. of the 92876
Revised Code; 92877

(12) To provide additional revenue for a regional transportation improvement project under section 5595.06 of the Revised Code. 92878
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Pursuant to section 755.171 of the Revised Code, a board of county commissioners may pledge and contribute revenue from a tax levied for the purpose of division (A)(5) of this section to the payment of debt charges on bonds issued under section 755.17 of the Revised Code. 92881
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The rate of tax shall be a multiple of one-fourth or one-tenth of one per cent, unless a portion of the rate of an existing tax levied under section 5739.023 of the Revised Code has been reduced, and the rate of tax levied under this section has been increased, pursuant to section 5739.028 of the Revised Code, in which case the aggregate of the rates of tax levied under this section and section 5739.023 of the Revised Code shall be a multiple of one-fourth or one-tenth of one per cent. 92886
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The tax shall be levied and the rate increased pursuant to a resolution adopted by a majority of the members of the board. The board shall deliver a certified copy of the resolution to the tax commissioner, not later than the sixty-fifth day prior to the date on which the tax is to become effective, which shall be the first day of a calendar quarter. 92894
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Prior to the adoption of any resolution to levy the tax or to increase the rate of tax exclusively for the purpose set forth in division (A)(3) of this section, the board of county commissioners shall conduct two public hearings on the resolution, the second hearing to be no fewer than three nor more than ten days after the first. Notice of the date, time, and place of the hearings shall be given by publication in a newspaper of general circulation in the county, or as provided in section 7.16 of the Revised Code, once a week on the same day of the week for two consecutive weeks. The second publication shall be no fewer than ten nor more than 92900
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thirty days prior to the first hearing. Except as provided in 92910
division (E) of this section, the resolution shall be subject to a 92911
referendum as provided in sections 305.31 to 305.41 of the Revised 92912
Code. If the resolution is adopted as an emergency measure 92913
necessary for the immediate preservation of the public peace, 92914
health, or safety, it must receive an affirmative vote of all of 92915
the members of the board of county commissioners and shall state 92916
the reasons for the necessity. 92917

If the tax is for more than one of the purposes set forth in 92918
divisions (A)(1) to (7), (9), (10), and (12) of this section, or 92919
is exclusively for one of the purposes set forth in division 92920
(A)(1), (2), (4), (5), (6), (7), (9), (10), or (12) of this 92921
section, the resolution shall not go into effect unless it is 92922
approved by a majority of the electors voting on the question of 92923
the tax. 92924

(B) The board of county commissioners shall adopt a 92925
resolution under section 351.02 of the Revised Code creating the 92926
convention facilities authority, or under section 307.283 of the 92927
Revised Code creating the community improvements board, before 92928
adopting a resolution levying a tax for the purpose of a 92929
convention facilities authority under division (A)(1) of this 92930
section or for the purpose of a community improvements board under 92931
division (A)(4) of this section. 92932

(C)(1) If the tax is to be used for more than one of the 92933
purposes set forth in divisions (A)(1) to (7), (9), (10), and (12) 92934
of this section, the board of county commissioners shall establish 92935
the method that will be used to determine the amount or proportion 92936
of the tax revenue received by the county during each year that 92937
will be distributed for each of those purposes, including, if 92938
applicable, provisions governing the reallocation of a convention 92939
facilities authority's allocation if the authority is dissolved 92940
while the tax is in effect. The allocation method may provide that 92941

different proportions or amounts of the tax shall be distributed 92942
among the purposes in different years, but it shall clearly 92943
describe the method that will be used for each year. Except as 92944
otherwise provided in division (C)(2) of this section, the 92945
allocation method established by the board is not subject to 92946
amendment during the life of the tax. 92947

(2) Subsequent to holding a public hearing on the proposed 92948
amendment, the board of county commissioners may amend the 92949
allocation method established under division (C)(1) of this 92950
section for any year, if the amendment is approved by the 92951
governing board of each entity whose allocation for the year would 92952
be reduced by the proposed amendment. In the case of a tax that is 92953
levied for a continuing period of time, the board may not so amend 92954
the allocation method for any year before the sixth year that the 92955
tax is in effect. 92956

(a) If the additional revenues provided to the convention 92957
facilities authority are pledged by the authority for the payment 92958
of convention facilities authority revenue bonds for as long as 92959
such bonds are outstanding, no reduction of the authority's 92960
allocation of the tax shall be made for any year except to the 92961
extent that the reduced authority allocation, when combined with 92962
the authority's other revenues pledged for that purpose, is 92963
sufficient to meet the debt service requirements for that year on 92964
such bonds. 92965

(b) If the additional revenues provided to the county are 92966
pledged by the county for the payment of bonds or notes described 92967
in division (A)(4) or (5) of this section, for as long as such 92968
bonds or notes are outstanding, no reduction of the county's or 92969
the community improvements board's allocation of the tax shall be 92970
made for any year, except to the extent that the reduced county or 92971
community improvements board allocation is sufficient to meet the 92972
debt service requirements for that year on such bonds or notes. 92973

(c) If the additional revenues provided to the transit authority are pledged by the authority for the payment of revenue bonds issued under section 306.37 of the Revised Code, for as long as such bonds are outstanding, no reduction of the authority's allocation of tax shall be made for any year, except to the extent that the authority's reduced allocation, when combined with the authority's other revenues pledged for that purpose, is sufficient to meet the debt service requirements for that year on such bonds.

(d) If the additional revenues provided to the county are pledged by the county for the payment of bonds or notes issued under section 133.60 of the Revised Code, for so long as the bonds or notes are outstanding, no reduction of the county's allocation of the tax shall be made for any year, except to the extent that the reduced county allocation is sufficient to meet the debt service requirements for that year on the bonds or notes.

(D)(1) The resolution levying the tax or increasing the rate of tax shall state the rate of the tax or the rate of the increase; the purpose or purposes for which it is to be levied; the number of years for which it is to be levied or that it is for a continuing period of time; the allocation method required by division (C) of this section; and if required to be submitted to the electors of the county under division (A) of this section, the date of the election at which the proposal shall be submitted to the electors of the county, which shall be a general election or a special election held on a day on which a primary election may be held, occurring not less than ninety days after the certification of a copy of the resolution to the board of elections ~~and, if the tax is to be levied exclusively for the purpose set forth in division (A)(3) of this section, shall not occur in August of any year.~~ Upon certification of the resolution to the board of elections, the board of county commissioners shall notify the tax commissioner in writing of the levy question to be submitted to

the electors. If approved by a majority of the electors, the tax 93006
shall become effective on the first day of a calendar quarter next 93007
following the sixty-fifth day following the date the board of 93008
county commissioners and tax commissioner receive from the board 93009
of elections the certification of the results of the election, 93010
except as provided in division (E) of this section. 93011

(2)(a) A resolution specifying that the tax is to be used 93012
exclusively for the purpose set forth in division (A)(3) of this 93013
section that is not adopted as an emergency measure may direct the 93014
board of elections to submit the question of levying the tax or 93015
increasing the rate of the tax to the electors of the county at a 93016
general election or a special election held on a day on which a 93017
primary election may be held on the date , as specified by the 93018
board of county commissioners in the resolution, provided that the 93019
election occurs not less than ninety days after the resolution is 93020
certified to the board of elections ~~and the election is not held~~ 93021
~~in August of any year~~. Upon certification of the resolution to the 93022
board of elections, the board of county commissioners shall notify 93023
the tax commissioner in writing of the levy question to be 93024
submitted to the electors. No resolution adopted under division 93025
(D)(2)(a) of this section shall go into effect unless approved by 93026
a majority of those voting upon it and, except as provided in 93027
division (E) of this section, not until the first day of a 93028
calendar quarter following the expiration of sixty-five days from 93029
the date the tax commissioner receives notice from the board of 93030
elections of the affirmative vote. 93031

(b) A resolution specifying that the tax is to be used 93032
exclusively for the purpose set forth in division (A)(3) of this 93033
section that is adopted as an emergency measure shall become 93034
effective as provided in division (A) of this section, but may 93035
direct the board of elections to submit the question of repealing 93036
the tax or increase in the rate of the tax to the electors of the 93037

county at the next general election in the county occurring not 93038
less than ninety days after the resolution is certified to the 93039
board of elections. Upon certification of the resolution to the 93040
board of elections, the board of county commissioners shall notify 93041
the tax commissioner in writing of the levy question to be 93042
submitted to the electors. The ballot question shall be the same 93043
as that prescribed in section 5739.022 of the Revised Code. The 93044
board of elections shall notify the board of county commissioners 93045
and the tax commissioner of the result of the election immediately 93046
after the result has been declared. If a majority of the qualified 93047
electors voting on the question of repealing the tax or increase 93048
in the rate of the tax vote for repeal of the tax or repeal of the 93049
increase, the board of county commissioners, on the first day of a 93050
calendar quarter following the expiration of sixty-five days after 93051
the date the board and tax commissioner received notice of the 93052
result of the election, shall, in the case of a repeal of the tax, 93053
cease to levy the tax, or, in the case of a repeal of an increase 93054
in the rate of the tax, cease to levy the increased rate and levy 93055
the tax at the rate at which it was imposed immediately prior to 93056
the increase in rate. 93057

(c) A board of county commissioners, by resolution, may 93058
reduce the rate of a tax levied exclusively for the purpose set 93059
forth in division (A)(3) of this section to a lower rate 93060
authorized by this section. Any such reduction shall be made 93061
effective on the first day of the calendar quarter next following 93062
the sixty-fifth day after the tax commissioner receives a 93063
certified copy of the resolution from the board. 93064

(E) If a vendor makes a sale in this state by printed catalog 93065
and the consumer computed the tax on the sale based on local rates 93066
published in the catalog, any tax levied or repealed or rate 93067
changed under this section shall not apply to such a sale until 93068
the first day of a calendar quarter following the expiration of 93069

one hundred twenty days from the date of notice by the tax commissioner pursuant to division (G) of this section.

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(F) The tax levied pursuant to this section shall be in addition to the tax levied by section 5739.02 of the Revised Code and any tax levied pursuant to section 5739.021 or 5739.023 of the Revised Code.

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A county that levies a tax pursuant to this section shall levy a tax at the same rate pursuant to section 5741.023 of the Revised Code.

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The additional tax levied by the county shall be collected pursuant to section 5739.025 of the Revised Code.

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Any tax levied pursuant to this section is subject to the exemptions provided in section 5739.02 of the Revised Code and in addition shall not be applicable to sales not within the taxing power of a county under the Constitution of the United States or the Ohio Constitution.

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(G) Upon receipt from a board of county commissioners of a certified copy of a resolution required by division (A) of this section, or from the board of elections a notice of the results of an election required by division (D)(1), (2)(a), (b), or (c) of this section, the tax commissioner shall provide notice of a tax rate change in a manner that is reasonably accessible to all affected vendors. The commissioner shall provide this notice at least sixty days prior to the effective date of the rate change. The commissioner, by rule, may establish the method by which notice will be provided.

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Sec. 5739.028. As used in this section "sports facility" and "constructing" have the same meanings as in division (A)(8) of section 5739.026 of the Revised Code.

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This section applies only to taxes levied pursuant to

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sections 5739.023 and 5741.022 of the Revised Code by a regional 93100
transit authority created under section 306.31 of the Revised Code 93101
for a continuing period of time and at an aggregate rate, on ~~the~~ 93102
~~effective date of this section~~ July 19, 1995, greater than 93103
one-half of one per cent on every retail sale made in the 93104
territory of the transit authority. 93105

The board of county commissioners of the most populous county 93106
in the territory of a regional transit authority levying a tax to 93107
which this section applies may adopt a resolution not later than 93108
one hundred eighty days after ~~the effective date of this section~~ 93109
July 19, 1995 proposing to reduce the rate of such a tax and to 93110
increase by the same extent the rate of tax levied under sections 93111
5739.026 and 5741.023 of the Revised Code for the purpose of 93112
constructing or renovating a sports facility. The total reduction 93113
in the rate of taxes levied by a transit authority and the 93114
increase in the rate of tax levied for the purpose of constructing 93115
or renovating a sports facility shall not exceed one-tenth of one 93116
per cent upon retail sales made in the territory of the transit 93117
authority; provided, the amount of taxes received by the county 93118
for the purpose of constructing or renovating a sports facility 93119
under this section shall not exceed four million five hundred 93120
thousand dollars in any calendar year. Any amounts received by a 93121
county in a calendar year in excess of four million five hundred 93122
thousand dollars pursuant to this section shall be paid to the 93123
transit authority by the county within forty-five days following 93124
receipt by the county. 93125

The resolution shall specify that the rate of tax levied by 93126
the transit authority will be reduced and that a tax will be 93127
levied at the same rate for the purpose of constructing or 93128
renovating a sports facility; the rate by which the tax levied by 93129
the transit authority will be reduced and by which the tax levied 93130
for the purpose of constructing or renovating a sports facility 93131

will be increased; the date the rates levied for those purposes 93132
will be reduced and increased, respectively; and the number of 93133
years the rate levied by a transit authority will be reduced and 93134
the rate levied for constructing or renovating a sports facility 93135
will be increased. The date the rate levied by the transit 93136
authority will be reduced and the rate levied for the purpose of 93137
constructing or renovating a sports facility will be increased 93138
shall not be earlier than the first day of the month that begins 93139
at least sixty days after the day the election on the question is 93140
conducted unless the board of county commissioners levies a tax 93141
under one or more of sections 307.697, 4301.421, 5743.024, and 93142
5743.323 of the Revised Code on ~~the effective date of this section~~ 93143
July 19, 1995, in which case the date the rate levied by the 93144
transit authority will be reduced and the rate levied for the 93145
purpose of constructing or renovating a sports facility will be 93146
increased shall not be earlier than the first day following the 93147
latest day on which any of the taxes levied under one of those 93148
sections on ~~the effective date of this amendment~~ July 19, 1995 may 93149
be levied as prescribed by the resolution levying that tax. The 93150
number of years the rate of the existing tax may be reduced and 93151
the rate of tax may be levied for constructing or renovating a 93152
sports facility may be any number of years as specified in the 93153
resolution, or for a continuing period of time if so specified in 93154
the resolution. 93155

Before a resolution adopted under this section may take 93156
effect, the board of county commissioners shall submit the 93157
resolution to the approval of the electors of the county, and the 93158
resolution shall be approved by a majority of voters voting on the 93159
question. Upon adoption of the resolution, the board of county 93160
commissioners shall certify a copy of the resolution to the board 93161
of elections of the county and to the tax commissioner, and the 93162
board of elections shall submit the question at a general election 93163
or a special election held on a day on which a primary election 93164

~~may be held on the date~~ , as specified by the board of county 93165
commissioners in the resolution, provided that the election occurs 93166
not less than seventy-five days after the resolution is certified 93167
to the board of elections ~~and the election is not held in February~~ 93168
~~or August of any year.~~ The board of county commissioners shall 93169
certify the copy of the resolution to the board of elections in 93170
the manner prescribed under section 3505.071 of the Revised Code. 93171
The board of elections shall certify the results of the election 93172
to the board of county commissioners and to the tax commissioner. 93173
If the question is approved by a majority of electors voting on 93174
the question, the rate of tax imposed under sections 5739.023 and 93175
5741.022 of the Revised Code shall be reduced, and the rate of tax 93176
levied for constructing or renovating a sports facility under 93177
sections 5739.026 and 5741.023 of the Revised Code shall be 93178
increased by the same amount, on the date specified in the 93179
resolution. 93180

If revenue from a tax levied under sections 5739.023 and 93181
5741.022 of the Revised Code and subject to reduction under this 93182
section is pledged to the payment of bonds, notes, or notes in 93183
anticipation of bonds, the board of county commissioners adopting 93184
a resolution under this section shall provide sufficient revenue 93185
from the tax for the repayment of debt charges on those bonds or 93186
notes, unless an adequate substitute for payment of those charges 93187
is provided by the transit authority. 93188

Sec. 5739.09. (A)(1) A board of county commissioners may, by 93189
resolution adopted by a majority of the members of the board, levy 93190
an excise tax not to exceed three per cent on transactions by 93191
which lodging by a hotel is or is to be furnished to transient 93192
guests. The board shall establish all regulations necessary to 93193
provide for the administration and allocation of the tax. The 93194
regulations may prescribe the time for payment of the tax, and may 93195
provide for the imposition of a penalty or interest, or both, for 93196

late payments, provided that the penalty does not exceed ten per 93197
cent of the amount of tax due, and the rate at which interest 93198
accrues does not exceed the rate per annum prescribed pursuant to 93199
section 5703.47 of the Revised Code. Except as provided in 93200
divisions (A)(2), (3), (4), (5), (6), (7), (8), (9), (10), (11), 93201
and (12) of this section, the regulations shall provide, after 93202
deducting the real and actual costs of administering the tax, for 93203
the return to each municipal corporation or township that does not 93204
levy an excise tax on the transactions, a uniform percentage of 93205
the tax collected in the municipal corporation or in the 93206
unincorporated portion of the township from each transaction, not 93207
to exceed thirty-three and one-third per cent. The remainder of 93208
the revenue arising from the tax shall be deposited in a separate 93209
fund and shall be spent solely to make contributions to the 93210
convention and visitors' bureau operating within the county, 93211
including a pledge and contribution of any portion of the 93212
remainder pursuant to an agreement authorized by section 307.678 93213
or 307.695 of the Revised Code, provided that if the board of 93214
county commissioners of an eligible county as defined in section 93215
307.678 or 307.695 of the Revised Code adopts a resolution 93216
amending a resolution levying a tax under this division to provide 93217
that revenue from the tax shall be used by the board as described 93218
in either division (D) of section 307.678 or division (H) of 93219
section 307.695 of the Revised Code, the remainder of the revenue 93220
shall be used as described in the resolution making that 93221
amendment. Except as provided in division (A)(2), (3), (4), (5), 93222
(6), (7), (8), (9), (10), or (11) or (H) of this section, on and 93223
after May 10, 1994, a board of county commissioners may not levy 93224
an excise tax pursuant to this division in any municipal 93225
corporation or township located wholly or partly within the county 93226
that has in effect an ordinance or resolution levying an excise 93227
tax pursuant to division (B) of this section. The board of a 93228

county that has levied a tax under division (C) of this section 93229
may, by resolution adopted within ninety days after July 15, 1985, 93230
by a majority of the members of the board, amend the resolution 93231
levying a tax under this division to provide for a portion of that 93232
tax to be pledged and contributed in accordance with an agreement 93233
entered into under section 307.695 of the Revised Code. A tax, any 93234
revenue from which is pledged pursuant to such an agreement, shall 93235
remain in effect at the rate at which it is imposed for the 93236
duration of the period for which the revenue from the tax has been 93237
so pledged. 93238

The board of county commissioners of an eligible county as 93239
defined in section 307.695 of the Revised Code may, by resolution 93240
adopted by a majority of the members of the board, amend a 93241
resolution levying a tax under this division to provide that the 93242
revenue from the tax shall be used by the board as described in 93243
division (H) of section 307.695 of the Revised Code, in which case 93244
the tax shall remain in effect at the rate at which it was imposed 93245
for the duration of any agreement entered into by the board under 93246
section 307.695 of the Revised Code, the duration during which any 93247
securities issued by the board under that section are outstanding, 93248
or the duration of the period during which the board owns a 93249
project as defined in section 307.695 of the Revised Code, 93250
whichever duration is longest. 93251

The board of county commissioners of an eligible county as 93252
defined in section 307.678 of the Revised Code may, by resolution, 93253
amend a resolution levying a tax under this division to provide 93254
that revenue from the tax, not to exceed five hundred thousand 93255
dollars each year, may be used as described in division (E) of 93256
section 307.678 of the Revised Code. 93257

Notwithstanding division (A)(1) of this section, the board of 93258
county commissioners of a county described in division (A)(8)(a) 93259

of this section may, by resolution, amend a resolution levying a 93260
tax under this division to provide that all or a portion of the 93261
revenue from the tax, including any revenue otherwise required to 93262
be returned to townships or municipal corporations under this 93263
division, may be used or pledged for the payment of debt service 93264
on securities issued to pay the costs of constructing, operating, 93265
and maintaining sports facilities described in division (A)(8)(b) 93266
of this section. 93267

The board of county commissioners of a county described in 93268
division (A)(9) of this section may, by resolution, amend a 93269
resolution levying a tax under this division to provide that all 93270
or a portion of the revenue from the tax may be used for the 93271
purposes described in section 307.679 of the Revised Code. 93272

(2) A board of county commissioners that levies an excise tax 93273
under division (A)(1) of this section on June 30, 1997, at a rate 93274
of three per cent, and that has pledged revenue from the tax to an 93275
agreement entered into under section 307.695 of the Revised Code 93276
or, in the case of the board of county commissioners of an 93277
eligible county as defined in section 307.695 of the Revised Code, 93278
has amended a resolution levying a tax under division (C) of this 93279
section to provide that proceeds from the tax shall be used by the 93280
board as described in division (H) of section 307.695 of the 93281
Revised Code, may, at any time by a resolution adopted by a 93282
majority of the members of the board, amend the resolution levying 93283
a tax under division (A)(1) of this section to provide for an 93284
increase in the rate of that tax up to seven per cent on each 93285
transaction; to provide that revenue from the increase in the rate 93286
shall be used as described in division (H) of section 307.695 of 93287
the Revised Code or be spent solely to make contributions to the 93288
convention and visitors' bureau operating within the county to be 93289
used specifically for promotion, advertising, and marketing of the 93290
region in which the county is located; and to provide that the 93291

rate in excess of the three per cent levied under division (A)(1) 93292
of this section shall remain in effect at the rate at which it is 93293
imposed for the duration of the period during which any agreement 93294
is in effect that was entered into under section 307.695 of the 93295
Revised Code by the board of county commissioners levying a tax 93296
under division (A)(1) of this section, the duration of the period 93297
during which any securities issued by the board under division (I) 93298
of section 307.695 of the Revised Code are outstanding, or the 93299
duration of the period during which the board owns a project as 93300
defined in section 307.695 of the Revised Code, whichever duration 93301
is longest. The amendment also shall provide that no portion of 93302
that revenue need be returned to townships or municipal 93303
corporations as would otherwise be required under division (A)(1) 93304
of this section. 93305

(3) A board of county commissioners that levies a tax under 93306
division (A)(1) of this section on March 18, 1999, at a rate of 93307
three per cent may, by resolution adopted not later than 93308
forty-five days after March 18, 1999, amend the resolution levying 93309
the tax to provide for all of the following: 93310

(a) That the rate of the tax shall be increased by not more 93311
than an additional four per cent on each transaction; 93312

(b) That all of the revenue from the increase in the rate 93313
shall be pledged and contributed to a convention facilities 93314
authority established by the board of county commissioners under 93315
Chapter 351. of the Revised Code on or before November 15, 1998, 93316
and used to pay costs of constructing, maintaining, operating, and 93317
promoting a facility in the county, including paying bonds, or 93318
notes issued in anticipation of bonds, as provided by that 93319
chapter; 93320

(c) That no portion of the revenue arising from the increase 93321
in rate need be returned to municipal corporations or townships as 93322
otherwise required under division (A)(1) of this section; 93323

(d) That the increase in rate shall not be subject to 93324
diminution by initiative or referendum or by law while any bonds, 93325
or notes in anticipation of bonds, issued by the authority under 93326
Chapter 351. of the Revised Code to which the revenue is pledged, 93327
remain outstanding in accordance with their terms, unless 93328
provision is made by law or by the board of county commissioners 93329
for an adequate substitute therefor that is satisfactory to the 93330
trustee if a trust agreement secures the bonds. 93331

Division (A)(3) of this section does not apply to the board 93332
of county commissioners of any county in which a convention center 93333
or facility exists or is being constructed on November 15, 1998, 93334
or of any county in which a convention facilities authority levies 93335
a tax pursuant to section 351.021 of the Revised Code on that 93336
date. 93337

As used in division (A)(3) of this section, "cost" and 93338
"facility" have the same meanings as in section 351.01 of the 93339
Revised Code, and "convention center" has the same meaning as in 93340
section 307.695 of the Revised Code. 93341

(4)(a) A board of county commissioners that levies a tax 93342
under division (A)(1) of this section on June 30, 2002, at a rate 93343
of three per cent may, by resolution adopted not later than 93344
September 30, 2002, amend the resolution levying the tax to 93345
provide for all of the following: 93346

(i) That the rate of the tax shall be increased by not more 93347
than an additional three and one-half per cent on each 93348
transaction; 93349

(ii) That all of the revenue from the increase in rate shall 93350
be pledged and contributed to a convention facilities authority 93351
established by the board of county commissioners under Chapter 93352
351. of the Revised Code on or before May 15, 2002, and be used to 93353
pay costs of constructing, expanding, maintaining, operating, or 93354

promoting a convention center in the county, including paying 93355
bonds, or notes issued in anticipation of bonds, as provided by 93356
that chapter; 93357

(iii) That no portion of the revenue arising from the 93358
increase in rate need be returned to municipal corporations or 93359
townships as otherwise required under division (A)(1) of this 93360
section; 93361

(iv) That the increase in rate shall not be subject to 93362
diminution by initiative or referendum or by law while any bonds, 93363
or notes in anticipation of bonds, issued by the authority under 93364
Chapter 351. of the Revised Code to which the revenue is pledged, 93365
remain outstanding in accordance with their terms, unless 93366
provision is made by law or by the board of county commissioners 93367
for an adequate substitute therefor that is satisfactory to the 93368
trustee if a trust agreement secures the bonds. 93369

(b) Any board of county commissioners that, pursuant to 93370
division (A)(4)(a) of this section, has amended a resolution 93371
levying the tax authorized by division (A)(1) of this section may 93372
further amend the resolution to provide that the revenue referred 93373
to in division (A)(4)(a)(ii) of this section shall be pledged and 93374
contributed both to a convention facilities authority to pay the 93375
costs of constructing, expanding, maintaining, or operating one or 93376
more convention centers in the county, including paying bonds, or 93377
notes issued in anticipation of bonds, as provided in Chapter 351. 93378
of the Revised Code, and to a convention and visitors' bureau to 93379
pay the costs of promoting one or more convention centers in the 93380
county. 93381

As used in division (A)(4) of this section, "cost" has the 93382
same meaning as in section 351.01 of the Revised Code, and 93383
"convention center" has the same meaning as in section 307.695 of 93384
the Revised Code. 93385

(5)(a) As used in division (A)(5) of this section:	93386
(i) "Port authority" means a port authority created under Chapter 4582. of the Revised Code.	93387 93388
(ii) "Port authority military-use facility" means port authority facilities on which or adjacent to which is located an installation of the armed forces of the United States, a reserve component thereof, or the national guard and at least part of which is made available for use, for consideration, by the armed forces of the United States, a reserve component thereof, or the national guard.	93389 93390 93391 93392 93393 93394 93395
(b) For the purpose of contributing revenue to pay operating expenses of a port authority that operates a port authority military-use facility, the board of county commissioners of a county that created, participated in the creation of, or has joined such a port authority may do one or both of the following:	93396 93397 93398 93399 93400
(i) Amend a resolution previously adopted under division (A)(1) of this section to designate some or all of the revenue from the tax levied under the resolution to be used for that purpose, notwithstanding that division;	93401 93402 93403 93404
(ii) Amend a resolution previously adopted under division (A)(1) of this section to increase the rate of the tax by not more than an additional two per cent and use the revenue from the increase exclusively for that purpose.	93405 93406 93407 93408
(c) If a board of county commissioners amends a resolution to increase the rate of a tax as authorized in division (A)(5)(b)(ii) of this section, the board also may amend the resolution to specify that the increase in rate of the tax does not apply to "hotels," as otherwise defined in section 5739.01 of the Revised Code, having fewer rooms used for the accommodation of guests than a number of rooms specified by the board.	93409 93410 93411 93412 93413 93414 93415
(6) A board of county commissioners of a county organized	93416

under a county charter adopted pursuant to Article X, Section 3, 93417
Ohio Constitution, and that levies an excise tax under division 93418
(A)(1) of this section at a rate of three per cent and levies an 93419
additional excise tax under division (E) of this section at a rate 93420
of one and one-half per cent may, by resolution adopted not later 93421
than January 1, 2008, by a majority of the members of the board, 93422
amend the resolution levying a tax under division (A)(1) of this 93423
section to provide for an increase in the rate of that tax by not 93424
more than an additional one per cent on transactions by which 93425
lodging by a hotel is or is to be furnished to transient guests. 93426
Notwithstanding divisions (A)(1) and (E) of this section, the 93427
resolution shall provide that all of the revenue from the increase 93428
in rate, after deducting the real and actual costs of 93429
administering the tax, shall be used to pay the costs of 93430
improving, expanding, equipping, financing, or operating a 93431
convention center by a convention and visitors' bureau in the 93432
county. The increase in rate shall remain in effect for the period 93433
specified in the resolution, not to exceed ten years, and may be 93434
extended for an additional period of time not to exceed ten years 93435
thereafter by a resolution adopted by a majority of the members of 93436
the board. The increase in rate shall be subject to the 93437
regulations adopted under division (A)(1) of this section, except 93438
that the resolution may provide that no portion of the revenue 93439
from the increase in the rate shall be returned to townships or 93440
municipal corporations as would otherwise be required under that 93441
division. 93442

(7) Division (A)(7) of this section applies only to a county 93443
with a population greater than sixty-five thousand and less than 93444
seventy thousand according to the most recent federal decennial 93445
census and in which, on December 31, 2006, an excise tax is levied 93446
under division (A)(1) of this section at a rate not less than and 93447
not greater than three per cent, and in which the most recent 93448
increase in the rate of that tax was enacted or took effect in 93449

November 1984. 93450

The board of county commissioners of a county to which this 93451
division applies, by resolution adopted by a majority of the 93452
members of the board, may increase the rate of the tax by not more 93453
than one per cent on transactions by which lodging by a hotel is 93454
or is to be furnished to transient guests. The increase in rate 93455
shall be for the purpose of paying expenses deemed necessary by 93456
the convention and visitors' bureau operating in the county to 93457
promote travel and tourism. The increase in rate shall remain in 93458
effect for the period specified in the resolution, not to exceed 93459
twenty years, provided that the increase in rate may not continue 93460
beyond the time when the purpose for which the increase is levied 93461
ceases to exist. If revenue from the increase in rate is pledged 93462
to the payment of debt charges on securities, the increase in rate 93463
is not subject to diminution by initiative or referendum or by law 93464
for so long as the securities are outstanding, unless provision is 93465
made by law or by the board of county commissioners for an 93466
adequate substitute for that revenue that is satisfactory to the 93467
trustee if a trust agreement secures payment of the debt charges. 93468
The increase in rate shall be subject to the regulations adopted 93469
under division (A)(1) of this section, except that the resolution 93470
may provide that no portion of the revenue from the increase in 93471
the rate shall be returned to townships or municipal corporations 93472
as would otherwise be required under division (A)(1) of this 93473
section. A resolution adopted under division (A)(7) of this 93474
section is subject to referendum under sections 305.31 to 305.99 93475
of the Revised Code. 93476

(8)(a) Division (A)(8) of this section applies only to a 93477
county satisfying all of the following: 93478

(i) The population of the county is greater than one hundred 93479
seventy-five thousand and less than two hundred twenty-five 93480
thousand according to the most recent federal decennial census. 93481

(ii) An amusement park with an average yearly attendance in excess of two million guests is located in the county. 93482
93483

(iii) On December 31, 2014, an excise tax was levied in the county under division (A)(1) of this section at a rate of three per cent. 93484
93485
93486

(b) The board of county commissioners of a county to which this division applies, by resolution adopted by a majority of the members of the board, may increase the rate of the tax by not more than one per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The increase in rate shall be used to pay the costs of constructing and maintaining facilities owned by the county or by a port authority created under Chapter 4582. of the Revised Code, and designed to host sporting events and expenses deemed necessary by the convention and visitors' bureau operating in the county to promote travel and tourism with reference to the sports facilities, and to pay or pledge to the payment of debt service on securities issued to pay the costs of constructing, operating, and maintaining the sports facilities. The increase in rate shall remain in effect for the period specified in the resolution. If revenue from the increase in rate is pledged to the payment of debt charges on securities, the increase in rate is not subject to diminution by initiative or referendum or by law for so long as the securities are outstanding, unless provision is made by law or by the board of county commissioners for an adequate substitute for that revenue that is satisfactory to the trustee if a trust agreement secures payment of the debt charges. The increase in rate shall be subject to the regulations adopted under division (A)(1) of this section, except that the resolution may provide that no portion of the revenue from the increase in the rate shall be returned to townships or municipal corporations as would otherwise be required under division (A)(1) of this section. 93487
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(9) The board of county commissioners of a county with a population greater than seventy-five thousand and less than seventy-eight thousand, by resolution adopted by a majority of the members of the board not later than October 15, 2015, may increase the rate of the tax by not more than one per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The increase in rate shall be for the purposes described in section 307.679 of the Revised Code or for the promotion of travel and tourism in the county, including travel and tourism to sports facilities. The increase in rate shall remain in effect for the period specified in the resolution and as necessary to fulfill the county's obligations under a cooperative agreement entered into under section 307.679 of the Revised Code. If the resolution is adopted by the board before September 29, 2015, but after that enactment becomes law, the increase in rate shall become effective beginning on September 29, 2015. If revenue from the increase in rate is pledged to the payment of debt charges on securities, or to substitute for other revenues pledged to the payment of such debt, the increase in rate is not subject to diminution by initiative or referendum or by law for so long as the securities are outstanding, unless provision is made by law or by the board of county commissioners for an adequate substitute for that revenue that is satisfactory to the trustee if a trust agreement secures payment of the debt charges. The increase in rate shall be subject to the regulations adopted under division (A)(1) of this section, except that no portion of the revenue from the increase in the rate shall be returned to townships or municipal corporations as would otherwise be required under division (A)(1) of this section.

(10) Division (A)(10) of this section applies only to counties satisfying either of the following:

(a) A county that, on July 1, 2015, does not levy an excise

tax under division (A)(1) of this section and that has a 93546
population of at least thirty-nine thousand but not more than 93547
forty thousand according to the 2010 federal decennial census; 93548

(b) A county that, on July 1, 2015, levies an excise tax 93549
under division (A)(1) of this section at a rate of three per cent 93550
and that has a population of at least seventy-one thousand but not 93551
more than seventy-five thousand according to 2010 federal 93552
decennial census. 93553

The board of county commissioners of a county to which 93554
division (A)(10) of this section applies, by resolution adopted by 93555
a majority of the members of the board, may levy an excise tax at 93556
a rate not to exceed three per cent on transactions by which 93557
lodging by a hotel is or is to be furnished to transient guests 93558
for the purpose of acquiring, constructing, equipping, or 93559
repairing permanent improvements, as defined in section 133.01 of 93560
the Revised Code. If the board does not levy a tax under division 93561
(A)(1) of this section, the board shall establish regulations 93562
necessary to provide for the administration of the tax, which may 93563
prescribe the time for payment of the tax and the imposition of 93564
penalty or interest subject to the limitations on penalty and 93565
interest provided in division (A)(1) of this section. No portion 93566
of the revenue shall be returned to townships or municipal 93567
corporations in the county unless otherwise provided by resolution 93568
of the board. The tax shall apply throughout the territory of the 93569
county, including in any township or municipal corporation levying 93570
an excise tax under division (B) of this section or division (A) 93571
of section 5739.08 of the Revised Code. The levy of the tax is 93572
subject to referendum as provided under section 305.31 of the 93573
Revised Code. 93574

The tax shall remain in effect for the period specified in 93575
the resolution. If revenue from the increase in rate is pledged to 93576
the payment of debt charges on securities, the increase in rate is 93577

not subject to diminution by initiative or referendum or by law 93578
for so long as the securities are outstanding unless provision is 93579
made by law or by the board for an adequate substitute for that 93580
revenue that is satisfactory to the trustee if a trust agreement 93581
secures payment of the debt charges. 93582

(11) The board of county commissioners of an eligible county, 93583
as defined in section 307.678 of the Revised Code, that levies an 93584
excise tax under division (A)(1) of this section on July 1, 2017, 93585
at a rate of three per cent may, by resolution adopted by a 93586
majority of the members of the board, amend the resolution levying 93587
the tax to increase the rate of the tax by not more than an 93588
additional three per cent on each transaction. No portion of the 93589
revenue shall be returned to townships or municipal corporations 93590
in the county unless otherwise provided by resolution of the 93591
board. Otherwise, the revenue from the increase in the rate shall 93592
be distributed and used in the same manner described under 93593
division (A)(1) of this section or distributed or used to provide 93594
credit enhancement facilities as authorized under section 307.678 93595
of the Revised Code. The increase in rate shall remain in effect 93596
for the period specified in the resolution. If revenue from the 93597
increase in rate is pledged to the payment of debt charges on 93598
securities, the increase in rate is not subject to diminution by 93599
initiative or referendum or by law for so long as the securities 93600
are outstanding unless provision is made by law or by the board 93601
for an adequate substitute for that revenue that is satisfactory 93602
to the trustee if a trust agreement secures payment of the debt 93603
charges. 93604

(12)(a) As used in this division: 93605

(i) "Eligible county" means a county that has a population 93606
greater than one hundred ninety thousand and less than two hundred 93607
thousand according to the 2010 federal decennial census and that 93608
levies an excise tax under division (A)(1) of this section at a 93609

rate of three per cent. 93610

(ii) "Professional sports facility" means a sports facility 93611
that is intended to house major or minor league professional 93612
athletic teams, including a stadium, together with all parking 93613
facilities, walkways, and other auxiliary facilities, real and 93614
personal property, property rights, easements, and interests that 93615
may be appropriate for, or used in connection with, the operation 93616
of the facility. 93617

(b) Subject to division (A)(12)(c) of this section, the board 93618
of county commissioners of an eligible county, by resolution 93619
adopted by a majority of the members of the board, may increase 93620
the rate of the tax by not more than one per cent on transactions 93621
by which lodging by a hotel is or is to be furnished to transient 93622
guests. Revenue from the increase in rate shall be used for the 93623
purposes of paying the costs of constructing, improving, and 93624
maintaining a professional sports facility in the county and 93625
paying expenses considered necessary by the convention and 93626
visitors' bureau operating in the county to promote travel and 93627
tourism with respect to that professional sports facility. The tax 93628
shall take effect only after the convention and visitors' bureau 93629
enters into a contract for the construction, improvement, or 93630
maintenance of a professional sports facility that is or will be 93631
located on property acquired, in whole or in part, with revenue 93632
from the increased rate, and thereafter shall remain in effect for 93633
the period specified in the resolution. If revenue from the 93634
increase in rate is pledged to the payment of debt charges on 93635
securities, the increase in rate is not subject to diminution by 93636
initiative or referendum or by law for so long as the securities 93637
are outstanding, unless a provision is made by law or by the board 93638
of county commissioners for an adequate substitute for that 93639
revenue that is satisfactory to the trustee if a trust agreement 93640
secures payment of the debt charges. The increase in rate shall be 93641

subject to the regulations adopted under division (A)(1) of this 93642
section, except that the resolution may provide that no portion of 93643
the revenue from the increase in the rate shall be returned to 93644
townships or municipal corporations as would otherwise be required 93645
under division (A)(1) of this section. 93646

(c) If, on December 31, 2019, the convention and visitors' 93647
bureau has not entered into a contract for the construction, 93648
improvement, or maintenance of a professional sports facility that 93649
is or will be located on property acquired, in whole or in part, 93650
with revenue from the increased rate, the authority to levy the 93651
tax under division (A)(12)(b) of this section is hereby repealed 93652
on that date. 93653

(B)(1) The legislative authority of a municipal corporation 93654
or the board of trustees of a township that is not wholly or 93655
partly located in a county that has in effect a resolution levying 93656
an excise tax pursuant to division (A)(1) of this section may, by 93657
ordinance or resolution, levy an excise tax not to exceed three 93658
per cent on transactions by which lodging by a hotel is or is to 93659
be furnished to transient guests. The legislative authority of the 93660
municipal corporation or the board of trustees of the township 93661
shall deposit at least fifty per cent of the revenue from the tax 93662
levied pursuant to this division into a separate fund, which shall 93663
be spent solely to make contributions to convention and visitors' 93664
bureaus operating within the county in which the municipal 93665
corporation or township is wholly or partly located, and the 93666
balance of that revenue shall be deposited in the general fund. 93667
The municipal corporation or township shall establish all 93668
regulations necessary to provide for the administration and 93669
allocation of the tax. The regulations may prescribe the time for 93670
payment of the tax, and may provide for the imposition of a 93671
penalty or interest, or both, for late payments, provided that the 93672
penalty does not exceed ten per cent of the amount of tax due, and 93673

the rate at which interest accrues does not exceed the rate per 93674
annum prescribed pursuant to section 5703.47 of the Revised Code. 93675
The levy of a tax under this division is in addition to any tax 93676
imposed on the same transaction by a municipal corporation or a 93677
township as authorized by division (A) of section 5739.08 of the 93678
Revised Code. 93679

(2)(a) The legislative authority of the most populous 93680
municipal corporation located wholly or partly in a county in 93681
which the board of county commissioners has levied a tax under 93682
division (A)(4) of this section may amend, on or before September 93683
30, 2002, that municipal corporation's ordinance or resolution 93684
that levies an excise tax on transactions by which lodging by a 93685
hotel is or is to be furnished to transient guests, to provide for 93686
all of the following: 93687

(i) That the rate of the tax shall be increased by not more 93688
than an additional one per cent on each transaction; 93689

(ii) That all of the revenue from the increase in rate shall 93690
be pledged and contributed to a convention facilities authority 93691
established by the board of county commissioners under Chapter 93692
351. of the Revised Code on or before May 15, 2002, and be used to 93693
pay costs of constructing, expanding, maintaining, operating, or 93694
promoting a convention center in the county, including paying 93695
bonds, or notes issued in anticipation of bonds, as provided by 93696
that chapter; 93697

(iii) That the increase in rate shall not be subject to 93698
diminution by initiative or referendum or by law while any bonds, 93699
or notes in anticipation of bonds, issued by the authority under 93700
Chapter 351. of the Revised Code to which the revenue is pledged, 93701
remain outstanding in accordance with their terms, unless 93702
provision is made by law, by the board of county commissioners, or 93703
by the legislative authority, for an adequate substitute therefor 93704
that is satisfactory to the trustee if a trust agreement secures 93705

the bonds. 93706

(b) The legislative authority of a municipal corporation 93707
that, pursuant to division (B)(2)(a) of this section, has amended 93708
its ordinance or resolution to increase the rate of the tax 93709
authorized by division (B)(1) of this section may further amend 93710
the ordinance or resolution to provide that the revenue referred 93711
to in division (B)(2)(a)(ii) of this section shall be pledged and 93712
contributed both to a convention facilities authority to pay the 93713
costs of constructing, expanding, maintaining, or operating one or 93714
more convention centers in the county, including paying bonds, or 93715
notes issued in anticipation of bonds, as provided in Chapter 351. 93716
of the Revised Code, and to a convention and visitors' bureau to 93717
pay the costs of promoting one or more convention centers in the 93718
county. 93719

As used in division (B)(2) of this section, "cost" has the 93720
same meaning as in section 351.01 of the Revised Code, and 93721
"convention center" has the same meaning as in section 307.695 of 93722
the Revised Code. 93723

(3) The legislative authority of an eligible municipal 93724
corporation may amend, on or before December 31, 2017, that 93725
municipal corporation's ordinance or resolution that levies an 93726
excise tax on transactions by which lodging by a hotel is or is to 93727
be furnished to transient guests, to provide for the following: 93728

(a) That the rate of the tax shall be increased by not more 93729
than an additional three per cent on each transaction; 93730

(b) That all of the revenue from the increase in rate shall 93731
be used by the municipal corporation for economic development and 93732
tourism-related purposes. 93733

As used in division (B)(3) of this section, "eligible 93734
municipal corporation" means a municipal corporation that, on the 93735
effective date of the amendment of this section by H.B. 49 of the 93736

132nd general assembly, September 29, 2017, levied a tax under 93737
division (B)(1) of this section at a rate of three per cent and 93738
that is located in a county that, on that date, levied a tax under 93739
division (A) of this section at a rate of three per cent and that 93740
has, according to the most recent federal decennial census, a 93741
population exceeding three hundred thousand but not greater than 93742
three hundred fifty thousand. 93743

(C) For the purposes described in section 307.695 of the 93744
Revised Code and to cover the costs of administering the tax, a 93745
board of county commissioners of a county where a tax imposed 93746
under division (A)(1) of this section is in effect may, by 93747
resolution adopted within ninety days after July 15, 1985, by a 93748
majority of the members of the board, levy an additional excise 93749
tax not to exceed three per cent on transactions by which lodging 93750
by a hotel is or is to be furnished to transient guests. The tax 93751
authorized by this division shall be in addition to any tax that 93752
is levied pursuant to division (A) of this section, but it shall 93753
not apply to transactions subject to a tax levied by a municipal 93754
corporation or township pursuant to the authorization granted by 93755
division (A) of section 5739.08 of the Revised Code. The board 93756
shall establish all regulations necessary to provide for the 93757
administration and allocation of the tax. The regulations may 93758
prescribe the time for payment of the tax, and may provide for the 93759
imposition of a penalty or interest, or both, for late payments, 93760
provided that the penalty does not exceed ten per cent of the 93761
amount of tax due, and the rate at which interest accrues does not 93762
exceed the rate per annum prescribed pursuant to section 5703.47 93763
of the Revised Code. All revenues arising from the tax shall be 93764
expended in accordance with section 307.695 of the Revised Code. 93765
The board of county commissioners of an eligible county as defined 93766
in section 307.695 of the Revised Code may, by resolution adopted 93767
by a majority of the members of the board, amend the resolution 93768
levying a tax under this division to provide that the revenue from 93769

the tax shall be used by the board as described in division (H) of 93770
section 307.695 of the Revised Code. A tax imposed under this 93771
division shall remain in effect at the rate at which it is imposed 93772
for the duration of the period during which any agreement entered 93773
into by the board under section 307.695 of the Revised Code is in 93774
effect, the duration of the period during which any securities 93775
issued by the board under division (I) of section 307.695 of the 93776
Revised Code are outstanding, or the duration of the period during 93777
which the board owns a project as defined in section 307.695 of 93778
the Revised Code, whichever duration is longest. 93779

(D) For the purpose of providing contributions under division 93780
(B)(1) of section 307.671 of the Revised Code to enable the 93781
acquisition, construction, and equipping of a port authority 93782
educational and cultural facility in the county and, to the extent 93783
provided for in the cooperative agreement authorized by that 93784
section, for the purpose of paying debt service charges on bonds, 93785
or notes in anticipation of bonds, described in division (B)(1)(b) 93786
of that section, a board of county commissioners, by resolution 93787
adopted within ninety days after December 22, 1992, by a majority 93788
of the members of the board, may levy an additional excise tax not 93789
to exceed one and one-half per cent on transactions by which 93790
lodging by a hotel is or is to be furnished to transient guests. 93791
The excise tax authorized by this division shall be in addition to 93792
any tax that is levied pursuant to divisions (A), (B), and (C) of 93793
this section, to any excise tax levied pursuant to section 5739.08 93794
of the Revised Code, and to any excise tax levied pursuant to 93795
section 351.021 of the Revised Code. The board of county 93796
commissioners shall establish all regulations necessary to provide 93797
for the administration and allocation of the tax that are not 93798
inconsistent with this section or section 307.671 of the Revised 93799
Code. The regulations may prescribe the time for payment of the 93800
tax, and may provide for the imposition of a penalty or interest, 93801
or both, for late payments, provided that the penalty does not 93802

exceed ten per cent of the amount of tax due, and the rate at 93803
which interest accrues does not exceed the rate per annum 93804
prescribed pursuant to section 5703.47 of the Revised Code. All 93805
revenues arising from the tax shall be expended in accordance with 93806
section 307.671 of the Revised Code and division (D) of this 93807
section. The levy of a tax imposed under this division may not 93808
commence prior to the first day of the month next following the 93809
execution of the cooperative agreement authorized by section 93810
307.671 of the Revised Code by all parties to that agreement. The 93811
tax shall remain in effect at the rate at which it is imposed for 93812
the period of time described in division (C) of section 307.671 of 93813
the Revised Code for which the revenue from the tax has been 93814
pledged by the county to the corporation pursuant to that section, 93815
but, to any extent provided for in the cooperative agreement, for 93816
no lesser period than the period of time required for payment of 93817
the debt service charges on bonds, or notes in anticipation of 93818
bonds, described in division (B)(1)(b) of that section. 93819

(E) For the purpose of paying the costs of acquiring, 93820
constructing, equipping, and improving a municipal educational and 93821
cultural facility, including debt service charges on bonds 93822
provided for in division (B) of section 307.672 of the Revised 93823
Code, and for any additional purposes determined by the county in 93824
the resolution levying the tax or amendments to the resolution, 93825
including subsequent amendments providing for paying costs of 93826
acquiring, constructing, renovating, rehabilitating, equipping, 93827
and improving a port authority educational and cultural performing 93828
arts facility, as defined in section 307.674 of the Revised Code, 93829
and including debt service charges on bonds provided for in 93830
division (B) of section 307.674 of the Revised Code, the 93831
legislative authority of a county, by resolution adopted within 93832
ninety days after June 30, 1993, by a majority of the members of 93833
the legislative authority, may levy an additional excise tax not 93834
to exceed one and one-half per cent on transactions by which 93835

lodging by a hotel is or is to be furnished to transient guests. 93836
The excise tax authorized by this division shall be in addition to 93837
any tax that is levied pursuant to divisions (A), (B), (C), and 93838
(D) of this section, to any excise tax levied pursuant to section 93839
5739.08 of the Revised Code, and to any excise tax levied pursuant 93840
to section 351.021 of the Revised Code. The legislative authority 93841
of the county shall establish all regulations necessary to provide 93842
for the administration and allocation of the tax. The regulations 93843
may prescribe the time for payment of the tax, and may provide for 93844
the imposition of a penalty or interest, or both, for late 93845
payments, provided that the penalty does not exceed ten per cent 93846
of the amount of tax due, and the rate at which interest accrues 93847
does not exceed the rate per annum prescribed pursuant to section 93848
5703.47 of the Revised Code. All revenues arising from the tax 93849
shall be expended in accordance with section 307.672 of the 93850
Revised Code and this division. The levy of a tax imposed under 93851
this division shall not commence prior to the first day of the 93852
month next following the execution of the cooperative agreement 93853
authorized by section 307.672 of the Revised Code by all parties 93854
to that agreement. The tax shall remain in effect at the rate at 93855
which it is imposed for the period of time determined by the 93856
legislative authority of the county. That period of time shall not 93857
exceed fifteen years, except that the legislative authority of a 93858
county with a population of less than two hundred fifty thousand 93859
according to the most recent federal decennial census, by 93860
resolution adopted by a majority of its members before the 93861
original tax expires, may extend the duration of the tax for an 93862
additional period of time. The additional period of time by which 93863
a legislative authority extends a tax levied under this division 93864
shall not exceed fifteen years. 93865

(F) The legislative authority of a county that has levied a 93866
tax under division (E) of this section may, by resolution adopted 93867
within one hundred eighty days after January 4, 2001, by a 93868

majority of the members of the legislative authority, amend the 93869
resolution levying a tax under that division to provide for the 93870
use of the proceeds of that tax, to the extent that it is no 93871
longer needed for its original purpose as determined by the 93872
parties to a cooperative agreement amendment pursuant to division 93873
(D) of section 307.672 of the Revised Code, to pay costs of 93874
acquiring, constructing, renovating, rehabilitating, equipping, 93875
and improving a port authority educational and cultural performing 93876
arts facility, including debt service charges on bonds provided 93877
for in division (B) of section 307.674 of the Revised Code, and to 93878
pay all obligations under any guaranty agreements, reimbursement 93879
agreements, or other credit enhancement agreements described in 93880
division (C) of section 307.674 of the Revised Code. The 93881
resolution may also provide for the extension of the tax at the 93882
same rate for the longer of the period of time determined by the 93883
legislative authority of the county, but not to exceed an 93884
additional twenty-five years, or the period of time required to 93885
pay all debt service charges on bonds provided for in division (B) 93886
of section 307.672 of the Revised Code and on port authority 93887
revenue bonds provided for in division (B) of section 307.674 of 93888
the Revised Code. All revenues arising from the amendment and 93889
extension of the tax shall be expended in accordance with section 93890
307.674 of the Revised Code, this division, and division (E) of 93891
this section. 93892

(G) For purposes of a tax levied by a county, township, or 93893
municipal corporation under this section or section 5739.08 of the 93894
Revised Code, a board of county commissioners, board of township 93895
trustees, or the legislative authority of a municipal corporation 93896
may adopt a resolution or ordinance at any time specifying that 93897
"hotel," as otherwise defined in section 5739.01 of the Revised 93898
Code, includes the following: 93899

(1) Establishments in which fewer than five rooms are used 93900

for the accommodation of guests. 93901

(2) Establishments at which rooms are used for the 93902
accommodation of guests regardless of whether each room is 93903
accessible through its own keyed entry or several rooms are 93904
accessible through the same keyed entry; and, in determining the 93905
number of rooms, all rooms are included regardless of the number 93906
of structures in which the rooms are situated or the number of 93907
parcels of land on which the structures are located if the 93908
structures are under the same ownership and the structures are not 93909
identified in advertisements of the accommodations as distinct 93910
establishments. For the purposes of division (G)(2) of this 93911
section, two or more structures are under the same ownership if 93912
they are owned by the same person, or if they are owned by two or 93913
more persons the majority of the ownership interests of which are 93914
owned by the same person. 93915

The resolution or ordinance may apply to a tax imposed 93916
pursuant to this section prior to the adoption of the resolution 93917
or ordinance if the resolution or ordinance so states, but the tax 93918
shall not apply to transactions by which lodging by such an 93919
establishment is provided to transient guests prior to the 93920
adoption of the resolution or ordinance. 93921

(H)(1) As used in this division: 93922

(a) "Convention facilities authority" has the same meaning as 93923
in section 351.01 of the Revised Code. 93924

(b) "Convention center" has the same meaning as in section 93925
307.695 of the Revised Code. 93926

(2) Notwithstanding any contrary provision of division (D) of 93927
this section, the legislative authority of a county with a 93928
population of one million or more according to the most recent 93929
federal decennial census that has levied a tax under division (D) 93930
of this section may, by resolution adopted by a majority of the 93931

members of the legislative authority, provide for the extension of 93932
such levy and may provide that the proceeds of that tax, to the 93933
extent that they are no longer needed for their original purpose 93934
as defined by a cooperative agreement entered into under section 93935
307.671 of the Revised Code, shall be deposited into the county 93936
general revenue fund. The resolution shall provide for the 93937
extension of the tax at a rate not to exceed the rate specified in 93938
division (D) of this section for a period of time determined by 93939
the legislative authority of the county, but not to exceed an 93940
additional forty years. 93941

(3) The legislative authority of a county with a population 93942
of one million or more that has levied a tax under division (A)(1) 93943
of this section may, by resolution adopted by a majority of the 93944
members of the legislative authority, increase the rate of the tax 93945
levied by such county under division (A)(1) of this section to a 93946
rate not to exceed five per cent on transactions by which lodging 93947
by a hotel is or is to be furnished to transient guests. 93948
Notwithstanding any contrary provision of division (A)(1) of this 93949
section, the resolution may provide that all collections resulting 93950
from the rate levied in excess of three per cent, after deducting 93951
the real and actual costs of administering the tax, shall be 93952
deposited in the county general fund. 93953

(4) The legislative authority of a county with a population 93954
of one million or more that has levied a tax under division (A)(1) 93955
of this section may, by resolution adopted on or before August 30, 93956
2004, by a majority of the members of the legislative authority, 93957
provide that all or a portion of the proceeds of the tax levied 93958
under division (A)(1) of this section, after deducting the real 93959
and actual costs of administering the tax and the amounts required 93960
to be returned to townships and municipal corporations with 93961
respect to the first three per cent levied under division (A)(1) 93962
of this section, shall be deposited in the county general fund, 93963

provided that such proceeds shall be used to satisfy any pledges 93964
made in connection with an agreement entered into under section 93965
307.695 of the Revised Code. 93966

(5) No amount collected from a tax levied, extended, or 93967
required to be deposited in the county general fund under division 93968
(H) of this section shall be contributed to a convention 93969
facilities authority, corporation, or other entity created after 93970
July 1, 2003, for the principal purpose of constructing, 93971
improving, expanding, equipping, financing, or operating a 93972
convention center unless the mayor of the municipal corporation in 93973
which the convention center is to be operated by that convention 93974
facilities authority, corporation, or other entity has consented 93975
to the creation of that convention facilities authority, 93976
corporation, or entity. Notwithstanding any contrary provision of 93977
section 351.04 of the Revised Code, if a tax is levied by a county 93978
under division (H) of this section, the board of county 93979
commissioners of that county may determine the manner of 93980
selection, the qualifications, the number, and terms of office of 93981
the members of the board of directors of any convention facilities 93982
authority, corporation, or other entity described in division 93983
(H)(5) of this section. 93984

(6)(a) No amount collected from a tax levied, extended, or 93985
required to be deposited in the county general fund under division 93986
(H) of this section may be used for any purpose other than paying 93987
the direct and indirect costs of constructing, improving, 93988
expanding, equipping, financing, or operating a convention center 93989
and for the real and actual costs of administering the tax, 93990
unless, prior to the adoption of the resolution of the legislative 93991
authority of the county authorizing the levy, extension, increase, 93992
or deposit, the county and the mayor of the most populous 93993
municipal corporation in that county have entered into an 93994
agreement as to the use of such amounts, provided that such 93995

agreement has been approved by a majority of the mayors of the 93996
other municipal corporations in that county. The agreement shall 93997
provide that the amounts to be used for purposes other than paying 93998
the convention center or administrative costs described in 93999
division (H)(6)(a) of this section be used only for the direct and 94000
indirect costs of capital improvements, including the financing of 94001
capital improvements. 94002

(b) If the county in which the tax is levied has an 94003
association of mayors and city managers, the approval of that 94004
association of an agreement described in division (H)(6)(a) of 94005
this section shall be considered to be the approval of the 94006
majority of the mayors of the other municipal corporations for 94007
purposes of that division. 94008

(7) Each year, the auditor of state shall conduct an audit of 94009
the uses of any amounts collected from taxes levied, extended, or 94010
deposited under division (H) of this section and shall prepare a 94011
report of the auditor of state's findings. The auditor of state 94012
shall submit the report to the legislative authority of the county 94013
that has levied, extended, or deposited the tax, the speaker of 94014
the house of representatives, the president of the senate, and the 94015
leaders of the minority parties of the house of representatives 94016
and the senate. 94017

(I)(1) As used in this division: 94018

(a) "Convention facilities authority" has the same meaning as 94019
in section 351.01 of the Revised Code. 94020

(b) "Convention center" has the same meaning as in section 94021
307.695 of the Revised Code. 94022

(2) Notwithstanding any contrary provision of division (D) of 94023
this section, the legislative authority of a county with a 94024
population of one million two hundred thousand or more according 94025
to the most recent federal decennial census or the most recent 94026

annual population estimate published or released by the United States census bureau at the time the resolution is adopted placing the levy on the ballot, that has levied a tax under division (D) of this section may, by resolution adopted by a majority of the members of the legislative authority, provide for the extension of such levy and may provide that the proceeds of that tax, to the extent that the proceeds are no longer needed for their original purpose as defined by a cooperative agreement entered into under section 307.671 of the Revised Code and after deducting the real and actual costs of administering the tax, shall be used for paying the direct and indirect costs of constructing, improving, expanding, equipping, financing, or operating a convention center. The resolution shall provide for the extension of the tax at a rate not to exceed the rate specified in division (D) of this section for a period of time determined by the legislative authority of the county, but not to exceed an additional forty years.

(3) The legislative authority of a county with a population of one million two hundred thousand or more that has levied a tax under division (A)(1) of this section may, by resolution adopted by a majority of the members of the legislative authority, increase the rate of the tax levied by such county under division (A)(1) of this section to a rate not to exceed five per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. Notwithstanding any contrary provision of division (A)(1) of this section, the resolution shall provide that all collections resulting from the rate levied in excess of three per cent, after deducting the real and actual costs of administering the tax, shall be used for paying the direct and indirect costs of constructing, improving, expanding, equipping, financing, or operating a convention center.

(4) The legislative authority of a county with a population

of one million two hundred thousand or more that has levied a tax 94059
under division (A)(1) of this section may, by resolution adopted 94060
on or before July 1, 2008, by a majority of the members of the 94061
legislative authority, provide that all or a portion of the 94062
proceeds of the tax levied under division (A)(1) of this section, 94063
after deducting the real and actual costs of administering the tax 94064
and the amounts required to be returned to townships and municipal 94065
corporations with respect to the first three per cent levied under 94066
division (A)(1) of this section, shall be used to satisfy any 94067
pledges made in connection with an agreement entered into under 94068
section 307.695 of the Revised Code or shall otherwise be used for 94069
paying the direct and indirect costs of constructing, improving, 94070
expanding, equipping, financing, or operating a convention center. 94071

(5) Any amount collected from a tax levied or extended under 94072
division (I) of this section may be contributed to a convention 94073
facilities authority created before July 1, 2005, but no amount 94074
collected from a tax levied or extended under division (I) of this 94075
section may be contributed to a convention facilities authority, 94076
corporation, or other entity created after July 1, 2005, unless 94077
the mayor of the municipal corporation in which the convention 94078
center is to be operated by that convention facilities authority, 94079
corporation, or other entity has consented to the creation of that 94080
convention facilities authority, corporation, or entity. 94081

(J)(1) Except as provided in division (J)(2) of this section, 94082
money collected by a county and distributed under this section to 94083
a convention and visitors' bureau in existence as of June 30, 94084
2013, the effective date of H.B. 59 of the 130th general assembly, 94085
except for any such money pledged, as of that effective date, to 94086
the payment of debt service charges on bonds, notes, securities, 94087
or lease agreements, shall be used solely for tourism sales, 94088
marketing and promotion, and their associated costs, including, 94089
but not limited to, operational and administrative costs of the 94090

bureau, sales and marketing, and maintenance of the physical 94091
bureau structure. 94092

(2) A convention and visitors' bureau that has entered into 94093
an agreement under section 307.678 of the Revised Code may use 94094
revenue it receives from a tax levied under division (A)(1) of 94095
this section as described in division (E) of section 307.678 of 94096
the Revised Code. 94097

(K) The board of county commissioners of a county with a 94098
population between one hundred three thousand and one hundred 94099
seven thousand according to the most recent federal decennial 94100
census, by resolution adopted by a majority of the members of the 94101
board within six months after September 15, 2014, the effective 94102
date of H.B. 483 of the 130th general assembly, may levy a tax not 94103
to exceed three per cent on transactions by which a hotel is or is 94104
to be furnished to transient guests. The purpose of the tax shall 94105
be to pay the costs of expanding, maintaining, or operating a 94106
soldiers' memorial and the costs of administering the tax. All 94107
revenue arising from the tax shall be credited to one or more 94108
special funds in the county treasury and shall be spent solely for 94109
the purposes of paying those costs. The board of county 94110
commissioners shall adopt all rules necessary to provide for the 94111
administration of the tax subject to the same limitations on 94112
imposing penalty or interest under division (A)(1) of this 94113
section. 94114

As used in this division "soldiers' memorial" means a 94115
memorial constructed and funded under Chapter 345. of the Revised 94116
Code. 94117

(L) A board of county commissioners of an eligible county, by 94118
resolution adopted by a majority of the members of the board, may 94119
levy an excise tax at the rate of up to three per cent on 94120
transactions by which lodging by a hotel is or is to be furnished 94121
to transient guests for the purpose of paying the costs of 94122

permanent improvements at sites at which one or more agricultural 94123
societies conduct fairs or exhibits, paying the costs of 94124
maintaining or operating such permanent improvements, and paying 94125
the costs of administering the tax. A resolution adopted under 94126
this division shall direct the board of elections to submit the 94127
question of the proposed lodging tax to the electors of the county 94128
at a general election or a special election held on a day on which 94129
a primary election may be held on the date, as specified by the 94130
board in the resolution, provided that the election occurs not 94131
less than ninety days after a certified copy of the resolution is 94132
transmitted to the board of elections. A resolution submitted to 94133
the electors under this division shall not go into effect unless 94134
it is approved by a majority of those voting upon it. The 94135
resolution takes effect on the date the board of county 94136
commissioners receives notification from the board of elections of 94137
an affirmative vote. 94138

The tax shall remain in effect for the period specified in 94139
the resolution, not to exceed five years. All revenue arising from 94140
the tax shall be credited to one or more special funds in the 94141
county treasury and shall be spent solely for the purposes of 94142
paying the costs of such permanent improvements and maintaining or 94143
operating the improvements. Revenue allocated for the use of a 94144
county agricultural society may be credited to the county 94145
agricultural society fund created in section 1711.16 of the 94146
Revised Code upon appropriation by the board. If revenue is 94147
credited to that fund, it shall be expended only as provided in 94148
that section. 94149

The board of county commissioners shall adopt all rules 94150
necessary to provide for the administration of the tax. The rules 94151
may prescribe the time for payment of the tax, and may provide for 94152
the imposition or penalty or interest, or both, for late payments, 94153
provided that the penalty does not exceed ten per cent of the 94154

amount of tax due, and the rate at which interest accrues does not 94155
exceed the rate per annum prescribed in section 5703.47 of the 94156
Revised Code. 94157

As used in this division, "eligible county" means a county in 94158
which a county agricultural society or independent agricultural 94159
society is organized under section 1711.01 or 1711.02 of the 94160
Revised Code, provided the agricultural society owns a facility or 94161
site in the county at which an annual harness horse race is 94162
conducted where one-day attendance equals at least forty thousand 94163
attendees. 94164

(M) As used in this division, "eligible county" means a 94165
county in which a tax is levied under division (A) of this section 94166
at a rate of three per cent and whose territory includes a part of 94167
Lake Erie the shoreline of which represents at least fifty per 94168
cent of the linear length of the county's border with other 94169
counties of this state. 94170

The board of county commissioners of an eligible county that 94171
has entered into an agreement with a port authority in the county 94172
under section 4582.56 of the Revised Code may levy an additional 94173
lodging tax on transactions by which lodging by a hotel is or is 94174
to be furnished to transient guests for the purpose of financing 94175
lakeshore improvement projects constructed or financed by the port 94176
authority under that section. The resolution levying the tax shall 94177
specify the purpose of the tax, the rate of the tax, which shall 94178
not exceed two per cent, and the number of years the tax will be 94179
levied or that it will be levied for a continuing period of time. 94180
The tax shall be administered pursuant to the regulations adopted 94181
by the board under division (A) of this section, except that all 94182
the proceeds of the tax levied under this division shall be 94183
pledged to the payment of the costs, including debt charges, of 94184
lakeshore improvements undertaken by a port authority pursuant to 94185
the agreement under section 4582.56 of the Revised Code. No 94186

revenue from the tax may be used to pay the current expenses of 94187
the port authority. 94188

A resolution levying a tax under this division is subject to 94189
referendum under sections 305.31 to 305.41 and 305.99 of the 94190
Revised Code. 94191

(N)(1)(a) Notwithstanding division (A) of this section, the 94192
board of county commissioners, board of township trustees, or 94193
legislative authority of any county, township, or municipal 94194
corporation that levies a lodging tax on September 29, 2017, and 94195
in which any part of a tourism development district is located on 94196
or after that date shall amend the ordinance or resolution levying 94197
the tax to require either of the following: 94198

(i) In the case of a tax levied by a county, that all tourism 94199
development district lodging tax proceeds from that tax be used 94200
exclusively to foster and develop tourism in the tourism 94201
development district; 94202

(ii) In the case of a tax levied by a township or municipal 94203
corporation, that all tourism development district lodging tax 94204
proceeds from that tax be used exclusively to foster and develop 94205
tourism in the tourism development district. 94206

(b) Notwithstanding division (A) of this section, any 94207
ordinance or resolution levying a lodging tax adopted on or after 94208
September 29, 2017, by a county, township, or municipal 94209
corporation in which any part of a tourism development district is 94210
located on or after that date shall require that all tourism 94211
development district lodging tax proceeds from that tax be used 94212
exclusively to foster and develop tourism in the tourism 94213
development district. 94214

(c) A county shall not use any of the proceeds described in 94215
division (N)(1)(a)(i) or (N)(1)(b) of this section unless the 94216
convention and visitors' bureau operating within the county 94217

approves the manner in which such proceeds are used to foster and 94218
develop tourism in the tourism development district. Upon 94219
obtaining such approval, the county may pay such proceeds to the 94220
bureau to use for the agreed-upon purpose. 94221

A municipal corporation or township shall not use any of the 94222
proceeds described in division (N)(1)(a)(ii) or (N)(1)(b) of this 94223
section unless the convention and visitors' bureau operating 94224
within the municipal corporation or township approves the manner 94225
in which such proceeds are used to foster and develop tourism in 94226
the tourism development district. Upon obtaining such approval, 94227
the municipal corporation or township may pay such proceeds to the 94228
bureau to use for the agreed-upon purpose. 94229

(2)(a) Notwithstanding division (A) of this section, the 94230
board of county commissioners of an eligible county that levies a 94231
lodging tax on March 23, 2018, may amend the resolution levying 94232
that tax to require that all or a portion of the proceeds of that 94233
tax otherwise required to be spent solely to make contributions to 94234
the convention and visitors' bureau operating within the county 94235
shall be used to foster and develop tourism in a tourism 94236
development district. 94237

(b) Notwithstanding division (A) of this section, the board 94238
of county commissioners of an eligible county that adopts a 94239
resolution levying a lodging tax on or after March 23, 2018, may 94240
require that all or a portion of the proceeds of that tax 94241
otherwise required to be spent solely to make contributions to the 94242
convention and visitors' bureau operating within the county 94243
pursuant to division (A) of this section shall be used to foster 94244
and develop tourism in a tourism development district. 94245

(c) A county shall not use any of the proceeds in the manner 94246
described in division (N)(2)(a) or (b) of this section unless the 94247
convention and visitors' bureau operating within the county 94248
approves the manner in which such proceeds are used to foster and 94249

develop tourism in the tourism development district. Upon 94250
obtaining such approval, the county may pay such proceeds to the 94251
bureau to use for the agreed upon purpose. 94252

(3) As used in division (N) of this section: 94253

(a) "Tourism development district" means a district 94254
designated by a municipal corporation under section 715.014 of the 94255
Revised Code or by a township under section 503.56 of the Revised 94256
Code. 94257

(b) "Lodging tax" means a tax levied pursuant to this section 94258
or section 5739.08 of the Revised Code. 94259

(c) "Tourism development district lodging tax proceeds" means 94260
all proceeds of a lodging tax derived from transactions by which 94261
lodging by a hotel located in a tourism development district is or 94262
is to be provided to transient guests. 94263

(d) "Eligible county" has the same meaning as in section 94264
307.678 of the Revised Code. 94265

Sec. 5743.021. (A) As used in this section, "qualifying 94266
regional arts and cultural district" means a regional arts and 94267
cultural district created under section 3381.04 of the Revised 94268
Code in a county having a population of one million two hundred 94269
thousand or more according to the 2000 federal decennial census. 94270

(B) For one or more of the purposes for which a tax may be 94271
levied under section 3381.16 of the Revised Code and for the 94272
purposes of paying the expenses of administering the tax and the 94273
expenses charged by a board of elections to hold an election on a 94274
question submitted under this section, the board of county 94275
commissioners of a county that has within its territorial 94276
boundaries a qualifying regional arts and cultural district may 94277
levy a tax on the sale of cigarettes sold for resale at retail in 94278
the county composing the district. The rate of the tax, when added 94279

to the rate of any other tax concurrently levied by the board 94280
under this section, shall not exceed fifteen mills per cigarette, 94281
and shall be computed on each cigarette sold. Only one sale of the 94282
same article shall be used in computing the amount of tax due. The 94283
tax may be levied for any number of years not exceeding ten years. 94284

The tax shall be levied pursuant to a resolution of the board 94285
of county commissioners approved by a majority of the electors in 94286
the county voting on the question of levying the tax. The 94287
resolution shall specify the rate of the tax, the number of years 94288
the tax will be levied, and the purposes for which the tax is 94289
levied. The election may be held on the date of a general, 94290
~~primary,~~ election or a special election held on a day on which a 94291
primary election may be held, occurring not sooner than ninety 94292
days after the date the board certifies its resolution to the 94293
board of elections. If approved by the electors, the tax shall 94294
take effect on the first day of the month specified in the 94295
resolution but not sooner than the first day of the month that is 94296
at least sixty days after the certification of the election 94297
results by the board of elections. A copy of the resolution 94298
levying the tax shall be certified to the tax commissioner at 94299
least sixty days prior to the date on which the tax is to become 94300
effective. 94301

(C) The form of the ballot in an election held under this 94302
section shall be as follows, or in any other form acceptable to 94303
the secretary of state: 94304

"For the purpose of (insert the purpose or 94305
purposes of the tax), shall an excise tax be levied throughout 94306
..... County for the benefit of the (name of the 94307
qualifying regional arts and cultural district) on the sale of 94308
cigarettes at wholesale at the rate of mills per cigarette 94309
for years? 94310

	For the tax	94312
	Against the tax	94313

(D) All money arising from taxes levied on behalf of each district under this section and section 5743.321 of the Revised Code shall be credited as follows:

(1) To the tax refund fund created by section 5703.052 of the Revised Code, amounts equal to the refunds from each tax levied under this section certified by the tax commissioner pursuant to section 5743.05 of the Revised Code;

(2) Following the crediting of amounts pursuant to division (D)(1) of this section:

(a) To the permissive tax distribution fund created under section 4301.423 of the Revised Code, an amount equal to ninety-eight per cent of the remainder collected;

(b) To the local excise tax administrative fund, which is hereby created in the state treasury, an amount equal to two per cent of such remainder, for use by the tax commissioner in defraying costs incurred in administering the tax.

On or before the tenth day of each month, the tax commissioner shall distribute the amount credited to the permissive tax distribution fund during the preceding month by providing for payment of the appropriate amount to the county treasurer of the county in which the tax is levied.

Sec. 5743.024. (A) For the purposes of section 307.696 of the Revised Code, to pay the expenses of administering the tax, and to pay any or all of the charge the board of elections makes against the county to hold the election on the question of levying the tax, or for such purposes and to provide revenues to the county for permanent improvements, the board of county commissioners may levy a tax on sales of cigarettes sold for resale at retail in the

county. The tax shall not exceed two and twenty-five hundredths of 94342
a mill per cigarette, and shall be computed on each cigarette 94343
sold. The tax may be levied for any number of years not exceeding 94344
twenty. Only one sale of the same article shall be used in 94345
computing the amount of tax due. 94346

The tax shall be levied pursuant to a resolution of the 94347
county commissioners approved by a majority of the electors in the 94348
county voting on the question of levying the tax at a general 94349
election or a special election held on a day on which a primary 94350
election may be held. The resolution shall specify the rate of the 94351
tax, the number of years the tax will be levied, and the purposes 94352
for which the tax is levied. Such election may be held ~~on the date~~ 94353
~~of a general or special election held~~ not sooner than ninety days 94354
after the date the board certifies its resolution to the board of 94355
elections. If approved by the electors, the tax shall take effect 94356
on the first day of the month specified in the resolution but not 94357
sooner than the first day of the month that is at least sixty days 94358
after the certification of the election results by the board of 94359
elections. A copy of the resolution levying the tax shall be 94360
certified to the tax commissioner at least sixty days prior to the 94361
date on which the tax is to become effective. 94362

A resolution under this section may be joined on the ballot 94363
as a single question with a resolution adopted under section 94364
307.697 or 4301.421 of the Revised Code to levy a tax for the same 94365
purposes and for the purpose of paying the expenses of 94366
administering the tax. The form of the ballot in an election held 94367
pursuant to this section shall be as prescribed in section 307.697 94368
of the Revised Code. 94369

(B) All money arising from each county's taxes levied under 94370
this section and section 5743.323 of the Revised Code shall be 94371
credited as follows: 94372

(1) To the tax refund fund created by section 5703.052 of the 94373

Revised Code, amounts equal to the refunds from each tax levied 94374
under this section certified by the tax commissioner pursuant to 94375
section 5743.05 of the Revised Code; 94376

(2) Following the crediting of amounts pursuant to division 94377
(B)(1) of this section: 94378

(a) To the permissive tax distribution fund created by 94379
division (B)(1) of section 4301.423 of the Revised Code, an amount 94380
equal to ninety-eight per cent of the remainder collected; 94381

(b) To the local excise tax administrative fund, which is 94382
hereby created in the state treasury, an amount equal to two per 94383
cent of such remainder, for use by the tax commissioner in 94384
defraying costs incurred in administering the tax. 94385

On or before the tenth day of each month, the tax 94386
commissioner shall distribute the amount credited to the 94387
permissive tax distribution fund during the preceding month by 94388
providing for payment of the appropriate amount to the county 94389
treasurer of each county levying the tax. 94390

(C) The board of county commissioners of a county in which a 94391
tax is imposed under this section on the effective date of the 94392
amendment of this section by H.B. 59 of the 130th general 94393
assembly, September 29, 2013, may levy a tax for the purpose of 94394
section 307.673 of the Revised Code regardless of whether or not 94395
the cooperative agreement authorized under that section has been 94396
entered into prior to the day the resolution adopted under 94397
division (C)(1) or (2) of this section is adopted, for the purpose 94398
of reimbursing a county for costs incurred in the construction of 94399
a sports facility pursuant to an agreement entered into by the 94400
county under section 307.696 of the Revised Code, or for the 94401
purpose of paying the costs of capital repairs of and improvements 94402
to a sports facility. The tax shall be levied and approved in one 94403
of the manners prescribed by division (C)(1) or (2) of this 94404

section. 94405

(1) The tax may be levied pursuant to a resolution adopted by 94406
a majority of the members of the board of county commissioners not 94407
later than forty-five days after July 19, 1995. A board of county 94408
commissioners approving a tax under division (C)(1) of this 94409
section may approve a tax under division (D)(1) of section 307.697 94410
or division (B)(1) of section 4301.421 of the Revised Code at the 94411
same time. Subject to the resolution being submitted to a 94412
referendum under sections 305.31 to 305.41 of the Revised Code, 94413
the resolution shall take effect immediately, but the tax levied 94414
pursuant to the resolution shall not be levied prior to the day 94415
following the last day that any tax previously levied pursuant to 94416
this division may be levied. 94417

(2) The tax may be levied pursuant to a resolution adopted by 94418
a majority of the members of the board of county commissioners not 94419
later than September 1, 2015, and approved by a majority of the 94420
electors of the county voting on the question of levying the tax 94421
at a general election or a special election held on a day on which 94422
a primary election may be held. The board of county commissioners 94423
shall certify a copy of the resolution to the board of elections 94424
immediately upon adopting a resolution under division (C)(2) of 94425
this section. The election may be held ~~on the date of a general or~~ 94426
~~special election held~~ not sooner than ninety days after the date 94427
the board certifies its resolution to the board of elections. The 94428
form of the ballot shall be as prescribed by division (C) of 94429
section 307.697 of the Revised Code, except that the phrase 94430
"paying not more than one-half of the costs of providing a sports 94431
facility together with related redevelopment and economic 94432
development projects" shall be replaced by the phrase "paying the 94433
costs of constructing, renovating, improving, or repairing a 94434
sports facility and reimbursing a county for costs incurred by the 94435
county in the construction of a sports facility," and the phrase 94436

", beginning (here insert the earliest date the tax would take effect)" shall be appended after "years." A board of county commissioners submitting the question of a tax under division (C)(2) of this section may submit the question of a tax under division (D)(2) of section 307.697 or division (B)(2) of section 4301.421 of the Revised Code as a single question, and the form of the ballot shall include each of the proposed taxes.

If approved by a majority of electors voting on the question, the tax shall take effect on the day specified on the ballot, which shall not be earlier than the day following the last day that any tax previously levied pursuant to this division may be levied.

The rate of a tax levied pursuant to division (C)(1) or (2) of this section shall not exceed the rate specified in division (A) of this section. A tax levied pursuant to division (C)(1) or (2) of this section may be levied for any number of years not exceeding twenty.

A board of county commissioners adopting a resolution under this division shall certify a copy of the resolution to the tax commissioner immediately upon adoption of the resolution.

(D) No tax shall be levied under division (A) of this section on or after September 23, 2008. This division does not apply to a tax levied under division (C) of this section, and does not prevent the collection of any tax levied under this section before September 23, 2008, so long as that tax remains effective.

Sec. 5743.026. For the purposes of section 351.26 of the Revised Code, to pay the expenses of administering the tax, and to pay any or all of the charge the board of elections makes against the county to hold the election on the question of levying the tax, the board of county commissioners, in the manner prescribed by division (A) of section 351.26 of the Revised Code, may levy a

tax on sales of cigarettes sold for resale at retail in the 94468
county. The rate of the tax shall not exceed two and twenty-five 94469
hundredths mills per cigarette, and shall be computed on each 94470
cigarette sold. The tax may be levied for any number of years not 94471
to exceed twenty. Only one sale of the same article shall be used 94472
in computing the amount of tax due. 94473

The tax shall be levied pursuant to a resolution of the board 94474
of county commissioners adopted as prescribed by division (A) of 94475
section 351.26 of the Revised Code and approved by a majority of 94476
the electors in the county voting on the question of levying the 94477
tax at a general election or a special election held on a day on 94478
which a primary election may be held. The resolution shall specify 94479
the rate of the tax, the number of years the tax will be levied, 94480
and the purposes for which the tax is levied. Such election may be 94481
held ~~on the date of a general or special election held~~ not sooner 94482
than ninety days after the date the board certifies its resolution 94483
to the board of elections. If approved by voters, the tax shall 94484
take effect on the first day of the month specified in the 94485
resolution but not sooner than the first day of the month that is 94486
at least sixty days after the certification of the election 94487
results by the board of elections. A copy of the resolution 94488
levying the tax shall be certified to the tax commissioner at 94489
least sixty days prior to the date on which the tax is to become 94490
effective. 94491

A resolution under this section may be joined on the ballot 94492
as a single question with a resolution adopted under section 94493
4301.424 of the Revised Code to levy a tax for the same purposes 94494
and for the purpose of paying the expenses of administering the 94495
tax. The form of the ballot in an election held pursuant to this 94496
section shall be as prescribed in section 351.26 of the Revised 94497
Code. 94498

The treasurer of state shall credit all moneys arising from 94499

each tax levied under this section and section 5743.324 of the Revised Code in the same manner prescribed by section 5743.024 of the Revised Code for the crediting of money arising from taxes levied under that section, except that the tax commissioner shall distribute the amount credited to the permissive tax distribution fund by providing for payment of the appropriate amount to the county treasurer of the county in which the tax is levied, who shall credit the payment to the fund or account designated by the board of directors of the convention facilities authority levying the tax.

Sec. 5748.02. (A) The board of education of any school district, except a joint vocational school district, may declare, by resolution, the necessity of raising annually a specified amount of money for school district purposes. The resolution shall specify whether the income that is to be subject to the tax is taxable income of individuals and estates as defined in divisions (E)(1)(a) and (2) of section 5748.01 of the Revised Code or taxable income of individuals as defined in division (E)(1)(b) of that section. A copy of the resolution shall be certified to the tax commissioner no later than one hundred days prior to the date of the election at which the board intends to propose a levy under this section. Upon receipt of the copy of the resolution, the tax commissioner shall estimate both of the following:

(1) The property tax rate that would have to be imposed in the current year by the district to produce an equivalent amount of money;

(2) The income tax rate that would have had to have been in effect for the current year to produce an equivalent amount of money from a school district income tax.

Within ten days of receiving the copy of the board's resolution, the commissioner shall prepare these estimates and

certify them to the board. Upon receipt of the certification, the 94531
board may adopt a resolution proposing an income tax under 94532
division (B) of this section at the estimated rate contained in 94533
the certification rounded to the nearest one-fourth of one per 94534
cent. The commissioner's certification applies only to the board's 94535
proposal to levy an income tax at the election for which the board 94536
requested the certification. If the board intends to submit a 94537
proposal to levy an income tax at any other election, it shall 94538
request another certification for that election in the manner 94539
prescribed in this division. 94540

(B)(1) Upon the receipt of a certification from the tax 94541
commissioner under division (A) of this section, a majority of the 94542
members of a board of education may adopt a resolution proposing 94543
the levy of an annual tax for school district purposes on school 94544
district income. The proposed levy may be for a continuing period 94545
of time or for a specified number of years. The resolution shall 94546
set forth the purpose for which the tax is to be imposed, the rate 94547
of the tax, which shall be the rate set forth in the 94548
commissioner's certification rounded to the nearest one-fourth of 94549
one per cent, the number of years the tax will be levied or that 94550
it will be levied for a continuing period of time, the date on 94551
which the tax shall take effect, which shall be the first day of 94552
January of any year following the year in which the question is 94553
submitted, and the date of the election at which the proposal 94554
shall be submitted to the electors of the district, which shall be 94555
on the date of a ~~primary, general, election~~ or a special election 94556
held on a day on which a primary election the date of which is 94557
~~consistent with section 3501.01 of the Revised Code~~ may be held. 94558
The resolution shall specify whether the income that is to be 94559
subject to the tax is taxable income of individuals and estates as 94560
defined in divisions (E)(1)(a) and (2) of section 5748.01 of the 94561
Revised Code or taxable income of individuals as defined in 94562
division (E)(1)(b) of that section. The specification shall be the 94563

same as the specification in the resolution adopted and certified 94564
under division (A) of this section. 94565

If the tax is to be levied for current expenses and permanent 94566
improvements, the resolution shall apportion the annual rate of 94567
the tax. The apportionment may be the same or different for each 94568
year the tax is levied, but the respective portions of the rate 94569
actually levied each year for current expenses and for permanent 94570
improvements shall be limited by the apportionment. 94571

If the board of education currently imposes an income tax 94572
pursuant to this chapter that is due to expire and a question is 94573
submitted under this section for a proposed income tax to take 94574
effect upon the expiration of the existing tax, the board may 94575
specify in the resolution that the proposed tax renews the 94576
expiring tax. Two or more expiring income taxes may be renewed 94577
under this paragraph if the taxes are due to expire on the same 94578
date. If the tax rate being proposed is no higher than the total 94579
tax rate imposed by the expiring tax or taxes, the resolution may 94580
state that the proposed tax is not an additional income tax. 94581

(2) A board of education adopting a resolution under division 94582
(B)(1) of this section proposing a school district income tax for 94583
a continuing period of time and limited to the purpose of current 94584
expenses may propose in that resolution to reduce the rate or 94585
rates of one or more of the school district's property taxes 94586
levied for a continuing period of time in excess of the ten-mill 94587
limitation for the purpose of current expenses. The reduction in 94588
the rate of a property tax may be any amount, expressed in mills 94589
per one dollar in valuation, not exceeding the rate at which the 94590
tax is authorized to be levied. The reduction in the rate of a tax 94591
shall first take effect for the tax year that includes the day on 94592
which the school district income tax first takes effect, and shall 94593
continue for each tax year that both the school district income 94594
tax and the property tax levy are in effect. 94595

In addition to the matters required to be set forth in the resolution under division (B)(1) of this section, a resolution containing a proposal to reduce the rate of one or more property taxes shall state for each such tax the maximum rate at which it currently may be levied and the maximum rate at which the tax could be levied after the proposed reduction, expressed in mills per one dollar in valuation, and that the tax is levied for a continuing period of time.

If a board of education proposes to reduce the rate of one or more property taxes under division (B)(2) of this section, the board, when it makes the certification required under division (A) of this section, shall designate the specific levy or levies to be reduced, the maximum rate at which each levy currently is authorized to be levied, and the rate by which each levy is proposed to be reduced. The tax commissioner, when making the certification to the board under division (A) of this section, also shall certify the reduction in the total effective tax rate for current expenses for each class of property that would have resulted if the proposed reduction in the rate or rates had been in effect the previous tax year. As used in this paragraph, "effective tax rate" has the same meaning as in section 323.08 of the Revised Code.

(C) A resolution adopted under division (B) of this section shall go into immediate effect upon its passage, and no publication of the resolution shall be necessary other than that provided for in the notice of election. Immediately after its adoption and at least ninety days prior to the election at which the question will appear on the ballot, a copy of the resolution shall be certified to the board of elections of the proper county, which shall submit the proposal to the electors on the date specified in the resolution. The form of the ballot shall be as provided in section 5748.03 of the Revised Code. Publication of

notice of the election shall be made in a newspaper of general 94628
circulation in the county once a week for two consecutive weeks, 94629
or as provided in section 7.16 of the Revised Code, prior to the 94630
election. If the board of elections operates and maintains a web 94631
site, the board of elections shall post notice of the election on 94632
its web site for thirty days prior to the election. The notice 94633
shall contain the time and place of the election and the question 94634
to be submitted to the electors. The question covered by the 94635
resolution shall be submitted as a separate proposition, but may 94636
be printed on the same ballot with any other proposition submitted 94637
at the same election, other than the election of officers. 94638

~~(D) No board of education shall submit the question of a tax 94639
on school district income to the electors of the district more 94640
than twice in any calendar year. If a board submits the question 94641
twice in any calendar year, one of the elections on the question 94642
shall be held on the date of the general election. 94643~~

~~(E)~~(1) No board of education may submit to the electors of 94644
the district the question of a tax on school district income on 94645
the taxable income of individuals as defined in division (E)(1)(b) 94646
of section 5748.01 of the Revised Code if that tax would be in 94647
addition to an existing tax on the taxable income of individuals 94648
and estates as defined in divisions (E)(1)(a) and (2) of that 94649
section. 94650

(2) No board of education may submit to the electors of the 94651
district the question of a tax on school district income on the 94652
taxable income of individuals and estates as defined in divisions 94653
(E)(1)(a) and (2) of section 5748.01 of the Revised Code if that 94654
tax would be in addition to an existing tax on the taxable income 94655
of individuals as defined in division (E)(1)(b) of that section. 94656

Sec. 5748.021. A board of education that levies a tax under 94657
section 5748.02 of the Revised Code on the school district income 94658

of individuals and estates as defined in divisions (G) and 94659
(E)(1)(a) and (2) of section 5748.01 of the Revised Code may 94660
declare, at any time, by a resolution adopted by a majority of its 94661
members, the necessity of raising annually a specified amount of 94662
money for school district purposes by replacing the existing tax 94663
with a tax on the school district income of individuals as defined 94664
in divisions (G)(1) and (E)(1)(b) of section 5748.01 of the 94665
Revised Code. The specified amount of money to be raised annually 94666
may be the same as, or more or less than, the amount of money 94667
raised annually by the existing tax. 94668

The board shall certify a copy of the resolution to the tax 94669
commissioner not later than the eighty-fifth day before the date 94670
of the election at which the board intends to propose the 94671
replacement to the electors of the school district. Not later than 94672
the tenth day after receiving the resolution, the tax commissioner 94673
shall estimate the tax rate that would be required in the school 94674
district annually to raise the amount of money specified in the 94675
resolution. The tax commissioner shall certify the estimate to the 94676
board. 94677

Upon receipt of the tax commissioner's estimate, the board 94678
may propose, by a resolution adopted by a majority of its members, 94679
to replace the existing tax on the school district income of 94680
individuals and estates as defined in divisions (G) and (E)(1)(a) 94681
and (2) of section 5748.01 of the Revised Code with the levy of an 94682
annual tax on the school district income of individuals as defined 94683
in divisions (G)(1) and (E)(1)(b) of section 5748.01 of the 94684
Revised Code. In the resolution, the board shall specify the rate 94685
of the replacement tax, whether the replacement tax is to be 94686
levied for a specified number of years or for a continuing time, 94687
the specific school district purposes for which the replacement 94688
tax is to be levied, the date on which the replacement tax will 94689
begin to be levied, the date of the election at which the question 94690

of the replacement is to be submitted to the electors of the 94691
school district, that the existing tax will cease to be levied and 94692
the replacement tax will begin to be levied if the replacement is 94693
approved by a majority of the electors voting on the replacement, 94694
and that if the replacement is not approved by a majority of the 94695
electors voting on the replacement the existing tax will remain in 94696
effect under its original authority for the remainder of its 94697
previously approved term. The resolution goes into immediate 94698
effect upon its adoption. Publication of the resolution is not 94699
necessary, and the information that will be provided in the notice 94700
of election is sufficient notice. At least seventy-five days 94701
before the date of the election at which the question of the 94702
replacement will be submitted to the electors of the school 94703
district, the board shall certify a copy of the resolution to the 94704
board of elections. 94705

The replacement tax shall have the same specific school 94706
district purposes as the existing tax, and its rate shall be the 94707
same as the tax commissioner's estimate rounded to the nearest 94708
one-fourth of one per cent. The replacement tax shall begin to be 94709
levied on the first day of January of the year following the year 94710
in which the question of the replacement is submitted to and 94711
approved by the electors of the school district or on the first 94712
day of January of a later year, as specified in the resolution. 94713
The date of the election shall be the date of ~~an otherwise~~ 94714
~~scheduled primary~~, a general election or a special election held 94715
on a day on which a primary election may be held. 94716

The board of elections shall make arrangements to submit the 94717
question of the replacement to the electors of the school district 94718
on the date specified in the resolution. The board of elections 94719
shall publish notice of the election on the question of the 94720
replacement in one newspaper of general circulation in the school 94721
district once a week for four consecutive weeks or as provided in 94722

section 7.16 of the Revised Code. The notice shall set forth the 94723
 question to be submitted to the electors and the time and place of 94724
 the election thereon. 94725

The question shall be submitted to the electors of the school 94726
 district as a separate proposition, but may be printed on the same 94727
 ballot with other propositions that are submitted at the same 94728
 election, other than the election of officers. The form of the 94729
 ballot shall be substantially as follows: 94730

"Shall the existing tax of (state the rate) on the 94731
 school district income of individuals and estates imposed by 94732
 (state the name of the school district) be replaced by a tax of 94733
 (state the rate) on the earned income of individuals 94734
 residing in the school district for (state the number of 94735
 years the tax is to be in effect or that it will be in effect for 94736
 a continuing time), beginning (state the date the new tax 94737
 will take effect), for the purpose of (state the specific 94738
 school district purposes of the tax)? If the new tax is not 94739
 approved, the existing tax will remain in effect under its 94740
 original authority, for the remainder of its previously approved 94741
 term. 94742

	For replacing the existing tax with the new tax
	Against replacing the existing tax with the new tax

"

The board of elections shall conduct and canvass the election 94745
 in the same manner as regular elections in the school district for 94746
 the election of county officers. The board shall certify the 94747
 results of the election to the board of education and to the tax 94748
 commissioner. If a majority of the electors voting on the question 94749
 vote in favor of the replacement, the existing tax shall cease to 94750
 be levied, and the replacement tax shall begin to be levied, on 94751
 the date specified in the ballot question. If a majority of the 94752

electors voting on the question vote against the replacement, the 94753
existing tax shall continue to be levied under its original 94754
authority, for the remainder of its previously approved term. 94755

~~A board of education may not submit the question of replacing 94756
a tax more than twice in a calendar year. If a board submits the 94757
question more than once, one of the elections at which the 94758
question is submitted shall be on the date of a general election. 94759~~

If a board of education later intends to renew a replacement 94760
tax levied under this section, it shall repeat the procedure 94761
outlined in this section to do so, the replacement tax then being 94762
levied being the "existing tax" and the renewed replacement tax 94763
being the "replacement tax." 94764

Sec. 5748.07. Notwithstanding any section of the Revised Code 94765
to the contrary, the board of education of a school district may 94766
submit a proposal to levy a tax under this chapter on the ballot 94767
at a special election held in August if the resolution or 94768
ordinance proposing the tax declares that the purpose of such tax, 94769
in addition to any other purpose authorized for that tax under 94770
this chapter, is to prevent the conditions that would qualify the 94771
school district for a fiscal emergency declaration as described in 94772
division (B) of section 3316.03 of the Revised Code. This 94773
additional purpose shall be included in the election notice 94774
advertising the tax and in the tax's ballot language. 94775

Sec. 5748.08. (A) The board of education of a city, local, or 94776
exempted village school district, at any time by a vote of 94777
two-thirds of all its members, may declare by resolution that it 94778
may be necessary for the school district to do all of the 94779
following: 94780

(1) Raise a specified amount of money for school district 94781
purposes by levying an annual tax on school district income; 94782

(2) Issue general obligation bonds for permanent 94783
improvements, stating in the resolution the necessity and purpose 94784
of the bond issue and the amount, approximate date, estimated rate 94785
of interest, and maximum number of years over which the principal 94786
of the bonds may be paid; 94787

(3) Levy a tax outside the ten-mill limitation to pay debt 94788
charges on the bonds and any anticipatory securities; 94789

(4) Submit the question of the school district income tax and 94790
bond issue to the electors of the district at a general election 94791
or a special election held on a day on which a primary election 94792
may be held. 94793

The resolution shall specify whether the income that is to be 94794
subject to the tax is taxable income of individuals and estates as 94795
defined in divisions (E)(1)(a) and (2) of section 5748.01 of the 94796
Revised Code or taxable income of individuals as defined in 94797
division (E)(1)(b) of that section. 94798

On adoption of the resolution, the board shall certify a copy 94799
of it to the tax commissioner and the county auditor no later than 94800
one hundred five days prior to the date of the ~~special~~ election at 94801
which the board intends to propose the income tax and bond issue. 94802
Not later than ten days of receipt of the resolution, the tax 94803
commissioner, in the same manner as required by division (A) of 94804
section 5748.02 of the Revised Code, shall estimate the rates 94805
designated in divisions (A)(1) and (2) of that section and certify 94806
them to the board. Not later than ten days of receipt of the 94807
resolution, the county auditor shall estimate and certify to the 94808
board the average annual property tax rate required throughout the 94809
stated maturity of the bonds to pay debt charges on the bonds, in 94810
the same manner as under division (C) of section 133.18 of the 94811
Revised Code. 94812

(B) On receipt of the tax commissioner's and county auditor's 94813

certifications prepared under division (A) of this section, the 94814
board of education of the city, local, or exempted village school 94815
district, by a vote of two-thirds of all its members, may adopt a 94816
resolution proposing for a specified number of years or for a 94817
continuing period of time the levy of an annual tax for school 94818
district purposes on school district income and declaring that the 94819
amount of taxes that can be raised within the ten-mill limitation 94820
will be insufficient to provide an adequate amount for the present 94821
and future requirements of the school district; that it is 94822
necessary to issue general obligation bonds of the school district 94823
for specified permanent improvements and to levy an additional tax 94824
in excess of the ten-mill limitation to pay the debt charges on 94825
the bonds and any anticipatory securities; and that the question 94826
of the bonds and taxes shall be submitted to the electors of the 94827
school district at a general election or a special election held 94828
on a day on which a primary election may be held, which shall not 94829
be earlier than ninety days after certification of the resolution 94830
to the board of elections, ~~and the date of which shall be~~ 94831
~~consistent with section 3501.01 of the Revised Code.~~ The 94832
resolution shall specify all of the following: 94833

(1) The purpose for which the school district income tax is 94834
to be imposed and the rate of the tax, which shall be the rate set 94835
forth in the tax commissioner's certification rounded to the 94836
nearest one-fourth of one per cent; 94837

(2) Whether the income that is to be subject to the tax is 94838
taxable income of individuals and estates as defined in divisions 94839
(E)(1)(a) and (2) of section 5748.01 of the Revised Code or 94840
taxable income of individuals as defined in division (E)(1)(b) of 94841
that section. The specification shall be the same as the 94842
specification in the resolution adopted and certified under 94843
division (A) of this section. 94844

(3) The number of years the tax will be levied, or that it 94845

will be levied for a continuing period of time; 94846

(4) The date on which the tax shall take effect, which shall 94847
be the first day of January of any year following the year in 94848
which the question is submitted; 94849

(5) The county auditor's estimate of the average annual 94850
property tax rate required throughout the stated maturity of the 94851
bonds to pay debt charges on the bonds. 94852

(C) A resolution adopted under division (B) of this section 94853
shall go into immediate effect upon its passage, and no 94854
publication of the resolution shall be necessary other than that 94855
provided for in the notice of election. Immediately after its 94856
adoption and at least ninety days prior to the election at which 94857
the question will appear on the ballot, the board of education 94858
shall certify a copy of the resolution, along with copies of the 94859
auditor's estimate and its resolution under division (A) of this 94860
section, to the board of elections of the proper county. The board 94861
of education shall make the arrangements for the submission of the 94862
question to the electors of the school district, and the election 94863
shall be conducted, canvassed, and certified in the same manner as 94864
regular elections in the district for the election of county 94865
officers. 94866

The resolution shall be put before the electors as one ballot 94867
question, with a majority vote indicating approval of the school 94868
district income tax, the bond issue, and the levy to pay debt 94869
charges on the bonds and any anticipatory securities. The board of 94870
elections shall publish the notice of the election in a newspaper 94871
of general circulation in the school district once a week for two 94872
consecutive weeks, or as provided in section 7.16 of the Revised 94873
Code, prior to the election. If the board of elections operates 94874
and maintains a web site, it also shall post notice of the 94875
election on its web site for thirty days prior to the election. 94876
The notice of election shall state all of the following: 94877

(1) The questions to be submitted to the electors;	94878
(2) The rate of the school district income tax;	94879
(3) The principal amount of the proposed bond issue;	94880
(4) The permanent improvements for which the bonds are to be issued;	94881 94882
(5) The maximum number of years over which the principal of the bonds may be paid;	94883 94884
(6) The estimated additional average annual property tax rate to pay the debt charges on the bonds, as certified by the county auditor;	94885 94886 94887
(7) The time and place of the special election.	94888
(D) The form of the ballot on a question submitted to the electors under this section shall be as follows:	94889 94890
"Shall the school district be authorized to do both of the following:	94891 94892
(1) Impose an annual income tax of (state the proposed rate of tax) on the school district income of individuals and of estates, for (state the number of years the tax would be levied, or that it would be levied for a continuing period of time), beginning (state the date the tax would first take effect), for the purpose of (state the purpose of the tax)?	94893 94894 94895 94896 94897 94898 94899
(2) Issue bonds for the purpose of in the principal amount of \$....., to be repaid annually over a maximum period of years, and levy a property tax outside the ten-mill limitation estimated by the county auditor to average over the bond repayment period mills for each one dollar of tax valuation, which amounts to (rate expressed in cents or dollars and cents, such as "36 cents" or "\$1.41") for each \$100 of tax valuation, to pay the annual debt charges on the bonds, and to	94900 94901 94902 94903 94904 94905 94906 94907

pay debt charges on any notes issued in anticipation of those 94908
 bonds? 94909

	FOR THE INCOME TAX AND BOND ISSUE	
	AGAINST THE INCOME TAX AND BOND ISSUE	"

94910
 94911
 94912
 94913

(E) If the question submitted to electors proposes a school 94914
 district income tax only on the taxable income of individuals as 94915
 defined in division (E)(1)(b) of section 5748.01 of the Revised 94916
 Code, the form of the ballot shall be modified by stating that the 94917
 tax is to be levied on the "earned income of individuals residing 94918
 in the school district" in lieu of the "school district income of 94919
 individuals and of estates." 94920

(F) The board of elections promptly shall certify the results 94921
 of the election to the tax commissioner and the county auditor of 94922
 the county in which the school district is located. If a majority 94923
 of the electors voting on the question vote in favor of it, the 94924
 income tax and the applicable provisions of Chapter 5747. of the 94925
 Revised Code shall take effect on the date specified in the 94926
 resolution, and the board of education may proceed with issuance 94927
 of the bonds and with the levy and collection of the property 94928
 taxes to pay debt charges on the bonds, at the additional rate or 94929
 any lesser rate in excess of the ten-mill limitation. Any 94930
 securities issued by the board of education under this section are 94931
 Chapter 133. securities, as that term is defined in section 133.01 94932
 of the Revised Code. 94933

(G) After approval of a question under this section, the 94934
 board of education may anticipate a fraction of the proceeds of 94935
 the school district income tax in accordance with section 5748.05 94936
 of the Revised Code. Any anticipation notes under this division 94937
 shall be issued as provided in section 133.24 of the Revised Code, 94938

shall have principal payments during each year after the year of 94939
their issuance over a period not to exceed five years, and may 94940
have a principal payment in the year of their issuance. 94941

(H) The question of repeal of a school district income tax 94942
levied for more than five years may be initiated and submitted in 94943
accordance with section 5748.04 of the Revised Code. 94944

~~(I) No board of education shall submit a question under this 94945
section to the electors of the school district more than twice in 94946
any calendar year. If a board submits the question twice in any 94947
calendar year, one of the elections on the question shall be held 94948
on the date of the general election. 94949~~

Sec. 5748.09. (A) The board of education of a city, local, or 94950
exempted village school district, at any time by a vote of 94951
two-thirds of all its members, may declare by resolution that it 94952
may be necessary for the school district to do all of the 94953
following: 94954

(1) Raise a specified amount of money for school district 94955
purposes by levying an annual tax on school district income; 94956

(2) Levy an additional property tax in excess of the ten-mill 94957
limitation for the purpose of providing for the necessary 94958
requirements of the district, stating in the resolution the amount 94959
of money to be raised each year for such purpose; 94960

(3) Submit the question of the school district income tax and 94961
property tax to the electors of the district at a general election 94962
or a special election held on a day on which a primary election 94963
may be held. 94964

The resolution shall specify whether the income that is to be 94965
subject to the tax is taxable income of individuals and estates as 94966
defined in divisions (E)(1)(a) and (2) of section 5748.01 of the 94967
Revised Code or taxable income of individuals as defined in 94968

division (E)(1)(b) of that section. 94969

On adoption of the resolution, the board shall certify a copy 94970
of it to the tax commissioner and the county auditor not later 94971
than one hundred days prior to the date of the special election at 94972
which the board intends to propose the income tax and property 94973
tax. Not later than ten days after receipt of the resolution, the 94974
tax commissioner, in the same manner as required by division (A) 94975
of section 5748.02 of the Revised Code, shall estimate the rates 94976
designated in divisions (A)(1) and (2) of that section and certify 94977
them to the board. Not later than ten days after receipt of the 94978
resolution, the county auditor, in the same manner as required by 94979
section 5705.195 of the Revised Code, shall make the calculation 94980
specified in that section and certify it to the board. 94981

(B) On receipt of the tax commissioner's and county auditor's 94982
certifications prepared under division (A) of this section, the 94983
board of education of the city, local, or exempted village school 94984
district, by a vote of two-thirds of all its members, may adopt a 94985
resolution declaring that the amount of taxes that can be raised 94986
by all tax levies the district is authorized to impose, when 94987
combined with state and federal revenues, will be insufficient to 94988
provide an adequate amount for the present and future requirements 94989
of the school district, and that it is therefore necessary to 94990
levy, for a specified number of years or for a continuing period 94991
of time, an annual tax for school district purposes on school 94992
district income, and to levy, for a specified number of years not 94993
exceeding ten or for a continuing period of time, an additional 94994
property tax in excess of the ten-mill limitation for the purpose 94995
of providing for the necessary requirements of the district, and 94996
declaring that the question of the school district income tax and 94997
property tax shall be submitted to the electors of the school 94998
district at a general election or at a special election held on a 94999
day on which a primary election may be held, which shall not be 95000

earlier than ninety days after certification of the resolution to 95001
the board of elections, ~~and the date of which shall be consistent~~ 95002
~~with section 3501.01 of the Revised Code.~~ The resolution shall 95003
specify all of the following: 95004

(1) The purpose for which the school district income tax is 95005
to be imposed and the rate of the tax, which shall be the rate set 95006
forth in the tax commissioner's certification rounded to the 95007
nearest one-fourth of one per cent; 95008

(2) Whether the income that is to be subject to the tax is 95009
taxable income of individuals and estates as defined in divisions 95010
(E)(1)(a) and (2) of section 5748.01 of the Revised Code or 95011
taxable income of individuals as defined in division (E)(1)(b) of 95012
that section. The specification shall be the same as the 95013
specification in the resolution adopted and certified under 95014
division (A) of this section. 95015

(3) The number of years the school district income tax will 95016
be levied, or that it will be levied for a continuing period of 95017
time; 95018

(4) The date on which the school district income tax shall 95019
take effect, which shall be the first day of January of any year 95020
following the year in which the question is submitted; 95021

(5) The amount of money it is necessary to raise for the 95022
purpose of providing for the necessary requirements of the 95023
district for each year the property tax is to be imposed; 95024

(6) The number of years the property tax will be levied, or 95025
that it will be levied for a continuing period of time; 95026

(7) The tax list upon which the property tax shall be first 95027
levied, which may be the current year's tax list; 95028

(8) The amount of the average tax levy, expressed in dollars 95029
and cents for each one hundred dollars of valuation as well as in 95030

mills for each one dollar of valuation, estimated by the county auditor under division (A) of this section. 95031
95032

(C) A resolution adopted under division (B) of this section shall go into immediate effect upon its passage, and no publication of the resolution shall be necessary other than that provided for in the notice of election. Immediately after its adoption and at least ninety days prior to the election at which the question will appear on the ballot, the board of education shall certify a copy of the resolution, along with copies of the county auditor's certification and the resolution under division (A) of this section, to the board of elections of the proper county. The board of ~~education~~ elections shall make the arrangements for the submission of the question to the electors of the school district, and the election shall be conducted, canvassed, and certified in the same manner as regular elections in the district for the election of county officers. 95033
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The resolution shall be put before the electors as one ballot question, with a majority vote indicating approval of the school district income tax and the property tax. The board of elections shall publish the notice of the election in a newspaper of general circulation in the school district once a week for two consecutive weeks, or as provided in section 7.16 of the Revised Code, prior to the election. If the board of elections operates and maintains a web site, also shall post notice of the election on its web site for thirty days prior to the election. The notice of election shall state all of the following: 95047
95048
95049
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95055
95056

(1) The questions to be submitted to the electors as a single ballot question; 95057
95058

(2) The rate of the school district income tax; 95059

(3) The number of years the school district income tax will be levied or that it will be levied for a continuing period of 95060
95061

time; 95062

(4) The annual proceeds of the proposed property tax levy for 95063
the purpose of providing for the necessary requirements of the 95064
district; 95065

(5) The number of years during which the property tax levy 95066
shall be levied, or that it shall be levied for a continuing 95067
period of time; 95068

(6) The estimated average additional tax rate of the property 95069
tax, expressed in dollars and cents for each one hundred dollars 95070
of valuation as well as in mills for each one dollar of valuation, 95071
outside the limitation imposed by Section 2 of Article XII, Ohio 95072
Constitution, as certified by the county auditor; 95073

(7) The time and place of the ~~special~~ election. 95074

(D) The form of the ballot on a question submitted to the 95075
electors under this section shall be as follows: 95076

"Shall the school district be authorized to do both of 95077
the following: 95078

(1) Impose an annual income tax of (state the proposed 95079
rate of tax) on the school district income of individuals and of 95080
estates, for (state the number of years the tax would be 95081
levied, or that it would be levied for a continuing period of 95082
time), beginning (state the date the tax would first take 95083
effect), for the purpose of (state the purpose of the 95084
tax)? 95085

(2) Impose a property tax levy outside of the ten-mill 95086
limitation for the purpose of providing for the necessary 95087
requirements of the district in the sum of 95088
(here insert annual amount the levy is to produce), estimated by 95089
the county auditor to average (here insert number 95090
of mills) mills for each one dollar of valuation, which amounts to 95091

..... (here insert rate expressed in dollars and cents) 95092
 for each one hundred dollars of valuation, for 95093
 (state the number of years the tax is to be imposed or that it 95094
 will be imposed for a continuing period of time), commencing in 95095
 (first year the tax is to be levied), first due in 95096
 calendar year (first calendar year in which the tax 95097
 shall be due)? 95098

	FOR THE INCOME TAX AND PROPERTY TAX	
	AGAINST THE INCOME TAX AND PROPERTY TAX	"

95099
 95100
 95101
 95102

If the question submitted to electors proposes a school 95103
 district income tax only on the taxable income of individuals as 95104
 defined in division (E)(1)(b) of section 5748.01 of the Revised 95105
 Code, the form of the ballot shall be modified by stating that the 95106
 tax is to be levied on the "earned income of individuals residing 95107
 in the school district" in lieu of the "school district income of 95108
 individuals and of estates." 95109

(E) The board of elections promptly shall certify the results 95110
 of the election to the tax commissioner and the county auditor of 95111
 the county in which the school district is located. If a majority 95112
 of the electors voting on the question vote in favor of it: 95113

(1) The income tax and the applicable provisions of Chapter 95114
 5747. of the Revised Code shall take effect on the date specified 95115
 in the resolution. 95116

(2) The board of education of the school district may make 95117
 the additional property tax levy necessary to raise the amount 95118
 specified on the ballot for the purpose of providing for the 95119
 necessary requirements of the district. The property tax levy 95120

shall be included in the next tax budget that is certified to the county budget commission.

(F)(1) After approval of a question under this section, the board of education may anticipate a fraction of the proceeds of the school district income tax in accordance with section 5748.05 of the Revised Code. Any anticipation notes under this division shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not to exceed five years, and may have a principal payment in the year of their issuance.

(2) After the approval of a question under this section and prior to the time when the first tax collection from the property tax levy can be made, the board of education may anticipate a fraction of the proceeds of the levy and issue anticipation notes in an amount not exceeding the total estimated proceeds of the levy to be collected during the first year of the levy. Any anticipation notes under this division shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not to exceed five years, and may have a principal payment in the year of their issuance.

(G)(1) The question of repeal of a school district income tax levied for more than five years may be initiated and submitted in accordance with section 5748.04 of the Revised Code.

(2) A property tax levy for a continuing period of time may be reduced in the manner provided under section 5705.261 of the Revised Code.

~~(H) No board of education shall submit a question under this section to the electors of the school district more than twice in any calendar year. If a board submits the question twice in any calendar year, one of the elections on the question shall be held~~

~~on the date of the general election.~~ 95152

(I) If the electors of the school district approve a question 95153
under this section, and if the last calendar year the school 95154
district income tax is in effect and the last calendar year of 95155
collection of the property tax are the same, the board of 95156
education of the school district may propose to submit under this 95157
section the combined question of a school district income tax to 95158
take effect upon the expiration of the existing income tax and a 95159
property tax to be first collected in the calendar year after the 95160
calendar year of last collection of the existing property tax, and 95161
specify in the resolutions adopted under this section that the 95162
proposed taxes would renew the existing taxes. The form of the 95163
ballot on a question submitted to the electors under division 95164
(I)(H) of this section shall be as follows: 95165

"Shall the school district be authorized to do both 95166
of the following: 95167

(1) Impose an annual income tax of (state the 95168
proposed rate of tax) on the school district income of individuals 95169
and of estates to renew an income tax expiring at the end of 95170
..... (state the last year the existing income tax may be 95171
levied) for (state the number of years the tax would be 95172
levied, or that it would be levied for a continuing period of 95173
time), beginning (state the date the tax would first take 95174
effect), for the purpose of (state the purpose of the 95175
tax)? 95176

(2) Impose a property tax levy renewing an existing levy 95177
outside of the ten-mill limitation for the purpose of providing 95178
for the necessary requirements of the district in the sum of 95179
..... (here insert annual amount the levy is to 95180
produce), estimated by the county auditor to average 95181
..... (here insert number of mills) mills for each one 95182
dollar of valuation, which amounts to (here 95183

insert rate expressed in dollars and cents) for each one hundred 95184
dollars of valuation, for (state the number of years 95185
the tax is to be imposed or that it will be imposed for a 95186
continuing period of time), commencing in (first year 95187
the tax is to be levied), first due in calendar year 95188
(first calendar year in which the tax shall be due)? 95189

	FOR THE INCOME TAX AND PROPERTY TAX	
	AGAINST THE INCOME TAX AND PROPERTY TAX	"

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95193

If the question submitted to electors proposes a school 95194
district income tax only on the taxable income of individuals as 95195
defined in division (E)(1)(b) of section 5748.01 of the Revised 95196
Code, the form of the ballot shall be modified by stating that the 95197
tax is to be levied on the "earned income of individuals residing 95198
in the school district" in lieu of the "school district income of 95199
individuals and of estates." 95200

The question of a renewal levy under this division shall not 95201
be placed on the ballot unless the question is submitted ~~on a date~~ 95202
~~on which~~ at a general election or a special election held on a day 95203
on which a primary election may be held ~~under section 3501.01 of~~ 95204
~~the Revised Code, except for the first Tuesday after the first~~ 95205
~~Monday in February and August, occurring~~ during the last year the 95206
property tax levy to be renewed may be extended on the real and 95207
public utility property tax list and duplicate, or at any such 95208
election held in the ensuing year. 95209

~~(J)~~(I) If the electors of the school district approve a 95210
question under this section, the board of education of the school 95211
district may propose to renew either or both of the existing taxes 95212

as individual ballot questions in accordance with section 5748.02 95213
of the Revised Code for the school district income tax, or section 95214
5705.194 of the Revised Code for the property tax. 95215

Section 130.21. That existing sections 133.06, 133.18, 95216
306.32, 306.321, 306.322, 306.70, 307.695, 307.697, 323.17, 95217
349.14, 505.14, 505.20, 505.47, 511.27, 511.28, 511.34, 703.20, 95218
707.30, 715.38, 715.691, 715.70, 715.71, 715.72, 718.04, 718.09, 95219
718.10, 1545.041, 1545.21, 3311.21, 3311.213, 3311.22, 3311.231, 95220
3311.26, 3311.50, 3313.38, 3313.911, 3318.06, 3318.061, 3318.063, 95221
3318.361, 3354.02, 3354.12, 3357.02, 3357.11, 3381.03, 4301.421, 95222
4301.424, 5705.191, 5705.192, 5705.194, 5705.199, 5705.21, 95223
5705.211, 5705.212, 5705.213, 5705.217, 5705.218, 5705.219, 95224
5705.2111, 5705.2112, 5705.221, 5705.222, 5705.23, 5705.233, 95225
5705.24, 5705.25, 5705.251, 5705.261, 5705.55, 5705.72, 5739.021, 95226
5739.026, 5739.028, 5739.09, 5743.021, 5743.024, 5743.026, 95227
5748.02, 5748.021, 5748.08, and 5748.09 of the Revised Code are 95228
hereby repealed. 95229

Section 130.22. That section 5705.214 of the Revised Code is 95230
hereby repealed. 95231

Section 130.23. Sections 130.20 to 130.22 of this act apply 95232
to elections held on or after the one hundredth day after the 95233
effective date of those sections. 95234

Section 201.10. Except as otherwise provided in this act, all 95235
appropriation items in this act are appropriated out of any moneys 95236
in the state treasury to the credit of the designated fund that 95237
are not otherwise appropriated. For all appropriations made in 95238
this act, the amounts in the first column are for fiscal year 2020 95239
and the amounts in the second column are for fiscal year 2021. 95240

Section 203.10. ACC ACCOUNTANCY BOARD OF OHIO				95241
Dedicated Purpose Fund Group				95242
4J80	889601	CPA Education	\$ 525,000 \$	525,000 95243
		Assistance		
4K90	889609	Operating Expenses	\$ 1,236,965 \$	1,291,139 95244
TOTAL DPF Dedicated Purpose Fund				95245
Group				\$ 1,761,965 \$ 1,816,139 95246
TOTAL ALL BUDGET FUND GROUPS				\$ 1,761,965 \$ 1,816,139 95247
 Section 205.10. ADJ ADJUTANT GENERAL				95249
General Revenue Fund				95250
GRF	745401	Ohio Military Reserve	\$ 11,939 \$	11,939 95251
GRF	745404	Air National Guard	\$ 1,805,346 \$	1,773,954 95252
GRF	745407	National Guard	\$ 388,000 \$	388,000 95253
		Benefits		
GRF	745409	Central	\$ 5,123,132 \$	5,184,396 95254
		Administration		
GRF	745499	Army National Guard	\$ 3,644,419 \$	3,620,908 95255
TOTAL GRF General Revenue Fund				\$ 10,972,836 \$ 10,979,197 95256
Dedicated Purpose Fund Group				95257
5340	745612	Property Operations	\$ 900,000 \$	900,000 95258
		Management		
5360	745605	Marksmanship	\$ 115,000 \$	115,000 95259
		Activities		
5360	745620	Camp Perry and	\$ 874,054 \$	874,054 95260
		Buckeye Inn		
		Operations		
5370	745604	Ohio National Guard	\$ 190,000 \$	190,000 95261
		Facilities		
		Maintenance		
5LY0	745626	Military Medal of	\$ 5,000 \$	5,000 95262

		Distinction				
5U80	745613	Community Match	\$	350,000	\$	350,000 95263
		Armories				
TOTAL DPF		Dedicated Purpose Fund	\$	2,434,054	\$	2,434,054 95264
Group						
Federal Fund Group						95265
3420	745616	Army National Guard	\$	26,262,967	\$	26,252,590 95266
		Service Agreement				
3E80	745628	Air National Guard	\$	16,276,986	\$	16,276,984 95267
		Operations and				
		Maintenance				
3R80	745603	Counter Drug	\$	15,000	\$	15,000 95268
		Operations				
TOTAL FED		Federal Fund Group	\$	42,554,953	\$	42,544,574 95269
TOTAL ALL BUDGET FUND GROUPS			\$	55,961,843	\$	55,957,825 95270

Section 205.20. NATIONAL GUARD BENEFITS 95272

The foregoing appropriation item 745407, National Guard 95273
 Benefits, shall be used for purposes of sections 5919.31 and 95274
 5919.33 of the Revised Code, and for administrative costs of the 95275
 associated programs. 95276

If necessary, in order to pay benefits in a timely manner 95277
 pursuant to sections 5919.31 and 5919.33 of the Revised Code, the 95278
 Adjutant General may request the Director of Budget and Management 95279
 transfer appropriation from any appropriation item used by the 95280
 Adjutant General to appropriation item 745407, National Guard 95281
 Benefits. Such amounts are hereby appropriated. The Adjutant 95282
 General may subsequently seek Controlling Board approval to 95283
 restore the appropriation in the appropriation item from which 95284
 such a transfer was made. 95285

For active duty members of the Ohio National Guard who died 95286
 after October 7, 2001, while performing active duty, the death 95287

benefit, pursuant to section 5919.33 of the Revised Code, shall be 95288
paid to the beneficiary or beneficiaries designated on the 95289
member's Servicemembers' Group Life Insurance Policy. 95290

STATE ACTIVE DUTY COSTS 95291

Of the foregoing appropriation item 745409, Central 95292
Administration, \$50,000 in each fiscal year shall be used for the 95293
purpose of paying expenses related to state active duty of members 95294
of the Ohio organized militia, in accordance with a proclamation 95295
of the Governor. Expenses include, but are not limited to, the 95296
cost of equipment, supplies, and services, as determined by the 95297
Adjutant General's Department. On June 1 of each fiscal year, if 95298
it is determined by the Adjutant General that any portion of this 95299
\$50,000 in that fiscal year will not be used for state active duty 95300
expenses, those amounts may be encumbered by the Adjutant General 95301
for maintenance expenses. If before the end of that fiscal year, 95302
state active duty expenses occur, these encumbrances should be 95303
canceled by the Adjutant General to pay for expenses related to 95304
state active duty. 95305

CYBER RANGE 95306

The Adjutant General's Department, in conjunction and 95307
collaboration with the Department of Administrative Services, the 95308
Department of Public Safety, the Department of Higher Education, 95309
and the Department of Education shall establish and maintain a 95310
cyber range. The Adjutant General's Department may work with 95311
federal agencies to assist in accomplishing this objective. The 95312
cyber range shall: (1) provide cyber training and education to 95313
K-12 students, higher education students, Ohio National Guardsmen, 95314
federal employees, and state and local government employees, and 95315
(2) provide for emergency preparedness exercises and training. The 95316
state agencies identified in this paragraph may procure any 95317
necessary goods and services including, but not limited to, 95318
contracted services, hardware, networking services, maintenance 95319

costs, and the training and management costs of a cyber range. 95320
 These state agencies shall determine the amount of funds each 95321
 agency will contribute from available funds and appropriations 95322
 enacted herein in order to establish and maintain a cyber range. 95323

Of the foregoing appropriation item 745409, Central 95324
 Administration, up to \$2,000,000 in each fiscal year shall be used 95325
 by the Adjutant General's Department for the purposes of 95326
 establishing and maintaining the cyber range. 95327

Section 207.10. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 95328

General Revenue Fund 95329

GRF 100412 Unemployment Insurance \$ 0 \$ 1,817,900 95330

System Lease Rental
 Payments

GRF 100413 EDCS Lease Rental \$ 11,843,800 \$ 13,716,500 95331

Payments

GRF 100414 MARCS Lease Rental \$ 6,768,900 \$ 6,769,600 95332

Payments

GRF 100415 OAKS Lease Rental \$ 2,440,300 \$ 2,444,500 95333

Payments

GRF 100416 STARS Lease Rental \$ 3,846,000 \$ 5,097,800 95334

Payments

GRF 100447 Administrative \$ 86,914,500 \$ 94,266,800 95335

Buildings Lease Rental
 Bond Payments

GRF 100456 State IT Services \$ 2,249,158 \$ 2,249,773 95336

GRF 100457 Equal Opportunity \$ 2,178,704 \$ 2,178,704 95337

Services

GRF 100459 Ohio Business Gateway \$ 15,527,621 \$ 14,527,621 95338

GRF 100469 Aronoff Center \$ 270,000 \$ 270,000 95339

Building Maintenance

GRF 100501 MARCS Fee Offset \$ 1,000,000 \$ 1,000,000 95340

GRF 130321	State Agency Support	\$	18,494,092	\$	18,513,941	95341
	Services					
TOTAL GRF	General Revenue Fund	\$	151,533,075	\$	162,853,139	95342
	Dedicated Purpose Fund Group					95343
5L70 100610	Professional	\$	1,650,000	\$	1,650,000	95344
	Development					
5MV0 100662	Theater Equipment	\$	50,000	\$	50,000	95345
	Maintenance					
5NM0 100663	911 Program	\$	717,060	\$	715,522	95346
5V60 100619	Employee Educational	\$	1,245,000	\$	1,245,000	95347
	Development					
TOTAL DPF	Dedicated Purpose Fund	\$	3,662,060	\$	3,660,522	95348
	Group					
	Internal Service Activity Fund Group					95349
1120 100616	DAS Administration	\$	12,667,391	\$	13,100,541	95350
1150 100632	Central Service Agency	\$	956,061	\$	975,025	95351
1170 100644	General Services	\$	18,265,815	\$	21,460,060	95352
	Division - Operating					
1220 100637	Fleet Management	\$	18,650,951	\$	23,315,522	95353
1250 100622	Human Resources	\$	18,612,217	\$	18,718,045	95354
	Division - Operating					
1250 100657	Benefits Communication	\$	607,577	\$	615,521	95355
1280 100620	Office of Collective	\$	4,283,998	\$	4,385,893	95356
	Bargaining					
1300 100606	Risk Management	\$	15,370,845	\$	15,389,803	95357
	Reserve					
1320 100631	DAS Building	\$	49,173,190	\$	49,384,799	95358
	Management					
1330 100607	IT Services Delivery	\$	162,248,367	\$	162,665,093	95359
1880 100649	Equal Opportunity	\$	1,836,834	\$	1,264,515	95360
	Division - Operating					
2100 100612	State Printing	\$	29,092,749	\$	28,295,851	95361

2290 100630	IT Governance	\$	32,125,970	\$	32,602,191	95362
2290 100640	Consolidated IT	\$	69,348,000	\$	74,348,000	95363
	Purchases					
4270 100602	Investment Recovery	\$	1,662,341	\$	1,662,341	95364
4N60 100617	Major IT Purchases	\$	3,288,990	\$	5,736,219	95365
5C20 100605	MARCS Administration	\$	27,207,396	\$	26,484,493	95366
5EB0 100635	OAKS Support	\$	55,382,093	\$	58,807,701	95367
	Organization					
5EB0 100656	OAKS Updates and	\$	6,423,624	\$	6,359,539	95368
	Developments					
5JQ0 100658	Professionals	\$	9,996,303	\$	8,723,135	95369
	Licensing System					
5KZ0 100659	Building Improvement	\$	3,449,500	\$	2,862,000	95370
5LJ0 100661	IT Development	\$	21,500,000	\$	21,500,000	95371
5PC0 100665	Enterprise	\$	111,095,956	\$	111,263,921	95372
	Applications					
TOTAL ISA	Internal Service Activity					95373
Fund Group		\$	673,246,168	\$	689,920,208	95374
Fiduciary Fund Group						95375
5UH0 100670	Enterprise	\$	1,150,000	\$	1,150,000	95376
	Transactions					
TOTAL FID	Fiduciary Fund Group	\$	1,150,000	\$	1,150,000	95377
Federal Fund Group						95378
3AJ0 100623	Information Technology	\$	10,000	\$	10,000	95379
	Grants					
TOTAL FED	Federal Fund Group	\$	10,000	\$	10,000	95380
TOTAL ALL BUDGET FUND GROUPS		\$	829,601,303	\$	857,593,869	95381

Section 207.20. UNEMPLOYMENT INSURANCE SYSTEM LEASE RENTAL 95383
PAYMENTS 95384

The foregoing appropriation item 100412, Unemployment 95385
Insurance System Lease Rental Payments, shall be used to make 95386

payments during the period from July 1, 2019, through June 30, 2021, pursuant to leases and agreements entered into under Chapter 125. of the Revised Code, as supplemented by Section 701.40 of H.B. 529 of the 132nd General Assembly, with respect to financing the costs associated with the acquisition, development, implementation, and integration of the Unemployment Insurance System. 95387
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EDCS LEASE RENTAL PAYMENTS 95394

The foregoing appropriation item 100413, EDCS Lease Rental Payments, shall be used to make payments during the period from July 1, 2019, through June 30, 2021, pursuant to leases and agreements entered into under Chapter 125. of the Revised Code, as supplemented by Section 701.10 of H.B. 529 of the 132nd General Assembly and other prior acts of the General Assembly, with respect to financing the costs associated with the acquisition, development, implementation, and integration of the Enterprise Data Center Solutions (EDCS) information technology initiative. 95395
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MULTI-AGENCY RADIO COMMUNICATION SYSTEM LEASE RENTAL PAYMENTS 95404

The foregoing appropriation item 100414, MARCS Lease Rental Payments, shall be used to make payments during the period from July 1, 2019, through June 30, 2021, pursuant to leases and agreements entered into under Chapter 125. of the Revised Code, as supplemented by Section 701.10 of Sub. H.B. 497 of the 130th General Assembly and other prior acts of the General Assembly, with respect to financing the costs associated with the acquisition, development, implementation, and integration of the Multi-Agency Radio Communications System (MARCS) upgrade. 95405
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OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM LEASE RENTAL PAYMENTS 95414

The foregoing appropriation item 100415, OAKS Lease Rental Payments, shall be used to make payments during the period from July 1, 2019, through June 30, 2021, pursuant to leases and 95415
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agreements entered into under Chapter 125. of the Revised Code, as 95418
supplemented by Section 701.10 of H.B. 529 of the 132nd General 95419
Assembly and other prior acts of the General Assembly, with 95420
respect to financing the costs associated with the acquisition, 95421
development, implementation, and integration of the Ohio 95422
Administrative Knowledge System (OAKS). 95423

STATE TAXATION ACCOUNTING AND REVENUE SYSTEM LEASE RENTAL 95424
PAYMENTS 95425

The foregoing appropriation item 100416, STARS Lease Rental 95426
Payments, shall be used to make payments during the period from 95427
July 1, 2019, through June 30, 2021, pursuant to leases and 95428
agreements entered into under Chapter 125. of the Revised Code, as 95429
supplemented by Section 701.30 of H.B. 529 of the 132nd General 95430
Assembly and other prior acts of the General Assembly, with 95431
respect to financing the costs associated with the acquisition, 95432
development, implementation, and integration of the State Taxation 95433
Accounting and Revenue System (STARS). 95434

ADMINISTRATIVE BUILDINGS LEASE RENTAL BOND PAYMENTS 95435

The foregoing appropriation item 100447, Administrative 95436
Buildings Lease Rental Bond Payments, shall be used to meet all 95437
payments during the period from July 1, 2019, through June 30, 95438
2021, by the Department of Administrative Services pursuant to 95439
leases and agreements under Chapters 152. and 154. of the Revised 95440
Code. These appropriations are the source of funds pledged for 95441
bond service charges on related obligations issued under Chapters 95442
152. and 154. of the Revised Code. 95443

MULTI-AGENCY RADIO COMMUNICATION SYSTEM DEBT SERVICE PAYMENTS 95444

The Director of Administrative Services, in consultation with 95445
the Multi-Agency Radio Communication System (MARCS) Steering 95446
Committee and the Director of Budget and Management, shall 95447
determine the share of debt service payments attributable to 95448

spending for MARCS components that are not specific to any one 95449
agency and that shall be charged to the Public Safety - Highway 95450
Purposes Fund (Fund 5TM0). Such share of debt service payments 95451
shall be calculated for MARCS capital disbursements made beginning 95452
July 1, 1997. Within thirty days of any payment made from 95453
appropriation item 100447, Administrative Buildings Lease Rental 95454
Bond Payments, the Director of Administrative Services shall 95455
certify to the Director of Budget and Management the amount of 95456
this share. On or before June 30 of each fiscal year, the Director 95457
of Budget and Management may transfer an amount up to the amount 95458
certified for that fiscal year to the General Revenue Fund from 95459
the Public Safety - Highway Purposes Fund (Fund 5TM0) established 95460
in section 4501.06 of the Revised Code. 95461

DAS - BUILDING OPERATING PAYMENTS AND BUILDING MANAGEMENT 95462
FUND 95463

The foregoing appropriation item 130321, State Agency Support 95464
Services, may be used to provide funding for the cost of property 95465
appraisals or building studies that the Department of 95466
Administrative Services may be required to obtain for property 95467
that is being sold by the state or property under consideration to 95468
be renovated or purchased by the state. 95469

Notwithstanding section 125.28 of the Revised Code, the 95470
foregoing appropriation item 130321, State Agency Support 95471
Services, also may be used to pay the operating expenses of state 95472
facilities maintained by the Department of Administrative Services 95473
that are not billed to building tenants, or other costs associated 95474
with the Voinovich Center in Youngstown, Ohio. These expenses may 95475
include, but are not limited to, the costs for vacant space and 95476
space undergoing renovation, and the rent expenses of tenants that 95477
are relocated because of building renovations. These payments may 95478
be processed by the Department of Administrative Services through 95479
intrastate transfer vouchers and placed into the Building 95480

Management Fund (Fund 1320). 95481

At least once per year, the portion of appropriation item 95482
130321, State Agency Support Services, that is not used for the 95483
regular expenses of the appropriation item may be processed by the 95484
Department of Administrative Services through intrastate transfer 95485
voucher and placed in the Building Improvement Fund (Fund 5KZ0). 95486

CASH TRANSFER FROM THE MARCS ADMINISTRATION FUND TO THE GRF 95487

Upon the request of the Director of Administrative Services, 95488
the Director of Budget and Management may transfer unobligated 95489
cash in the MARCS Administration Fund (Fund 5C20) to the General 95490
Revenue Fund to reimburse the General Revenue Fund for lease 95491
rental payments made on behalf of the MARCS upgrade. 95492

Section 207.30. PROFESSIONAL DEVELOPMENT FUND 95493

The foregoing appropriation item 100610, Professional 95494
Development, shall be used to make payments from the Professional 95495
Development Fund (Fund 5L70) under section 124.182 of the Revised 95496
Code. If it is determined by the Director of Budget and Management 95497
that additional amounts are necessary, the amounts are hereby 95498
appropriated. 95499

911 PROGRAM 95500

The foregoing appropriation item 100663, 911 Program, shall 95501
be used by the Department of Administrative Services to pay the 95502
administrative, marketing, and educational costs of the Statewide 95503
Emergency Services Internet Protocol Network program. 95504

EMPLOYEE EDUCATIONAL DEVELOPMENT 95505

The foregoing appropriation item 100619, Employee Educational 95506
Development, shall be used to make payments from the Employee 95507
Educational Development Fund (Fund 5V60) under section 124.86 of 95508
the Revised Code. The fund shall be used to pay the costs of 95509
administering educational programs under existing collective 95510

bargaining agreements with District 1199, the Health Care and 95511
Social Service Union, Service Employees International Union; State 95512
Council of Professional Educators; Ohio Education Association and 95513
National Education Association; the Fraternal Order of Police Ohio 95514
Labor Council, Unit 2; and the Ohio State Troopers Association, 95515
Units 1 and 15. 95516

If it is determined by the Director of Budget and Management 95517
that additional amounts are necessary, the amounts are hereby 95518
appropriated. 95519

Section 207.40. GENERAL SERVICE CHARGES 95520

The Department of Administrative Services, with the approval 95521
of the Director of Budget and Management, shall establish charges 95522
for recovering the costs of administering the programs funded by 95523
the General Services Fund (Fund 1170) and the State Printing Fund 95524
(Fund 2100). 95525

COLLECTIVE BARGAINING ARBITRATION EXPENSES 95526

The Department of Administrative Services may seek 95527
reimbursement from state agencies for the actual costs and 95528
expenses the Department incurs in the collective bargaining 95529
arbitration process. The reimbursements shall be processed through 95530
intrastate transfer vouchers and credited to the Collective 95531
Bargaining Fund (Fund 1280). 95532

EQUAL OPPORTUNITY PROGRAM 95533

The Department of Administrative Services, with the approval 95534
of the Director of Budget and Management, shall establish charges 95535
for recovering the costs of administering the activities supported 95536
by the State EEO Fund (Fund 1880). These charges shall be 95537
deposited to the credit of Fund 1880 upon payment made by state 95538
agencies, state-supported or state-assisted institutions of higher 95539
education, tax-supported agencies, municipal corporations, and 95540

other political subdivisions of the state, for services rendered. 95541

CONSOLIDATED IT PURCHASES 95542

The foregoing appropriation item 100640, Consolidated IT 95543
Purchases, shall be used by the Department of Administrative 95544
Services acting as the purchasing agent for one or more government 95545
entities under the authority of division (G) of section 125.18 of 95546
the Revised Code to make information technology purchases at a 95547
lower aggregate cost than each individual government entity could 95548
have obtained independently for that information technology 95549
purchase. 95550

INVESTMENT RECOVERY FUND 95551

Notwithstanding division (B) of section 125.14 of the Revised 95552
Code, cash balances in the Investment Recovery Fund (Fund 4270) 95553
may be used to support the operating expenses of the Federal 95554
Surplus Operating Program created in sections 125.84 to 125.90 of 95555
the Revised Code. 95556

Notwithstanding division (B) of section 125.14 of the Revised 95557
Code, the Director of Budget and Management, at the request of the 95558
Director of Administrative Services, shall transfer up to 95559
\$3,800,000 of cash in excess of needs from the Investment Recovery 95560
Fund (Fund 4270) to the Enterprise Applications Fund (Fund 5PC0) 95561
during the biennium beginning July 1, 2019, and ending June 30, 95562
2021, to pay the operating and maintenance expenses of the Ohio 95563
Business Gateway. 95564

MAJOR IT PURCHASES CHARGES 95565

Effective July 1, 2019, the Director of Budget and Management 95566
shall cancel any existing encumbrances against appropriation item 95567
100617, Major IT Purchases, and reestablish them against 95568
appropriation item 100640, Consolidated IT Purchases. The 95569
reestablished encumbrance amounts are hereby appropriated. Any 95570
business commenced but not completed under appropriation item 95571

100617, Major IT Purchases, by July 1, 2019, shall be completed 95572
under appropriation item 100640, Consolidated IT Purchases, in the 95573
same manner, and with the same effect, as if completed with regard 95574
to appropriation item 100617, Major IT Purchases. 95575

On July 1, 2019, or as soon as possible thereafter, the 95576
Director of Administrative Services shall certify to the Director 95577
of Budget and Management the amount of cash in the Major 95578
Information Technology Purchases Fund (Fund 4N60) that was 95579
received from agencies for actual expenditures. The Director of 95580
Budget and Management shall transfer the certified amount of cash 95581
from the Major Information Technology Purchases Fund (Fund 4N60) 95582
to the IT Governance Fund (Fund 2290). 95583

Upon the request of the Director of Administrative Services, 95584
the Director of Budget and Management may transfer up to the 95585
amount collected for statewide indirect costs attributable to debt 95586
service paid for the enterprise data center solutions project from 95587
the General Revenue Fund to the Major Information Technology 95588
Purchases Fund (Fund 4N60). 95589

PROFESSIONS LICENSING SYSTEM 95590

The foregoing appropriation item, 100658, Ohio Professionals 95591
Licensing System, shall be used to purchase the equipment, 95592
products, and services necessary to update and maintain an 95593
automated licensing system for the professional licensing boards. 95594

The Department of Administrative Services shall establish 95595
charges for recovering the costs of ongoing maintenance of the 95596
system that are not otherwise recovered under section 125.18 of 95597
the Revised Code. The charges shall be billed to state agencies, 95598
boards, and commissions using the state's enterprise electronic 95599
licensing system and deposited via intrastate transfer vouchers to 95600
the credit of the Professions Licensing System Fund (Fund 5JQ0). 95601

Section 207.45. BUILDING IMPROVEMENT FUND 95602

The foregoing appropriation item 100659, Building 95603
Improvement, shall be used to make payments from the Building 95604
Improvement Fund (Fund 5KZ0) for major maintenance or improvements 95605
required in facilities maintained by the Department of 95606
Administrative Services. The Department of Administrative Services 95607
shall conduct or contract for regular assessments of these 95608
buildings and shall maintain a cash balance in Fund 5KZ0 equal to 95609
the cost of the repairs and improvements that are recommended to 95610
occur within the next five years, with the following exception 95611
described below. 95612

Upon request of the Director of Administrative Services, the 95613
Director of Budget and Management may permit a cash transfer from 95614
Fund 5KZ0 to the Building Management Fund (Fund 1320) to pay costs 95615
of operating and maintaining facilities managed by the Department 95616
of Administrative Services that are not charged to tenants during 95617
the same fiscal year. 95618

Should the cash balance in Fund 1320 be determined to be 95619
sufficient, the Director of Administrative Services may request 95620
that the Director of Budget and Management transfer cash from Fund 95621
1320 to Fund 5KZ0 in an amount equal to the initial cash transfer 95622
made under this section plus applicable interest. 95623

INFORMATION TECHNOLOGY DEVELOPMENT 95624

The foregoing appropriation item 100661, IT Development, 95625
shall be used by the Department of Administrative Services to pay 95626
the costs of modernizing the state's information technology 95627
management and investment practices away from a limited, 95628
agency-specific focus in favor of a statewide methodology 95629
supporting development of enterprise solutions. This appropriation 95630
item may be used to pay the costs of enterprise information 95631
technology initiatives affecting state agencies or their 95632

customers. 95633

Notwithstanding any provision of law to the contrary, the 95634
Department of Administrative Services, with the approval of the 95635
Director of Budget and Management, may charge state agencies an 95636
information technology development assessment based on state 95637
agencies' information technology expenditures or other methodology 95638
and may assess fees or charges to entities that are not state 95639
agencies to offset the cost of specific technology events or 95640
services. The revenue from these assessments, fees, or charges 95641
shall be deposited into the Information Technology Development 95642
Fund (Fund 5LJ0), which is hereby created. 95643

Upon the request of the Director of Administrative Services, 95644
the Director of Budget and Management may transfer up to 95645
\$4,000,000 in cash in each fiscal year from the General Revenue 95646
Fund to the Information Technology Development Fund (Fund 5LJ0) to 95647
support the operations of the Office of InnovateOhio. 95648

ENTERPRISE APPLICATIONS 95649

The foregoing appropriation item 100665, Enterprise 95650
Applications, shall be used for the operation and management of 95651
information technology applications that support state agencies' 95652
objectives. Charges billed to benefiting agencies shall be 95653
deposited to the credit of the Enterprise Applications Fund (Fund 95654
5PC0). 95655

CASH TRANSFER FROM THE DIRECTOR'S OFFICE FUND TO THE LOCAL 95656
GOVERNMENT INNOVATION FUND 95657

On July 1, 2019, or as soon as possible thereafter, the 95658
Director of Budget and Management shall transfer \$38,555.24 cash 95659
from the Director's Office Fund (Fund 1120) to the Local 95660
Government Innovation Fund (Fund 5KN0). This amount represents the 95661
unexpended balance of a grant received from the Local Government 95662
Innovation Fund (Fund 5KN0) and appropriated under Fund 1120 95663

appropriation item 100667, Local Government Efficiency Programs. 95664

Section 207.50. ENTERPRISE IT STRATEGY IMPLEMENTATION 95665

The Director of Administrative Services shall determine and 95666
implement strategies that benefit the enterprise by improving 95667
efficiency, reducing costs, or enhancing capacity of information 95668
technology (IT) services. Such improvements and efficiencies may 95669
result in the consolidation and transfer of such services. As 95670
determined to be necessary for successful implementation of this 95671
section and notwithstanding any provision of law to the contrary, 95672
the Director of Administrative Services may request the Director 95673
of Budget and Management to consolidate or transfer IT-specific 95674
budget authority between agencies or within an agency as necessary 95675
to implement enterprise IT cost containment strategies and related 95676
efficiencies. Once the Director of Budget and Management is 95677
satisfied that the proposed initiative is cost advantageous to the 95678
enterprise, the Director of Budget and Management may transfer 95679
appropriations, funds, and cash as needed to implement the 95680
proposed initiative. The establishment of any new fund or 95681
additional appropriation as a result of this section shall be 95682
subject to Controlling Board approval. 95683

The Director of Budget and Management and the Director of 95684
Administrative Services may transfer any employees, assets, and 95685
liabilities, including, but not limited to, records, contracts, 95686
and agreements in order to facilitate the improvements determined 95687
in accordance with this section. 95688

Section 209.10. AGE DEPARTMENT OF AGING 95689

General Revenue Fund 95690

GRF 490321 Operating Expenses \$ 1,551,161 \$ 1,514,690 95691

GRF 490410 Long-Term Care \$ 1,846,979 \$ 3,112,901 95692

Ombudsman

3C40 656623	Long-Term Care Budget	\$	5,341,281	\$	5,477,117	95711
	- Federal					
3M40 490612	Federal Independence	\$	58,655,080	\$	58,655,080	95712
	Services					
TOTAL FED	Federal Fund Group	\$	72,696,361	\$	72,832,197	95713
TOTAL ALL BUDGET	FUND GROUPS	\$	97,726,075	\$	99,335,424	95714

Section 209.20. LONG-TERM CARE 95716

Pursuant to an interagency agreement, the Department of 95717
 Medicaid may designate the Department of Aging to perform 95718
 assessments under section 5165.04 of the Revised Code. The 95719
 Department of Aging shall provide long-term care consultations 95720
 under section 173.42 of the Revised Code to assist individuals in 95721
 planning for their long-term health care needs. 95722

The Department of Aging shall administer the Medicaid 95723
 waiver-funded PASSPORT Home Care Program, the Assisted Living 95724
 Program, and PACE as delegated by the Department of Medicaid in an 95725
 interagency agreement. 95726

PERFORMANCE-BASED REIMBURSEMENT 95727

The Department of Aging may design and utilize a payment 95728
 method for PASSPORT administrative agency operations that includes 95729
 a pay-for-performance incentive component that is earned by a 95730
 PASSPORT administrative agency when defined consumer and policy 95731
 outcomes are achieved. 95732

Section 209.30. MYCARE OHIO 95733

The authority of the Office of the State Long-Term Care 95734
 Ombudsman as described in sections 173.14 to 173.28 of the Revised 95735
 Code extends to MyCare Ohio during the period of the federal 95736
 financial alignment demonstration program. 95737

SENIOR COMMUNITY SERVICES 95738

The foregoing appropriation item 490411, Senior Community Services, may be used for programs, services, and activities designated by the Department of Aging, including, but not limited to, home-delivered and congregate meals, transportation services, personal care services, respite services, adult day services, home repair, care coordination, prevention and disease self-management, and decision support systems. The Department may also use these funds to provide grants to community organizations to support and expand evidence-based/informed programming. Service priority shall be given to low income, high need, and/or cognitively impaired persons 60 years of age and over.

NATIONAL SENIOR SERVICE CORPS

The foregoing appropriation item 490506, National Senior Service Corps, may be used by the Department of Aging to fund grants to organizations that receive federal funds from the Corporation for National and Community Service to support the following Senior Corps programs: the Foster Grandparents Program, the Senior Companion Program, and the Retired Senior Volunteer Program. A recipient of these grant funds shall use the funds to support priorities established by the Department and the Ohio State Office of the Corporation for National and Community Service. Neither the Department nor any area agencies on aging that are involved in the distribution of these funds to lower-tiered grant recipients may use any portion of these funds to cover administrative costs.

BOARD OF EXECUTIVES OF LONG-TERM SERVICES AND SUPPORTS

The foregoing appropriation item 490627, Board of Executives of Long-Term Services and Supports, may be used by the Board of Executives of Long-Term Services and Supports to administer and enforce Chapter 4751. of the Revised Code and rules adopted under it.

Section 209.40. PASSPORT PROGRAM PAYMENT RATES 95770

Notwithstanding section 5164.77 of the Revised Code, the base 95771
and unit payment rates for the following services provided under 95772
the Medicaid-funded and state-funded components of the PASSPORT 95773
program during fiscal years 2020 and 2021 shall be at least two 95774
and seven tenths per cent higher than the rates for the services 95775
in effect on June 30, 2019: 95776

(A) Home care attendant services; 95777

(B) Personal care services; 95778

(C) Waiver nursing services. 95779

Section 209.50. PASSPORT PAYMENT RATES FOR HOME-DELIVERED 95780
MEALS 95781

The payment rates for home-delivered meals provided under the 95782
PASSPORT program during the period beginning July 1, 2019, and 95783
ending July 1, 2021, shall be the following: 95784

(A) For each meal delivered daily on a per-meal delivery 95785
basis by a volunteer or employee of the provider, \$7.19; 95786

(B) For each meal delivered in a chilled or frozen format on 95787
a weekly delivery basis by a volunteer or employee of the 95788
provider, \$6.99; 95789

(C) For each meal delivered in a chilled or frozen format on 95790
a weekly basis by a common carrier used by the provider, \$6.50. 95791

Section 209.60. ASSISTED LIVING PROGRAM PAYMENT RATES 95792

Notwithstanding section 5164.77 of the Revised Code, the 95793
payment rates for each tier of assisted living services provided 95794
under the Medicaid-funded and state-funded components of the 95795
Assisted Living Program during fiscal years 2020 and 2021 shall be 95796
at least two and seven tenths per cent higher than the rates for 95797

the services in effect on June 30, 2019. 95798

Section 211.10. AGR DEPARTMENT OF AGRICULTURE 95799

General Revenue Fund 95800

GRF 700401 Animal Health Programs \$ 3,785,399 \$ 3,700,399 95801

GRF 700403 Dairy Division \$ 1,208,067 \$ 1,178,459 95802

GRF 700404 Ohio Proud \$ 99,159 \$ 100,771 95803

GRF 700406 Consumer Protection \$ 1,369,703 \$ 1,320,696 95804

Lab

GRF 700407 Food Safety \$ 1,385,046 \$ 1,340,046 95805

GRF 700409 Farmland Preservation \$ 74,686 \$ 74,686 95806

GRF 700410 Plant Industry \$ 152,468 \$ 147,468 95807

GRF 700412 Weights and Measures \$ 614,723 \$ 614,723 95808

GRF 700415 Poultry Inspection \$ 811,427 \$ 811,428 95809

GRF 700417 Soil and Water \$ 20,000,000 \$ 20,000,000 95810

Phosphorus Program

GRF 700418 Livestock Regulation \$ 1,145,071 \$ 1,145,071 95811

Program

GRF 700424 Livestock Testing and \$ 117,493 \$ 117,493 95812

Inspections

GRF 700426 Dangerous and \$ 582,340 \$ 604,060 95813

Restricted Animals

GRF 700427 High Volume Breeder \$ 1,235,767 \$ 1,235,767 95814

Kennel Control

GRF 700428 Soil and Water \$ 3,543,482 \$ 3,543,482 95815

Division

GRF 700499 Meat Inspection \$ 6,172,407 \$ 5,882,091 95816

Program - State Share

GRF 700501 County Agricultural \$ 379,673 \$ 379,673 95817

Societies

GRF 700509 Soil and Water \$ 11,833,016 \$ 11,833,016 95818

District Support

TOTAL GRF	General Revenue Fund	\$	54,509,927	\$	54,029,329	95819
	Dedicated Purpose Fund Group					95820
4900	700651 License Plates - Sustainable Agriculture	\$	17,500	\$	17,500	95821
4940	700612 Agricultural Commodity Marketing Program	\$	253,000	\$	253,000	95822
4960	700626 Ohio Grape Industries	\$	1,543,223	\$	1,550,000	95823
4970	700627 Grain Warehouse Program	\$	491,590	\$	500,000	95824
4C90	700605 Commercial Feed and Seed	\$	2,367,396	\$	2,426,251	95825
4D20	700609 Auction Education	\$	50,000	\$	50,000	95826
4E40	700606 Utility Radiological Safety	\$	97,610	\$	101,130	95827
4P70	700610 Food Safety Inspection	\$	1,022,005	\$	1,043,743	95828
4R00	700636 Ohio Proud Marketing	\$	30,500	\$	30,500	95829
4R20	700637 Dairy Industry Inspection	\$	1,800,246	\$	1,852,950	95830
4T60	700611 Poultry and Meat Inspection	\$	120,000	\$	120,000	95831
5780	700620 Ride Inspection	\$	1,827,551	\$	1,944,585	95832
5B80	700629 Auctioneers	\$	350,449	\$	361,450	95833
5BV0	700660 Heidelberg Water Quality Lab	\$	250,000	\$	250,000	95834
5BV0	700661 Soil and Water Districts	\$	8,000,000	\$	8,000,000	95835
5FC0	700648 Plant Pest Program	\$	1,468,037	\$	1,515,298	95836
5H20	700608 Metrology Lab and Scale Certification	\$	975,000	\$	975,000	95837
5L80	700604 Livestock Management	\$	274,814	\$	275,000	95838

		Program				
5MA0	700657	Dangerous and Restricted Animals	\$	7,000	\$	7,000 95839
5MR0	700658	High Volume Breeders and Kennels	\$	320,000	\$	320,000 95840
5MS0	700659	Captive Deer	\$	40,000	\$	40,000 95841
5QW0	700653	Watershed Assistance	\$	515,000	\$	515,000 95842
6520	700634	Animal, Consumer, and ATL Labs	\$	5,396,151	\$	5,466,896 95843
6690	700635	Pesticide, Fertilizer, and Lime Inspection Program	\$	4,859,314	\$	5,000,000 95844
6H20	700670	H2Ohio	\$	30,300,000	\$	0 95845
TOTAL DPF Dedicated Purpose						95846
Fund Group			\$	62,376,386	\$	32,615,303 95847
Internal Service Activity Fund Group						95848
5DA0	700644	Laboratory Administration Support	\$	1,200,807	\$	1,204,626 95849
5GH0	700655	Administrative Support	\$	5,403,892	\$	5,524,048 95850
TOTAL ISA Internal Service Activity						95851
Fund Group			\$	6,604,699		6,728,674 95852
Capital Projects Fund Group						95853
7057	700632	Clean Ohio Agricultural Easement Operating	\$	589,960	\$	610,000 95854
TOTAL CPF Capital Projects Fund Group			\$	589,960	\$	610,000 95855
Federal Fund Group						95856
3260	700618	Meat Inspection Program - Federal	\$	5,036,419	\$	5,194,424 95857

		Share				
3360	700617	Ohio Farm Loan -	\$	351,743	\$	360,000 95858
		Revolving				
3820	700601	Federal Cooperative	\$	7,000,000	\$	7,000,000 95859
		Contracts				
3AB0	700641	Agricultural Easement	\$	342,419	\$	350,000 95860
3J40	700607	Federal	\$	1,209,234	\$	1,209,234 95861
		Administrative				
		Programs				
3R20	700614	Federal Plant	\$	6,020,619	\$	6,095,972 95862
		Industry				
TOTAL FED	Federal Fund Group		\$	19,960,434	\$	20,209,630 95863
TOTAL ALL BUDGET FUND GROUPS			\$	144,041,406	\$	114,192,936 95864

Section 211.20. SOIL AND WATER PHOSPHORUS PROGRAM 95866

The Department of Agriculture shall establish programs to 95867
assist in reducing total phosphorus and dissolved reactive 95868
phosphorus in the Western Lake Erie Basin. The programs shall give 95869
priority to those subwatersheds determined to be highest in total 95870
phosphorus and dissolved reactive phosphorus nutrient loading. 95871

The foregoing appropriation item 700417, Soil and Water 95872
Phosphorus Program, shall be used to support the programs 95873
described above, which may include but not be limited to, the 95874
following: (1) equipment for subsurface placement of nutrients 95875
into the soil; (2) equipment for nutrient placement based on 95876
geographic information system data; (3) soil testing; (4) 95877
implementation of variable rate technology; (5) equipment 95878
implementing manure transformation and manure conversion 95879
technologies; (6) tributary monitoring; (7) water management and 95880
edge-of-field drainage management; and (8) an agricultural 95881
phosphorus reduction revolving loan program. Not more than forty 95882
per cent of the foregoing appropriation item 700417, Soil and 95883
Water Phosphorus Program, shall be used for any single activity. 95884

DANGEROUS AND RESTRICTED WILD ANIMALS	95885
The foregoing appropriation item 700426, Dangerous and	95886
Restricted Animals, shall be used to administer the Dangerous and	95887
Restricted Wild Animal Permitting Program.	95888
COUNTY AGRICULTURAL SOCIETIES	95889
The foregoing appropriation item 700501, County Agricultural	95890
Societies, shall be used to reimburse county and independent	95891
agricultural societies for expenses related to Junior Fair	95892
activities.	95893
SUPPORT FOR SOIL AND WATER DISTRICTS IN THE WESTERN LAKE ERIE	95894
BASIN	95895
Of the foregoing appropriation item 700509, Soil and Water	95896
District Support, \$350,000 in each fiscal year shall be used by	95897
the Department of Agriculture for a program to support soil and	95898
water conservation districts in the Western Lake Erie Basin in	95899
complying with provisions of Sub. S.B. 1 of the 131st General	95900
Assembly. The Department shall approve a soil and water district's	95901
application for funding under the program if the application	95902
demonstrates that funding will be used for, but not limited to,	95903
providing technical assistance, developing applicable nutrient or	95904
manure management plans, hiring and training of soil and water	95905
conservation district staff on best conservation practices, or	95906
other activities the Director determines appropriate to assist	95907
farmers in the Western Lake Erie Basin in complying with the	95908
provisions of Sub. S.B. 1 of the 131st General Assembly.	95909
Of the foregoing appropriation item 700509, Soil and Water	95910
District Support, \$3,500,000 in each fiscal year shall be used to	95911
support county soil and water conservation districts in the	95912
Western Lake Erie Basin for staffing costs and to assist in soil	95913
testing and nutrient management plan development, including manure	95914
transformation and manure conversion technologies, enhanced filter	95915

strips, water management, and other conservation support. 95916

SOIL AND WATER DISTRICTS 95917

In addition to state payments to soil and water conservation 95918
districts authorized by section 940.15 of the Revised Code, the 95919
Department of Agriculture may use appropriation item 700661, Soil 95920
and Water Districts, to pay any soil and water conservation 95921
district an annual amount not to exceed \$40,000 upon receipt of a 95922
request and justification from the district and approval by the 95923
Ohio Soil and Water Conservation Commission. The county auditor 95924
shall credit the payments to the special fund established under 95925
section 940.12 of the Revised Code for use by the local soil and 95926
water conservation district. The amounts received by each district 95927
shall be expended for the purposes of the district. 95928

H2OHIO FUND 95929

The foregoing appropriation item 700670, H2Ohio, shall be 95930
used by the Department of Agriculture to support best management 95931
practices for farmers including but not limited to assistance with 95932
equipment purchases and soil testing. In addition, the foregoing 95933
appropriation item 700760, H2Ohio, may be used to fund 95934
improvements and protection of state waterways in support of water 95935
quality priorities and management in accordance with section 95936
126.60 of the Revised Code. 95937

On July 1, 2020, or as soon as possible thereafter, the 95938
Director of Agriculture may certify to the Director of Budget and 95939
Management an amount up to the unexpended, unencumbered balance of 95940
the foregoing appropriation item, 700670, H2Ohio, at the end of 95941
fiscal year 2020 to be reappropriated in fiscal year 2021. The 95942
amount certified is hereby reappropriated to the same 95943
appropriation item for fiscal year 2021. 95944

CLEAN OHIO AGRICULTURAL EASEMENT OPERATING EXPENSES 95945

The foregoing appropriation item 700632, Clean Ohio 95946

Agricultural Easement Operating, shall be used by the Department 95947
of Agriculture in administering Clean Ohio Agricultural Easement 95948
Fund (Fund 7057) projects pursuant to sections 901.21, 901.22, and 95949
5301.67 to 5301.70 of the Revised Code. 95950

Section 213.10. AIR AIR QUALITY DEVELOPMENT AUTHORITY 95951

Dedicated Purpose Fund Group 95952

4Z90 898602 Small Business \$ 208,813 \$ 208,813 95953
Ombudsman

5700 898601 Operating Expenses \$ 565,364 \$ 583,395 95954

5A00 898603 Small Business \$ 450,000 \$ 450,000 95955
Assistance

TOTAL DPF Dedicated Purpose Fund \$ 1,224,177 \$ 1,242,208 95956
Group

TOTAL ALL BUDGET FUND GROUPS \$ 1,224,177 \$ 1,242,208 95957

Section 213.20. REIMBURSEMENT TO AIR QUALITY DEVELOPMENT 95959

AUTHORITY TRUST ACCOUNT 95960

Notwithstanding any other provision of law to the contrary, 95961
the Air Quality Development Authority may reimburse the Air 95962
Quality Development Authority trust account established under 95963
section 3706.10 of the Revised Code from all operating funds of 95964
the agency for expenses pertaining to the administration and 95965
shared costs incurred by the Air Quality Development Authority in 95966
the execution of responsibilities as prescribed in Chapter 3706. 95967
of the Revised Code. The reimbursement shall be made by voucher 95968
and completed in accordance with the administrative indirect costs 95969
allocation plan approved by the Office of Budget and Management. 95970

Section 215.10. ARC ARCHITECTS BOARDS 95971

Dedicated Purpose Fund Group 95972

4K90 891609 Operating \$ 638,611 \$ 646,294 95973

TOTAL DPF Dedicated Purpose Fund				95974
Group	\$	638,611	\$ 646,294	95975
TOTAL ALL BUDGET FUND GROUPS	\$	638,611	\$ 646,294	95976

Section 217.10. ART OHIO ARTS COUNCIL 95978

General Revenue Fund 95979

GRF 370321 Operating Expenses \$ 1,947,031 \$ 2,042,828 95980

GRF 370502 State Program \$ 13,730,750 \$ 13,730,750 95981

Subsidies

TOTAL GRF General Revenue Fund \$ 15,677,781 \$ 15,773,578 95982

Dedicated Purpose Fund Group 95983

4600 370602 Arts Council Program \$ 377,942 \$ 385,000 95984

Support

4B70 370603 Percent for Art \$ 165,000 \$ 165,000 95985

Acquisitions

TOTAL DPF Dedicated Purpose Fund \$ 542,942 \$ 550,000 95986

Group

Federal Fund Group 95987

3140 370601 Federal Support \$ 1,250,000 \$ 1,250,000 95988

TOTAL FED Federal Fund Group \$ 1,250,000 \$ 1,250,000 95989

TOTAL ALL BUDGET FUND GROUPS \$ 17,470,723 \$ 17,573,578 95990

STATE PROGRAM SUBSIDIES 95991

Notwithstanding any provision of law to the contrary, of the 95992

foregoing appropriation item 370502, State Program Subsidies, at 95993

least \$2,000,000 in each fiscal year shall be used by the Ohio 95994

Arts Council to award grants for arts-related educational 95995

programming for kindergarten through twelfth grade students. 95996

FEDERAL SUPPORT 95997

Notwithstanding any provision of law to the contrary, the 95998

foregoing appropriation item 370601, Federal Support, shall be 95999

used by the Ohio Arts Council for subsidies only, and not for its 96000

administrative costs, unless the Council is required to use a 96001
 portion of the funds for administrative costs under conditions of 96002
 the federal grant. 96003

Section 219.10. ATH ATHLETIC COMMISSION 96004

Dedicated Purpose Fund Group 96005

4K90 175609 Operating Expenses \$ 331,169 \$ 331,822 96006

TOTAL DPF Dedicated Purpose Fund \$ 331,169 \$ 331,822 96007

Group

TOTAL ALL BUDGET FUND GROUPS \$ 331,169 \$ 331,822 96008

Section 221.10. AGO ATTORNEY GENERAL 96010

General Revenue Fund 96011

GRF 055321 Operating Expenses \$ 60,646,591 \$ 62,958,461 96012

GRF 055405 Law-Related Education \$ 68,950 \$ 68,950 96013

GRF 055406 BCIRS Lease Rental \$ 2,515,100 \$ 2,513,400 96014

Payments

GRF 055411 County Sheriffs' Pay \$ 983,341 \$ 1,000,554 96015

Supplement

GRF 055415 County Prosecutors' \$ 1,247,225 \$ 1,278,630 96016

Pay Supplement

GRF 055431 Drug Abuse Response \$ 1,500,000 \$ 1,500,000 96017

Team Grants

GRF 055501 Rape Crisis Centers \$ 4,450,000 \$ 4,450,000 96018

GRF 055502 School Safety \$ 12,000,000 \$ 12,000,000 96019

Training Grants

GRF 055504 Domestic Violence \$ 1,000,000 \$ 1,000,000 96020

Programs

TOTAL GRF General Revenue Fund \$ 84,411,207 \$ 86,769,995 96021

Dedicated Purpose Fund Group 96022

1060 055612 Attorney General \$ 58,426,184 \$ 60,018,182 96023

Operating

4020	055616	Victims of Crime	\$	20,624,291	\$	20,624,291	96024
4170	055621	Domestic Violence Shelter	\$	25,000	\$	25,000	96025
4180	055615	Charitable Foundations	\$	8,286,000	\$	8,286,000	96026
4190	055623	Claims Section	\$	41,500,000	\$	42,600,000	96027
4200	055603	Attorney General Antitrust	\$	2,432,925	\$	2,432,925	96028
4210	055617	Police Officers' Training Academy Fee	\$	2,182,062	\$	2,250,000	96029
4L60	055606	DARE Programs	\$	3,814,289	\$	3,814,289	96030
4Y70	055608	Title Defect Recision	\$	1,013,751	\$	1,013,751	96031
4Z20	055609	BCI Asset Forfeiture and Cost Reimbursement	\$	2,500,000	\$	2,500,000	96032
5900	055633	Peace Officer Private Security Training	\$	95,325	\$	95,325	96033
5A90	055618	Telemarketing Fraud Enforcement	\$	10,000	\$	10,000	96034
5LR0	055655	Peace Officer Training - Casino	\$	5,355,079	\$	5,529,409	96035
5MP0	055657	Peace Officer Training Commission	\$	325,000	\$	325,000	96036
5TL0	055659	Organized Crime Law Enforcement Trust	\$	100,000	\$	100,000	96037
6310	055637	Consumer Protection Enforcement	\$	9,276,000	\$	9,276,000	96038
6590	055641	Solid and Hazardous Waste Background Investigations	\$	328,728	\$	328,728	96039
U087	055402	Tobacco Settlement Oversight, Administration, and	\$	2,650,000	\$	2,650,000	96040

Enforcement			
TOTAL DPF Dedicated Purpose Fund			96041
Group	\$ 158,944,634	\$ 161,878,900	96042
Internal Service Activity Fund Group			96043
1950 055660 Workers' Compensation	\$ 7,416,045	\$ 6,898,040	96044
Section			
TOTAL ISA Internal Service Activity	\$ 7,416,045	\$ 6,898,040	96045
Fund Group			
Holding Account Fund Group			96046
R004 055631 General Holding	\$ 1,000,000	\$ 1,000,000	96047
Account			
R005 055632 Antitrust Settlements	\$ 1,000,000	\$ 1,000,000	96048
R018 055630 Consumer Frauds	\$ 1,000,000	\$ 1,000,000	96049
R042 055601 Organized Crime	\$ 750,000	\$ 750,000	96050
Commission			
Distributions			
R054 055650 Collection Payment	\$ 4,500,000	\$ 4,500,000	96051
Redistribution			
TOTAL HLD Holding Account			96052
Fund Group	\$ 8,250,000	\$ 8,250,000	96053
Federal Fund Group			96054
3060 055620 Medicaid Fraud	\$ 8,961,419	\$ 8,961,419	96055
Control			
3830 055634 Crime Victims	\$ 109,971,344	\$ 110,000,000	96056
Assistance			
3E50 055638 Attorney General	\$ 4,017,209	\$ 4,020,999	96057
Pass-Through Funds			
3FV0 055656 Crime Victim	\$ 4,600,000	\$ 4,600,000	96058
Compensation			
3R60 055613 Attorney General	\$ 2,799,999	\$ 2,799,999	96059
Federal Funds			
TOTAL FED Federal Fund Group	\$ 130,349,971	\$ 130,382,417	96060

The foregoing appropriation item 055411, County Sheriffs' Pay Supplement, shall be used for the purpose of supplementing the annual compensation of county sheriffs as required by section 325.06 of the Revised Code.

At the request of the Attorney General, the Director of Budget and Management may transfer appropriation from appropriation item 055321, Operating Expenses, to appropriation item 055411, County Sheriffs' Pay Supplement. Any appropriation so transferred shall be used to supplement the annual compensation of county sheriffs as required by section 325.06 of the Revised Code.

COUNTY PROSECUTORS' PAY SUPPLEMENT

The foregoing appropriation item 055415, County Prosecutors' Pay Supplement, shall be used for the purpose of supplementing the annual compensation of certain county prosecutors as required by section 325.111 of the Revised Code.

At the request of the Attorney General, the Director of Budget and Management may transfer appropriation from appropriation item 055321, Operating Expenses, to appropriation item 055415, County Prosecutors' Pay Supplement. Any appropriation so transferred shall be used to supplement the annual compensation of county prosecutors as required by section 325.111 of the Revised Code.

Section 221.30. BATTERED WOMEN'S SHELTER

Of the foregoing appropriation item 055501, Rape Crisis Centers, \$50,000 in each fiscal year shall be distributed to the Battered Women's Shelter of Summit and Medina counties for the cost of operating the commercial kitchen located at its Market Street Facility.

DRUG ABUSE RESPONSE TEAM GRANT PROGRAM

The Attorney General shall maintain the Drug Abuse Response

Team Grant Program for the purpose of replicating or expanding 96122
successful law enforcement programs that address the opioid 96123
epidemic similar to the Drug Abuse Response Team established by 96124
the Lucas County Sheriff's Department, and the Quick Response 96125
Teams established in Colerain Township's Department of Public 96126
Safety in Hamilton County and Summit County. Any grants awarded by 96127
this grant program may include requirements for private or 96128
nonprofit matching support. 96129

The foregoing appropriation item 055431, Drug Abuse Response 96130
Team Grants, shall be used by the Attorney General to fund grants 96131
to law enforcement or other government agencies; the primary 96132
purpose of the grants shall be to replicate or expand successful 96133
law enforcement programs that address the opioid epidemic similar 96134
to the Drug Abuse Response Team established by the Lucas County 96135
Sheriff's Department and the Quick Response Teams established in 96136
Colerain Township's Department of Public Safety in Hamilton County 96137
and Summit County. 96138

Each recipient of a grant under this program shall, within 96139
six months of the end date of the grant, submit a written report 96140
describing the outcomes that resulted from the grant to the 96141
Governor, the President of the Senate, the Speaker of the House of 96142
Representatives, the Minority Leader of the Senate, and the 96143
Minority Leader of the House of Representatives. 96144

DOMESTIC VIOLENCE PROGRAMS 96145

The foregoing appropriation item 055504, Domestic Violence 96146
Programs, shall be used by the Attorney General for the purpose of 96147
funding domestic violence programs as defined in section 109.46 of 96148
the Revised Code. 96149

WORKERS' COMPENSATION SECTION 96150

The Workers' Compensation Fund (Fund 1950) is entitled to 96151
receive quarterly payments from the Bureau of Workers' 96152

Compensation and the Ohio Industrial Commission to fund legal 96153
services provided to the Bureau of Workers' Compensation and the 96154
Ohio Industrial Commission during the fiscal year. 96155

In addition, the Bureau of Workers' Compensation shall 96156
transfer payments for the support of the Workers' Compensation 96157
Fraud Unit. 96158

All amounts shall be mutually agreed upon by the Attorney 96159
General, the Bureau of Workers' Compensation, and the Ohio 96160
Industrial Commission. 96161

GENERAL HOLDING ACCOUNT 96162

The foregoing appropriation item 055631, General Holding 96163
Account, shall be used to distribute moneys under the terms of 96164
relevant court orders or other settlements received in a variety 96165
of cases involving the Office of the Attorney General. If it is 96166
determined that additional amounts are necessary for this purpose, 96167
the amounts are hereby appropriated. 96168

ANTITRUST SETTLEMENTS 96169

The foregoing appropriation item 055632, Antitrust 96170
Settlements, shall be used to distribute moneys under the terms of 96171
relevant court orders or other out of court settlements in 96172
antitrust cases or antitrust matters involving the Office of the 96173
Attorney General. If it is determined that additional amounts are 96174
necessary for this purpose, the amounts are hereby appropriated. 96175

CONSUMER FRAUDS 96176

The foregoing appropriation item 055630, Consumer Frauds, 96177
shall be used for distribution of moneys from court-ordered 96178
judgments against sellers in actions brought by the Office of the 96179
Attorney General under sections 1334.08 and 4549.48 and division 96180
(B) of section 1345.07 of the Revised Code. These moneys shall be 96181
used to provide restitution to consumers victimized by the fraud 96182

that generated the court-ordered judgments. If it is determined 96183
that additional amounts are necessary for this purpose, the 96184
amounts are hereby appropriated. 96185

ORGANIZED CRIME COMMISSION DISTRIBUTIONS 96186

The foregoing appropriation item 055601, Organized Crime 96187
Commission Distributions, shall be used by the Organized Crime 96188
Investigations Commission, as provided by section 177.011 of the 96189
Revised Code, to reimburse political subdivisions for the expenses 96190
the political subdivisions incur when their law enforcement 96191
officers participate in an organized crime task force. If it is 96192
determined that additional amounts are necessary for this purpose, 96193
the amounts are hereby appropriated. 96194

COLLECTION PAYMENT REDISTRIBUTION 96195

The foregoing appropriation item 055650, Collection Payment 96196
Redistribution, shall be used for the purpose of allocating the 96197
revenue where debtors mistakenly paid the client agencies instead 96198
of the Attorney General's Collections Enforcement Section. If it 96199
is determined that additional amounts are necessary for this 96200
purpose, the amounts are hereby appropriated. 96201

Section 223.10. AUD AUDITOR OF STATE 96202

General Revenue Fund 96203

GRF 070403 Fiscal \$ 700,000 \$ 700,000 96204

Watch/Emergency
Technical Assistance

GRF 070401 Audit Management and \$ 11,998,471 \$ 12,209,612 96205

Services

GRF 070402 Performance Audits \$ 1,750,000 \$ 1,600,000 96206

GRF 070404 Fraud/Corruption \$ 2,550,000 \$ 2,550,000 96207

Audits and
Investigation

GRF 070412	Local Government	\$ 13,300,000	\$ 13,300,000	96208
	Audit Support			
TOTAL GRF	General Revenue Fund	\$ 30,298,471	\$ 30,359,612	96209
	Dedicated Purpose Fund Group			96210
1090 070601	Public Audit Expense	\$ 11,184,958	\$ 11,545,067	96211
	- Intrastate			
4220 070602	Public Audit Expense	\$ 34,477,707	\$ 35,053,886	96212
	- Local Government			
5840 070603	Training Program	\$ 475,000	\$ 475,000	96213
5JZ0 070606	LEAP Revolving Loans	\$ 250,000	\$ 250,000	96214
6750 070605	Uniform Accounting	\$ 4,191,269	\$ 4,228,178	96215
	Network			
5VP0 070611	Local Government	\$ 10,000,000	\$ 10,000,000	96216
	Audit Support Fund			
TOTAL DPF	Dedicated Purpose Fund			96217
Group		\$ 60,578,934	\$ 61,552,131	96218
TOTAL ALL BUDGET FUND GROUPS		\$ 90,877,405	\$ 91,911,743	96219

Section 223.20. AUDIT MANAGEMENT AND SERVICES 96221

The foregoing appropriation item 070401, Audit Management and 96222
 Services, shall be used pursuant to section 117.13 of the Revised 96223
 Code to support costs of the Auditor of State that are not 96224
 recovered through charges to local governments and state entities, 96225
 which are deposited into the Public Audit Expense-Intrastate Fund 96226
 (Fund 1090), including costs that cannot be recovered from audit 96227
 clients under federal indirect cost allocation guidelines. 96228

PERFORMANCE AUDITS 96229

The foregoing appropriation item 070402, Performance Audits, 96230
 shall be used pursuant to section 117.13 of the Revised Code to 96231
 support costs of the Auditor of State related to the provision of 96232
 performance audits for local governments, school districts, state 96233
 agencies, and colleges and universities that are not recovered 96234

through charges to those entities, including costs that cannot be 96235
recovered from audit clients under federal indirect cost 96236
allocation guidelines. 96237

LOCAL GOVERNMENT AUDIT SUPPORT 96238

The foregoing appropriation item 070412, Local Government 96239
Audit Support, shall be used pursuant to section 117.13 of the 96240
Revised Code to support costs of the Auditor of State that are not 96241
recovered through charges to local governments and state entities, 96242
which are deposited into the Public Audit Expense-Local Government 96243
Fund (Fund 4220), including costs that cannot be recovered from 96244
audit clients under federal indirect cost allocation guidelines. 96245

LOCAL GOVERNMENT AUDIT SUPPORT FUND 96246

The foregoing appropriation item 070611, Local Government 96247
Audit Support Fund, shall be used pursuant to section 5747.461 of 96248
the Revised Code to offset costs of audits that would otherwise be 96249
charged to local public offices in the absence of the fund. 96250

Notwithstanding section 131.511 of the Revised Code, during 96251
fiscal year 2020, the Director of Budget and Management shall 96252
monthly credit to the Local Government Audit Support Fund such 96253
amounts as are necessary to support the fiscal year 2020 96254
appropriations from the fund. 96255

Section 229.10. OBM OFFICE OF BUDGET AND MANAGEMENT 96256

General Revenue Fund 96257

GRF	042321	Budget Development	\$	3,328,574	\$	3,389,364	96258
		and Implementation					

GRF	042425	Shared Services	\$	1,285,250	\$	1,049,725	96259
		Development					

TOTAL GRF	General Revenue Fund	\$	4,613,824	\$	4,439,089	96260
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Internal Service Activity Fund Group 96261

1050	042603	Financial Management	\$	17,106,380	\$	16,995,903	96262
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1050 042620	Shared Services	\$	6,744,587	\$	6,543,051	96263
	Operating					
TOTAL ISA	Internal Service Activity					96264
Fund Group		\$	23,850,967	\$	23,538,954	96265
Fiduciary Fund Group						96266
5EH0 042604	Forgery Recovery	\$	30,000	\$	30,000	96267
TOTAL FID	Fiduciary Fund Group	\$	30,000	\$	30,000	96268
TOTAL ALL BUDGET FUND GROUPS		\$	28,494,791	\$	28,008,043	96269

Section 229.20. AUDIT COSTS 96271

All centralized audit costs associated with either Single 96272
Audit Schedules or financial statements prepared in conformance 96273
with generally accepted accounting principles for the state shall 96274
be paid from the foregoing appropriation item 042603, Financial 96275
Management. 96276

Costs associated with the audit of the Auditor of State shall 96277
be paid from the foregoing appropriation item 042321, Budget 96278
Development and Implementation. 96279

SHARED SERVICES CENTER 96280

The foregoing appropriation items 042425, Shared Services 96281
Development, and 042620, Shared Services Operating, shall be used 96282
by the Director of Budget and Management to support the Shared 96283
Services program pursuant to division (D) of section 126.21 of the 96284
Revised Code. 96285

The Director of Budget and Management shall include the 96286
recovery of costs to operate the Shared Services program in the 96287
accounting and budgeting services payroll rate and through direct 96288
charges using intrastate transfer vouchers billed to agencies for 96289
services rendered using a methodology determined by the Director 96290
of Budget and Management. Such cost recovery revenues shall be 96291
deposited to the credit of the Accounting and Budgeting Fund (Fund 96292

1050).						96293
INTERNAL AUDIT						96294
The Director of Budget and Management shall include the						96295
recovery of costs to operate the Internal Audit Program pursuant						96296
to section 126.45 of the Revised Code in the accounting and						96297
budgeting services payroll rate and through direct charges using						96298
intrastate transfer vouchers billed to agencies reviewed by the						96299
program using a methodology determined by the Director of Budget						96300
and Management. Such cost recovery revenues shall be deposited to						96301
the credit of Fund 1050.						96302
FORGERY RECOVERY						96303
The foregoing appropriation item 042604, Forgery Recovery,						96304
shall be used to reissue warrants that have been certified as						96305
forgeries by the rightful recipient as determined by the Bureau of						96306
Criminal Identification and Investigation and the Treasurer of						96307
State. Upon receipt of funds to cover the reissuance of the						96308
warrant, the Director of Budget and Management shall reissue a						96309
state warrant of the same amount. Any additional amounts needed to						96310
reissue warrants backed by the receipt of funds are hereby						96311
appropriated.						96312
Section 231.10. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD						96313
General Revenue Fund						96314
GRF 874100 Personal Services	\$	3,802,439	\$	3,819,502		96315
GRF 874320 Maintenance and	\$	1,368,765	\$	1,368,765		96316
Equipment						
TOTAL GRF General Revenue Fund	\$	5,171,204	\$	5,188,267		96317
Dedicated Purpose Fund Group						96318
2080 874601 Underground Parking	\$	4,245,906	\$	4,245,906		96319
Garage Operations						
4G50 874603 Capitol Square	\$	6,000	\$	6,000		96320

Education Center and
 Arts

TOTAL DPF Dedicated Purpose				96321
Fund Group	\$	4,251,906	\$ 4,251,906	96322
Internal Service Activity Fund Group				96323
4S70 874602 Statehouse Gift	\$	800,000	\$ 800,000	96324
Shop/Events				
TOTAL ISA Internal Service Activity				96325
Fund Group	\$	800,000	\$ 800,000	96326
TOTAL ALL BUDGET FUND GROUPS	\$	10,223,110	\$ 10,240,173	96327

PERSONAL SERVICES 96328

On July 1, 2019, or as soon as possible thereafter, the 96329
 Executive Director of the Capitol Square Review and Advisory Board 96330
 may certify to the Director of Budget and Management an amount up 96331
 to the unexpended, unencumbered balance of the foregoing 96332
 appropriation item 874100, Personal Services, at the end of fiscal 96333
 year 2019 to be reappropriated to fiscal year 2020. The amount 96334
 certified is hereby appropriated to the same appropriation item 96335
 for fiscal year 2020. 96336

On July 1, 2020, or as soon as possible thereafter, the 96337
 Executive Director of the Capital Square Review and Advisory Board 96338
 may certify to the Director of Budget and Management an amount up 96339
 to the unexpended, unencumbered balance of the foregoing 96340
 appropriation item 874100, Personal Services, at the end of fiscal 96341
 year 2020 to be reappropriated to fiscal year 2021. The amount 96342
 certified is hereby appropriated to the same appropriation item 96343
 for fiscal year 2021. 96344

MAINTENANCE AND EQUIPMENT 96345

On July 1, 2019, or as soon as possible thereafter, the 96346
 Executive Director of the Capitol Square Review and Advisory Board 96347
 may certify to the Director of Budget and Management an amount up 96348

to the unexpended, unencumbered balance of the foregoing 96349
appropriation item 874320, Maintenance and Equipment, at the end 96350
of fiscal year 2019 to be reappropriated to fiscal year 2020. The 96351
amount certified is hereby appropriated to the same appropriation 96352
item for fiscal year 2020. 96353

On July 1, 2020, or as soon as possible thereafter, the 96354
Executive Director of the Capitol Square Review and Advisory Board 96355
may certify to the Director of Budget and Management an amount up 96356
to the unexpended, unencumbered balance of the foregoing 96357
appropriation item 874320, Maintenance and Equipment, at the end 96358
of fiscal year 2020 to be reappropriated to fiscal year 2021. The 96359
amount certified is hereby appropriated to the same appropriation 96360
item for fiscal year 2021. 96361

UNDERGROUND PARKING GARAGE FUND 96362

Notwithstanding division (G) of section 105.41 of the Revised 96363
Code and any other provision to the contrary, moneys in the 96364
Underground Parking Garage Fund (Fund 2080) may be used for 96365
personnel and operating costs related to the operations of the 96366
Statehouse and the Statehouse Underground Parking Garage. 96367

HOUSE AND SENATE PARKING REIMBURSEMENT 96368

On July 1 of each fiscal year, or as soon as possible 96369
thereafter, the Director of Budget and Management shall transfer 96370
\$500,000 cash from the General Revenue Fund to the Underground 96371
Parking Garage Fund (Fund 2080). The amounts transferred under 96372
this section shall be used to reimburse the Capitol Square Review 96373
and Advisory Board for legislative parking costs. 96374

Section 233.10. SCR STATE BOARD OF CAREER COLLEGES AND 96375
SCHOOLS 96376

Dedicated Purpose Fund Group 96377
4K90 233601 Operating Expenses \$ 540,260 \$ 540,260 96378

TOTAL DPF Dedicated Purpose Fund Group	\$	540,260	\$	540,260	96379
TOTAL ALL BUDGET FUND GROUPS	\$	540,260	\$	540,260	96380
Section 235.10. CAC CASINO CONTROL COMMISSION					96382
Dedicated Purpose Fund Group					96383
5HS0 955321 Operating Expenses	\$	13,180,629	\$	13,673,127	96384
5NU0 955601 Casino Commission Enforcement	\$	250,000	\$	250,000	96385
TOTAL DPF Dedicated Purpose Fund Group	\$	13,430,629	\$	13,923,127	96386
TOTAL ALL BUDGET FUND GROUPS	\$	13,430,629	\$	13,923,127	96387
Section 237.10. CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD					96389
Dedicated Purpose Fund Group					96390
4K90 930609 Operating Expenses	\$	651,167	\$	664,212	96391
TOTAL DPF Dedicated Purpose Fund Group	\$	651,167	\$	664,212	96392
TOTAL ALL BUDGET FUND GROUPS	\$	651,167	\$	664,212	96393
Section 239.10. CHR STATE CHIROPRACTIC BOARD					96395
Dedicated Purpose Fund Group					96396
4K90 878609 Operating Expenses	\$	605,251	\$	622,000	96397
TOTAL DPF Dedicated Purpose Fund Group	\$	605,251	\$	622,000	96398
TOTAL ALL BUDGET FUND GROUPS	\$	605,251	\$	622,000	96399
Section 241.10. CIV OHIO CIVIL RIGHTS COMMISSION					96401
General Revenue Fund					96402
GRF 876321 Operating Expenses	\$	5,863,161	\$	5,863,161	96403
TOTAL GRF General Revenue Fund	\$	5,863,161	\$	5,863,161	96404
Dedicated Purpose Fund Group					96405

2170	876604	Operations Support	\$	3,000	\$	3,000	96406
TOTAL DPF Internal Service Activity							96407
Fund Group			\$	3,000	\$	3,000	96408
Federal Fund Group							96409
3340	876601	Federal Programs	\$	3,555,504	\$	3,908,497	96410
TOTAL FED Federal Special Revenue							96411
Fund Group			\$	3,555,504	\$	3,908,497	96412
TOTAL ALL BUDGET FUND GROUPS							96413

Section 243.10. COM DEPARTMENT OF COMMERCE 96415

Dedicated Purpose Fund Group							96416
4B20	800631	Real Estate Appraisal	\$	35,000	\$	35,000	96417
Recovery							
4H90	800608	Cemeteries	\$	302,250	\$	313,466	96418
4X20	800619	Financial Institutions	\$	1,914,631	\$	1,980,213	96419
5430	800602	Unclaimed	\$	10,452,421	\$	10,465,295	96420
Funds-Operating							
5430	800625	Unclaimed Funds-Claims	\$	70,000,000	\$	70,000,000	96421
5440	800612	Banks	\$	10,154,147	\$	10,688,048	96422
5460	800610	Fire Marshal	\$	20,436,641	\$	21,090,755	96423
5460	800639	Fire Department Grants	\$	5,200,000	\$	5,200,000	96424
5470	800603	Real Estate	\$	69,655	\$	69,655	96425
Education/Research							
5480	800611	Real Estate Recovery	\$	50,000	\$	50,000	96426
5490	800614	Real Estate	\$	3,876,514	\$	4,067,513	96427
5500	800617	Securities	\$	6,165,054	\$	6,363,135	96428
5520	800604	Credit Union	\$	3,719,253	\$	3,807,712	96429
5530	800607	Consumer Finance	\$	5,465,720	\$	5,777,988	96430
5560	800615	Industrial Compliance	\$	30,729,000	\$	30,929,000	96431
5F10	800635	Small Government Fire	\$	300,000	\$	300,000	96432
Departments							
5FW0	800616	Financial Literacy	\$	150,000	\$	150,000	96433

Education				
5GK0	800609	Securities Investor	\$ 678,400	\$ 682,150 96434
Education/Enforcement				
5HV0	800641	Cigarette Enforcement	\$ 27,324	\$ 27,324 96435
5LC0	800644	Liquor JobsOhio	\$ 788,204	\$ 788,204 96436
Extraordinary Allowance				
5LN0	800645	Liquor Operating	\$ 19,540,125	\$ 19,705,103 96437
Services				
5LP0	800646	Liquor Regulatory	\$ 15,918,941	\$ 14,787,281 96438
Operating Expenses				
5SE0	800651	Cemetery Grant Program	\$ 100,000	\$ 100,000 96439
5SJ0	800648	Volunteer Peace	\$ 50,000	\$ 50,000 96440
Officers' Dependent Fund				
5SU0	800649	Manufactured Homes	\$ 260,550	\$ 270,478 96441
Regulation				
5SY0	800650	Medical Marijuana Control Program	\$ 6,435,897	\$ 5,121,000 96442
5VC0	800652	Real Estate Home Inspector Operating	\$ 490,000	\$ 490,000 96443
5VD0	800653	Real Estate Home Inspector Recovery	\$ 10,000	\$ 10,000 96444
5X60	800623	Video Service	\$ 416,732	\$ 412,693 96445
6530	800629	UST Registration/Permit Fee	\$ 2,316,230	\$ 2,301,714 96446
6A40	800630	Real Estate Appraiser-Operating	\$ 1,299,071	\$ 1,336,056 96447
TOTAL DPF Dedicated Purpose				96448
Fund Group			\$ 217,351,760	\$ 217,369,783 96449
Internal Service Activity Fund Group				96450
1630	800620	Division of Administration	\$ 8,558,140	\$ 8,364,140 96451
1630	800637	Information Technology	\$ 8,601,860	\$ 8,985,860 96452

TOTAL ISA Internal Service Activity				96453	
Fund Group	\$	17,160,000	\$	17,350,000	96454
Federal Fund Group				96455	
3480 800622 Underground Storage Tanks	\$	820,675	\$	805,112	96456
3480 800624 Leaking Underground Storage Tanks	\$	1,950,000	\$	1,949,887	96457
TOTAL FED Federal Fund Group	\$	2,770,675	\$	2,754,999	96458
TOTAL ALL BUDGET FUND GROUPS	\$	237,282,435	\$	237,474,782	96459

Section 243.20. UNCLAIMED FUNDS PAYMENTS 96461

The foregoing appropriation item 800625, Unclaimed Funds-Claims, shall be used to pay claims under section 169.08 of the Revised Code. If it is determined by the Director of Commerce that additional appropriation amounts are necessary to make such payments, the Director of Commerce may request that the Director of Budget and Management increase such amounts. Such increases are hereby appropriated. 96462
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DIVISION OF REAL ESTATE AND PROFESSIONAL LICENSING 96469

The foregoing appropriation item 800631, Real Estate Appraiser Recovery, shall be used to pay settlements, judgments, and court orders under section 4763.16 of the Revised Code. If it is determined by the Director of Commerce that additional appropriation amounts are necessary to make such payments, the Director of Commerce may request that the Director of Budget and Management increase such amounts. Such increases are hereby appropriated. 96470
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The foregoing appropriation item 800611, Real Estate Recovery, shall be used to pay settlements, judgments, and court orders under section 4735.12 of the Revised Code. If it is determined by the Director of Commerce that additional appropriation amounts are necessary to make such payments, the 96478
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Director of Commerce may request that the Director of Budget and Management increase such amounts. Such increases are hereby appropriated.

FIRE DEPARTMENT GRANTS

(A) The foregoing appropriation item 800639, Fire Department Grants, shall be used to make annual grants to the following eligible recipients: volunteer fire departments, fire departments that serve one or more small municipalities or small townships, joint fire districts comprised of fire departments that primarily serve small municipalities or small townships, local units of government responsible for such fire departments, and local units of government responsible for the provision of fire protection services for small municipalities or small townships. For the purposes of these grants, a private fire company, as that phrase is defined in section 9.60 of the Revised Code, that is providing fire protection services under a contract to a political subdivision of the state, is an additional eligible recipient for a training grant.

Eligible recipients that consist of small municipalities or small townships that all intend to contract with the same fire department or private fire company for fire protection services may jointly apply and be considered for a grant. If a joint applicant is awarded a grant, the State Fire Marshal shall, if feasible, proportionately award the grant and any equipment purchased with grant funds to each of the joint applicants based upon each applicant's contribution to and demonstrated need for fire protection services. For the purpose of this grant program, an eligible recipient or any firefighting entity that is contracted to serve an eligible recipient may only file, be listed as joint applicant, or be designated as a service provider on one grant application per fiscal year.

If the grant awarded to joint applicants is an equipment

grant and the equipment to be purchased cannot be readily 96515
distributed or possessed by multiple recipients, each of the joint 96516
applicants shall be awarded by the State Fire Marshal an ownership 96517
interest in the equipment so purchased in proportion to each 96518
applicant's contribution to and demonstrated need for fire 96519
protection services. The joint applicants shall then mutually 96520
agree on how the equipment is to be maintained, operated, stored, 96521
or disposed of. If, for any reason, the joint applicants cannot 96522
agree as to how jointly owned equipment is to be maintained, 96523
operated, stored, or disposed of or any of the joint applicants no 96524
longer maintain a contract with the same fire protection service 96525
provider as the other applicants, then the joint applicants shall, 96526
with the assistance of the State Fire Marshal, mutually agree as 96527
to how the jointly owned equipment is to be maintained, operated, 96528
stored, disposed of, or owned. If the joint applicants cannot 96529
agree how the grant equipment is to be maintained, operated, 96530
stored, disposed of, or owned, the State Fire Marshal may, in its 96531
discretion, require all of the equipment acquired by the joint 96532
applicants with grant funds to be returned to the State Fire 96533
Marshal. The State Fire Marshal may then award the returned 96534
equipment to any eligible recipients. For this paragraph only, an 96535
"equipment grant" also includes a MARCS Grant. 96536

(B) Except as otherwise provided in this section, the grants 96537
shall be used by recipients to purchase firefighting or rescue 96538
equipment or gear or similar items, to provide full or partial 96539
reimbursement for the documented costs of firefighter training, 96540
or, at the discretion of the State Fire Marshal, to cover fire 96541
department costs for providing fire protection services in that 96542
grant recipient's jurisdiction. 96543

(1) Of the foregoing appropriation item 800639, Fire 96544
Department Grants, up to \$1,000,000 per fiscal year may be used to 96545
pay for the State Fire Marshal's costs of providing firefighter I 96546

certification classes or other firefighter classes approved by the State Fire Marshal at no cost to selected students attending the Ohio Fire Academy or other class providers approved by the State Fire Marshal. The State Fire Marshal may establish the qualifications and selection processes for students to attend such classes by written policy, and such students shall be considered eligible recipients of fire department grants for the purposes of this portion of the grant program.

(2) Of the foregoing appropriation item 800639, Fire Department Grants, up to \$3,000,000 in each fiscal year may be used for MARCS Grants. MARCS Grants may be used for the payment of user access fees by the eligible recipient to cover costs for accessing MARCS.

For purposes of this section, a MARCS Grant is a grant for systems, equipment, or services that are a part of, integrated into, or otherwise interoperable with the Multi-Agency Radio Communication System (MARCS) operated by the state.

MARCS Grant awards may be up to \$50,000 in each fiscal year per eligible recipient. Each eligible recipient may apply, as a separate entity or as a part of a joint application, for only one MARCS Grant per fiscal year. The State Fire Marshal may give a preference to MARCS Grants that will enhance the overall interoperability and effectiveness of emergency communication networks in the geographic region that includes and that is adjacent to the applicant.

Eligible recipients that are or were awarded fire department grants that are not MARCS Grants may also apply for and receive MARCS Grants in accordance with criteria for the awarding of grant funds established by the State Fire Marshal.

(3) Grant awards for firefighting or rescue equipment or gear or for fire department costs of providing fire protection services

shall be up to \$15,000 per fiscal year, or up to \$25,000 per 96578
fiscal year if an eligible entity serves a jurisdiction in which 96579
the Governor declared a natural disaster during the preceding or 96580
current fiscal year in which the grant was awarded. In addition to 96581
any grant funds awarded for rescue equipment or gear, or for fire 96582
department costs associated with the provision of fire protection 96583
services, an eligible entity may receive a grant for up to \$15,000 96584
per fiscal year for full or partial reimbursement of the 96585
documented costs of firefighter training. For each fiscal year, 96586
the State Fire Marshal shall determine the total amounts to be 96587
allocated for each eligible purpose. 96588

(C) The grants shall be administered by the State Fire 96589
Marshal in accordance with rules the State Fire Marshal adopts as 96590
part of the state fire code adopted pursuant to section 3737.82 of 96591
the Revised Code that are necessary for the administration and 96592
operation of the grant program. The rules may further define the 96593
entities eligible to receive grants and establish criteria for the 96594
awarding and expenditure of grant funds, including methods the 96595
State Fire Marshal may use to verify the proper use of grant funds 96596
or to obtain reimbursement for or the return of equipment for 96597
improperly used grant funds. To the extent consistent with this 96598
section and until the rules are updated, the existing rules in the 96599
state fire code adopted pursuant to section 3737.82 of the Revised 96600
Code for fire department grants under this section apply to MARCS 96601
Grants. Any amounts in appropriation item 800639, Fire Department 96602
Grants, in excess of the amount allocated for these grants may be 96603
used for the administration of the grant program. 96604

INDUSTRIAL COMPLIANCE 96605

Of the foregoing appropriation item 800615, Industrial 96606
Compliance, \$1,200,000 in each fiscal year shall be used for the 96607
Bureau of Wage and Hour Administration within the Division of the 96608
Industrial Compliance. 96609

Section 243.30. CASH TRANSFERS TO DIVISION OF REAL ESTATE 96610
OPERATING FUND 96611

Upon the written request of the Director of Commerce, and 96612
subject to the approval of the Controlling Board, the Director of 96613
Budget and Management may transfer up to \$500,000 in cash from the 96614
Real Estate Education and Research Fund (Fund 5470) to the 96615
Division of Real Estate Operating Fund (Fund 5490) during the 96616
biennium ending June 30, 2021. 96617

If the Real Estate Recovery Fund (Fund 5480) cash balance 96618
exceeds \$250,000 during the biennium ending June 30, 2021, the 96619
Director of Budget and Management, upon the written request of the 96620
Director of Commerce and subject to the approval of the 96621
Controlling Board, may transfer cash from Fund 5480 to the 96622
Division of Real Estate Operating Fund (Fund 5490), such that the 96623
amount available in Fund 5480 is not less than \$250,000. 96624

CASH TRANSFERS TO REAL ESTATE APPRAISER OPERATING FUND 96625

If the Real Estate Appraiser Recovery Fund (Fund 4B20) cash 96626
balance exceeds \$200,000 during the biennium ending June 30, 2021, 96627
the Director of Budget and Management, upon the written request of 96628
the Director of Commerce and subject to the approval of the 96629
Controlling Board, may transfer cash from Fund 4B20 to the Real 96630
Estate Appraiser Operating Fund (Fund 6A40), such that the amount 96631
available in Fund 4B20 is not less than \$200,000. 96632

CASH TRANSFERS TO SMALL GOVERNMENT FIRE DEPARTMENT SERVICES 96633
REVOLVING LOAN FUND 96634

Upon the written request of the Director of Commerce, and 96635
subject to the approval of the Controlling Board, the Director of 96636
Budget and Management may transfer up to \$300,000 in cash from the 96637
State Fire Marshal Fund (Fund 5460) to the Small Government Fire 96638
Department Services Revolving Loan Fund (Fund 5F10) during the 96639

biennium ending June 30, 2021. 96640

CASH TRANSFERS TO THE HOME INSPECTOR OPERATING FUND AND THE 96641
HOME INSPECTOR RECOVERY FUND 96642

During the biennium beginning July 1, 2019, and ending June 96643
30, 2021, upon written request from the Director of Commerce, and 96644
subject to the approval of the Controlling Board, the Director of 96645
Budget and Management may transfer up to \$500,000 in cash from the 96646
Division of Securities Fund (Fund 5500) as follows: up to \$490,000 96647
in cash to the Home Inspector Operating Fund (Fund 5VC0) and up to 96648
\$10,000 in cash to the Home Inspector Recovery Fund (Fund 5VD0). 96649
When revenue deposited into Fund 5VC0 and Fund 5VD0 are deemed 96650
sufficient to sustain operations, the Director of Budget and 96651
Management, in consultation with the Director of Commerce, shall 96652
establish a repayment schedule to fully repay the cash transferred 96653
from Fund 5500 to Fund 5VC0 and Fund 5VD0. 96654

Section 245.10. OCC OFFICE OF CONSUMERS' COUNSEL 96655

Dedicated Purpose Fund Group 96656
5F50 053601 Operating Expenses \$ 5,541,093 \$ 5,541,093 96657
TOTAL DPF Dedicated Purpose Fund \$ 5,541,093 \$ 5,541,093 96658
Group
TOTAL ALL BUDGET FUND GROUPS \$ 5,541,093 \$ 5,541,093 96659

Section 247.10. CEB CONTROLLING BOARD 96661

Internal Service Activity Fund Group 96662
5KM0 911614 Controlling Board \$ 7,500,000 \$ 7,500,000 96663
Emergency
Purposes/Contingencies
TOTAL ISA Internal Service Activity \$ 7,500,000 \$ 7,500,000 96664
Fund Group
TOTAL ALL BUDGET FUND GROUPS \$ 7,500,000 \$ 7,500,000 96665

Section 247.20. FEDERAL SHARE 96667

In transferring appropriations to or from appropriation items 96668
that have federal shares identified in this act, the Controlling 96669
Board shall add or subtract corresponding amounts of federal 96670
matching funds at the percentages indicated by the state and 96671
federal division of the appropriations in this act. Such changes 96672
are hereby appropriated. 96673

DISASTER SERVICES 96674

The Disaster Services Fund (Fund 5E20) shall be used by the 96675
Controlling Board, pursuant to requests submitted by state 96676
agencies, to transfer cash used for the payment of state agency 96677
disaster relief program expenses for disasters that have a written 96678
Governor's authorization, if the Director of Budget and Management 96679
determines that sufficient funds exist. 96680

Pursuant to requests submitted by the Department of Public 96681
Safety, the Controlling Board may approve cash transfers from Fund 96682
5E20 to any fund used by the Department of Public Safety to 96683
provide for assistance to political subdivisions made necessary by 96684
natural disasters or emergencies. These cash transfers may be 96685
requested and approved prior to the occurrence of any specific 96686
natural disasters or emergencies in order to facilitate the 96687
provision of timely assistance. The Emergency Management Agency of 96688
the Department of Public Safety shall use the cash to fund the 96689
State Disaster Relief Program for disasters that qualify for the 96690
program by written authorization of the Governor, and the State 96691
Individual Assistance Program for disasters that been declared by 96692
the federal Small Business Administration and that qualify for the 96693
program by written authorization from the Governor. The Ohio 96694
Emergency Management Agency shall publish and make available 96695
application packets outlining procedures for the State Disaster 96696
Relief Program and the State Individual Assistance Program. 96697

Section 249.10.	COS COSMETOLOGY AND BARBER BOARD				96698	
	Dedicated Purpose Fund Group				96699	
4K90 879609	Operating Expenses	\$	5,425,748	\$	5,716,944	96700
TOTAL DPF	Dedicated Purpose Fund	\$	5,425,748	\$	5,716,944	96701
	Group					
TOTAL ALL BUDGET FUND GROUPS		\$	5,425,748	\$	5,716,944	96702
Section 251.10.	CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE				96704	
	AND FAMILY THERAPIST BOARD				96705	
	Dedicated Purpose Fund Group				96706	
4K90 899609	Operating Expenses	\$	1,739,538	\$	1,854,848	96707
TOTAL DPF	Dedicated Purpose Fund	\$	1,739,538	\$	1,854,848	96708
	Group					
TOTAL ALL BUDGET FUND GROUPS		\$	1,739,538	\$	1,854,848	96709
Section 253.10.	CLA COURT OF CLAIMS				96711	
	General Revenue Fund				96712	
GRF 015321	Operating Expenses	\$	2,669,835	\$	2,692,946	96713
GRF 015403	Public Records	\$	879,776	\$	886,527	96714
	Adjudication					
TOTAL GRF	General Revenue Fund	\$	3,549,611	\$	3,579,473	96715
	Dedicated Purpose Fund Group				96716	
5K20 015603	CLA Victims of Crime	\$	529,928	\$	533,532	96717
5TE0 015604	Public Records	\$	8,000	\$	8,000	96718
TOTAL DPF	Dedicated Purpose Fund	\$	537,928	\$	541,532	96719
	Group					
TOTAL ALL BUDGET FUND GROUPS		\$	4,087,539	\$	4,121,005	96720
Section 255.10.	DEN STATE DENTAL BOARD				96722	
	Dedicated Purpose Fund Group				96723	
4K90 880609	Operating Expenses	\$	2,000,804	\$	2,124,251	96724

GRF	195454	Small Business and Export Assistance	\$	3,057,174	\$	3,057,174	96749
GRF	195455	Appalachia Assistance	\$	15,991,465	\$	16,000,000	96750
GRF	195497	CDBG Operating Match	\$	1,092,138	\$	1,125,000	96751
GRF	195499	BSD Federal Programs Match	\$	13,148,022	\$	12,976,894	96752
GRF	195501	iBELIEVE	\$	200,000	\$	200,000	96753
GRF	195503	Local Development Projects	\$	1,490,000	\$	475,000	96754
GRF	195901	Coal Research and Development General Obligation Bond Debt Service	\$	8,123,100	\$	7,682,600	96755
GRF	195905	Third Frontier Research and Development General Obligation Bond Debt Service	\$	84,181,400	\$	87,403,000	96756
GRF	195912	Job Ready Site Development General Obligation Bond Debt Service	\$	15,516,000	\$	9,879,900	96757
TOTAL GRF		General Revenue Fund	\$	149,932,102	\$	146,035,975	96758
		Dedicated Purpose Fund Group					96759
4500	195624	Minority Business Bonding Program Administration	\$	74,905	\$	74,905	96760
4510	195649	Business Assistance Programs	\$	4,000,000	\$	4,000,000	96761
4F20	195639	State Special Projects	\$	102,104	\$	102,104	96762
4F20	195699	Utility Community Assistance	\$	500,000	\$	500,000	96763
4W10	195646	Minority Business	\$	4,000,000	\$	4,000,000	96764

		Enterprise Loan					
5JR0	195635	Tax Incentives	\$	800,000	\$	800,000	96765
		Operating					
5KP0	195645	Historic	\$	1,000,000	\$	1,000,000	96766
		Rehabilitation					
		Operating					
5M40	195659	Low Income Energy	\$	349,944,742	\$	350,000,000	96767
		Assistance (USF)					
5M50	195660	Advanced Energy Loan	\$	10,000,000	\$	10,000,000	96768
		Programs					
5MH0	195644	SiteOhio	\$	2,500	\$	2,500	96769
		Administration					
5MJ0	195683	TourismOhio	\$	10,000,000	\$	10,000,000	96770
		Administration					
5UL0	195627	Brownfields Revolving	\$	2,500,000	\$	2,500,000	96771
		Loan Program					
5W60	195691	International Trade	\$	18,000	\$	18,000	96772
		Cooperative Projects					
6170	195654	Volume Cap	\$	32,562	\$	32,562	96773
		Administration					
6460	195638	Low- and Moderate-	\$	53,000,000	\$	53,000,000	96774
		Income Housing					
		Programs					
M087	195435	Biomedical Research	\$	500,000	\$	500,000	96775
		and Technology					
		Transfer					
TOTAL DPF		Dedicated Purpose Fund	\$	436,474,813	\$	436,530,071	96776
		Group					
		Internal Service Activity Fund Group					96777
1350	195684	Development Services	\$	11,686,861	\$	12,000,000	96778
		Operations					
6850	195636	Development Services	\$	125,000	\$	125,000	96779
		Reimbursable					

Expenditures

TOTAL ISA Internal Service Activity	\$	11,811,861	\$	12,125,000	96780
Fund Group					
Facilities Establishment Fund Group					96781
4Z60 195647 Rural Industrial Park	\$	25,000,000	\$	0	96782
Loan					
5S90 195628 Capital Access Loan	\$	2,500,000	\$	2,500,000	96783
Program					
7009 195664 Innovation Ohio	\$	5,000,000	\$	5,000,000	96784
7010 195665 Research and	\$	5,000,000	\$	5,000,000	96785
Development					
7037 195615 Facilities	\$	25,000,000	\$	25,000,000	96786
Establishment					
TOTAL FCE Facilities Establishment	\$	62,500,000	\$	37,500,000	96787
Fund Group					
Bond Research and Development Fund Group					96788
7011 195686 Third Frontier Tax	\$	750,000	\$	750,000	96789
Exempt - Operating					
7011 195687 Third Frontier	\$	21,000,000	\$	21,000,000	96790
Research and					
Development Projects					
7014 195620 Third Frontier	\$	1,710,000	\$	1,710,000	96791
Taxable - Operating					
7014 195692 Research and	\$	90,850,250	\$	90,850,250	96792
Development Taxable					
Bond Projects					
TOTAL BRD Bond Research and	\$	114,310,250	\$	114,310,250	96793
Development Fund Group					
Federal Fund Group					96794
3080 195603 Housing Assistance	\$	12,000,000	\$	12,000,000	96795
Programs					
3080 195609 Small Business	\$	5,271,381	\$	5,271,381	96796

		Administration Grants			
3080	195618	Energy Grants	\$ 4,000,000	\$ 4,000,000	96797
3080	195670	Home Weatherization Program	\$ 20,000,000	\$ 20,000,000	96798
3080	195671	Brownfield Redevelopment	\$ 2,000,000	\$ 2,000,000	96799
3080	195672	Manufacturing Extension Partnership	\$ 6,300,000	\$ 6,300,000	96800
3080	195675	Procurement Technical Assistance	\$ 750,000	\$ 750,000	96801
3080	195696	State Trade and Export Promotion	\$ 1,000,000	\$ 1,000,000	96802
3350	195610	Energy Programs	\$ 345,382	\$ 350,000	96803
3AE0	195643	Workforce Development Initiatives	\$ 800,000	\$ 800,000	96804
3FJ0	195626	Small Business Capital Access and Collateral Enhancement Program	\$ 7,996,645	\$ 8,000,000	96805
3FJ0	195661	Technology Targeted Investment Program	\$ 2,260,953	\$ 2,260,953	96806
3K80	195613	Community Development Block Grant	\$ 60,000,000	\$ 60,000,000	96807
3K90	195611	Home Energy Assistance Block Grant	\$ 164,914,571	\$ 165,000,000	96808
3K90	195614	HEAP Weatherization	\$ 34,989,189	\$ 35,000,000	96809
3L00	195612	Community Services Block Grant	\$ 28,000,000	\$ 28,000,000	96810
3V10	195601	HOME Program	\$ 34,979,280	\$ 35,000,000	96811
TOTAL FED		Federal Fund Group	\$ 385,607,401	\$ 385,732,334	96812
TOTAL ALL BUDGET		FUND GROUPS	\$ 1,160,636,427	\$ 1,132,233,630	96813

Section 259.20. COAL RESEARCH AND DEVELOPMENT PROGRAM	96815
The foregoing appropriation item 195402, Coal Research and Development Program, shall be used for the operating expenses of the Community Services Division in support of the Ohio Coal Development Office.	96816 96817 96818 96819
MINORITY BUSINESS DEVELOPMENT	96820
The foregoing appropriation item 195405, Minority Business Development, shall be used to support the activities of the Minority Business Development Division, including providing grants to local nonprofit organizations to support economic development activities that promote minority business development, in conjunction with local organizations funded through appropriation item 195454, Small Business and Export Assistance.	96821 96822 96823 96824 96825 96826 96827
BUSINESS DEVELOPMENT SERVICES	96828
The foregoing appropriation item 195415, Business Development Services, shall be used for the operating expenses of the Office of Strategic Business Investments and the regional economic development offices.	96829 96830 96831 96832
REDEVELOPMENT ASSISTANCE	96833
The foregoing appropriation item 195426, Redevelopment Assistance, shall be used to fund the costs of administering the energy, redevelopment, and other revitalization programs that may be implemented by the Development Services Agency, and may be used to match federal grant funding.	96834 96835 96836 96837 96838
TECHNOLOGY PROGRAMS AND GRANTS	96839
Of the foregoing appropriation item 195453, Technology Programs and Grants, \$1,843,656 in fiscal year 2020 and \$1,900,000 in fiscal year 2021 shall be used for operating expenses incurred in administering the Ohio Third Frontier Programs and other technology focused programs that may be implemented by the	96840 96841 96842 96843 96844

Development Services Agency. 96845

Of the foregoing appropriation item 195453, Technology 96846
Programs and Grants, \$196,400 in each fiscal year shall be 96847
allocated to the Edison Welding Institute, Inc., to support the 96848
Aerospace Maintenance Repair and Overhaul - Center of Excellence 96849
Project. 96850

SMALL BUSINESS AND EXPORT ASSISTANCE 96851

The foregoing appropriation item 195454, Small Business and 96852
Export Assistance, may be used to provide a range of business 96853
assistance, including grants to local organizations to support 96854
economic development activities that promote small business 96855
development, entrepreneurship, and exports of Ohio's goods and 96856
services, in conjunction with local organizations funded through 96857
appropriation item 195405, Minority Business Development. The 96858
foregoing appropriation item shall also be used as matching funds 96859
for grants from the United States Small Business Administration 96860
and other federal agencies, pursuant to Pub. L. No. 96-302 as 96861
amended by Pub. L. No. 98-395, and regulations and policy 96862
guidelines for the programs pursuant thereto. 96863

APPALACHIA ASSISTANCE 96864

The foregoing GRF appropriation item 195455, Appalachia 96865
Assistance, may be used for the administrative costs of planning 96866
and liaison activities for the Governor's Office of Appalachia, to 96867
provide financial assistance to projects in Ohio's Appalachian 96868
counties, to support four local development districts, and to pay 96869
dues for the Appalachian Regional Commission. These funds may be 96870
used to match federal funds from the Appalachian Regional 96871
Commission. Programs funded through the foregoing appropriation 96872
item 195455, Appalachia Assistance, shall be identified and 96873
recommended by the local development districts and approved by the 96874
Governor's Office of Appalachia. The Development Services Agency 96875

shall conduct compliance and regulatory review of the programs 96876
recommended by the local development districts. Moneys allocated 96877
under the foregoing appropriation item 195455, Appalachia 96878
Assistance, may be used to fund projects including, but not 96879
limited to, those designated by the local development districts as 96880
community investment and rapid response projects. 96881

Of the foregoing appropriation item 195455, Appalachia 96882
Assistance, in each fiscal year, \$170,000 shall be allocated to 96883
the Ohio Valley Regional Development Commission, \$170,000 shall be 96884
allocated to the Ohio Mid-Eastern Government Association, \$170,000 96885
shall be allocated to the Buckeye Hills-Hocking Valley Regional 96886
Development District, and \$70,000 shall be allocated to the 96887
Eastgate Regional Council of Governments. Local development 96888
districts receiving funding under this section shall use the funds 96889
for the implementation and administration of programs and duties 96890
under section 107.21 of the Revised Code. 96891

Of the foregoing appropriation item 195455, Appalachia 96892
Assistance, up to \$4,000,000 in each fiscal year shall be 96893
allocated to the GRIT Project for operational costs and to provide 96894
virtual job training, virtual job centers, and related training 96895
and services consistent with the mission of the GRIT Project for 96896
high school students and adults residing in Adams, Brown, 96897
Highland, Pike, or Scioto counties. 96898

Of the foregoing appropriation item 195455, Appalachia 96899
Assistance, \$5,000,000 in each fiscal year shall be allocated to 96900
the Foundation for Appalachian Ohio. 96901

CDBG OPERATING MATCH 96902

The foregoing appropriation item 195497, CDBG Operating 96903
Match, shall be used as matching funds for grants from the United 96904
States Department of Housing and Urban Development pursuant to the 96905
Housing and Community Development Act of 1974 and regulations and 96906

policy guidelines for the programs pursuant thereto. 96907

BSD FEDERAL PROGRAMS MATCH 96908

The foregoing appropriation item 195499, BSD Federal Programs 96909
Match, shall be used as matching funds for grants from the U.S. 96910
Department of Commerce, National Institute of Standards and 96911
Technology (NIST) Manufacturing Extension Partnership Program and 96912
Defense Logistics Agency Procurement Technical Assistance Program, 96913
and other federal agencies, pursuant to Pub. L. No. 96-302 as 96914
amended by Pub. L. No. 98-395, and regulations and policy 96915
guidelines for the programs pursuant thereto. The foregoing 96916
appropriation item 195499, BSD Federal Programs Match, shall also 96917
be used for operating expenses of the Business Services Division. 96918

iBELIEVE 96919

The foregoing appropriation item 195501, iBELIEVE, shall be 96920
allocated to the iBELIEVE Foundation to provide opportunities for 96921
Appalachian youth to develop twenty-first century skills, 96922
including leadership, communication, and problem-solving for 96923
college access and retention. 96924

LOCAL DEVELOPMENT PROJECTS 96925

Of the foregoing appropriation item 195503, Local Development 96926
Projects, \$1,000,000 shall be used in fiscal year 2020 to provide 96927
matching funding for the National Center for Defense Manufacturing 96928
and Machining in partnership with either the U.S. Department of 96929
Defense or the U.S. Department of Energy to further economic 96930
opportunity at America Makes, the National Additive Manufacturing 96931
Innovation Institute. 96932

Of the foregoing appropriation item 195503, Local Development 96933
Projects, \$250,000 in each fiscal year shall be used to support 96934
the Cleveland Chain Reaction Project. 96935

Of the foregoing appropriation item 195503, Local Development 96936

Projects, \$150,000 in each fiscal year shall be allocated to the 96937
Stark County Minority Business Association to work in partnership 96938
with the Canton Regional Chamber of Commerce to support a 96939
demonstration pilot project. 96940

Of the foregoing appropriation item 195503, Local Development 96941
Projects, \$75,000 in each fiscal year shall be used to support the 96942
Camp James A. Garfield Joint Military Training Center. 96943

Of the foregoing appropriation item 195503, Local Development 96944
Projects, \$15,000 shall be allocated in fiscal year 2020, to the 96945
Jewish Foundation of Cincinnati to support workforce development 96946
costs involved with assisting in employment services for the 96947
financially indigent. 96948

On July 1, 2020, or as soon as possible thereafter, the 96949
Director of Development Services shall certify to the Director of 96950
Budget and Management the amount of the unexpended, unencumbered 96951
balance of appropriation item 195503, Local Development Projects, 96952
to be reappropriated in fiscal year 2021. The amount certified is 96953
hereby reappropriated to the appropriation item in fiscal year 96954
2021 for the same purpose. 96955

Section 259.25. COAL RESEARCH AND DEVELOPMENT GENERAL 96956
OBLIGATION BOND DEBT SERVICE 96957

The foregoing appropriation line item 195901, Coal Research 96958
and Development General Obligation Bond Debt Service, shall be 96959
used to pay all debt service and related financing costs during 96960
the period July 1, 2019, through June 30, 2021, on obligations 96961
issued under sections 151.01 and 151.07 of the Revised Code. 96962

THIRD FRONTIER RESEARCH AND DEVELOPMENT GENERAL OBLIGATION 96963
BOND DEBT SERVICE 96964

The foregoing appropriation item 195905, Third Frontier 96965
Research and Development General Obligation Bond Debt Service, 96966

shall be used to pay all debt service and related financing costs 96967
during the period from July 1, 2019, through June 30, 2021, on 96968
obligations issued under sections 151.01 and 151.10 of the Revised 96969
Code. 96970

JOB READY SITE DEVELOPMENT GENERAL OBLIGATION BOND DEBT 96971
SERVICE 96972

The foregoing appropriation item 195912, Job Ready Site 96973
Development General Obligation Bond Debt Service, shall be used to 96974
pay all debt service and related financing costs during the period 96975
from July 1, 2019, through June 30, 2021, on obligations issued 96976
under sections 151.01 and 151.11 of the Revised Code. 96977

Section 259.30. MINORITY BUSINESS BONDING FUND 96978

Notwithstanding Chapters 122., 169., and 175. of the Revised 96979
Code, the Director of Development Services may, upon the 96980
recommendation of the Minority Development Financing Advisory 96981
Board, pledge up to \$10,000,000 in the FY 2020-FY 2021 biennium of 96982
unclaimed funds administered by the Director of Commerce and 96983
allocated to the Minority Business Bonding Program under section 96984
169.05 of the Revised Code. 96985

If needed for the payment of losses arising from the Minority 96986
Business Bonding Program, the Director of Budget and Management 96987
may, at the request of the Director of Development Services, 96988
request that the Director of Commerce transfer unclaimed funds 96989
that have been reported by holders of unclaimed funds under 96990
section 169.05 of the Revised Code to the Minority Bonding Fund 96991
(Fund 4490). The transfer of unclaimed funds shall only occur 96992
after proceeds of the initial transfer of \$2,700,000 by the 96993
Controlling Board to the Minority Business Bonding Program have 96994
been used for that purpose. If expenditures are required for 96995
payment of losses arising from the Minority Business Bonding 96996
Program, such expenditures shall be made from appropriation item 96997

195658, Minority Business Bonding Contingency in the Minority Business Bonding Fund, and such amounts are hereby appropriated.	96998 96999
BUSINESS ASSISTANCE PROGRAMS	97000
The foregoing appropriation item 195649, Business Assistance Programs, shall be used for administrative expenses associated with the operation of loan incentives within the Office of Strategic Business Investments.	97001 97002 97003 97004
STATE SPECIAL PROJECTS	97005
The State Special Projects Fund (Fund 4F20), may be used for the deposit of private-sector funds from utility companies and for the deposit of other miscellaneous state funds. State moneys so deposited may also be used to match federal funding and to support programs of the Community Service Division.	97006 97007 97008 97009 97010
MINORITY BUSINESS ENTERPRISE LOAN	97011
The foregoing appropriation item 195646, Minority Business Enterprise Loan, shall be used for awards under the Minority Business Enterprise Loan Program and to cover operating expenses of the Minority Business Development Division. All repayments from the Minority Development Financing Advisory Board Loan Program shall be deposited in the State Treasury to the credit of the Minority Business Enterprise Loan Fund (Fund 4W10).	97012 97013 97014 97015 97016 97017 97018
ADVANCED ENERGY LOAN PROGRAMS	97019
The foregoing appropriation item 195660, Advanced Energy Loan Programs, shall be used to provide financial assistance to customers for eligible advanced energy projects for residential, commercial, and industrial business, local government, educational institution, nonprofit, and agriculture customers. The appropriation item may be used to match federal grant funding and to pay for the program's administrative costs as provided in sections 4928.61 to 4928.63 of the Revised Code and rules adopted	97020 97021 97022 97023 97024 97025 97026 97027

by the Director of Development Services. 97028

VOLUME CAP ADMINISTRATION 97029

The foregoing appropriation item 195654, Volume Cap 97030
Administration, shall be used for expenses related to the 97031
administration of the Volume Cap Program. Revenues received by the 97032
Volume Cap Administration Fund (Fund 6170) shall consist of 97033
application fees, forfeited deposits, and interest earned from the 97034
custodial account held by the Treasurer of State. 97035

Section 259.40. DEVELOPMENT SERVICES OPERATIONS 97036

The Director of Development Services may assess offices of 97037
the agency for the cost of central service operations. An 97038
assessment shall contain the characteristics of administrative 97039
ease and uniform application. A division's payments shall be 97040
credited to the Supportive Services Fund (Fund 1350) using an 97041
intrastate transfer voucher. 97042

DEVELOPMENT SERVICES REIMBURSABLE EXPENDITURES 97043

The foregoing appropriation item 195636, Development Services 97044
Reimbursable Expenditures, shall be used for reimbursable costs 97045
incurred by the agency. Revenues to the General Reimbursement Fund 97046
(Fund 6850) shall consist of moneys charged for administrative 97047
costs that are not central service costs and repayments of loans, 97048
including the interest thereon, made from the Water and Sewer Fund 97049
(Fund 4440). 97050

Section 259.50. CAPITAL ACCESS LOAN PROGRAM 97051

The foregoing appropriation item 195628, Capital Access Loan 97052
Program, shall be used for operating, program, and administrative 97053
expenses of the program. Funds of the Capital Access Loan Program 97054
shall be used to assist participating financial institutions in 97055
making program loans to eligible businesses that face barriers in 97056

accessing working capital and obtaining fixed-asset financing. 97057
Loans financed with assistance under the Capital Access Loan 97058
Program are subject to Controlling Board approval. 97059

The Director of Budget and Management may transfer an amount 97060
not to exceed \$1,000,000 cash in each fiscal year from the 97061
Minority Business Enterprise Loan Fund (Fund 4W10) to the Capital 97062
Access Loan Fund (Fund 5S90). This transfer is subject to 97063
Controlling Board approval. 97064

INNOVATION OHIO 97065

The foregoing appropriation item 195664, Innovation Ohio, 97066
shall be used to provide for Innovation Ohio purposes, including 97067
loan guarantees and loans under Chapter 166. and particularly 97068
sections 166.12 to 166.16 of the Revised Code. 97069

RESEARCH AND DEVELOPMENT 97070

The foregoing appropriation item 195665, Research and 97071
Development, shall be used to provide for research and development 97072
purposes, including loans, under Chapter 166. and particularly 97073
sections 166.17 to 166.21 of the Revised Code. 97074

FACILITIES ESTABLISHMENT 97075

The foregoing appropriation item 195615, Facilities 97076
Establishment, shall be used for the purposes of the Facilities 97077
Establishment Fund (Fund 7037) under Chapter 166. of the Revised 97078
Code. 97079

OSU NON-OPIATE, NON-ADDICTIVE PHARMACEUTICAL TREATMENT 97080

Of the foregoing appropriation item 195615, Facilities 97081
Establishment, up to \$5,200,000 in fiscal year 2020 shall be used 97082
to offer a loan to The Ohio State University for the development 97083
and clinical evaluation of a non-opiate, non-addictive 97084
pharmaceutical treatment intervention's efficacy to reduce a 97085
physician's reliance upon and limit a patient's initial exposure 97086

to opioids, provided that the loan is structured so that meeting 97087
benchmarks allows future forgiveness of the loan. 97088

TRANSFERS FROM THE FACILITIES ESTABLISHMENT FUND 97089

Notwithstanding Chapter 166. of the Revised Code, on July 1, 97090
2019, or as soon as possible thereafter, the Director of Budget 97091
and Management shall transfer \$25,000,000 cash from the Facilities 97092
Establishment Fund (Fund 7037) to the Rural Industrial Park Loan 97093
Fund (Fund 4Z60). The transfer is subject to Controlling Board 97094
approval under section 166.03 of the Revised Code. 97095

Notwithstanding Chapter 166. of the Revised Code, an amount 97096
not to exceed \$3,500,000 in cash in each fiscal year may be 97097
transferred from the Facilities Establishment Fund (Fund 7037) to 97098
the Business Assistance Fund (Fund 4510). The transfer is subject 97099
to Controlling Board approval under division (B) of section 166.03 97100
of the Revised Code. 97101

Notwithstanding Chapter 166. of the Revised Code, the 97102
Director of Budget and Management may transfer an amount not to 97103
exceed \$2,000,000 in cash in each fiscal year from the Facilities 97104
Establishment Fund (Fund 7037) to the Minority Business Enterprise 97105
Loan Fund (Fund 4W10). This transfer is subject to Controlling 97106
Board approval. 97107

Notwithstanding Chapter 166. of the Revised Code, the 97108
Director of Budget and Management may transfer an amount not to 97109
exceed \$2,000,000 in cash in each fiscal year from the Facilities 97110
Establishment Fund (Fund 7037) to the Capital Access Loan Fund 97111
(Fund 5S90). This transfer is subject to Controlling Board 97112
approval. 97113

Section 259.60. THIRD FRONTIER OPERATING COSTS 97114

The foregoing appropriation items 195686, Third Frontier Tax 97115
Exempt - Operating, and 195620, Third Frontier Taxable - 97116

Operating, shall be used for operating expenses incurred by the 97117
Development Services Agency in administering projects pursuant to 97118
sections 184.10 to 184.20 of the Revised Code. Operating expenses 97119
paid from appropriation item 195686 shall be limited to the 97120
administration of projects funded from the Third Frontier Research 97121
& Development Fund (Fund 7011) and operating expenses paid from 97122
appropriation item 195620 shall be limited to the administration 97123
of projects funded from the Third Frontier Research & Development 97124
Taxable Bond Project Fund (Fund 7014). 97125

THIRD FRONTIER RESEARCH & DEVELOPMENT TAXABLE AND TAX EXEMPT 97126
PROJECTS 97127

The foregoing appropriation items 195687, Third Frontier 97128
Research & Development Projects, and 195692, Research & 97129
Development Taxable Bond Projects, shall be used by the 97130
Development Services Agency to fund selected projects which may 97131
include internship programs. Eligible costs are those costs of 97132
research and development projects to which the proceeds of the 97133
Third Frontier Research & Development Fund (Fund 7011) and the 97134
Research & Development Taxable Bond Project Fund (Fund 7014) are 97135
to be applied. 97136

TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 97137

The Director of Budget and Management may approve written 97138
requests from the Director of Development Services for the 97139
transfer of appropriations between appropriation items 195687, 97140
Third Frontier Research & Development Projects, and 195692, 97141
Research & Development Taxable Bond Projects, based upon awards 97142
recommended by the Third Frontier Commission. 97143

In fiscal year 2021, the Director of Development Services may 97144
request that the Director of Budget and Management reappropriate 97145
any unexpended, unencumbered balances of the prior fiscal year's 97146
appropriation to the foregoing appropriation items 195687, Third 97147

Frontier Research & Development Projects, and 195692, Research & Development Taxable Bond Projects, for fiscal year 2021. The Director of Budget and Management may request additional information necessary for evaluating these requests, and the Director of Development Services shall provide the requested information to the Director of Budget and Management. Based on the information provided by the Director of Development Services, the Director of Budget and Management shall determine the amounts to be reappropriated, and those amounts are hereby reappropriated for fiscal year 2021.

Section 259.70. HEAP WEATHERIZATION

Up to twenty per cent of the federal funds deposited to the credit of the Home Energy Assistance Block Grant Fund (Fund 3K90) may be expended from appropriation item 195614, HEAP Weatherization, to provide home weatherization services in the state as determined by the Director of Development Services.

Section 261.10. DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES

General Revenue Fund

GRF	320411	Special Olympics	\$	100,000	\$	100,000	97166
GRF	320412	Protective Services	\$	2,381,923	\$	2,381,923	97167
GRF	320415	Developmental Disabilities	\$	19,695,400	\$	20,369,000	97168
		Facilities Lease					
		Rental Bond Payments					
GRF	322420	Screening and Early Identification	\$	300,000	\$	300,000	97169
GRF	322421	Part C Early Intervention	\$	23,236,369	\$	23,302,224	97170
GRF	322422	Multi System Youth	\$	1,000,000	\$	1,000,000	97171
GRF	322451	Family Support	\$	5,843,767	\$	5,843,767	97172

		Services					
GRF	322502	Community Program	\$	25,000	\$	25,000	97173
		Support					
GRF	322508	Employment First Initiative	\$	2,747,327	\$	2,730,015	97174
GRF	322509	Community Supports & Rental Assistance	\$	727,500	\$	727,500	97175
GRF	322510	Best Buddies Ohio	\$	50,000	\$	50,000	97176
GRF	653321	Medicaid Program Support - State	\$	7,076,877	\$	7,078,860	97177
GRF	653407	Medicaid Services	\$	675,624,643	\$	687,129,117	97178
TOTAL GRF		General Revenue Fund	\$	738,808,806	\$	751,037,406	97179
		Dedicated Purpose Fund Group					97180
2210	322620	Supplement Service Trust	\$	500,000	\$	500,000	97181
4890	653632	Developmental Centers Direct Care Services	\$	7,000,000	\$	7,000,000	97182
5DK0	322629	Capital Replacement Facilities	\$	750,000	\$	750,000	97183
5EV0	653627	Medicaid Program Support	\$	1,750,000	\$	1,750,000	97184
5GE0	320606	Central Office Operating Expenses	\$	18,501,132	\$	20,501,132	97185
5GE0	653606	ICF/IID and Waiver Match	\$	42,000,000	\$	56,000,000	97186
5H00	322619	Medicaid Repayment	\$	900,000	\$	900,000	97187
5QM0	320607	System Transformation Supports	\$	250,000	\$	100,000	97188
5S20	653622	Medicaid Administration & Oversight	\$	25,220,326	\$	27,237,952	97189
5Z10	653624	County Board Waiver Match	\$	362,680,330	\$	426,668,369	97190

TOTAL DPF Dedicated Purpose Fund Group	\$	459,551,788	\$	541,407,453	97191
Internal Service Activity Fund Group					97192
1520 653609 DC and Residential Facilities Operating Services	\$	8,719,347	\$	9,000,000	97193
TOTAL ISA Internal Service Activity Fund Group	\$	8,719,347	\$	9,000,000	97194
Federal Fund Group					97195
3250 322612 Community Social Service Programs	\$	26,997,635	\$	26,997,635	97196
3A40 653654 Medicaid Services	\$	2,020,594,342	\$	2,127,985,049	97197
3A40 653655 Medicaid Support	\$	66,915,330	\$	69,657,028	97198
3A50 320613 Developmental Disabilities Council	\$	3,200,000	\$	3,200,000	97199
TOTAL FED Federal Fund Group	\$	2,117,707,307	\$	2,227,839,712	97200
TOTAL ALL BUDGET FUND GROUPS	\$	3,324,787,248	\$	3,529,284,571	97201

Section 261.15. SPECIAL OLYMPICS 97203

The foregoing appropriation item 320411, Special Olympics, 97204
shall be distributed to the Special Olympics of Ohio. 97205

Section 261.20. DEVELOPMENTAL DISABILITIES FACILITIES 97206

LEASE-RENTAL BOND PAYMENTS 97207

The foregoing appropriation item 320415, Developmental 97208
Disabilities Facilities Lease Rental Bond Payments, shall be used 97209
to meet all payments during the period from July 1, 2019, through 97210
June 30, 2021, by the Department of Developmental Disabilities 97211
pursuant to leases and agreements made under section 154.20 of the 97212
Revised Code. These appropriations are the source of funds pledged 97213
for bond service charges on related obligations issued under 97214
Chapter 154. of the Revised Code. 97215

Section 261.30. SCREENING AND EARLY IDENTIFICATION 97216

At the discretion of the Director of Developmental 97217
Disabilities, the foregoing appropriation item 322420, Screening 97218
and Early Identification, shall be used for professional and 97219
program development related to early identification/screening and 97220
intervention for children with autism and other complex 97221
developmental disabilities and their families. 97222

Section 261.35. PART C EARLY INTERVENTION 97223

Of the foregoing appropriation item 322421, Part C Early 97224
Intervention, \$750,000 in each fiscal year shall be used to 97225
contract with the Cleveland Sight Center, the Cincinnati 97226
Association for the Blind and Visually Impaired, and the Sight 97227
Center of Northwest Ohio to provide early intervention services 97228
and family support to children under the age of three years old 97229
with blindness or low vision. 97230

Section 261.40. FAMILY SUPPORT SERVICES SUBSIDY 97231

The foregoing appropriation item 322451, Family Support 97232
Services, may be used as follows in fiscal year 2020 and fiscal 97233
year 2021: 97234

(A) The appropriation item may be used to provide a subsidy 97235
to county boards of developmental disabilities for family support 97236
services provided under section 5126.11 of the Revised Code. The 97237
subsidy shall be paid in quarterly installments and allocated to 97238
county boards according to a formula the Director of Developmental 97239
Disabilities shall develop in consultation with representatives of 97240
county boards. A county board shall use not more than seven per 97241
cent of its subsidy for administrative costs. 97242

(B) The appropriation item may be used to distribute funds to 97243
county boards for the purpose of addressing economic hardships and 97244

to promote efficiency of operations. In consultation with 97245
representatives of county boards, the Director shall determine the 97246
amount of funds to distribute for these purposes and the criteria 97247
for distributing the funds. 97248

Section 261.50. BEST BUDDIES OHIO 97249

The foregoing appropriation item 322510, Best Buddies Ohio, 97250
shall be provided to the Best Buddies Ohio program to support the 97251
delivery and expansion of inclusion services throughout Ohio 97252
schools. 97253

Section 261.60. EMPLOYMENT FIRST INITIATIVE 97254

The foregoing appropriation item 322508, Employment First 97255
Initiative, shall be used to increase employment opportunities for 97256
individuals with developmental disabilities through the Employment 97257
First Initiative in accordance with section 5123.022 of the 97258
Revised Code. 97259

Of the foregoing appropriation item, 322508, Employment First 97260
Initiative, the Director of Developmental Disabilities shall 97261
transfer, in each fiscal year, to the Opportunities for Ohioans 97262
with Disabilities Agency an amount agreed upon by the Director of 97263
Developmental Disabilities and the Executive Director of the 97264
Opportunities for Ohioans with Disabilities Agency. The transfer 97265
shall be made via an intrastate transfer voucher. The transferred 97266
funds shall be used to support the Employment First Initiative. 97267
The Opportunities for Ohioans with Disabilities Agency shall use 97268
the funds transferred as state matching funds to obtain available 97269
federal grant dollars for vocational rehabilitation services. Any 97270
federal match dollars received by the Opportunities for Ohioans 97271
with Disabilities Agency shall be used for the initiative. The 97272
Director of Developmental Disabilities and the Executive Director 97273
of the Opportunities for Ohioans with Disabilities Agency shall 97274

enter into an interagency agreement in accordance with section 97275
3304.181 of the Revised Code that will specify the 97276
responsibilities of each agency under the initiative. Under the 97277
interagency agreement, the Opportunities for Ohioans with 97278
Disabilities Agency shall retain responsibility for eligibility 97279
determination, order of selection, plan approval, plan amendment, 97280
and release of vendor payments. 97281

The remainder of appropriation item 322508, Employment First 97282
Initiative, shall be used to develop a long-term, sustainable 97283
system that places individuals with developmental disabilities in 97284
community employment, as defined in section 5123.022 of the 97285
Revised Code. 97286

Section 261.70. COMMUNITY SUPPORTS AND RENTAL ASSISTANCE 97287

The foregoing appropriation item 322509, Community Supports 97288
and Rental Assistance, may be used by the Director of 97289
Developmental Disabilities to provide funding to county boards of 97290
developmental disabilities for rental assistance to individuals 97291
with developmental disabilities receiving home and community-based 97292
services as defined in section 5123.01 of the Revised Code 97293
pursuant to section 5124.60 of the Revised Code or section 5124.69 97294
of the Revised Code and individuals with developmental 97295
disabilities who enroll in a Medicaid waiver component providing 97296
home and community-based services after receiving preadmission 97297
counseling pursuant to section 5124.68 of the Revised Code. The 97298
Director shall establish the methodology for determining the 97299
amount and distribution of such funding. 97300

Section 261.75. COMMUNITY PROGRAM SUPPORT 97301

The foregoing appropriation item 322502, Community Program 97302
Support, shall be distributed to the Halom House, Inc. 97303

Section 261.80. MEDICAID SERVICES	97304
(A) As used in this section:	97305
(1) "Home and community-based services" has the same meaning as in section 5123.01 of the Revised Code.	97306 97307
(2) "ICF/IID services" has the same meaning as in section 5124.01 of the Revised Code.	97308 97309
(B) Except as provided in section 5123.0416 of the Revised Code, the purposes for which the foregoing appropriation item 653407, Medicaid Services, shall be used include the following:	97310 97311 97312
(1) Home and community-based services;	97313
(2) Implementation of the requirements of the agreement settling the consent decree in Sermak v. Manuel, Case No. C-2-80-220, United States District Court for the Southern District of Ohio, Eastern Division;	97314 97315 97316 97317
(3) Implementation of the requirements of the agreement settling the consent decree in the Martin v. Strickland, Case No. 89-CV-00362, United States District Court for the Southern District of Ohio, Eastern Division;	97318 97319 97320 97321
(4) ICF/IID services; and	97322
(5) Other programs as identified by the Director of Developmental Disabilities.	97323 97324
Section 261.90. OPERATING AND SERVICES	97325
Of the foregoing appropriation item 320606, Operating and Services, \$100,000 in each fiscal year shall be provided to the Ohio Center for Autism and Low Incidence to establish a lifespan autism hub to support families and professionals.	97326 97327 97328 97329
Section 261.100. NONFEDERAL MATCH FOR ACTIVE TREATMENT	97330

SERVICES	97331
Any county funds received by the Department of Developmental Disabilities from county boards of developmental disabilities for active treatment shall be deposited in the Developmental Disabilities Operating Fund (Fund 4890).	97332 97333 97334 97335
Section 261.110. SYSTEM TRANSFORMATION SUPPORTS	97336
The foregoing appropriation item 320607, System Transformation Supports, may be used by the Director of Developmental Disabilities to fund system transformation initiatives identified by the Director.	97337 97338 97339 97340
Section 261.120. COMMUNITY SOCIAL SERVICE PROGRAMS	97341
A portion of the foregoing appropriation item 322612, Community Social Service Programs, may be used by the Early Intervention Services Advisory Council for the following purposes:	97342 97343 97344
(A) In addition to other necessary and allowed uses of funds and in accordance with 20 U.S.C. 1441(d), the Early Intervention Services Advisory Council established pursuant to section 5123.0422 of the Revised Code, may, in its discretion, use budgeted funds to do all of the following:	97345 97346 97347 97348 97349
(1) Conduct forums and hearings;	97350
(2) Reimburse council members for reasonable and necessary expenses, including child care expenses for parent representatives, for attending council meetings and performing council duties;	97351 97352 97353 97354
(3) Pay compensation to a council member if the member is not employed or must forfeit wages from other employment when performing official council business;	97355 97356 97357
(4) Hire staff;	97358

(5) Obtain the services of professional, technical, and 97359
clerical personnel as necessary to carry out the performance of 97360
its lawful functions. 97361

(B) Except as provided in division (A) of this section, 97362
council members shall serve without compensation or reimbursement. 97363

Section 261.130. COUNTY BOARD SHARE OF WAIVER SERVICES 97364

As used in this section, "home and community-based services" 97365
has the same meaning as in section 5123.01 of the Revised Code. 97366

The Director of Developmental Disabilities shall establish a 97367
methodology to be used in fiscal year 2020 and fiscal year 2021 to 97368
estimate the quarterly amount each county board of developmental 97369
disabilities is to pay of the nonfederal share of home and 97370
community-based services that section 5126.0510 of the Revised 97371
Code requires county boards to pay. Each quarter, the Director 97372
shall submit to a county board written notice of the amount the 97373
county board is to pay for that quarter. The notice shall specify 97374
when the payment is due. 97375

Section 261.140. WITHHOLDING OF FUNDS OWED THE DEPARTMENT 97376

If a county board of developmental disabilities does not 97377
fully pay any amount owed to the Department of Developmental 97378
Disabilities by the due date established by the Department, the 97379
Director of Developmental Disabilities may withhold the amount the 97380
county board did not pay from any amounts due to the county board. 97381
The Director may use any appropriation item or fund used by the 97382
Department to transfer cash to any other fund used by the 97383
Department in an amount equal to the amount owed the Department 97384
that the county board did not pay. Transfers under this section 97385
shall be made using an intrastate transfer voucher. 97386

Section 261.150. DEVELOPMENTAL CENTER BILLING FOR SERVICES 97387

Developmental centers of the Department of Developmental 97388
Disabilities may provide services to persons with developmental 97389
disabilities living in the community or to providers of services 97390
to these persons. The Department may develop a method for recovery 97391
of all costs associated with the provision of these services. 97392

Section 261.200. NONFEDERAL SHARE OF ICF/IID SERVICES 97393

(A) As used in this section, "ICF/IID," "ICF/IID services," 97394
and "Medicaid-certified capacity" have the same meanings as in 97395
section 5124.01 of the Revised Code. 97396

(B) The Director of Developmental Disabilities shall pay the 97397
nonfederal share of a claim for ICF/IID services using funds 97398
specified in division (C) of this section if all of the following 97399
apply: 97400

(1) Medicaid covers the ICF/IID services. 97401

(2) The ICF/IID services are provided to a Medicaid recipient 97402
to whom both of the following apply: 97403

(a) The Medicaid recipient is eligible for the ICF/IID 97404
services; 97405

(b) The Medicaid recipient does not occupy a bed in the 97406
ICF/IID that used to be included in the Medicaid-certified 97407
capacity of another ICF/IID certified by the Director of Health 97408
before June 1, 2003. 97409

(3) The ICF/IID services are provided by an ICF/IID whose 97410
Medicaid certification by the Director of Health was initiated or 97411
supported by a county board of developmental disabilities. 97412

(4) The provider of the ICF/IID services has a valid Medicaid 97413
provider agreement for the services for the time that the services 97414
are provided. 97415

(C) When required by division (B) of this section to pay the 97416

nonfederal share of a claim, the Director of Developmental 97417
Disabilities shall use the following funds to pay the claim: 97418

(1) Funds available from appropriation item 653407, Medicaid 97419
Services, that the Director allocates to the county board that 97420
initiated or supported the Medicaid certification of the ICF/IID 97421
that provided the ICF/IID services for which the claim is made; 97422

(2) If the amount of funds used pursuant to division (C)(1) 97423
of this section is insufficient to pay the claim in full, an 97424
amount of funds that are needed to make up the difference and 97425
available from amounts the Director allocates to other county 97426
boards from appropriation item 653407, Medicaid Services. 97427

Section 261.210. PAYMENT RATES FOR HOMEMAKER/PERSONAL CARE 97428
SERVICES PROVIDED TO QUALIFYING IO ENROLLEES 97429

(A) As used in this section: 97430

(1) "Converted facility" means an ICF/IID, or former ICF/IID, 97431
that converted some or all of its beds to providing home and 97432
community-based services under the IO Waiver pursuant to section 97433
5124.60 of the Revised Code. 97434

(2) "Developmental center" and "ICF/IID" have the same 97435
meanings as in section 5124.01 of the Revised Code. 97436

(3) "IO Waiver" means the Medicaid waiver component, as 97437
defined in section 5166.01 of the Revised Code, known as 97438
Individual Options. 97439

(4) "Medicaid provider" has the same meaning as in section 97440
5164.01 of the Revised Code. 97441

(5) "Public hospital" has the same meaning as in section 97442
5122.01 of the Revised Code. 97443

(6) "Qualifying IO enrollee" means an IO Waiver enrollee to 97444
whom all of the following apply: 97445

(a) The enrollee resided in a developmental center, converted facility, or public hospital immediately before enrolling in the IO Wavier.

(b) The enrollee did not receive before July 1, 2011, routine homemaker/personal care services from the Medicaid provider that is to be paid the Medicaid rate authorized by this section for providing such services to the enrollee during the period specified in division (C) of this section.

(c) The Director of Developmental Disabilities has determined that the enrollee's special circumstances (including the enrollee's diagnosis, service needs, or length of stay at the developmental center, converted facility, or public hospital) warrants paying the Medicaid rate authorized by this section.

(B) The total Medicaid payment rate for each fifteen minutes of routine homemaker/personal care services that a Medicaid provider provides to a qualifying IO enrollee during the period specified in division (C) of this section shall be fifty-two cents higher than the Medicaid payment rate in effect on the day the services are provided for each fifteen minutes of routine homemaker/personal care services that a Medicaid provider provides to an IO enrollee who is not a qualifying IO enrollee.

(C) Division (B) of this section applies to the first twelve months, consecutive or otherwise, that a Medicaid provider, during the period beginning July 1, 2019, and ending July 1, 2021, provides routine homemaker/personal care services to a qualifying IO enrollee.

(D) Of the foregoing appropriation items 653407, Medicaid Services, and 653654, Medicaid Services, portions shall be used to pay the Medicaid payment rate determined in accordance with this section for routine homemaker/personal care services provided to qualifying IO enrollees.

Section 261.220. DIRECT SUPPORT PROFESSIONAL RATE INCREASE	97477
(A) As used in this section:	97478
(1) "DD-administered waiver" means a Medicaid waiver component, as defined in section 5166.01 of the Revised Code, administered by the Department of Developmental Disabilities.	97479 97480 97481
(2) "Direct support professional" means an individual who works directly with people with developmental disabilities.	97482 97483
(3) "Homemaker/personal care services" means the coordinated provision of a variety of services, supports, and supervision to which all of the following apply:	97484 97485 97486
(a) They are necessary to ensure the health and welfare of an individual with a developmental disability who lives in the community.	97487 97488 97489
(b) They advance the individual's independence within the individual's home and community.	97490 97491
(c) They help the individual meet daily living needs.	97492
(B) The Medicaid payment rate for homemaker/personal care services provided by direct support professionals under a DD-administered waiver during the period beginning January 1, 2020, and ending July 1, 2021, shall be \$13 per hour.	97493 97494 97495 97496
Section 261.230. ADULT DAY SUPPORT AND NONMEDICAL TRANSPORTATION SERVICES WORKGROUP	97497 97498
(A)(1) The Director of Developmental Disabilities shall establish a workgroup to advise the Department of Developmental Disabilities on the payment system for adult day support and nonmedical transportation services available under the home and community-based services Medicaid waiver components administered by the Department. The workgroup shall consist of the following members:	97499 97500 97501 97502 97503 97504 97505

(a) Representatives from each of the following as appointed	97506
by the Director:	97507
(i) The Department of Developmental Disabilities;	97508
(ii) The Ohio Health Care Association;	97509
(iii) The Ohio Provider Resource Association;	97510
(iv) The Arc of Ohio;	97511
(v) The Values and Faith Alliance;	97512
(vi) The Ohio Association of County Boards of DD;	97513
(vii) The Ohio Waiver Network;	97514
(viii) A company that provides nonmedical transportation	97515
services in multiple counties in this and other states.	97516
(b) All of the following also as appointed by the Director:	97517
(i) One parent advocate;	97518
(ii) One resident of a county that has a population of less	97519
than 65,000 and a geographical area between 520 square miles and	97520
620 square miles;	97521
(iii) Two representatives of private agency providers of	97522
adult day support that are located in counties with populations of	97523
at least 750,000 and that each serve more than 200 consumers and	97524
operate their own nonmedical transportation system.	97525
(c) Two members of the Senate, one from the majority party	97526
and one from the minority party, both appointed by the President	97527
of the Senate;	97528
(d) Two members of the House of Representatives, one from the	97529
majority party and one from the minority party, both appointed by	97530
the Speaker of the House of Representatives.	97531
(2) Members of the workgroup shall serve without compensation	97532
or reimbursement, except to the extent that serving on the	97533

workgroup is part of their usual job duties. 97534

(B) Not later than June 30, 2020, the workgroup shall submit 97535
to the Director a report containing recommended changes to the 97536
payment system for the adult day support and nonmedical 97537
transportation services. In making its recommendations, the 97538
workgroup shall consider both of the following: 97539

(1) Whether payment for the two services should be combined; 97540

(2) Potential quality measures for providers of adult day 97541
support services. 97542

(C) The Department shall not implement any changes to the 97543
payment system for adult day support and nonmedical transportation 97544
services until the workgroup submits its report to the Director. 97545

(D) The workgroup shall cease to exist on the submission of 97546
its report. 97547

Section 265.10. EDU DEPARTMENT OF EDUCATION 97548

General Revenue Fund 97549

GRF 200321 Operating Expenses \$ 15,153,032 \$ 16,565,951 97550

GRF 200408 Early Childhood \$ 68,116,789 \$ 68,116,789 97551

Education

GRF 200420 Information Technology \$ 4,004,299 \$ 4,026,960 97552

Development and

Support

GRF 200422 School Management \$ 2,385,580 \$ 2,408,711 97553

Assistance

GRF 200424 Policy Analysis \$ 458,232 \$ 457,676 97554

GRF 200426 Ohio Educational \$ 15,457,000 \$ 15,457,000 97555

Computer Network

GRF 200427 Academic Standards \$ 4,434,215 \$ 4,483,525 97556

GRF 200437 Student Assessment \$ 56,906,893 \$ 56,948,365 97557

GRF 200439 Accountability/Report \$ 7,517,406 \$ 7,565,320 97558

Cards						
GRF 200442	Child Care Licensing	\$	2,156,322	\$	2,227,153	97559
GRF 200446	Education Management Information System	\$	8,112,987	\$	8,174,415	97560
GRF 200448	Educator Preparation	\$	11,510,384	\$	7,010,384	97561
GRF 200455	Community Schools and Choice Programs	\$	4,867,763	\$	4,912,546	97562
GRF 200465	Education Technology Resources	\$	5,179,664	\$	5,179,664	97563
GRF 200478	Industry-Recognized Credentials High School Students	\$	25,000,000	\$	25,000,000	97564
GRF 200502	Pupil Transportation	\$	527,129,809	\$	527,129,809	97565
GRF 200505	School Lunch Match	\$	8,963,500	\$	8,963,500	97566
GRF 200511	Auxiliary Services	\$	150,594,178	\$	150,594,178	97567
GRF 200532	Nonpublic Administrative Cost Reimbursement	\$	68,034,790	\$	68,034,790	97568
GRF 200540	Special Education Enhancements	\$	152,600,000	\$	152,850,000	97569
GRF 200545	Career-Technical Education Enhancements	\$	9,650,892	\$	9,650,892	97570
GRF 200550	Foundation Funding	\$	6,945,608,845	\$	6,894,258,845	97571
GRF 200566	Literacy Improvement	\$	1,352,876	\$	1,352,172	97572
GRF 200572	Adult Education Programs	\$	9,707,674	\$	9,707,674	97573
GRF 200573	EdChoice Expansion	\$	57,223,340	\$	71,017,418	97574
GRF 200574	Half-Mill Maintenance Equalization	\$	18,849,207	\$	18,128,526	97575
GRF 200576	Adaptive Sports Program	\$	250,000	\$	250,000	97576
GRF 200598	Innovative Shared Services at Schools	\$	1,000,000	\$	1,000,000	97577

GRF 657401	Medicaid in Schools	\$	297,978	\$	297,978	97578
TOTAL GRF	General Revenue Fund	\$	8,182,523,655	\$	8,141,770,241	97579
Dedicated Purpose Fund Group						97580
4520 200638	Charges and Reimbursements	\$	1,000,000	\$	1,000,000	97581
4550 200608	Commodity Foods	\$	1,000,000	\$	1,000,000	97582
4L20 200681	Teacher Certification and Licensure	\$	13,795,827	\$	14,000,000	97583
5980 200659	Auxiliary Services Reimbursement	\$	1,300,000	\$	1,300,000	97584
5H30 200687	School District Solvency Assistance	\$	2,000,000	\$	2,000,000	97585
5KX0 200691	Ohio School Sponsorship Program	\$	1,250,000	\$	1,250,000	97586
5MM0 200677	Child Nutrition Refunds	\$	550,000	\$	550,000	97587
5U20 200685	National Education Statistics	\$	170,675	\$	175,000	97588
5VS0 200604	Student Wellness and Success	\$	250,000,000	\$	300,000,000	97589
6200 200615	Educational Improvement Grants	\$	594,443	\$	600,000	97590
TOTAL DPF	Dedicated Purpose Fund Group	\$	271,660,945	\$	321,875,000	97591
Internal Service Activity Fund Group						97592
1380 200606	Information Technology Development and Support	\$	7,939,104	\$	8,047,645	97593
4R70 200695	Indirect Operational Support	\$	7,856,766	\$	7,856,766	97594
4V70 200633	Interagency Program	\$	5,497,938	\$	5,500,000	97595

Support			
TOTAL ISA Internal Service Activity	\$	21,293,808	\$ 21,404,411 97596
Fund Group			
State Lottery Fund Group			97597
7017 200602	School Climate Grants	\$ 2,000,000	\$ 2,000,000 97598
7017 200612	Foundation Funding	\$ 1,077,400,000	\$ 1,128,400,000 97599
7017 200625	Student Wellness and	\$ 25,000,000	\$ 100,000,000 97600
Success			
7017 200631	Quality Community	\$ 30,000,000	\$ 30,000,000 97601
Schools Support			
7017 200684	Community School	\$ 16,600,000	\$ 16,600,000 97602
Facilities			
TOTAL SLF State Lottery Fund Group	\$	1,151,000,000	\$ 1,277,000,000 97603
Federal Fund Group			97604
3670 200607	School Food Services	\$ 11,469,730	\$ 11,897,473 97605
3700 200624	Education of	\$ 2,000,000	\$ 2,000,000 97606
Exceptional Children			
3AF0 657601	Schools Medicaid	\$ 295,500	\$ 295,500 97607
Administrative Claims			
3AN0 200671	School Improvement	\$ 17,000,000	\$ 17,000,000 97608
Grants			
3C50 200661	Early Childhood	\$ 12,555,000	\$ 12,555,000 97609
Education			
3EH0 200620	Migrant Education	\$ 2,700,000	\$ 2,700,000 97610
3EJ0 200622	Homeless Children	\$ 3,295,203	\$ 3,300,000 97611
Education			
3FE0 200669	Striving Readers	\$ 12,507,905	\$ 12,511,000 97612
3GE0 200674	Summer Food Service	\$ 15,599,467	\$ 16,342,299 97613
Program			
3GG0 200676	Fresh Fruit and	\$ 4,911,207	\$ 5,145,074 97614
Vegetable Program			
3HF0 200649	Federal Education	\$ 7,049,677	\$ 7,056,327 97615

		Grants				
3H10	200634	Student Support and Academic Enrichment	\$ 40,042,720	\$ 40,042,720		97616
3L60	200617	Federal School Lunch	\$ 418,643,500	\$ 430,837,000		97617
3L70	200618	Federal School Breakfast	\$ 158,726,966	\$ 163,350,081		97618
3L80	200619	Child/Adult Food Programs	\$ 110,121,168	\$ 113,328,580		97619
3L90	200621	Career-Technical Education Basic Grant	\$ 45,946,927	\$ 46,000,000		97620
3M00	200623	ESEA Title 1A	\$ 600,000,000	\$ 600,000,000		97621
3M20	200680	Individuals with Disabilities Education Act	\$ 454,770,591	\$ 455,000,000		97622
3T40	200613	Public Charter Schools	\$ 7,000,000	\$ 7,000,000		97623
3Y20	200688	21st Century Community Learning Centers	\$ 47,500,000	\$ 47,500,000		97624
3Y60	200635	Improving Teacher Quality	\$ 85,000,000	\$ 85,000,000		97625
3Y70	200689	English Language Acquisition	\$ 10,500,000	\$ 10,500,000		97626
3Y80	200639	Rural and Low Income Technical Assistance	\$ 3,600,000	\$ 3,600,000		97627
3Z20	200690	State Assessments	\$ 12,000,000	\$ 12,000,000		97628
3Z30	200645	Consolidated Federal Grant Administration	\$ 10,701,635	\$ 10,900,000		97629
TOTAL FED		Federal Fund Group	\$ 2,093,937,196	\$ 2,115,861,054		97630
TOTAL ALL BUDGET FUND GROUPS			\$11,720,415,604	\$11,877,910,706		97631

Section 265.20. OPERATING EXPENSES 97633

Of the foregoing appropriation item 200321, Operating 97634

Expenses, up to \$75,000 in each fiscal year shall be distributed 97635
by the Department of Education to eligible districts pursuant to 97636
the section of this act entitled "FAFSA COMPLETION PROGRAM." 97637

A portion of the foregoing appropriation item 200321, 97638
Operating Expenses, shall be used by the Department of Education 97639
to provide matching funds related to career-technical education 97640
under 20 U.S.C. 2321. 97641

EARLY CHILDHOOD EDUCATION 97642

The Department of Education shall distribute the foregoing 97643
appropriation item 200408, Early Childhood Education, to pay the 97644
costs of early childhood education programs. The Department shall 97645
distribute such funds directly to qualifying providers. 97646

(A) As used in this section: 97647

(1) "Provider" means a city, local, exempted village, or 97648
joint vocational school district; an educational service center; a 97649
community school sponsored by an exemplary sponsor; a chartered 97650
nonpublic school; an early childhood education child care provider 97651
licensed under Chapter 5104. of the Revised Code that participates 97652
in and meets at least the third highest tier of the Step Up to 97653
Quality program established pursuant to section 5104.29 of the 97654
Revised Code; or a combination of entities described in this 97655
paragraph. 97656

(2) In the case of a city, local, or exempted village school 97657
district or early childhood education child care provider licensed 97658
under Chapter 5104. of the Revised Code, "new eligible provider" 97659
means a provider that did not receive state funding for Early 97660
Childhood Education in the previous fiscal year or demonstrates a 97661
need for early childhood programs as defined in division (D) of 97662
this section. 97663

(3) In the case of a community school, "new eligible 97664
provider" means any of the following: 97665

(a) A community school established under Chapter 3314. of the Revised Code that is sponsored by a sponsor rated "exemplary" in accordance with section 3314.016 of the Revised Code that offers a child care program in accordance with sections 3301.50 to 3301.59 of the Revised Code that did not receive state funding for Early Childhood Education in the previous fiscal year;

(b) A community school established under Chapter 3314. of the Revised Code that satisfies all of the following criteria:

(i) It has received, on its most recent report card, either of the following:

(I) If the school offers any of grade levels four through twelve, a grade of "C" or better for the overall value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code and for the performance index score under division (C)(1)(b) of section 3302.03 of the Revised Code;

(II) If the school does not offer a grade level higher than three, a grade of "C" or better for making progress in improving literacy in grades kindergarten through three under division (C)(1)(g) of section 3302.03 of the Revised Code.

(ii) It offers a child care program in accordance with sections 3301.50 to 3301.59 of the Revised Code.

(iii) It did not receive state funding for Early Childhood Education in the previous fiscal year.

(c) A community school established under Chapter 3314. of the Revised Code that is sponsored by a municipal school district and operates a program that uses the Montessori method endorsed by the American Montessori Society, the Montessori Accreditation Council for Teacher Education, or the Association Montessori Internationale as its primary method of instruction, as authorized by division (A) of section 3314.06 of the Revised Code, that did not receive state funding for Early Childhood Education in the

previous year or demonstrates a need for early childhood programs 97697
as defined in division (D) of this section. 97698

(4)(a) "Eligible child" means a child who is at least four 97699
years of age, is not of the age to be eligible for kindergarten, 97700
and whose family earns not more than two hundred per cent of the 97701
federal poverty guidelines as defined in division (A)(3) of 97702
section 5101.46 of the Revised Code. Children with an 97703
Individualized Education Program and where the Early Childhood 97704
Education program is the least restrictive environment may be 97705
enrolled on their fourth birthday. 97706

(b) If, on the first day of October of each fiscal year, a 97707
provider has remaining award funds after enrolling eligible 97708
children under division (A)(4)(a) of this section, the provider 97709
may seek approval from the Department to consider a child who is 97710
at least three years of age, is not of age to be eligible for 97711
kindergarten, and whose family earns not more than two hundred per 97712
cent of the federal poverty guidelines as an eligible child. Upon 97713
approval from the Department, the provider may use the remaining 97714
award funds to serve such three-year-old children as eligible 97715
children. 97716

(5) "Early learning program standards" means early learning 97717
program standards for school readiness developed by the Department 97718
to assess the operation of early learning and development 97719
programs. 97720

(6) "Early learning and development programs" has the same 97721
meaning as section 5104.29 of the Revised Code. 97722

(B) In each fiscal year, up to two per cent of the total 97723
appropriation may be used by the Department for program support 97724
and technical assistance. The Department shall distribute the 97725
remainder of the appropriation in each fiscal year to serve 97726
eligible children. 97727

(C) The Department shall provide an annual report to the Governor, the Speaker of the House of Representatives, and the President of the Senate and post the report to the Department's web site, regarding early childhood education programs operated under this section and the early learning program standards.

(D) After setting aside the amounts to make payments due from the previous fiscal year, in fiscal year 2020, the Department shall distribute funds first to recipients of funds for early childhood education programs under Section 265.20 of Am. Sub. H.B. 49 of the 132nd General Assembly in the previous fiscal year and the balance to new eligible providers of early childhood education programs or to existing providers to serve more eligible children pursuant to division (E) of this section or for purposes of program expansion, improvement, or special projects to promote quality and innovation.

After setting aside the amounts to make payments due from the previous fiscal year, in fiscal year 2021, the Department shall distribute funds first to providers of early childhood education programs under this section in the previous fiscal year and the balance to new eligible providers or to existing providers to serve more eligible children as outlined under division (E) of this section or for purposes of program expansion, improvement, or special projects to promote quality and innovation.

(E)(1) The Department shall distribute any new or remaining funding to existing providers of early childhood education programs or any new eligible providers in an effort to invest in high quality early childhood programs where there is a need as determined by the Department. The Department shall distribute the new or remaining funds to existing providers of early childhood education programs or any new eligible providers to serve additional eligible children based on community economic disadvantage, limited access to high quality preschool or

childcare services, and demonstration of high quality preschool 97760
services as determined by the Department using new metrics 97761
developed pursuant to Ohio's Race to the Top—Early Learning 97762
Challenge Grant, awarded to the Department in December 2011. 97763

(2) Awards under divisions (D) and (E) of this section shall 97764
be distributed on a per-pupil basis, and in accordance with 97765
division (I) of this section. The Department may adjust the 97766
per-pupil amount so that the per-pupil amount multiplied by the 97767
number of eligible children enrolled and receiving services on the 97768
first day of December or the business day closest to that date 97769
equals the amount allocated under this section. 97770

(F) Costs for developing and administering an early childhood 97771
education program may not exceed fifteen per cent of the total 97772
approved costs of the program. 97773

All providers shall maintain such fiscal control and 97774
accounting procedures as may be necessary to ensure the 97775
disbursement of, and accounting for, these funds. The control of 97776
funds provided in this program, and title to property obtained, 97777
shall be under the authority of the approved provider for purposes 97778
provided in the program unless, as described in division (K) of 97779
this section, the program waives its right for funding or a 97780
program's funding is eliminated or reduced due to its inability to 97781
meet financial or early learning program standards. The approved 97782
provider shall administer and use such property and funds for the 97783
purposes specified. 97784

(G) The Department may examine a provider's financial and 97785
program records. If the financial practices of the program are not 97786
in accordance with standard accounting principles or do not meet 97787
financial standards outlined under division (F) of this section, 97788
or if the program fails to substantially meet the early learning 97789
program standards, meet a quality rating level in the Step Up to 97790
Quality program established pursuant to section 5104.29 of the 97791

Revised Code as prescribed by the Department, or exhibits below 97792
average performance as measured against the standards, the early 97793
childhood education program shall propose and implement a 97794
corrective action plan that has been approved by the Department. 97795
The approved corrective action plan shall be signed by the chief 97796
executive officer and the executive of the official governing body 97797
of the provider. The corrective action plan shall include a 97798
schedule for monitoring by the Department. Such monitoring may 97799
include monthly reports, inspections, a timeline for correction of 97800
deficiencies, and technical assistance to be provided by the 97801
Department or obtained by the early childhood education program. 97802
The Department may withhold funding pending corrective action. If 97803
an early childhood education program fails to satisfactorily 97804
complete a corrective action plan, the Department may deny 97805
expansion funding to the program or withdraw all or part of the 97806
funding to the program and establish a new eligible provider 97807
through a selection process established by the Department. 97808

(H)(1) If the early childhood education program is licensed 97809
by the Department of Education and is not highly rated, as 97810
determined by the Director of Job and Family Services, under the 97811
Step Up to Quality program established pursuant to section 5104.29 97812
of the Revised Code, the program shall do all of the following: 97813

(a) Meet teacher qualification requirements prescribed by 97814
section 3301.311 of the Revised Code; 97815

(b) Align curriculum to the early learning content standards 97816
developed by the Department; 97817

(c) Meet any child or program assessment requirements 97818
prescribed by the Department; 97819

(d) Require teachers, except teachers enrolled and working to 97820
obtain a degree pursuant to section 3301.311 of the Revised Code, 97821
to attend a minimum of twenty hours every two years of 97822

professional development as prescribed by the Department; 97823

(e) Document and report child progress as prescribed by the 97824
Department; 97825

(f) Meet and report compliance with the early learning 97826
program standards as prescribed by the Department; 97827

(g) Participate in the Step Up to Quality program established 97828
pursuant to section 5104.29 of the Revised Code. 97829

(2) If the program is highly rated, as determined by the 97830
Director of Job and Family Services, under the Step Up to Quality 97831
program established pursuant to section 5104.29 of the Revised 97832
Code, the program shall comply with the requirements of that 97833
program. 97834

(I) Per-pupil funding for programs subject to this section 97835
shall be sufficient to provide eligible children with services for 97836
a standard early childhood schedule which shall be defined in this 97837
section as a minimum of twelve and one-half hours per school week 97838
as defined in section 3313.62 of the Revised Code for the minimum 97839
school year as defined in sections 3313.48, 3313.481, and 3313.482 97840
of the Revised Code. Nothing in this section shall be construed to 97841
prohibit program providers from utilizing other funds to serve 97842
eligible children in programs that exceed the twelve and one-half 97843
hours per week or that exceed the minimum school year. For any 97844
provider for which a standard early childhood education schedule 97845
creates a hardship or for which the provider shows evidence that 97846
the provider is working in collaboration with a preschool special 97847
education program, the provider may submit a waiver to the 97848
Department requesting an alternate schedule. If the Department 97849
approves a waiver for an alternate schedule that provides services 97850
for less time than the standard early childhood education 97851
schedule, the Department may reduce the provider's annual 97852
allocation proportionately. Under no circumstances shall an annual 97853

allocation be increased because of the approval of an alternate 97854
schedule. 97855

(J) Each provider shall develop a sliding fee scale based on 97856
family incomes and shall charge families who earn more than two 97857
hundred per cent of the federal poverty guidelines, as defined in 97858
division (A)(3) of section 5101.46 of the Revised Code, for the 97859
early childhood education program. 97860

The Department shall conduct an annual survey of each 97861
provider to determine whether the provider charges families 97862
tuition or fees, the amount families are charged relative to 97863
family income levels, and the number of families and students 97864
charged tuition and fees for the early childhood program. 97865

(K) If an early childhood education program voluntarily 97866
waives its right for funding, or has its funding eliminated for 97867
not meeting financial standards or the early learning program 97868
standards, the provider shall transfer control of title to 97869
property, equipment, and remaining supplies obtained through the 97870
program to providers designated by the Department and return any 97871
unexpended funds to the Department along with any reports 97872
prescribed by the Department. The funding made available from a 97873
program that waives its right for funding or has its funding 97874
eliminated or reduced may be used by the Department for new grant 97875
awards or expansion grants. The Department may award new grants or 97876
expansion grants to eligible providers who apply. The eligible 97877
providers who apply must do so in accordance with the selection 97878
process established by the Department. 97879

(L) Eligible expenditures for the Early Childhood Education 97880
Program shall be claimed each fiscal year to help meet the state's 97881
TANF maintenance of effort requirement. The Superintendent of 97882
Public Instruction and the Director of Job and Family Services 97883
shall enter into an interagency agreement to carry out the 97884
requirements under this division, which shall include developing 97885

reporting guidelines for these expenditures. 97886

(M)(1) The Department of Education and the Department of Job 97887
and Family Services shall continue to work toward establishing the 97888
following in common between early childhood education programs and 97889
publicly funded child care: 97890

(a) An application; 97891

(b) Program eligibility; 97892

(c) Funding; 97893

(d) An attendance policy; 97894

(e) An attendance tracking system. 97895

(2) In accordance with section 5104.34 of the Revised Code, 97896
eligible families may receive publicly funded child care beyond 97897
the standard early childhood schedule defined in division (I) of 97898
this section. 97899

(3) All providers, agencies, and school districts 97900
participating in the early childhood education program or 97901
providing care to eligible families beyond the standard early 97902
childhood schedule shall follow the common policies established 97903
under this division. 97904

Section 265.30. INFORMATION TECHNOLOGY DEVELOPMENT AND 97905
SUPPORT 97906

The foregoing appropriation item 200420, Information 97907
Technology Development and Support, shall be used to support the 97908
development and implementation of information technology solutions 97909
designed to improve the performance and services of the Department 97910
of Education. Funds may be used for personnel, maintenance, and 97911
equipment costs related to the development and implementation of 97912
these technical system projects. Implementation of these systems 97913
shall allow the Department to provide greater levels of assistance 97914

to school districts and to provide more timely information to the public, including school districts, administrators, and legislators. Funds may also be used to support data-driven decision-making and differentiated instruction, as well as to communicate academic content standards and curriculum models to schools through web-based applications.

Section 265.50. SCHOOL MANAGEMENT ASSISTANCE

The foregoing appropriation item 200422, School Management Assistance, shall be used by the Department of Education to provide fiscal technical assistance and inservice education for school district management personnel and to administer, monitor, and implement the fiscal caution, fiscal watch, and fiscal emergency provisions under Chapter 3316. of the Revised Code.

Section 265.60. POLICY ANALYSIS

The foregoing appropriation item 200424, Policy Analysis, shall be used by the Department of Education to support a system of administrative, statistical, and legislative education information to be used for policy analysis. Staff supported by this appropriation shall administer the development of reports, analyses, and briefings to inform education policymakers of current trends in education practice, efficient and effective use of resources, and evaluation of programs to improve education results. A portion of these funds shall be used to maintain a longitudinal database to support the assessment of the impact of policies and programs on Ohio's education and workforce development systems. The research efforts supported by this appropriation item shall be used to supply information and analysis of data to and in consultation with the General Assembly and other state policymakers, including the Office of Budget and Management and the Legislative Service Commission.

A portion of the foregoing appropriation item, 200424, Policy Analysis, may be used by the Department to support the development and implementation of an evidence-based clearinghouse to support school improvement strategies as part of the Every Student Succeeds Act.

The Department may use funding from this appropriation item to purchase or contract for the development of software systems or contract for policy studies that will assist in the provision and analysis of policy-related information. Funding from this appropriation item also may be used to monitor and enhance quality assurance for research-based policy analysis and program evaluation to enhance the effective use of education information to inform education policymakers.

Section 265.70. OHIO EDUCATIONAL COMPUTER NETWORK

The foregoing appropriation item 200426, Ohio Educational Computer Network, shall be used by the Department of Education to maintain a system of information technology throughout Ohio and to provide technical assistance for such a system.

Of the foregoing appropriation item 200426, Ohio Educational Computer Network, up to \$9,686,658 in each fiscal year shall be used by the Department to support connection of all public school buildings and participating chartered nonpublic schools to the state's education network, to each other, and to the Internet. In each fiscal year, the Department shall use these funds to assist information technology centers or school districts with the operational costs associated with this connectivity. The Department shall develop a formula and guidelines for the distribution of these funds to information technology centers or individual school districts. As used in this section, "public school building" means a school building of any city, local, exempted village, or joint vocational school district, any

community school established under Chapter 3314. of the Revised 97976
Code, any college preparatory boarding school established under 97977
Chapter 3328. of the Revised Code, any STEM school established 97978
under Chapter 3326. of the Revised Code, any educational service 97979
center building used for instructional purposes, the Ohio School 97980
for the Deaf and the Ohio School for the Blind, high schools 97981
chartered by the Ohio Department of Youth Services, or high 97982
schools operated by Ohio Department of Rehabilitation and 97983
Corrections' Ohio Central School System. 97984

Of the foregoing appropriation item 200426, Ohio Educational 97985
Computer Network, up to \$4,843,329 in each fiscal year shall be 97986
used, through a formula and guidelines devised by the Department, 97987
to support the activities of designated information technology 97988
centers, as defined by State Board of Education rules, to provide 97989
school districts and chartered nonpublic schools with 97990
computer-based student and teacher instructional and 97991
administrative information services, including approved 97992
computerized financial accounting, to ensure the effective 97993
operation of local automated administrative and instructional 97994
systems, and to monitor and support the quality of data submitted 97995
to the Department. 97996

The remainder of appropriation item 200426, Ohio Educational 97997
Computer Network, shall be used to support the work of the 97998
development, maintenance, and operation of a network of uniform 97999
and compatible computer-based information systems as well as the 98000
teacher student linkage/roster verification process and systems to 98001
support electronic sharing of student records and transcripts 98002
between entities. This technical assistance shall include, but not 98003
be restricted to, development and maintenance of adequate computer 98004
software systems to support network activities. In order to 98005
improve the efficiency of network activities, the Department and 98006
information technology centers may jointly purchase equipment, 98007

materials, and services from funds provided under this 98008
appropriation for use by the network and, when considered 98009
practical by the Department, may utilize the services of 98010
appropriate state purchasing agencies. 98011

Section 265.80. ACADEMIC STANDARDS 98012

The foregoing appropriation item 200427, Academic Standards, 98013
shall be used by the Department of Education to develop and 98014
communicate to school districts academic content standards and 98015
curriculum models and to develop professional development programs 98016
and other tools on the new content standards and model curriculum. 98017
The Department shall use a portion of these funds in partnership 98018
with educational service centers, consistent with requirements of 98019
section 3312.01 of the Revised Code, in the development and 98020
delivery of professional development programs supported under this 98021
section. 98022

Section 265.90. STUDENT ASSESSMENT 98023

Of the foregoing appropriation item 200437, Student 98024
Assessment, up to \$2,760,000 in each fiscal year may be used to 98025
support the state's early learning assessment work and the 98026
assessments required under section 3301.0715 of the Revised Code. 98027

Of the foregoing appropriation item 200437, Student 98028
Assessment, up to \$543,168 in each fiscal year shall be used to 98029
reimburse a portion of the costs associated with Advanced 98030
Placement Tests for low-income students. 98031

The remainder of appropriation item 200437, Student 98032
Assessment, shall be used to develop, field test, print, 98033
distribute, score, report results, and support other associated 98034
costs for the tests required under sections 3301.0710, 3301.0711, 98035
and 3301.0712 of the Revised Code and for similar purposes as 98036
required by section 3301.27 of the Revised Code. The funds may 98037

also be used to update and develop diagnostic assessments 98038
administered under sections 3301.079, 3301.0715, and 3313.608 of 98039
the Revised Code. 98040

DEPARTMENT OF EDUCATION APPROPRIATION TRANSFERS FOR STUDENT 98041
ASSESSMENT 98042

In fiscal year 2020 and fiscal year 2021, if the 98043
Superintendent of Public Instruction determines that additional 98044
funds are needed to fully fund the requirements of sections 98045
3301.0710, 3301.0711, 3301.0712, and 3301.27 of the Revised Code 98046
and this act for assessments of student performance, the 98047
Superintendent may recommend the reallocation of unexpended and 98048
unencumbered General Revenue Fund appropriations within the 98049
Department of Education to appropriation item 200437, Student 98050
Assessment, to the Director of Budget and Management. If the 98051
Director determines that such a reallocation is required, the 98052
Director may transfer unexpended and unencumbered appropriations 98053
within the Department of Education as necessary to appropriation 98054
item 200437, Student Assessment. 98055

Section 265.100. ACCOUNTABILITY/REPORT CARDS 98056

Of the foregoing appropriation item 200439, 98057
Accountability/Report Cards, a portion in each fiscal year shall 98058
be used to train district and regional specialists and district 98059
educators in the use of the value-added progress dimension and in 98060
the use of data as it relates to improving student achievement. 98061
This training may include teacher and administrator professional 98062
development in the use of data to improve instruction and student 98063
learning, and teacher and administrator training in understanding 98064
teacher value-added reports and how they can be used as a 98065
component in measuring teacher and administrator effectiveness. A 98066
portion of this funding shall be provided to educational service 98067
centers to support training and professional development under 98068

this section consistent with section 3312.01 of the Revised Code. 98069

The remainder of appropriation item 200439, 98070
Accountability/Report Cards, shall be used by the Department of 98071
Education to incorporate a statewide value-added progress 98072
dimension into performance ratings for school districts and for 98073
the development of an accountability system that includes the 98074
preparation and distribution of school report cards, funding and 98075
expenditure accountability reports under sections 3302.03 and 98076
3302.031 of the Revised Code, the development and maintenance of 98077
teacher value-added reports, the teacher student linkage/roster 98078
verification process, and the performance management section of 98079
the Department's web site required by section 3302.26 of the 98080
Revised Code. 98081

CHILD CARE LICENSING 98082

The foregoing appropriation item 200442, Child Care 98083
Licensing, shall be used by the Department of Education to license 98084
and to inspect preschool and school-age child care programs under 98085
sections 3301.52 to 3301.59 of the Revised Code. 98086

Section 265.110. EDUCATION MANAGEMENT INFORMATION SYSTEM 98087

The foregoing appropriation item 200446, Education Management 98088
Information System, shall be used by the Department of Education 98089
to improve the Education Management Information System (EMIS). 98090

Of the foregoing appropriation item 200446, Education 98091
Management Information System, up to \$400,000 in each fiscal year 98092
shall be used to support grants to information technology centers 98093
to provide professional development opportunities to district and 98094
school personnel related to the EMIS, with a focus placed on data 98095
submission and data quality. 98096

Of the foregoing appropriation item 200446, Education 98097
Management Information System, up to \$725,000 in each fiscal year 98098

shall be distributed to designated information technology centers 98099
for costs relating to processing, storing, and transferring data 98100
for the effective operation of the EMIS. These costs may include, 98101
but are not limited to, personnel, hardware, software development, 98102
communications connectivity, professional development, and support 98103
services. 98104

The remainder of appropriation item 200446, Education 98105
Management Information System, shall be used to develop and 98106
support the data definitions and standards outlined in the EMIS 98107
guidelines adopted under section 3301.0714 of the Revised Code, to 98108
implement recommendations of the EMIS Advisory Council and the 98109
Superintendent of Public Instruction, to enhance data quality 98110
assurance practices, and to support responsibilities related to 98111
the school report cards prescribed by section 3302.03 of the 98112
Revised Code and value-added progress dimension calculations. 98113

Section 265.120. EDUCATOR PREPARATION 98114

(A) Of the foregoing appropriation item 200448, Educator 98115
Preparation, up to \$339,783 in each fiscal year may be used by the 98116
Department of Education to monitor and support Ohio's State System 98117
of Support, as defined by the Every Student Succeeds Act. 98118

(B) Of the foregoing appropriation item 200448, Educator 98119
Preparation, up to \$67,957 in each fiscal year may be used by the 98120
Department to support the Educator Standards Board under section 98121
3319.61 of the Revised Code and reforms under sections 3302.042, 98122
3302.06 to 3302.068, 3302.12, and 3302.20 to 3302.22 of the 98123
Revised Code. 98124

(C) Of the foregoing appropriation item 200448, Educator 98125
Preparation, \$2,000,000 in each fiscal year shall be distributed 98126
to Teach For America to increase recruitment of potential corps 98127
members at select Ohio universities, to train and develop 98128
first-year and second-year teachers in the Teach for America 98129

program in Ohio, and to expand the number of teaching corps 98130
members to not fewer than 350 teaching corps members per year and 98131
the number of school districts served in Ohio by not fewer than 98132
five additional school districts by fiscal year 2021. 98133

(D) Of the foregoing appropriation item 200448, Educator 98134
Preparation, \$1,500,000 in each fiscal year shall be used for the 98135
Bright New Leaders for Ohio Schools Program administered by the 98136
Ohio State University Fisher College of Business and College of 98137
Education and Human Ecology pursuant to section 3319.272 of the 98138
Revised Code to provide an alternative path for individuals to 98139
receive training and development in the administration of primary 98140
and secondary education and leadership, enable those individuals 98141
to earn degrees and obtain licenses in public school 98142
administration, and promote the placement of those individuals in 98143
public schools that have a poverty percentage greater than fifty 98144
per cent. 98145

(E) Of the foregoing appropriation item 200448, Educator 98146
Preparation, \$200,000 in each fiscal year shall be used to support 98147
training for selected school staff through the FASTER Saves Lives 98148
Program for the purpose of stopping active shooters and treating 98149
casualties. 98150

(F) Of the foregoing appropriation item 200448, Educator 98151
Preparation, \$1,000,000 in each fiscal year shall be used by the 98152
Department of Education, in consultation with the Department of 98153
Mental Health and Addiction Services, to award professional 98154
development grants to educational service centers to train 98155
educators and related school personnel in the model and tenants of 98156
prevention of risky behaviors, including substance abuse, suicide, 98157
bullying, and other harmful behaviors. 98158

(G) Of the foregoing appropriation item 200448, Educator 98159
Preparation, up to \$1,500,000 in fiscal year 2020 shall be used by 98160
the Department of Education, in consultation with the Department 98161

of Higher Education, to provide awards to support coursework and 98162
content testing fees for currently licensed teachers to receive 98163
credentialing to teach computer science in accordance with 98164
division (B) of section 3319.236 of the Revised Code. 98165

Awards made by the Department of Education shall be in the 98166
form of reimbursements paid directly to educators for the cost of 98167
the content examination or pedagogy courses required under 98168
division (B) of section 3319.236 of the Revised Code that are 98169
completed by the summer term of 2021. First priority shall be 98170
given to educators who agree to teach at least one remote computer 98171
science course at schools that lack access to computer science 98172
educators. Second priority shall be given to educators assigned to 98173
schools with greater than fifty per cent of students classified as 98174
economically disadvantaged and with limited or no teachers 98175
currently credentialed to teach computer science, both as 98176
determined by the Department. 98177

Upon the request of the Superintendent of Public Instruction 98178
and the approval of the Director of Budget and Management, an 98179
amount equal to the unexpended, unencumbered balance of the amount 98180
set aside in this division at the end of fiscal year 2020 is 98181
hereby reappropriated to the Department for the same purpose for 98182
fiscal year 2021. 98183

(H) Of the foregoing appropriation item 200448, Educator 98184
Preparation, up to \$3,000,000 in fiscal year 2020 shall be used by 98185
the Department of Education, in consultation with the Department 98186
of Higher Education, to provide awards to support graduate 98187
coursework for high school teachers to receive credentialing to 98188
teach College Credit Plus courses in a high school setting. 98189

The Department of Education, in consultation with the 98190
Department of Higher Education, shall develop an application 98191
process and criteria for awards. Priority shall be given to 98192
education consortia that include economically disadvantaged high 98193

schools in which there are limited or no teachers currently 98194
credentialed to teach College Credit Plus courses, as determined 98195
by the Department of Education, and a public or private college or 98196
university in Ohio. 98197

Awards made by the Department of Education may support 98198
graduate coursework for high school teachers at a public or 98199
private college or university in Ohio leading to credentialing to 98200
teach college courses, as well as employment of teachers 98201
credentialed to teach college courses as a bridging strategy until 98202
a sufficient number of teachers at the high school hold the 98203
required credentials. 98204

Upon the request of the Superintendent of Public Instruction 98205
and the approval of the Director of Budget and Management, an 98206
amount equal to the unexpended, unencumbered balance of the amount 98207
set aside in this division at the end of fiscal year 2020 is 98208
hereby reappropriated for the same purpose for fiscal year 2021. 98209

(I) Of the foregoing appropriation item 200448, Educator 98210
Preparation, up to \$250,000 in each fiscal year shall be used to 98211
support the SmartOhio Financial Literacy Program at the University 98212
of Cincinnati. 98213

(J) Notwithstanding any provision of law to the contrary, 98214
awards under this section may be used by recipients for 98215
award-related expenses incurred for a period not to exceed two 98216
years from the date of the award according to guidelines 98217
established by the Department of Education. 98218

(K) The remainder of the foregoing appropriation item 200448, 98219
Educator Preparation, may be used for implementation of teacher 98220
and principal evaluation systems, including incorporation of 98221
student growth as a metric in those systems, and teacher 98222
value-added reports. A portion of this funding shall be provided 98223
to educational service centers, consistent with requirements of 98224

section 3312.01 of the Revised Code, in the development and 98225
delivery of professional development programs supported under this 98226
section. 98227

Section 265.130. COMMUNITY SCHOOLS AND CHOICE PROGRAMS 98228

The foregoing appropriation item 200455, Community Schools 98229
and Choice Programs, may be used by the Department of Education 98230
for operation of the school choice programs. 98231

Of the foregoing appropriation item 200455, Community Schools 98232
and Choice Programs, a portion in each fiscal year may be used by 98233
the Department for developing and conducting training sessions for 98234
community schools and sponsors and prospective sponsors of 98235
community schools as prescribed in division (A)(1) of section 98236
3314.015 of the Revised Code, and other schools participating in 98237
school choice programs. 98238

Section 265.140. EDUCATION TECHNOLOGY RESOURCES 98239

Of the foregoing appropriation item 200465, Education 98240
Technology Resources, up to \$2,500,000 in each fiscal year shall 98241
be used for the Union Catalog and InfoOhio Network and to support 98242
the provision of electronic resources with priority given to 98243
resources that support the teaching of state academic content 98244
standards in all public schools. Consideration shall be given by 98245
the Department of Education to coordinating the allocation of 98246
these moneys with the efforts of Libraries Connect Ohio, whose 98247
members include OhioLINK, the Ohio Public Information Network, and 98248
the State Library of Ohio. 98249

Of the foregoing appropriation item 200465, Education 98250
Technology Resources, up to \$1,778,879 in each fiscal year shall 98251
be used by the Department to provide grants to educational 98252
television stations working with partner education technology 98253
centers to provide Ohio public schools with instructional 98254

resources and services, with priority given to resources and 98255
services aligned with state academic content standards. Such 98256
resources and services shall be based upon the advice and approval 98257
of the Department, based on a formula developed in consultation 98258
with Ohio's educational television stations and educational 98259
technology centers. 98260

Of the foregoing appropriation item 200465, Education 98261
Technology Resources, \$200,000 in each fiscal year shall be 98262
distributed to the Ohio School Digital Literacy Program to support 98263
digital learning tools, digital resources, technical support, and 98264
professional development. The program shall do all of the 98265
following: 98266

(A) Provide a K-8 program of study for students to learn 98267
essential digital literacy skills including computer fundamentals, 98268
computational thinking, keyboarding, digital citizenship and 98269
online safety, web browsing, email and online communication, 98270
visual mapping, word processing, spreadsheets, databases, and 98271
presentations; 98272

(B) Provide teachers with the ability to measure student 98273
digital literacy growth; and 98274

(C) Allow for the integration of digital literacy instruction 98275
aligned to state standards, if applicable, into core content 98276
subjects such as mathematics, English language arts, science, and 98277
social studies. 98278

The remainder of the foregoing appropriation item 200465, 98279
Education Technology Resources, may be used to support training, 98280
technical support, guidance, and assistance with compliance 98281
reporting to school districts and public libraries applying for 98282
federal E-Rate funds; for oversight and guidance of school 98283
district technology plans; for support to district technology 98284
personnel; and for support of the development, maintenance, and 98285

operation of a network of uniform and compatible computer-based 98286
information and instructional systems. 98287

**Section 265.145. INDUSTRY-RECOGNIZED CREDENTIALS HIGH SCHOOL 98288
STUDENTS 98289**

Of the foregoing appropriation item 200478, 98290
Industry-Recognized Credentials High School Students, up to 98291
\$8,000,000 in each fiscal year may be used by the Department of 98292
Education to support payments to city, local, and exempted village 98293
school districts, community schools, STEM schools, and joint 98294
vocational school districts whose students earn an 98295
industry-recognized credential or receive a journeyman 98296
certification recognized by the United States Department of Labor. 98297
The educating entity shall be required to inform students enrolled 98298
in career-technical education courses that lead to an 98299
industry-recognized credential about the opportunity to earn these 98300
credentials. The Department of Education shall work with the 98301
Department of Higher Education and the Governor's Office of 98302
Workforce Transformation to develop a schedule for reimbursement 98303
based on the Department of Education's list of industry-recognized 98304
credentials, the time it takes to earn the credential, and the 98305
cost to obtain the credential. The educating entity shall pay for 98306
the cost of the credential and may claim and receive 98307
reimbursement. The educating entity may claim reimbursement based 98308
on the Department of Education's reimbursement schedule up to six 98309
months after the student has graduated from high school. If the 98310
amount appropriated is not sufficient, the Department shall 98311
prorate the amounts so that the aggregate amount appropriated is 98312
not exceeded. 98313

Of the foregoing appropriation item 200478, 98314
Industry-Recognized Credentials High School Students, up to 98315
\$12,500,000 in each fiscal year may be used by the Department of 98316

Education and the Governor's Office of Workforce Transformation to 98317
establish and operate the Innovative Workforce Incentive Program. 98318
In establishing the program, the Office of Workforce 98319
Transformation shall maintain a list of credentials that qualify 98320
for the program. The Department of Education shall pay each city, 98321
local, and exempted village school district, community school, 98322
STEM school, and joint vocational school district an amount equal 98323
to \$1,250 for each qualifying credential earned by a student 98324
attending the district or school during each fiscal year. If the 98325
amount appropriated is not sufficient, the Department shall 98326
prorate the amounts so that the aggregate amount appropriated is 98327
not exceeded. 98328

Of the foregoing appropriation item 200478, 98329
Industry-Recognized Credentials High School Students, up to 98330
\$4,500,000 in each fiscal year may be used by the Department of 98331
Education to establish a program to assist city, local, and 98332
exempted village school districts, community schools, STEM 98333
schools, and joint vocational school districts in establishing 98334
credentialing programs that qualify for the Innovative Workforce 98335
Incentive Program. The Department shall prioritize senior-only 98336
credentialing programs in schools that currently do not operate 98337
such programs. 98338

Section 265.150. PUPIL TRANSPORTATION 98339

Of the foregoing appropriation item 200502, Pupil 98340
Transportation, up to \$838,930 in each fiscal year may be used by 98341
the Department of Education for training prospective and 98342
experienced school bus drivers in accordance with training 98343
programs prescribed by the Department. A portion of these funds 98344
may also be used to pay for costs associated with the enrollment 98345
of bus drivers in the retained applicant fingerprint database. 98346

Of the foregoing appropriation item 200502, Pupil 98347

Transportation, up to \$60,469,220 in each fiscal year may be used 98348
by the Department for special education transportation 98349
reimbursements to school districts and county DD boards for 98350
transportation operating costs as provided in divisions (C) and 98351
(F) of section 3317.024 of the Revised Code, in accordance with 98352
the section of this act entitled "OPERATING FUNDING FOR FISCAL 98353
YEARS 2020 and 2021." 98354

The remainder of the foregoing appropriation item 200502, 98355
Pupil Transportation, shall be used to fund the transportation 98356
payments included in the state funding allocation under division 98357
(B) of the section of this act entitled "FUNDING FOR CITY, LOCAL, 98358
AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 98359

PAYMENTS IN LIEU OF TRANSPORTATION 98360

For purposes of division (D) of section 3327.02 of the 98361
Revised Code, if a parent, guardian, or other person in charge of 98362
a pupil accepts an offer from a school district of payment in lieu 98363
of providing transportation for the pupil, the school district 98364
shall pay that parent, guardian, or other person an amount that 98365
shall be not less than \$250 and not more than the amount 98366
determined by the Department as the average cost of pupil 98367
transportation for the previous school year. Payment may be 98368
prorated if the time period involved is only a part of the school 98369
year. 98370

Section 265.160. SCHOOL LUNCH MATCH 98371

The foregoing appropriation item 200505, School Lunch Match, 98372
shall be used to provide matching funds to obtain federal funds 98373
for the school lunch program. 98374

Any remaining appropriation after providing matching funds 98375
for the school lunch program may be used to partially reimburse 98376
school buildings within school districts that are required to have 98377

a school breakfast program under section 3313.813 of the Revised Code, at a rate decided by the Department. 98378
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Section 265.170. AUXILIARY SERVICES 98380

Of the foregoing appropriation item 200511, Auxiliary Services, up to \$2,600,000 in each fiscal year may be used for payment of the College Credit Plus Program for nonpublic secondary school participants. The Department of Education shall distribute these funds according to rule 3333-1-65.8 of the Administrative Code, adopted by the Department of Higher Education pursuant to division (A) of section 3365.071 of the Revised Code. 98381
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The remainder of the foregoing appropriation item 200511, Auxiliary Services, shall be used by the Department for the purpose of implementing sections 3317.06 and 3317.062 of the Revised Code. 98388
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Section 265.180. NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT 98392

The foregoing appropriation item 200532, Nonpublic Administrative Cost Reimbursement, shall be used by the Department of Education for the purpose of implementing section 3317.063 of the Revised Code. Notwithstanding section 3317.063 of the Revised Code, payments made by the Department for this purpose shall not exceed four hundred five dollars per student for each school year. 98393
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Section 265.190. SPECIAL EDUCATION ENHANCEMENTS 98399

Of the foregoing appropriation item 200540, Special Education Enhancements, up to \$33,000,000 in each fiscal year shall be used to fund special education and related services at county boards of developmental disabilities for eligible students under section 3317.20 of the Revised Code, in accordance with the section of this act entitled "OPERATING FUNDING FOR FISCAL YEARS 2020 and 2021," and at institutions for eligible students under section 98400
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3317.201 of the Revised Code. If necessary, the Department of 98407
Education shall proportionately reduce the amount calculated for 98408
each county board of developmental disabilities and institution so 98409
as not to exceed the amount appropriated in each fiscal year. 98410

Of the foregoing appropriation item 200540, Special Education 98411
Enhancements, up to \$1,350,000 in each fiscal year shall be used 98412
for parent mentoring programs. 98413

Of the foregoing appropriation item 200540, Special Education 98414
Enhancements, up to \$3,000,000 in each fiscal year may be used for 98415
school psychology interns. 98416

Of the foregoing appropriation item 200540, Special Education 98417
Enhancements, the Department shall transfer \$3,250,000 in fiscal 98418
year 2020 and \$3,500,000 in fiscal year 2021 to the Opportunities 98419
for Ohioans with Disabilities Agency. The transfer shall be made 98420
via an intrastate transfer voucher. The transferred funds shall be 98421
used by the Opportunities for Ohioans with Disabilities Agency as 98422
state matching funds to draw down available federal funding for 98423
vocational rehabilitation services. Total project funding shall be 98424
used to hire dedicated vocational rehabilitation counselors who 98425
shall work directly with school districts to provide transition 98426
services for students with disabilities. Services shall include 98427
vocational rehabilitation services such as person-centered career 98428
planning, summer work experiences, job placement, and retention 98429
services for mutually eligible students with disabilities. 98430

The Superintendent of Public Instruction and the Executive 98431
Director of the Opportunities for Ohioans with Disabilities Agency 98432
shall enter into an interagency agreement that shall specify the 98433
responsibilities of each agency under the program. Under the 98434
interagency agreement, the Opportunities for Ohioans with 98435
Disabilities Agency shall retain responsibility for all 98436
nondelegable functions, including eligibility and order of 98437
selection determination, individualized plan for employment (IPE) 98438

approval, IPE amendments, case closure, and release of vendor 98439
payments. 98440

Of the foregoing appropriation item 200540, Special Education 98441
Enhancements, up to \$2,000,000 in each fiscal year shall be used 98442
by the Department of Education to build capacity to deliver a 98443
regional system of training, support, coordination, and direct 98444
service for secondary transition services for students with 98445
disabilities beginning at fourteen years of age. These special 98446
education enhancements shall support all students with 98447
disabilities, regardless of partner agency eligibility 98448
requirements, to provide stand-alone direct secondary transition 98449
services by school districts. Secondary transition services shall 98450
include, but not be limited to, job exploration counseling, 98451
work-based learning experiences, counseling on opportunities for 98452
enrollment in comprehensive transition or post-secondary 98453
educational programs at institutions of higher education, 98454
workplace readiness training to develop occupational skills, 98455
social skills and independent living skills, and instruction in 98456
self-advocacy. Regional training shall support the expansion of 98457
transition to work endorsement opportunities for middle school and 98458
secondary level special education intervention specialists in 98459
order to develop the necessary skills and competencies to meet the 98460
secondary transition needs of students with disabilities beginning 98461
at fourteen years of age. 98462

The remainder of appropriation item 200540, Special Education 98463
Enhancements, shall be distributed by the Department of Education 98464
to school districts and institutions, as defined in section 98465
3323.091 of the Revised Code, for preschool special education 98466
funding under section 3317.0213 of the Revised Code, in accordance 98467
with the section of this act entitled "OPERATING FUNDING FOR 98468
FISCAL YEARS 2020 and 2021." 98469

The Department may reimburse school districts and 98470

institutions for services provided by instructional assistants, 98471
related services, as defined in rule 3301-51-11 of the 98472
Administrative Code, physical therapy services provided by a 98473
licensed physical therapist or physical therapist assistant under 98474
the supervision of a licensed physical therapist, as required 98475
under Chapter 4755. of the Revised Code and Chapter 4755-27 of the 98476
Administrative Code, and occupational therapy services provided by 98477
a licensed occupational therapist or occupational therapy 98478
assistant under the supervision of a licensed occupational 98479
therapist, as required under Chapter 4755. of the Revised Code and 98480
Chapter 4755-7 of the Administrative Code. Nothing in this section 98481
authorizes occupational therapy assistants or physical therapist 98482
assistants to generate or manage their own caseloads. 98483

The Department shall require school districts, educational 98484
service centers, county DD boards, and institutions serving 98485
preschool children with disabilities to adhere to Ohio's early 98486
learning program standards, participate in the Step Up to Quality 98487
program established pursuant to section 5104.29 of the Revised 98488
Code, and document child progress using research-based indicators 98489
prescribed by the Department and report results annually. The 98490
reporting dates and method shall be determined by the Department. 98491
All programs shall be rated through the Step Up to Quality 98492
program. 98493

Section 265.200. CAREER-TECHNICAL EDUCATION ENHANCEMENTS 98494

Of the foregoing appropriation item 200545, Career-Technical 98495
Education Enhancements, up to \$2,563,568 in each fiscal year shall 98496
be used to fund secondary career-technical education at 98497
institutions, the Ohio School for the Deaf, and the Ohio State 98498
School for the Blind using a grant-based methodology, 98499
notwithstanding section 3317.05 of the Revised Code. 98500

Of the foregoing appropriation item 200545, Career-Technical 98501

Education Enhancements, up to \$2,686,474 in each fiscal year shall 98502
be used by the Department of Education to fund competitive grants 98503
to tech prep consortia that expand the number of students enrolled 98504
in tech prep programs. These grant funds shall be used to directly 98505
support expanded tech prep programs provided to students enrolled 98506
in school districts, including joint vocational school districts, 98507
and affiliated higher education institutions. This support may 98508
include the purchase of equipment. 98509

Of the foregoing appropriation item 200545, Career-Technical 98510
Education Enhancements, up to \$3,000,850 in each fiscal year shall 98511
be used by the Department to support existing High Schools That 98512
Work (HSTW) sites, develop and support new sites, fund technical 98513
assistance, and support regional centers and middle school 98514
programs. The purpose of HSTW is to combine challenging academic 98515
courses and modern career-technical studies to raise the academic 98516
achievement of students. HSTW provides intensive technical 98517
assistance, focused staff development, targeted assessment 98518
services, and ongoing communications and networking opportunities. 98519

Of the foregoing appropriation item 200545, Career-Technical 98520
Education Enhancements, up to \$600,000 in each fiscal year shall 98521
be used by the Department to enable students in agricultural 98522
programs to enroll in a fifth quarter of instruction based on the 98523
agricultural education model of delivering work-based learning 98524
through supervised agricultural experience. The Department shall 98525
determine eligibility criteria and the reporting process for the 98526
Agriculture 5th Quarter Project and shall fund as many programs as 98527
possible given the set-aside. The eligibility criteria developed 98528
by the Department shall allow these funds to support supervised 98529
agricultural experience that occurs anytime outside of the regular 98530
school day. 98531

Of the foregoing appropriation item 200545, Career-Technical 98532
Education Enhancements, up to \$550,000 in each fiscal year may be 98533

used to support career planning and reporting through the OhioMeansJobs web site. 98534
98535

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, \$100,000 in each fiscal year shall be used to support Jobs for Ohio's Graduates. 98536
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Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, \$150,000 in each fiscal year shall be used to prepare students for careers in culinary arts and restaurant management under the Ohio ProStart school restaurant program. 98539
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Section 265.210. FOUNDATION FUNDING 98543

Of the foregoing appropriation item 200550, Foundation Funding, up to \$40,000,000 in each fiscal year shall be used to provide additional state aid to school districts, joint vocational school districts, community schools, and STEM schools for special education students under division (C)(3) of section 3314.08, section 3317.0214 and division (B) of section 3317.16 in accordance with the section of this act entitled "OPERATING FUNDING FOR FISCAL YEARS 2020 and 2021," and section 3326.34 of the Revised Code, except that the Controlling Board may increase these amounts if presented with such a request from the Department of Education at the final meeting of the fiscal year. 98544
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Of the foregoing appropriation item 200550, Foundation Funding, up to \$3,800,000 in each fiscal year shall be used to fund gifted education at educational service centers. The Department shall distribute the funding through the unit-based funding methodology in place under division (L) of section 3317.024, division (E) of section 3317.05, and divisions (A), (B), and (C) of section 3317.053 of the Revised Code as they existed prior to fiscal year 2010. 98555
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Of the foregoing appropriation item 200550, Foundation 98563

Funding, up to \$40,000,000 in each fiscal year shall be reserved 98564
to fund the state reimbursement of educational service centers 98565
under the section of this act entitled "EDUCATIONAL SERVICE 98566
CENTERS FUNDING." 98567

Of the foregoing appropriation item 200550, Foundation 98568
Funding, up to \$3,500,000 in each fiscal year shall be distributed 98569
to educational service centers for School Improvement Initiatives 98570
and for the provision of technical assistance to schools and 98571
districts consistent with requirements of section 3312.01 of the 98572
Revised Code. The Department may distribute these funds through a 98573
competitive grant process. 98574

Of the foregoing appropriation item 200550, Foundation 98575
Funding, up to \$7,000,000 in each fiscal year shall be reserved 98576
for payments under section 3317.029 of the Revised Code, in 98577
accordance with the section of this act entitled "OPERATING 98578
FUNDING FOR FISCAL YEARS 2020 and 2021." If this amount is not 98579
sufficient, the Superintendent of Public Instruction may 98580
reallocate excess funds for other purposes supported by this 98581
appropriation item in order to fully pay the amounts required by 98582
that section, provided that the aggregate amount appropriated in 98583
appropriation item 200550, Foundation Funding, is not exceeded. 98584

Of the foregoing appropriation item 200550, Foundation 98585
Funding, up to \$26,400,000 in each fiscal year shall be used to 98586
support school choice programs. 98587

Of the portion of the funds distributed to the Cleveland 98588
Municipal School District under this section, up to \$17,600,000 in 98589
each fiscal year shall be used to operate the school choice 98590
program in the Cleveland Municipal School District under sections 98591
3313.974 to 3313.979 of the Revised Code. Notwithstanding 98592
divisions (B) and (C) of section 3313.978 and division (C) of 98593
section 3313.979 of the Revised Code, up to \$1,000,000 in each 98594
fiscal year of this amount shall be used by the Cleveland 98595

Municipal School District to provide tutorial assistance as 98596
provided in division (H) of section 3313.974 of the Revised Code. 98597
The Cleveland Municipal School District shall report the use of 98598
these funds in the district's three-year continuous improvement 98599
plan as described in section 3302.04 of the Revised Code in a 98600
manner approved by the Department. 98601

Of the foregoing appropriation item 200550, Foundation 98602
Funding, up to \$2,000,000 in each fiscal year may be used for 98603
payment of the College Credit Plus Program for students instructed 98604
at home pursuant to section 3321.04 of the Revised Code. 98605

Of the foregoing appropriation item 200550, Foundation 98606
Funding, an amount shall be available in each fiscal year to be 98607
paid to joint vocational school districts in accordance with the 98608
section of this act entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL 98609
DISTRICTS." 98610

Of the foregoing appropriation item 200550, Foundation 98611
Funding, up to \$700,000 in each fiscal year shall be used by the 98612
Department for a program to pay for educational services for youth 98613
who have been assigned by a juvenile court or other authorized 98614
agency to any of the facilities described in division (A) of the 98615
section of this act entitled "PRIVATE TREATMENT FACILITY PROJECT." 98616

Of the foregoing appropriation item 200550, Foundation 98617
Funding, a portion may be used to pay college-preparatory boarding 98618
schools the per pupil boarding amount pursuant to section 3328.34 98619
of the Revised Code. 98620

Of the foregoing appropriation item 200550, Foundation 98621
Funding, a portion in each fiscal year shall be used to pay 98622
community schools and STEM schools the amounts calculated for the 98623
graduation and third-grade reading bonuses under sections 3314.085 98624
and 3326.41 of the Revised Code, in accordance with the sections 98625
of this act entitled "FUNDING FOR COMMUNITY SCHOOLS" and "FUNDING 98626

FOR STEM SCHOOLS." 98627

Of the foregoing appropriation item 200550, Foundation 98628
Funding, up to \$350,000 in fiscal year 2020 shall be used by the 98629
Department of Education to conduct return on investment studies 98630
for programming funded through student success and wellness funds 98631
and to provide technical assistance to school districts on 98632
implementing these strategies. 98633

The remainder of the foregoing appropriation item 200550, 98634
Foundation Funding, shall be used to fund the payments included in 98635
the state funding allocation under division (A) of the section of 98636
this act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE 98637
SCHOOL DISTRICTS." 98638

Appropriation items 200502, Pupil Transportation, 200540, 98639
Special Education Enhancements, and 200550, Foundation Funding, 98640
other than specific set-asides, are collectively used in each 98641
fiscal year to pay state formula aid obligations for school 98642
districts, community schools, STEM schools, college preparatory 98643
boarding schools, and joint vocational school districts under this 98644
act. The first priority of these appropriation items, with the 98645
exception of specific set-asides, is to fund state formula aid 98646
obligations. It may be necessary to reallocate funds among these 98647
appropriation items or use excess funds from other general revenue 98648
fund appropriation items in the Department of Education's budget 98649
in each fiscal year in order to meet state formula aid 98650
obligations. If it is determined that it is necessary to transfer 98651
funds among these appropriation items or to transfer funds from 98652
other General Revenue Fund appropriations in the Department's 98653
budget to meet state formula aid obligations, the Superintendent 98654
of Public Instruction shall seek approval from the Director of 98655
Budget and Management to transfer funds as needed. 98656

The Superintendent of Public Instruction shall make payments, 98657
transfers, and deductions, as authorized by Title XXXIII of the 98658

Revised Code in amounts substantially equal to those made in the 98659
prior year, or otherwise, at the discretion of the Superintendent, 98660
until at least the effective date of the amendments and enactments 98661
made to Title XXXIII by this act. Any funds paid to districts or 98662
schools under this section shall be credited toward the annual 98663
funds calculated for the district or school after the changes made 98664
to Title XXXIII in this act are effective. Upon the effective date 98665
of changes made to Title XXXIII in this act, funds shall be 98666
calculated as an annual amount. 98667

Section 265.215. OPERATING FUNDING FOR FISCAL YEARS 2020 and 98668
2021 98669

(A) Notwithstanding anything to the contrary in Chapter 3317. 98670
of the Revised Code, the Department of Education shall make no 98671
payments under that chapter for fiscal years 2020 and 2021 except 98672
as prescribed in this section and the sections of this act 98673
entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL 98674
DISTRICTS" and "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS." 98675

(B) Each school district and educational service center shall 98676
report student enrollment data as prescribed by section 3317.03 of 98677
the Revised Code, which data the Department shall use to make 98678
payments under Chapter 3317. of the Revised Code and the sections 98679
of this act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED 98680
VILLAGE SCHOOL DISTRICTS" and "FUNDING FOR JOINT VOCATIONAL SCHOOL 98681
DISTRICTS." 98682

(C) The tax commissioner shall report data regarding tax 98683
valuation and receipts for school districts as prescribed by 98684
sections 3317.015, 3317.021, 3317.025, 3317.028, 3317.029, 98685
3317.0210, 3317.0211, and 3317.08, which data the Department shall 98686
use to make payments under Chapter 3317. of the Revised Code and 98687
the sections of this act entitled "FUNDING FOR CITY, LOCAL, AND 98688
EXEMPTED VILLAGE SCHOOL DISTRICTS" and "FUNDING FOR JOINT 98689

VOCATIONAL SCHOOL DISTRICTS."	98690
(D) Unless otherwise specified by another provision of law,	98691
in addition to the payments prescribed by the sections of this act	98692
entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL	98693
DISTRICTS" and "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS,"	98694
the Department shall continue to make payments or adjustments for	98695
each of fiscal years 2020 and 2021 under the following provisions	98696
of Chapter 3317. of the Revised Code:	98697
(1) All payments or adjustments under section 3317.023 of the	98698
Revised Code;	98699
(2) All payments or adjustments under section 3317.024 of the	98700
Revised Code;	98701
(3) Payments under section 3317.029 of the Revised Code.	98702
Notwithstanding division (A)(2)(d) of section 3317.029, for	98703
purposes of these payments, a city, local, or exempted village	98704
school district's "state education aid" for fiscal years 2020 and	98705
2021 shall be the payment made to the district under the section	98706
of this act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED	98707
VILLAGE SCHOOL DISTRICTS."	98708
(4) Preschool special education payments under section	98709
3317.0213 of the Revised Code;	98710
(5) The catastrophic cost reimbursement under section	98711
3317.0214 of the Revised Code;	98712
(6) Payments under sections 3317.06, 3317.062, 3317.063, and	98713
3317.064 of the Revised Code;	98714
(7) The catastrophic cost reimbursement under division (B) of	98715
section 3317.16 of the Revised Code and excess cost reimbursements	98716
under division (C) of that section. No other payments shall be	98717
made under that section.	98718
(8) Adjustments under section 3317.18 of the Revised Code;	98719

(9) Payments to cooperative education school districts under section 3317.19 of the Revised Code;	98720 98721
(10) Payments to county boards of developmental disabilities under section 3317.20 of the Revised Code;	98722 98723
(11) Payments to state institutions for special education funding under section 3317.201 of the Revised Code.	98724 98725
(E) Notwithstanding anything to the contrary in Chapter 3317. of the Revised Code, for purposes of computing the payments under that chapter for fiscal years 2020 and 2021 authorized under this section for which the "state share index" or "state share percentage" is a factor, the Department shall use the state share index or state share percentage, as applicable, computed for each district for fiscal year 2019.	98726 98727 98728 98729 98730 98731 98732
(F) For fiscal years 2020 and 2021, when calculating payments under Chapter 3317. of the Revised Code as authorized under this section, and for purposes of sections 3310.09, 3313.98, 3313.981, 3314.08, 3315.18, 3326.31, 3326.33, and 3365.01 of the Revised Code and any other provision of law with respect to education financing:	98733 98734 98735 98736 98737 98738
(1) The "formula amount" equals \$6,020 for fiscal years 2020 and 2021.	98739 98740
(2) The special education catastrophic cost threshold for fiscal years 2020 and 2021 is \$27,375 for students in categories two through five special education ADM and \$32,850 for students in category six special education ADM.	98741 98742 98743 98744
(G) This section does not affect the provisions of sections 3317.0219, 3317.031, 3317.032, 3317.033, 3317.034, 3317.035, 3317.036, 3317.061, 3317.07, 3317.08, 3317.081, 3317.082, 3317.09, 3317.10, 3317.12, 3317.13, 3317.14, 3317.141, 3317.15, 3317.161, 3317.163, 3317.23, 3317.231, 3317.24, 3317.25, 3317.26, 3317.27, 3317.30, 3317.40, 3317.50, 3317.51, 3317.60, 3317.61, and 3317.62	98745 98746 98747 98748 98749 98750

of the Revised Code. 98751

Section 265.220. FUNDING FOR CITY, LOCAL, AND EXEMPTED 98752
VILLAGE SCHOOL DISTRICTS 98753

For each of fiscal years 2020 and 2021, the Department of 98754
Education shall pay each city, local, and exempted village school 98755
district an amount equal to the sum of the following: 98756

(A) The district's aggregate annualized payments for fiscal 98757
year 2019 under section 3317.022 of the Revised Code and Section 98758
265.220 of Am. Sub. H.B. 49 of the 132nd General Assembly, as of 98759
the second payment in June 2019; 98760

(B) The district's aggregate annualized payments for fiscal 98761
year 2019 under section 3317.0212 and division (D)(2) of section 98762
3314.091 of the Revised Code, as of the second payment in June 98763
2019. 98764

Section 265.225. FUNDING FOR JOINT VOCATIONAL SCHOOL 98765
DISTRICTS 98766

For each of fiscal years 2020 and 2021, the Department of 98767
Education shall pay each joint vocational school district an 98768
amount equal to the district's aggregate annualized payments for 98769
fiscal year 2019 under section 3317.16 of the Revised Code and 98770
Section 265.230 of Am. Sub. H.B. 49 of the 132nd General Assembly, 98771
as of the second payment in June 2019. 98772

Section 265.230. FUNDING FOR COMMUNITY SCHOOLS 98773

(A) For each of fiscal years 2020 and 2021, the Department of 98774
Education shall make the deductions and payments for each student 98775
enrolled in a community school, established under Chapter 3314. of 98776
the Revised Code, in the manner prescribed by division (C) of 98777
section 3314.08 of the Revised Code, except that, for each of 98778
those fiscal years: 98779

(1) The "formula amount" shall equal the amount specified in 98780
division (F)(1) of the section of this act entitled "OPERATING 98781
FUNDING FOR FISCAL YEARS 2020 and 2021." 98782

(2) "State education aid" for a school district from which a 98783
deduction is made shall mean the amount paid to the district for 98784
that fiscal year under the section of this act entitled "FUNDING 98785
FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 98786

(3) The per pupil amount deducted from a district and paid to 98787
a community school under divisions (C)(1)(b) and (e) of section 98788
3314.08 of the Revised Code shall be the same respective per pupil 98789
amounts deducted and paid under those divisions for fiscal year 98790
2019. 98791

(B) Notwithstanding section 3314.085 of the Revised Code, for 98792
each of fiscal years 2020 and 2021, the Department shall pay each 98793
community school an amount equal to the school's payment under 98794
section 3314.085 of the Revised Code for fiscal year 2019. 98795

Section 265.235. FUNDING FOR STEM SCHOOLS 98796

(A) For each of fiscal years 2020 and 2021, the Department of 98797
Education shall make the deductions and payments for each student 98798
enrolled in a STEM school, established under Chapter 3326. of the 98799
Revised Code, in the manner prescribed by section 3326.33 of the 98800
Revised Code, except that, for each of those fiscal years: 98801

(1) The "formula amount" shall equal the amount specified in 98802
division (F)(1) of the section of this act entitled "OPERATING 98803
FUNDING FOR FISCAL YEARS 2020 and 2021." 98804

(2) "State education aid" for a school district from which a 98805
deduction is made shall mean the amount paid to the district for 98806
that fiscal year under the section of this act entitled "FUNDING 98807
FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 98808

(3) The per pupil amount deducted from a district and paid to 98809

a STEM school under divisions (B) and (E) of section 3326.33 of 98810
the Revised Code shall be the same respective per pupil amount 98811
deducted and paid under those divisions for fiscal year 2019. 98812

(B) Notwithstanding section 3326.41 of the Revised Code, for 98813
each of fiscal years 2020 and 2021, the Department shall pay each 98814
STEM school an amount equal to the school's payment under section 98815
3326.41 of the Revised Code for fiscal year 2019. 98816

Section 265.240. LITERACY IMPROVEMENT 98817

The foregoing appropriation item 200566, Literacy 98818
Improvement, shall be used by the Department of Education to 98819
support early literacy activities to align state, local, and 98820
federal efforts in order to bolster all students' reading success. 98821
Funds shall be distributed to educational service centers to 98822
establish and support regional literacy professional development 98823
teams consistent with section 3312.01 of the Revised Code. A 98824
portion of the funds may be used by the Department for program 98825
administration, monitoring, technical assistance, support, 98826
research, and evaluation. 98827

Section 265.250. ADULT EDUCATION PROGRAMS 98828

Of the foregoing appropriation item 200572, Adult Education 98829
Programs, up to \$6,400,000 in each fiscal year shall be used to 98830
make payments under sections 3314.38, 3317.23, 3317.24, and 98831
3345.86 of the Revised Code. 98832

A portion of the foregoing appropriation item 200572, Adult 98833
Education Programs, shall be used in each fiscal year to make 98834
payments to institutions participating in the Adult Diploma Pilot 98835
Program under section 3313.902 of the Revised Code and to pay 98836
career-technical planning districts for the amounts reimbursed to 98837
students, as prescribed in this section. 98838

Each career-technical planning district shall reimburse 98839

individuals taking a nationally recognized high school equivalency 98840
examination approved by the Department of Education for the first 98841
time for application fees, examination fees, or both, in excess of 98842
\$40, up to a maximum reimbursement per individual of \$80. Each 98843
career-technical planning district shall designate a site or sites 98844
where individuals may register and take an approved examination. 98845
For each individual who registers for an approved examination, the 98846
career-technical planning district shall make available and offer 98847
career counseling services, including information on adult 98848
education programs that are available. A portion of the 98849
appropriation item may be reimbursed to the Department of Youth 98850
Services and the Department of Rehabilitation and Correction for 98851
individuals in these facilities who have taken an approved 98852
examination for the first time. The amounts reimbursed shall not 98853
exceed the per-individual amounts reimbursed to other individuals 98854
under this section for an approved examination. 98855

Notwithstanding any provision of law to the contrary, the 98856
unexpended balance of appropriations for payments under sections 98857
3313.902, 3314.38, 3317.23, 3317.24, and 3345.86 of the Revised 98858
Code at the end of each fiscal year may be encumbered by the 98859
Department of Education and remain available for payment for a 98860
period not to exceed two years from the end of each fiscal year in 98861
which the funds were originally appropriated, in accordance with 98862
guidelines established by the Superintendent of Public 98863
Instruction. 98864

A portion of the foregoing appropriation item 200572, Adult 98865
Education Programs, may be used for program administration, 98866
technical assistance, support, research, and evaluation of adult 98867
education programs, including high school equivalency examinations 98868
approved by the Department of Education. 98869

Section 265.260. EDCHOICE EXPANSION 98870

The foregoing appropriation item 200573, EdChoice Expansion, 98871
shall be used to provide for the scholarships awarded under the 98872
expansion of the educational choice program established under 98873
section 3310.032 of the Revised Code. The number of scholarships 98874
awarded under the expansion of the educational choice program 98875
shall not exceed the number that can be funded with the 98876
appropriations made by the General Assembly for this purpose. 98877

HALF-MILL MAINTENANCE EQUALIZATION 98878

The foregoing appropriation item 200574, Half-Mill 98879
Maintenance Equalization, shall be used to make payments pursuant 98880
to section 3318.18 of the Revised Code. 98881

ADAPTIVE SPORTS PROGRAM 98882

The foregoing appropriation item 200576, Adaptive Sports 98883
Program, shall be used by the Department of Education, in 98884
collaboration with the Adaptive Sports Program of Ohio, to fund 98885
adaptive sports programs in school districts across the state. 98886

INNOVATIVE SHARED SERVICES AT SCHOOLS 98887

The foregoing appropriation item 200598, Innovative Shared 98888
Services at Schools, shall be used to provide competitive grants 98889
in accordance with the section of this act entitled "INNOVATIVE 98890
SHARED SERVICES AT SCHOOLS PROGRAM." 98891

Section 265.270. INNOVATIVE SHARED SERVICES AT SCHOOLS 98892
PROGRAM 98893

(A) There is hereby created the Innovative Shared Services at 98894
Schools Program to provide grants to city, local, and exempted 98895
village school districts, joint vocational school districts, 98896
community schools, STEM schools, education consortia (which may 98897
represent a partnership among school districts, community schools, 98898
STEM schools, or educational service centers), and private or 98899
governmental entities partnering with one or more of the 98900

educational entities identified in this division for projects that 98901
aim to achieve significant advancement in the use of a shared 98902
services delivery model that demonstrates increased efficiency and 98903
effectiveness, long-term sustainability, and scalability. 98904

(B)(1) Grants shall be awarded by a five-member governing 98905
board consisting of the Superintendent of Public Instruction, or 98906
the Superintendent's designee, two members appointed by the 98907
Governor, one member appointed by the Speaker of the House of 98908
Representatives, and one member appointed by the President of the 98909
Senate. The Department of Education shall provide administrative 98910
support to the board. No member shall be compensated for the 98911
member's service on the board. 98912

(2) The board shall select grant advisors with fiscal 98913
expertise and education expertise. These advisors shall evaluate 98914
proposals from grant applicants and advise the staff administering 98915
the program. No advisor shall be compensated for this service. 98916

(3) The board shall issue an annual report to the Governor, 98917
the Speaker of the House of Representatives, the President of the 98918
Senate, and the chairpersons of the House and Senate committees 98919
that primarily deal with education regarding the types of grants 98920
awarded, the grant recipients, and the effectiveness of the grant 98921
program. 98922

(4) The board shall create a grant application and publish on 98923
the Department's web site the application and timeline for the 98924
submission, review, notification, and awarding of grant proposals. 98925

(5) With the approval of the board, the Department shall 98926
establish a system for evaluating and scoring the grant 98927
applications received under this section. 98928

(C) Each grant applicant shall submit a proposal that 98929
includes all of the following: 98930

(1) A description of the project for which the applicant is 98931

seeking a grant, including a description of how the project will 98932
have substantial value and lasting impact; 98933

(2) A description of quantifiable results of the project that 98934
can be benchmarked; 98935

(3) A description of administrative efficiencies created by 98936
the project. 98937

If an education consortium described in division (A) of this 98938
section applies for a grant, the lead applicant shall be the 98939
school district, community school, or STEM school that is a member 98940
of the consortium and shall so indicate on the grant application. 98941

(D)(1) The board shall issue a timely decision of "yes," 98942
"no," "hold," or "edit" for each application. A grant awarded 98943
under this section shall not exceed \$100,000 in each fiscal year. 98944
The Superintendent of Public Instruction may make recommendations 98945
to the Controlling Board that these maximum amounts be exceeded. 98946
Upon Controlling Board approval, grants may be awarded in excess 98947
of these amounts. 98948

(2) If the board issues a "hold" or "edit" decision for an 98949
application, it shall, upon returning the application to the 98950
applicant, specify the process for reconsideration of the 98951
application. An applicant may work with the grant advisors and 98952
staff to modify or improve a grant application. 98953

(E) Upon deciding to award a grant to an applicant, the board 98954
shall enter into a grant agreement with the applicant that 98955
includes all of the following: 98956

(1) The content of the applicant's proposal as outlined under 98957
division (C) of this section; 98958

(2) The project's deliverables and a timetable for their 98959
completion; 98960

(3) Conditions for receiving grant funding; 98961

(4) Conditions for receiving funding in future years if the contract is a multi-year contract;	98962 98963
(5) A provision specifying that funding will be returned to the board if the applicant fails to implement the agreement;	98964 98965
(6) A provision specifying that the agreement may be amended by mutual agreement between the board and the applicant.	98966 98967
(F) Each grant awarded under this section shall be subject to approval by the Controlling Board prior to execution of the grant agreement.	98968 98969 98970
(G) At the discretion of the board, a portion of appropriation item 200598, Innovative Shared Services at Schools, may be used by the Department of Education to administer the program.	98971 98972 98973 98974
(H) Notwithstanding any provision of law to the contrary, grants awarded under this section may be used by grant recipients for grant-related expenses incurred for a period not to exceed two years from the date of the award according to guidelines established by the governing board.	98975 98976 98977 98978 98979
Section 265.280. MEDICAID IN SCHOOLS PROGRAM	98980
The foregoing appropriation item, 657401, Medicaid in Schools Program, shall be used by the Department of Education to support the Medicaid in Schools Program.	98981 98982 98983
Section 265.300. TEACHER CERTIFICATION AND LICENSURE	98984
The foregoing appropriation item 200681, Teacher Certification and Licensure, shall be used by the Department of Education in each year of the biennium to administer and support teacher certification and licensure activities. Notwithstanding section 3319.51 of the Revised Code, a portion of the foregoing appropriation may also be used for implementation of teacher and	98985 98986 98987 98988 98989 98990

principal evaluation systems, including incorporation of student 98991
growth as a metric in those systems, and teacher value-added 98992
reports. 98993

Section 265.320. SCHOOL DISTRICT SOLVENCY ASSISTANCE 98994

(A) The foregoing appropriation item 200687, School District 98995
Solvency Assistance, shall be allocated to the School District 98996
Shared Resource Account and the Catastrophic Expenditures Account 98997
in amounts determined by the Superintendent of Public Instruction. 98998
These funds shall be used to provide assistance and grants to 98999
school districts to enable them to remain solvent under section 99000
3316.20 of the Revised Code. Assistance and grants shall be 99001
subject to approval by the Controlling Board. Except as provided 99002
under division (C) of this section, any required reimbursements 99003
from school districts for solvency assistance shall be made to the 99004
appropriate account in the School District Solvency Assistance 99005
Fund (Fund 5H30). 99006

(B) Notwithstanding any provision of law to the contrary, 99007
upon the request of the Superintendent of Public Instruction, the 99008
Director of Budget and Management may make transfers to the School 99009
District Solvency Assistance Fund (Fund 5H30) from any fund used 99010
by the Department of Education or the General Revenue Fund to 99011
maintain sufficient cash balances in Fund 5H30 in fiscal years 99012
2020 and 2021. Any cash transferred is hereby appropriated. The 99013
transferred cash may be used by the Department to provide 99014
assistance and grants to school districts to enable them to remain 99015
solvent and to pay unforeseeable expenses of a temporary or 99016
emergency nature that the school district is unable to pay from 99017
existing resources. The Director shall notify the members of the 99018
Controlling Board of any such transfers. 99019

(C) If the cash balance of the School District Solvency 99020
Assistance Fund (Fund 5H30) is insufficient to pay solvency 99021

assistance in fiscal years 2020 and 2021, at the request of the 99022
Superintendent of Public Instruction, and with the approval of the 99023
Controlling Board, the Director of Budget and Management may 99024
transfer cash from the Lottery Profits Education Reserve Fund 99025
(Fund 7018) to Fund 5H30 to provide assistance and grants to 99026
school districts to enable them to remain solvent and to pay 99027
unforeseeable expenses of a temporary nature that they are unable 99028
to pay from existing resources under section 3316.20 of the 99029
Revised Code. Such transfers are hereby appropriated to 99030
appropriation item 200670, School District Solvency Assistance - 99031
Lottery. Any required reimbursements from school districts for 99032
solvency assistance granted from appropriation item 200670, School 99033
District Solvency Assistance - Lottery, shall be made to Fund 99034
7018. 99035

Section 265.323. STUDENT WELLNESS AND SUCCESS 99036

The foregoing appropriation item 200604, Student Wellness and 99037
Success, shall be used to distribute the amounts calculated for 99038
student wellness and success funds under sections 3314.088, 99039
3317.0219, 3317.163, and 3326.42 of the Revised Code. 99040

Section 265.325. SCHOOL CLIMATE GRANTS 99041

(A) The foregoing appropriation item 200602, School Climate 99042
Grants, shall be used to provide competitive grants to eligible 99043
applicants to implement positive behavior intervention and 99044
supports frameworks, evidence- or research-based social and 99045
emotional learning initiatives, or both, in eligible school 99046
buildings. 99047

(B) The Superintendent of Public Instruction shall administer 99048
and award the grants. The Superintendent shall prescribe an 99049
application form, establish procedures for the consideration and 99050
approval of grant applications, and determine the amount of the 99051

grant awards. 99052

(C)(1) Subject to division (C)(2) of this section, the 99053
Superintendent shall award the grants in the following order of 99054
priority: 99055

(a) First, to eligible applicants whose grant proposal serves 99056
one or more eligible school buildings whose percentage of students 99057
who are identified as economically disadvantaged is greater than 99058
the statewide average percentage of students who are identified as 99059
economically disadvantaged, as determined by the Superintendent; 99060

(b) Second, to eligible applicants whose grant proposal 99061
serves one or more eligible school buildings with high suspension 99062
rates, as determined by the Superintendent; 99063

(c) Third, to eligible applicants who were not awarded a 99064
grant under either division (C)(1)(a) or (b) of this section in 99065
the order in which the applications were received. 99066

(2) If, for a fiscal year, the amount appropriated for the 99067
grants awarded under this section is insufficient to provide 99068
grants to all eligible applicants within a priority level 99069
specified in division (C)(1) of this section, the Superintendent 99070
shall first award grants within that priority level to eligible 99071
applicants whose grant proposal serves one or more eligible school 99072
buildings that previously have not been served through a grant 99073
disbursed from the foregoing appropriation item 200602, School 99074
Climate Grants. 99075

(D) The Superintendent may enter into a written grant 99076
agreement with each eligible applicant awarded a grant under this 99077
section that includes the terms and conditions governing the use 99078
of the funds. The Superintendent may monitor a recipient's use of 99079
the funds to ensure that the funds are used in accordance with the 99080
grant agreement. 99081

(E) A grant awarded to an eligible applicant under this 99082

section shall not exceed \$5,000 per eligible school building 99083
served in the eligible applicant's grant proposal, up to a maximum 99084
of \$50,000. 99085

(F) Notwithstanding any provision of law to the contrary, 99086
grants awarded under this section may be used by grant recipients 99087
for grant-related expenses for a period not to exceed two years 99088
from the date of the award, according to guidelines established by 99089
the Superintendent. 99090

(G) As used in this section: 99091

(1) "Eligible applicant" means a city, local, or exempted 99092
village school district or a community school established under 99093
Chapter 3314. of the Revised Code. 99094

(2) "Eligible school building" means a building of an 99095
eligible applicant that serves any of grades kindergarten through 99096
three. 99097

Section 265.330. LOTTERY PROFITS EDUCATION FUND 99098

The foregoing appropriation item 200612, Foundation Funding, 99099
shall be used in conjunction with appropriation item 200550, 99100
Foundation Funding, to provide state foundation payments to school 99101
districts. 99102

The Department of Education, with the approval of the 99103
Director of Budget and Management, shall determine the monthly 99104
distribution schedules of appropriation item 200550, Foundation 99105
Funding, and appropriation item 200612, Foundation Funding. If 99106
adjustments to the monthly distribution schedule are necessary, 99107
the Department shall make such adjustments with the approval of 99108
the Director. 99109

Section 265.332. STUDENT WELLNESS AND SUCCESS 99110

The foregoing appropriation item 200625, Student Wellness and 99111

Success, shall be used to make payments calculated for student 99112
wellness and success funds under sections 3314.088, 3317.0219, 99113
3317.163, and 3326.42 of the Revised Code. 99114

Section 265.335. QUALITY COMMUNITY SCHOOLS SUPPORT 99115

(A) The foregoing appropriation item 200631, Quality 99116
Community Schools Support, shall be used for the Quality Community 99117
School Support Program. Under the program, the Department of 99118
Education shall pay each community school established under 99119
Chapter 3314. of the Revised Code and designated as a Community 99120
School of Quality under this section an amount equal to \$1,750 in 99121
each fiscal year for each pupil identified as economically 99122
disadvantaged and \$1,000 in each fiscal year for each pupil that 99123
is not identified as economically disadvantaged. The payment for 99124
the current fiscal year shall be calculated using the final 99125
adjusted full-time equivalent number of students enrolled in a 99126
community school for the prior fiscal year, except that if a 99127
school is in its first year of operation the payment for the 99128
current fiscal year shall be calculated using the adjusted 99129
full-time equivalent number of students enrolled in the school for 99130
the current fiscal year as of the date the payment is made, as 99131
reported by the school under section 3314.08 of the Revised Code. 99132
The Department shall make the payment to each Community School of 99133
Quality not later than January 31 of each fiscal year. 99134

(B) To be designated as a Community School of Quality, a 99135
community school shall satisfy at least one of the following 99136
conditions: 99137

(1) The community school meets all of the following criteria: 99138

(a) The school's sponsor was rated "exemplary" or "effective" 99139
on the sponsor's most recent evaluation conducted under section 99140
3314.016 of the Revised Code. 99141

(b) The school received a higher performance index score than the school district in which the school is located on the two most recent report cards issued for the school under section 3302.03 of the Revised Code.

(c) The school received an overall grade of "A" or "B" for the value-added progress dimension on the most recent report card issued for the school under section 3302.03 of the Revised Code or is a school described under division (A)(4) of section 3314.35 of the Revised Code and did not receive a grade for the value-added progress dimension on the most recent report card.

(d) At least fifty per cent of the students enrolled in the school are economically disadvantaged, as determined by the Department.

(2) The community school meets all of the following criteria:

(a) The school's sponsor was rated "exemplary" or "effective" on the sponsor's most recent evaluation conducted under section 3314.016 of the Revised Code.

(b) The school is in its first year of operation.

(c) The school is replicating an operational and instructional model used by a community school described in division (B)(1) of this section.

(3) The community school meets all of the following criteria:

(a) The school's sponsor was rated "exemplary" or "effective" on the sponsor's most recent evaluation conducted under section 3314.016 of the Revised Code.

(b) The school contracts with an operator that operates schools in other states and meets at least one of the following criteria:

(i) Has operated a school that received a grant funded through the federal Charter School Program established under 20

U.S.C. 7221 or received funding from the Charter School Growth Fund;	99172 99173
(ii) Meets all of the following criteria:	99174
(I) One of the operator's schools in another state performed better than the school district in which the school is located, as determined by the Department.	99175 99176 99177
(II) At least fifty per cent of the total number of students enrolled in all of the operator's schools are economically disadvantaged, as determined by the Department.	99178 99179 99180
(III) The operator is in good standing in all states where it operates schools.	99181 99182
(IV) The Department has determined that the operator does not have any financial viability issues that would prevent it from effectively operating a community school in Ohio.	99183 99184 99185
(C) A school that is designated as a Community School of Quality under division (B) of this section shall maintain that designation for the two fiscal years following the fiscal year in which the school was initially designated as a Community School of Quality.	99186 99187 99188 99189 99190
Section 265.340. COMMUNITY SCHOOL FACILITIES	99191
The foregoing appropriation item 200684, Community School Facilities, shall be used to pay each community school established under Chapter 3314. of the Revised Code and each STEM school established under Chapter 3326. of the Revised Code an amount equal to \$25 in each fiscal year for each full-time equivalent pupil in an internet- or computer-based community school and \$200 in each fiscal year for each full-time equivalent pupil in all other community or STEM schools for assistance with the cost associated with facilities. If the amount appropriated is not sufficient, the Department shall prorate the amounts so that the	99192 99193 99194 99195 99196 99197 99198 99199 99200 99201

aggregate amount appropriated is not exceeded. 99202

Section 265.350. LOTTERY PROFITS EDUCATION RESERVE FUND 99203

(A) There is hereby created the Lottery Profits Education 99204
Reserve Fund (Fund 7018) in the State Treasury. Investment 99205
earnings of the Lottery Profits Education Reserve Fund shall be 99206
credited to the fund. 99207

(B) Notwithstanding any other provision of law to the 99208
contrary, the Director of Budget and Management may transfer cash 99209
from Fund 7018 to the Lottery Profits Education Fund (Fund 7017) 99210
in fiscal year 2020 and fiscal year 2021. 99211

(C) On July 15, 2019, or as soon as possible thereafter, the 99212
Director of the Ohio Lottery Commission shall certify to the 99213
Director of Budget and Management the amount by which lottery 99214
profit transfers received by Fund 7017 exceeded \$1,093,630,000 in 99215
fiscal year 2019. 99216

(D) On July 15, 2020, or as soon as possible thereafter, the 99217
Director of the Ohio Lottery Commission shall certify to the 99218
Director of Budget and Management the amount by which lottery 99219
profit transfers received by Fund 7017 exceeded \$1,126,000,000 in 99220
fiscal year 2020. 99221

(E) Notwithstanding any provision of law to the contrary, in 99222
fiscal year 2020 and fiscal year 2021, the Director of Budget and 99223
Management may transfer cash in excess of the amounts necessary to 99224
support appropriations in Fund 7017 from that fund to Fund 7018. 99225

Section 265.360. EDUCATIONAL SERVICE CENTERS FUNDING 99226

As used in this section, "high-performing educational service 99227
center" means an educational service center designated as such 99228
pursuant to rule 3301-105-01 of the Administrative Code. 99229

As used in this section, "student count" means the count 99230

calculated under division (G)(1) of section 3313.843 of the Revised Code. 99231
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In each fiscal year, the Department of Education shall pay the governing board of each high-performing educational service center state funds equal to twenty-six dollars times its student count, and to the governing board of each other center, state funds equal to twenty-four dollars times its student count. 99233
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If the amount earmarked for the state reimbursement of educational service centers in appropriation item 200550, Foundation Funding, is not sufficient, the Department shall prorate the payment amounts so that the appropriation is not exceeded. 99238
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Notwithstanding any provision of law to the contrary, a school district that has not entered into an agreement for services with an educational service center as of June 30, 2019, shall be prohibited from entering into such an agreement during the period from July 1, 2019, through June 30, 2021. 99243
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Section 265.380. SCHOOL DISTRICT PARTICIPATION IN NATIONAL ASSESSMENT OF EDUCATION PROGRESS 99248
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The General Assembly intends for the Superintendent of Public Instruction to provide for school district participation in the administration of the National Assessment of Education Progress in accordance with section 3301.27 of the Revised Code. Each school and school district selected for participation by the Superintendent shall participate. 99250
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Section 265.390. COMMUNITY SCHOOL FUNDING GUARANTEE FOR SBH STUDENTS 99256
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(A) As used in this section: 99258

(1) "IEP" has the same meaning as in section 3323.01 of the 99259

Revised Code. 99260

(2) "SBH student" means a student receiving special education 99261
and related services for severe behavior disabilities pursuant to 99262
an IEP. 99263

(B) This section applies only to a community school 99264
established under Chapter 3314. of the Revised Code that in each 99265
of fiscal years 2020 and 2021 enrolls a number of SBH students 99266
equal to at least fifty per cent of the total number of students 99267
enrolled in the school in the applicable fiscal year. 99268

(C) In addition to any state foundation payments made, in 99269
each of fiscal years 2020 and 2021, the Department of Education 99270
shall pay to a community school to which this section applies a 99271
subsidy equal to the difference between the aggregate amount 99272
calculated and paid in that fiscal year to the community school 99273
for special education and related services additional weighted 99274
costs for the SBH students enrolled in the school and the 99275
aggregate amount that would have been calculated for the school 99276
for special education and related services additional weighted 99277
costs for those same students in fiscal year 2001. If the 99278
difference is a negative number, the amount of the subsidy shall 99279
be zero. 99280

(D) The amount of any subsidy paid to a community school 99281
under this section shall not be deducted from the school district 99282
in which any of the students enrolled in the community school are 99283
entitled to attend school under section 3313.64 or 3313.65 of the 99284
Revised Code. The amount of any subsidy paid to a community school 99285
under this section shall be paid from funds appropriated to the 99286
Department in appropriation item 200550, Foundation Funding. 99287

Section 265.400. EARMARK ACCOUNTABILITY 99288

At the request of the Superintendent of Public Instruction, 99289

any entity that receives a budget earmark under the Department of 99290
Education shall submit annually to the chairpersons of the 99291
committees of the House of Representatives and the Senate 99292
primarily concerned with education and education funding and to 99293
the Department a report that includes a description of the 99294
services supported by the funds, a description of the results 99295
achieved by those services, an analysis of the effectiveness of 99296
the program, and an opinion as to the program's applicability to 99297
other school districts. For an earmarked entity that received 99298
state funds from an earmark in the prior fiscal year, no funds 99299
shall be provided by the Department to an earmarked entity for a 99300
fiscal year until its report for the prior fiscal year has been 99301
submitted. 99302

Section 265.410. COMMUNITY SCHOOL OPERATING FROM HOME 99303

A community school established under Chapter 3314. of the 99304
Revised Code that was open for operation as a community school as 99305
of May 1, 2005, may operate from or in any home, as defined in 99306
section 3313.64 of the Revised Code, located in the state, 99307
regardless of when the community school's operations from or in a 99308
particular home began. 99309

Section 265.420. USE OF VOLUNTEERS 99310

The Department of Education may utilize the services of 99311
volunteers to accomplish any of the purposes of the Department. 99312
The Superintendent of Public Instruction shall approve for what 99313
purposes volunteers may be used and for these purposes may 99314
recruit, train, and oversee the services of volunteers. The 99315
Superintendent may reimburse volunteers for necessary and 99316
appropriate expenses in accordance with state guidelines and may 99317
designate volunteers as state employees for the purpose of motor 99318
vehicle accident liability insurance under section 9.83 of the 99319

Revised Code, for immunity under section 9.86 of the Revised Code, 99320
and for indemnification from liability incurred in the performance 99321
of their duties under section 9.87 of the Revised Code. 99322

Section 265.430. RESTRICTION OF LIABILITY FOR CERTAIN 99323
REIMBURSEMENTS 99324

(A) Except as expressly required under a court judgment not 99325
subject to further appeals, or a settlement agreement with a 99326
school district executed on or before June 1, 2009, in the case of 99327
a school district for which the formula ADM for fiscal year 2005, 99328
as reported for that fiscal year under division (A) of section 99329
3317.03 of the Revised Code, was reduced based on enrollment 99330
reports for community schools, made under section 3314.08 of the 99331
Revised Code, regarding students entitled to attend school in the 99332
district, which reduction of formula ADM resulted in a reduction 99333
of foundation funding or transitional aid funding for fiscal year 99334
2005, 2006, or 2007, no school district, except a district named 99335
in the court's judgment or the settlement agreement, shall have a 99336
legal claim for reimbursement of the amount of such reduction in 99337
foundation funding or transitional aid funding, and the state 99338
shall not have liability for reimbursement of the amount of such 99339
reduction in foundation funding or transitional aid funding. 99340

(B) As used in this section: 99341

(1) "Community school" means a community school established 99342
under Chapter 3314. of the Revised Code. 99343

(2) "Entitled to attend school" means entitled to attend 99344
school in a school district under section 3313.64 or 3313.65 of 99345
the Revised Code. 99346

(3) "Foundation funding" means payments calculated for the 99347
respective fiscal year under Chapter 3317. of the Revised Code. 99348

(4) "Transitional aid funding" means payments calculated for 99349

the respective fiscal year under Section 41.37 of Am. Sub. H.B. 95 99350
of the 125th General Assembly, as subsequently amended; Section 99351
206.09.39 of Am. Sub. H.B. 66 of the 126th General Assembly, as 99352
subsequently amended; and Section 269.30.80 of Am. Sub. H.B. 119 99353
of the 127th General Assembly. 99354

Section 265.440. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN 99355

In collaboration with the County Family and Children First 99356
Council, a city, local, or exempted village school district, 99357
community school, STEM school, joint vocational school district, 99358
educational service center, or county board of developmental 99359
disabilities that receives allocations from the Department of 99360
Education from appropriation item 200550, Foundation Funding, or 99361
appropriation item 200540, Special Education Enhancements, may 99362
transfer portions of those allocations to a flexible funding pool 99363
authorized by the section of this act entitled "FAMILY AND 99364
CHILDREN FIRST FLEXIBLE FUNDING POOL." Allocations used for 99365
maintenance of effort or for federal or state funding matching 99366
requirements shall not be transferred unless the allocation may 99367
still be used to meet such requirements. 99368

Section 265.450. PRIVATE TREATMENT FACILITY PROJECT 99369

(A) As used in this section: 99370

(1) The following are "participating residential treatment 99371
centers": 99372

(a) Private residential treatment facilities that have 99373
entered into a contract with the Department of Youth Services to 99374
provide services to children placed at the facility by the 99375
Department and which, in fiscal year 2020 or fiscal year 2021 or 99376
both, the Department pays through appropriation item 470401, 99377
RECLAIM Ohio; 99378

(b) Abraxas, in Shelby; 99379

(c) Paint Creek, in Bainbridge; 99380

(d) F.I.R.S.T., in Mansfield. 99381

(2) "Education program" means an elementary or secondary 99382
education program or a special education program and related 99383
services. 99384

(3) "Served child" means any child receiving an education 99385
program pursuant to division (B) of this section. 99386

(4) "School district responsible for tuition" means a city, 99387
exempted village, or local school district that, if tuition 99388
payment for a child by a school district is required under law 99389
that existed in fiscal year 1998, is the school district required 99390
to pay that tuition. 99391

(5) "Residential child" means a child who resides in a 99392
participating residential treatment center and who is receiving an 99393
educational program under division (B) of this section. 99394

(B) A youth who is a resident of the state and has been 99395
assigned by a juvenile court or other authorized agency to a 99396
residential treatment facility specified in division (A) of this 99397
section shall be enrolled in an approved educational program 99398
located in or near the facility. Approval of the educational 99399
program shall be contingent upon compliance with the criteria 99400
established for such programs by the Department of Education. The 99401
educational program shall be provided by a school district or 99402
educational service center, or by the residential facility itself. 99403
Maximum flexibility shall be given to the residential treatment 99404
facility to determine the provider. In the event that a voluntary 99405
agreement cannot be reached and the residential facility does not 99406
choose to provide the educational program, the educational service 99407
center in the county in which the facility is located shall 99408
provide the educational program at the treatment center to 99409
children under twenty-two years of age residing in the treatment 99410

center. 99411

(C) Any school district responsible for tuition for a 99412
residential child shall, notwithstanding any conflicting provision 99413
of the Revised Code regarding tuition payment, pay tuition for the 99414
child for fiscal year 2020 and fiscal year 2021 to the education 99415
program provider and in the amount specified in this division. If 99416
there is no school district responsible for tuition for a 99417
residential child and if the participating residential treatment 99418
center to which the child is assigned is located in the city, 99419
exempted village, or local school district that, if the child were 99420
not a resident of that treatment center, would be the school 99421
district where the child is entitled to attend school under 99422
sections 3313.64 and 3313.65 of the Revised Code, that school 99423
district, notwithstanding any conflicting provision of the Revised 99424
Code, shall pay tuition for the child for fiscal year 2020 and 99425
fiscal year 2021 under this division unless that school district 99426
is providing the educational program to the child under division 99427
(B) of this section. 99428

A tuition payment under this division shall be made to the 99429
school district, educational service center, or residential 99430
treatment facility providing the educational program to the child. 99431

The amount of tuition paid shall be: 99432

(1) The amount of tuition determined for the district under 99433
division (A) of section 3317.08 of the Revised Code; 99434

(2) In addition, for any student receiving special education 99435
pursuant to an individualized education program as defined in 99436
section 3323.01 of the Revised Code, a payment for excess costs. 99437
This payment shall equal the actual cost to the school district, 99438
educational service center, or residential treatment facility of 99439
providing special education and related services to the student 99440
pursuant to the student's individualized education program, minus 99441

the tuition paid for the child under division (C)(1) of this section. 99442
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A school district paying tuition under this division shall not include the child for whom tuition is paid in the district's average daily membership certified under division (A) of section 3317.03 of the Revised Code. 99444
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(D) In each of fiscal years 2020 and 2021, the Department of Education shall reimburse, from appropriations made for the purpose, a school district, educational service center, or residential treatment facility, whichever is providing the service, that has demonstrated that it is in compliance with the funding criteria for each served child for whom a school district must pay tuition under division (C) of this section. The amount of the reimbursement shall be the amount appropriated for this purpose divided by the full-time equivalent number of children for whom reimbursement is to be made. 99448
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(E) Funds provided to a school district, educational service center, or residential treatment facility under this section shall be used to supplement, not supplant, funds from other public sources for which the school district, service center, or residential treatment facility is entitled or eligible. 99458
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(F) The Department of Education shall track the utilization of funds provided to school districts, educational service centers, and residential treatment facilities under this section and monitor the effect of the funding on the educational programs they provide in participating residential treatment facilities. The Department shall monitor the programs for educational accountability. 99463
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Section 265.460. (A) The Superintendent of Public Instruction may form partnerships with Ohio's business community, including the Ohio Business Roundtable, to create and implement initiatives 99470
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that connect students with the business community in an effort to 99473
increase student engagement and job readiness through internships, 99474
work study, and site-based learning experiences. 99475

(B) If the Superintendent forms a partnership pursuant to 99476
division (A) of this section, the initiatives created and 99477
implemented through that partnership shall do all of the 99478
following: 99479

(1) Support the career connection learning strategies 99480
described in division (B)(2) of section 3301.079 of the Revised 99481
Code; 99482

(2) Provide an opportunity for students to earn high school 99483
credit toward graduation or to meet curriculum requirements in 99484
accordance with divisions (J)(1) and (2) of section 3313.603 of 99485
the Revised Code; 99486

(3) Inform the development of student success plans pursuant 99487
to division (C) of section 3313.6020 of the Revised Code. 99488

Section 265.470. The Department of Education shall study the 99489
feasibility of new funding models for internet- or computer-based 99490
community schools. In conducting the study, the department shall 99491
do all of the following: 99492

(A) Consider models of funding based on competency and course 99493
completion; 99494

(B) Consider models of funding used in other states, 99495
including Florida and New Hampshire; 99496

(C) Make recommendations on the feasibility of new funding 99497
models for internet- or computer-based community schools. 99498

Upon completion of the study, and not later than December 31, 99499
2019, the department shall submit copies of the study to the 99500
Governor, the President and Minority Leader of the Senate, the 99501

Speaker and Minority Leader of the House of Representatives, and 99502
the chairpersons of the standing committees on education of the 99503
Senate and the House of Representatives. 99504

Section 265.490. Upon receipt of federal funds under Title 99505
IV, Part A, Student Support and Academic Enrichment Grants, and 99506
after payments are made pursuant to education programs included in 99507
this block grant program, the Department shall direct any unused 99508
funds to cover all or part of the cost of Advanced Placement tests 99509
and International Baccalaureate registration and exam fees for 99510
low-income students. 99511

Section 265.505. Not later than December 31, 2020, and 99512
December 31, 2021, the Department of Education shall submit an 99513
annual report to the General Assembly in accordance with section 99514
101.68 of the Revised Code describing the manner in which the 99515
Department partnered with educational service centers in the 99516
delivery of services consistent with Chapter 3312. of the Revised 99517
Code, as specified in the sections of this act entitled "ACADEMIC 99518
STANDARDS," "ACCOUNTABILITY/REPORT CARDS," "LITERACY IMPROVEMENT," 99519
"EDUCATOR PREPARATION," and "FOUNDATION FUNDING," during the 99520
previous fiscal year. 99521

Section 267.10. ELC OHIO ELECTIONS COMMISSION 99522

General Revenue Fund 99523

GRF 051321	Operating Expenses	\$	435,221	\$	435,221	99524
TOTAL GRF	General Revenue Fund	\$	435,221	\$	435,221	99525

Dedicated Purpose Fund Group 99526

4P20 051601	Operating Support	\$	199,460	\$	199,460	99527
TOTAL DPF	Dedicated Purpose Fund	\$	199,460	\$	199,460	99528

Group

TOTAL ALL BUDGET FUND GROUPS		\$	634,681	\$	634,681	99529
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Section 269.10.	FUN STATE BOARD OF EMBALMERS AND FUNERAL				99531	
	DIRECTORS				99532	
	Dedicated Purpose Fund Group				99533	
4K90 881609	Operating Expenses	\$	949,667	\$	1,033,281	99534
TOTAL DPF	Dedicated Purpose Fund	\$	949,667	\$	1,033,281	99535
	Group					
TOTAL ALL BUDGET FUND GROUPS		\$	949,667	\$	1,033,281	99536

Section 271.10.	PAY EMPLOYEE BENEFITS FUNDS				99538	
	Fiduciary Fund Group				99539	
1240 995673	Payroll Deductions	\$	832,466,424	\$	824,291,520	99540
8060 995666	Accrued Leave Fund	\$	88,203,046	\$	90,830,634	99541
8070 995667	Disability Fund	\$	24,790,268	\$	25,839,844	99542
8080 995668	State Employee Health	\$	926,211,020	\$	989,360,953	99543
	Benefit Fund					
8090 995669	Dependent Care	\$	4,100,000	\$	4,477,000	99544
	Spending Account					
8100 995670	Life Insurance	\$	1,757,422	\$	1,810,144	99545
	Investment Fund					
8110 995671	Parental Leave	\$	4,867,791	\$	5,308,830	99546
	Benefit Fund					
8130 995672	Health Care Spending	\$	15,206,162	\$	16,806,372	99547
	Account					
TOTAL FID	Fiduciary Fund Group	\$	1,897,602,133	\$	1,958,725,297	99548
TOTAL ALL BUDGET FUND GROUPS		\$	1,897,602,133	\$	1,958,725,297	99549

Section 271.20.	PAYROLL DEDUCTION FUND				99551
	The foregoing appropriation item 995673, Payroll Deductions,				99552
	shall be used to make payments from the Payroll Deduction Fund				99553
	(Fund 1240) pursuant to section 125.21 of the Revised Code. If it				99554
	is determined by the Director of Budget and Management that				99555
	additional amounts are necessary, the amounts are hereby				99556

appropriated. 99557

ACCRUED LEAVE LIABILITY FUND 99558

The foregoing appropriation item 995666, Accrued Leave Fund, 99559
shall be used to make payments from the Accrued Leave Liability 99560
Fund (Fund 8060) pursuant to section 125.211 of the Revised Code. 99561
If it is determined by the Director of Budget and Management that 99562
additional amounts are necessary, the amounts are hereby 99563
appropriated. 99564

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 99565

The foregoing appropriation item 995667, Disability Fund, 99566
shall be used to make payments from the State Employee Disability 99567
Leave Benefit Fund (Fund 8070) pursuant to section 124.83 of the 99568
Revised Code. If it is determined by the Director of Budget and 99569
Management that additional amounts are necessary, the amounts are 99570
hereby appropriated. 99571

STATE EMPLOYEE HEALTH BENEFIT FUND 99572

The foregoing appropriation item 995668, State Employee 99573
Health Benefit Fund, shall be used to make payments from the State 99574
Employee Health Benefit Fund (Fund 8080) pursuant to section 99575
124.87 of the Revised Code. If it is determined by the Director of 99576
Budget and Management that additional amounts are necessary, the 99577
amounts are hereby appropriated. 99578

DEPENDENT CARE SPENDING FUND 99579

The foregoing appropriation item 995669, Dependent Care 99580
Spending Account, shall be used to make payments from the 99581
Dependent Care Spending Fund (Fund 8090) to employees eligible for 99582
dependent care expenses pursuant to section 124.822 of the Revised 99583
Code. If it is determined by the Director of Budget and Management 99584
that additional amounts are necessary, the amounts are hereby 99585
appropriated. 99586

LIFE INSURANCE INVESTMENT FUND				99587	
The foregoing appropriation item 995670, Life Insurance Investment Fund, shall be used to make payments from the Life Insurance Investment Fund (Fund 8100) for the costs and expenses of the state's life insurance benefit program pursuant to section 125.212 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.				99588 99589 99590 99591 99592 99593 99594	
PARENTAL LEAVE BENEFIT FUND				99595	
The foregoing appropriation item 995671, Parental Leave Benefit Fund, shall be used to make payments from the Parental Leave Benefit Fund (Fund 8110) to employees eligible for parental leave benefits pursuant to section 124.137 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.				99596 99597 99598 99599 99600 99601 99602	
HEALTH CARE SPENDING ACCOUNT FUND				99603	
The foregoing appropriation item 995672, Health Care Spending Account, shall be used to make payments from the Health Care Spending Account Fund (Fund 8130) for payments pursuant to state employees' participation in a flexible spending account for non-reimbursed health care expenses and section 124.821 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.				99604 99605 99606 99607 99608 99609 99610 99611	
Section 273.10. ERB STATE EMPLOYMENT RELATIONS BOARD				99612	
General Revenue Fund				99613	
GRF 125321 Operating Expenses	\$	3,998,046	\$	4,136,626	99614
TOTAL GRF General Revenue Fund	\$	3,998,046	\$	4,136,626	99615
Dedicated Purpose Fund Group				99616	

5720 125603	Training and Publications	\$	227,193	\$	227,760	99617
TOTAL DPF Dedicated Purpose Fund Group		\$	227,193	\$	227,760	99618
TOTAL ALL BUDGET FUND GROUPS		\$	4,225,239	\$	4,364,386	99619
Section 275.10. ENG STATE BOARD OF ENGINEERS AND SURVEYORS						99621
Dedicated Purpose Fund Group						99622
4K90 892609	Operating Expenses	\$	1,263,151	\$	1,312,259	99623
TOTAL DPF Dedicated Purpose Fund Group		\$	1,263,151	\$	1,312,259	99624
TOTAL ALL BUDGET FUND GROUPS		\$	1,263,151	\$	1,312,259	99625
Section 277.10. EPA ENVIRONMENTAL PROTECTION AGENCY						99627
General Revenue Fund						99628
GRF 715502	Auto Emissions E-Check Program	\$	11,186,610	\$	11,046,610	99629
GRF 715506	George Barley Water Prize	\$	125,000	\$	0	99630
TOTAL GRF General Revenue Fund		\$	11,311,610	\$	11,046,610	99631
Dedicated Purpose Fund Group						99632
4D50 715618	Recycled State Materials	\$	50,000	\$	50,000	99633
4J00 715638	Underground Injection Control	\$	429,000	\$	429,000	99634
4K20 715648	Clean Air - Non Title V	\$	5,101,448	\$	5,317,000	99635
4K30 715649	Solid Waste	\$	14,747,770	\$	15,449,000	99636
4K40 715650	Surface Water Protection	\$	10,114,999	\$	10,742,000	99637
4K50 715651	Drinking Water Protection	\$	8,062,598	\$	8,370,000	99638

4P50	715654	Cozart Landfill	\$	10,000	\$	10,000	99639
4R50	715656	Scrap Tire Management	\$	3,276,485	\$	3,251,500	99640
4R90	715658	Voluntary Action Program	\$	979,348	\$	1,094,800	99641
4T30	715659	Clean Air - Title V Permit Program	\$	9,687,591	\$	9,944,000	99642
5000	715608	Immediate Removal Special Account	\$	718,000	\$	722,000	99643
5030	715621	Hazardous Waste Facility Management	\$	4,780,000	\$	5,118,000	99644
5050	715623	Hazardous Waste Cleanup	\$	11,540,322	\$	12,087,200	99645
5050	715698	Response and Investigations	\$	3,186,244	\$	3,264,500	99646
5320	715646	Recycling and Litter Control	\$	4,541,440	\$	4,598,000	99647
5410	715670	Site Specific Cleanup	\$	779,296	\$	779,400	99648
5420	715671	Risk Management Reporting	\$	201,626	\$	210,000	99649
5860	715637	Scrap Tire Market Development	\$	1,000,000	\$	1,000,000	99650
5BC0	715622	Local Air Pollution Control	\$	2,000,000	\$	2,000,000	99651
5BC0	715624	Surface Water	\$	6,043,557	\$	6,292,000	99652
5BC0	715672	Air Pollution Control	\$	7,959,855	\$	8,236,000	99653
5BC0	715673	Drinking and Ground Water	\$	3,953,543	\$	3,590,300	99654
5BC0	715676	Assistance and Prevention	\$	1,824,471	\$	1,875,000	99655
5BC0	715677	Laboratory	\$	3,256,184	\$	3,329,000	99656
5BC0	715678	Corrective Actions	\$	1,073,590	\$	1,120,000	99657
5BC0	715687	Areawide Planning Agencies	\$	450,000	\$	450,000	99658

5BC0	715692	Administration	\$	14,742,915	\$	15,165,000	99659
5BC0	715694	Environmental Resource Coordination	\$	106,642	\$	115,000	99660
5BT0	715679	C&DD Groundwater Monitoring	\$	225,000	\$	225,000	99661
5H40	715664	Groundwater Support	\$	323,121	\$	332,000	99662
5PZ0	715696	Drinking Water Loan Fee	\$	1,106,285	\$	1,146,250	99663
5VA0	715601	Marsh Restoration	\$	1,000,000	\$	1,000,000	99664
5Y30	715685	Surface Water Improvement	\$	500,000	\$	500,000	99665
6440	715631	Emergency Response Radiological Safety	\$	276,500	\$	278,500	99666
6760	715642	Water Pollution Control Loan Administration	\$	4,606,024	\$	4,675,000	99667
6760	715699	Water Quality Administration	\$	3,837,987	\$	3,975,000	99668
6780	715635	Air Toxic Release	\$	47,984	\$	35,000	99669
6790	715636	Emergency Planning	\$	2,844,024	\$	2,864,000	99670
6960	715643	Air Pollution Control Administration	\$	987,855	\$	1,002,000	99671
6990	715644	Water Pollution Control Administration	\$	287,060	\$	300,000	99672
6A10	715645	Environmental Education	\$	1,087,749	\$	1,100,000	99673
6H20	715695	H2Ohio	\$	8,675,000	\$	0	99674
TOTAL	DPF	Dedicated Purpose Fund Group	\$	146,421,513	\$	142,041,450	99675
Internal	Service	Activity Fund Group					99676
1990	715602	Laboratory Services	\$	519,950	\$	533,000	99677
2190	715604	Central Support	\$	7,663,284	\$	8,055,000	99678

		Indirect				
4A10	715640	Operating Expenses	\$	1,307,000	\$	1,309,000 99679
TOTAL ISA		Internal Service Activity	\$	9,490,234	\$	9,897,000 99680
Fund Group						
Federal Fund Group						99681
3530	715612	Public Water Supply	\$	1,963,760	\$	2,015,000 99682
3570	715619	Air Pollution Control	\$	6,008,988	\$	6,115,000 99683
- Federal						
3620	715605	Underground Injection	\$	131,262	\$	133,000 99684
Control - Federal						
3BU0	715684	Water Quality	\$	15,159,951	\$	15,259,000 99685
Protection						
3CS0	715688	Federal NRD	\$	201,000	\$	201,000 99686
Settlements						
3F30	715632	Federally Supported	\$	6,771,522	\$	7,143,300 99687
Cleanup and Response						
3HE0	715697	Volkswagen Clean Air	\$	19,095,000	\$	22,845,000 99688
Act Settlement						
3T30	715669	Drinking Water State	\$	3,072,853	\$	3,155,000 99689
Revolving Fund						
3V70	715606	Agencywide Grants	\$	700,000	\$	700,000 99690
TOTAL FED		Federal Fund Group	\$	53,104,336	\$	57,566,300 99691
TOTAL ALL		BUDGET FUND GROUPS	\$	220,327,693	\$	220,551,360 99692

Section 277.20. GEORGE BARLEY WATER PRIZE 99694

The foregoing appropriation item, 715506, George Barley Water 99695
Prize, shall be used to support the final stage of the awards 99696
process for the Everglades Foundation's George Barley Water Prize. 99697
On July 1, 2020, or as soon as possible thereafter, the Director 99698
of Environmental Protection may certify to the Director of Budget 99699
and Management an amount up to the unexpended, unencumbered 99700
balance of the foregoing appropriation item, 715506, George Barley 99701
Water Prize, at the end of fiscal year 2020 to be reappropriated 99702

in fiscal year 2021. The amount certified is hereby reappropriated 99703
to the same appropriation item for fiscal year 2021. 99704

DRINKING AND GROUND WATER 99705

Of the foregoing appropriation item, 715673, Drinking and 99706
Ground Water, \$500,000 in FY 2020 shall be used to support a 99707
study, including the acquisition of any necessary equipment, to 99708
determine an estimate of storage capacity and maximum annual yield 99709
of the Michindoh Aquifer. 99710

AREAWIDE PLANNING AGENCIES 99711

The Director of Environmental Protection may award grants 99712
from appropriation item 715687, Areawide Planning Agencies, to 99713
areawide planning agencies engaged in areawide water quality 99714
management and planning activities in accordance with Section 208 99715
of the "Federal Clean Water Act," 33 U.S.C. 1288. 99716

CASH TRANSFERS TO THE MARSH RESTORATION FUND 99717

On July 1, 2019, or as soon as possible thereafter, the 99718
Director of Budget and Management, in consultation with the 99719
Director of Environmental Protection, may transfer up to 99720
\$12,000,000 cash from the Surface Water Improvement Fund (Fund 99721
5Y30) to the Marsh Restoration Fund (Fund 5VA0), which is hereby 99722
created in the state treasury. All moneys credited to Fund 5VA0 99723
are to be used for the remediation and restoration of the Mentor 99724
Marsh site in Mentor, Ohio. 99725

On July 1, 2019, or as soon as possible thereafter, the 99726
Director of Budget and Management, in consultation with the 99727
Director of Environmental Protection, may transfer up to 99728
\$1,000,000 cash from the Site Specific Cleanup Fund (Fund 5410) to 99729
Fund 5VA0. 99730

H2OHIO FUND 99731

The foregoing appropriation item 715695, H2Ohio, shall be 99732

used by the Environmental Protection Agency to support watershed 99733
 planning, scientific research, and data collection. In addition, 99734
 the foregoing appropriation item 715695, H2Ohio, may be used to 99735
 fund waterway improvement and protection of all state waterways in 99736
 support of water quality priorities and management in accordance 99737
 with section 126.60 of the Revised Code. 99738

On July 1, 2020, or as soon as possible thereafter, the 99739
 Director of Environmental Protection may certify to the Director 99740
 of Budget and Management an amount up to the unexpended, 99741
 unencumbered balance of the foregoing appropriation item, 715695, 99742
 H2Ohio, at the end of fiscal year 2020 to be reappropriated in 99743
 fiscal year 2021. The amount certified is hereby reappropriated to 99744
 the same appropriation item for fiscal year 2021. 99745

Section 279.10. EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION 99746

General Revenue Fund 99747

GRF 172321	Operating Expenses	\$	634,000	\$	651,000	99748
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TOTAL GRF	General Revenue Fund	\$	634,000	\$	651,000	99749
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TOTAL ALL BUDGET FUND GROUPS		\$	634,000	\$	651,000	99750
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Section 281.10. ETC BROADCAST EDUCATIONAL MEDIA COMMISSION 99752

General Revenue Fund 99753

GRF 935401	Statehouse News	\$	314,797	\$	314,797	99754
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Bureau

GRF 935402	Ohio Government	\$	1,758,526	\$	1,608,526	99755
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Telecommunications

Services

GRF 935410	Content Development,	\$	3,838,381	\$	3,838,381	99756
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Acquisition, and

Distribution

GRF 935430	Broadcast Education	\$	3,699,224	\$	3,699,224	99757
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Operating

TOTAL GRF General Revenue Fund	\$	9,610,928	\$	9,460,928	99758
Dedicated Purpose Fund Group					99759
5FK0 935608 Media Services	\$	95,000	\$	95,000	99760
5VB0 935650 Facility Rental	\$	30,000	\$	32,000	99761
TOTAL DPF Dedicated Purpose Fund Group	\$	125,000	\$	127,000	99762
Internal Service Activity Fund Group					99763
4F30 935603 Affiliate Services	\$	4,000	\$	4,000	99764
TOTAL ISA Internal Service Activity Fund Group	\$	4,000	\$	4,000	99766
TOTAL ALL BUDGET FUND GROUPS	\$	9,739,928	\$	9,591,928	99767

Section 281.20. STATEHOUSE NEWS BUREAU 99769

The foregoing appropriation item 935401, Statehouse News Bureau, shall be used solely to support the operations of the Ohio Statehouse News Bureau. 99770
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OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES 99773

The foregoing appropriation item 935402, Ohio Government Telecommunications Services, shall be used solely to support the operations of Ohio Government Telecommunications Services which include providing multimedia support to the state government and its affiliated organizations and broadcasting the activities of the legislative, judicial, and executive branches of state government, among its other functions. 99774
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CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION 99781

The foregoing appropriation item 935410, Content Development, Acquisition, and Distribution, shall be used for the development, acquisition, and distribution of information resources by public media and radio reading services and for educational use in the classroom and online. 99782
99783
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99786

Of the foregoing appropriation item 935410, Content 99787

Development, Acquisition, and Distribution, up to \$977,856 in each 99788
fiscal year shall be allocated equally among the Ohio educational 99789
television stations. Funds shall be used for the production of 99790
interactive instructional programming series with priority given 99791
to resources aligned with state academic content standards. The 99792
programming shall be targeted to the needs of the one-third lowest 99793
capacity school districts as determined by the district's state 99794
share index calculated by the Department of Education. 99795

Of the foregoing appropriation item 935410, Content 99796
Development, Acquisition, and Distribution, up to \$2,574,472 in 99797
each fiscal year shall be distributed by the Broadcast Educational 99798
Media Commission to Ohio's qualified public educational television 99799
stations and educational radio stations to support their 99800
operations. The funds shall be distributed pursuant to an 99801
allocation formula used by the Ohio Educational Telecommunications 99802
Network Commission unless a substitute formula is developed by the 99803
Broadcast Educational Media Commission in consultation with Ohio's 99804
qualified public educational television stations and educational 99805
radio stations. 99806

Of the foregoing appropriation item 935410, Content 99807
Development, Acquisition, and Distribution, up to \$286,053 in each 99808
fiscal year shall be distributed by the Broadcast Educational 99809
Media Commission to Ohio's qualified radio reading services to 99810
support their operations. The funds shall be distributed pursuant 99811
to an allocation formula used by the Ohio Educational 99812
Telecommunications Network Commission unless a substitute formula 99813
is developed by the Broadcast Educational Media Commission in 99814
consultation with Ohio's qualified radio reading services. 99815

Section 283.10. ETH OHIO ETHICS COMMISSION 99816

General Revenue Fund 99817

GRF 146321 Operating Expenses \$ 1,821,515 \$ 2,068,492 99818

TOTAL GRF General Revenue Fund	\$	1,821,515	\$	2,068,492	99819
Dedicated Purpose Fund Group					99820
4M60 146601 Operating Support	\$	652,578	\$	536,516	99821
TOTAL DPF Dedicated Purpose Fund Group	\$	652,578	\$	536,516	99822
TOTAL ALL BUDGET FUND GROUPS	\$	2,474,093	\$	2,605,008	99823

Section 285.10. EXP OHIO EXPOSITIONS COMMISSION 99825

General Revenue Fund					99826
GRF 723403 Junior Fair Subsidy	\$	363,750	\$	363,750	99827
TOTAL GRF General Revenue Fund	\$	363,750	\$	363,750	99828
Dedicated Purpose Fund Group					99829
4N20 723602 Ohio State Fair	\$	375,000	\$	375,000	99830
Harness Racing					
5060 723601 Operating Expenses	\$	15,100,897	\$	15,363,166	99831
5060 723604 Grounds Maintenance and Repairs	\$	300,000	\$	300,000	99832
TOTAL DPF Dedicated Purpose Fund Group	\$	15,775,897	\$	16,038,166	99833
TOTAL ALL BUDGET FUND GROUPS	\$	16,139,647	\$	16,401,916	99834

STATE FAIR RESERVE 99835

The General Manager of the Expositions Commission, in 99836
consultation with the Director of Budget and Management, may 99837
submit a request to the Controlling Board to use available amounts 99838
in the State Fair Reserve Fund (Fund 6400) if revenues from either 99839
the 2019 or the 2020 Ohio State Fair are unexpectedly low. 99840

On July 1 of each fiscal year, or as soon as possible 99841
thereafter, the Director of Budget and Management, in consultation 99842
with the General Manager of the Expositions Commission, may 99843
determine that the Ohio Expositions Fund (Fund 5060) has a cash 99844
balance in excess of the anticipated operating costs of the 99845

Exposition Commission in that fiscal year. Notwithstanding section 99846
 991.04 of the Revised Code, the Director of Budget and Management 99847
 may transfer an amount up to the excess cash from Fund 5060 to 99848
 Fund 6400 in each fiscal year. 99849

Section 287.10. FCC OHIO FACILITIES CONSTRUCTION COMMISSION 99850

General Revenue Fund 99851

GRF 230321 Operating Expenses \$ 6,662,729 \$ 6,660,461 99852

GRF 230401 Cultural Facilities \$ 33,102,800 \$ 28,670,300 99853

Lease Rental Bond
 Payments

GRF 230458 State Construction \$ 1,773,454 \$ 1,922,473 99854

Management Services

GRF 230908 Common Schools \$ 410,259,800 \$ 424,825,900 99855

General Obligation
 Bond Debt Service

TOTAL GRF General Revenue Fund \$ 451,798,783 \$ 462,079,134 99856

Dedicated Purpose Fund Group 99857

5VU0 230646 School Bus Purchase \$ 0 \$ 20,000,000 99858

TOTAL DPF Dedicated Purpose Fund \$ 0 \$ 20,000,000 99859

Group

Internal Service Activity Fund Group 99860

1310 230639 State Construction \$ 16,152,778 \$ 16,356,157 99861

Management Operations

TOTAL ISA Internal Service Activity \$ 16,152,778 \$ 16,356,157 99862

Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 467,951,561 \$ 498,435,291 99863

Section 287.20. CULTURAL FACILITIES LEASE RENTAL BOND 99865

PAYMENTS 99866

The foregoing appropriation item 230401, Cultural Facilities 99867

Lease Rental Bond Payments, shall be used to meet all payments 99868

during the period from July 1, 2019, through June 30, 2021, by the 99869
Ohio Facilities Construction Commission pursuant to leases and 99870
agreements for cultural and sports facilities made under section 99871
154.23 of the Revised Code. These appropriations are the source of 99872
funds pledged for bond service charges on related obligations 99873
issued under Chapter 154. of the Revised Code. 99874

COMMON SCHOOLS GENERAL OBLIGATION BOND DEBT SERVICE 99875

The foregoing appropriation item 230908, Common Schools 99876
General Obligation Bond Debt Service, shall be used to pay all 99877
debt service and related financing costs during the period from 99878
July 1, 2019, through June 30, 2021, on obligations issued under 99879
sections 151.01 and 151.03 of the Revised Code. 99880

Section 287.30. COMMUNITY PROJECT ADMINISTRATION 99881

The foregoing appropriation item 230458, State Construction 99882
Management Services, shall be used by the Ohio Facilities 99883
Construction Commission in administering Cultural and Sports 99884
Facilities Building Fund (Fund 7030) projects pursuant to section 99885
123.201 of the Revised Code. 99886

SCHOOL BUS PURCHASE 99887

The foregoing appropriation item 230646, School Bus Purchase, 99888
shall be used by the Ohio Facilities Construction Commission to 99889
assist school districts in purchasing school buses in accordance 99890
with the program developed under this section. 99891

The Commission, in partnership with the departments of 99892
Administrative Services and Public Safety, shall develop a program 99893
to provide school bus purchase assistance in a manner comparable 99894
to the method in which school facilities assistance is provided 99895
under sections 3318.01 to 3318.20 of the Revised Code. Not later 99896
than January 31, 2020, the Ohio Facilities Construction Commission 99897
and the departments of Administrative Services and Public Safety 99898

shall submit a report to the General Assembly in accordance with 99899
section 101.68 of the Revised Code that describes how the program 99900
will operate. 99901

SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION 99902

At the request of the Executive Director of the Ohio 99903
Facilities Construction Commission, the Director of Budget and 99904
Management may cancel encumbrances for school district projects 99905
from a previous biennium if the district has not raised its local 99906
share of project costs within thirteen months of receiving 99907
Controlling Board approval under section 3318.05 or 3318.41 of the 99908
Revised Code. The Executive Director of the Ohio Facilities 99909
Construction Commission shall certify the amounts of the canceled 99910
encumbrances to the Director of Budget and Management on a 99911
quarterly basis. The amounts of the canceled encumbrances are 99912
hereby appropriated. 99913

Section 287.40. CAPITAL DONATIONS FUND CERTIFICATIONS AND 99914
APPROPRIATIONS 99915

On July 1, 2019, or as soon as possible thereafter, the 99916
Executive Director of the Ohio Facilities Construction Commission 99917
shall certify to the Director of Budget and Management the amount 99918
of cash receipts and related investment income, irrevocable 99919
letters of credit from a bank, or certification of the 99920
availability of funds that have been received from a county or a 99921
municipal corporation for deposit into the Capital Donations Fund 99922
(Fund 5A10) and that are related to an anticipated project. These 99923
amounts are hereby appropriated to appropriation item C37146, 99924
Capital Donations. Prior to certifying these amounts to the 99925
Director, the Executive Director shall make a written agreement 99926
with the participating entity on the necessary cash flows required 99927
for the anticipated construction or equipment acquisition project. 99928

Section 287.50. AMENDMENT TO PROJECT AGREEMENT FOR 99929
MAINTENANCE LEVY 99930

The Ohio Facilities Construction Commission shall amend the 99931
project agreement between the Commission and a school district 99932
that is participating in the Accelerated Urban School Building 99933
Assistance Program on the effective date of this section, if the 99934
Commission determines that it is necessary to do so in order to 99935
comply with division (B)(3)(c) of section 3318.38 of the Revised 99936
Code. 99937

Section 287.60. Notwithstanding any other provision of law to 99938
the contrary, the Ohio Facilities Construction Commission may 99939
determine the amount of funding available for disbursement in a 99940
given fiscal year for any project approved under sections 3318.01 99941
to 3318.20 of the Revised Code in order to keep aggregate state 99942
capital spending within approved limits and may take actions 99943
including, but not limited to, determining the schedule for design 99944
or bidding of approved projects, to ensure appropriate and 99945
supportable cash flow. 99946

Section 287.70. ASSISTANCE TO JOINT VOCATIONAL SCHOOL 99947
DISTRICT 99948

Notwithstanding division (B) of section 3318.40 of the 99949
Revised Code, the Ohio Facilities Construction Commission shall 99950
provide assistance to at least one joint vocational school 99951
district each fiscal year for the acquisition or improvement of 99952
classroom facilities in accordance with sections 3318.40 to 99953
3318.45 of the Revised Code. 99954

Section 287.80. RETURNED OR RECOVERED FUNDS 99955

Notwithstanding any provision of law to the contrary, any 99956
moneys a school district transfers to the Ohio Facilities 99957

Construction Commission under division (C)(2) or (3) of section 99958
3318.12 of the Revised Code as well as any moneys recovered from 99959
settlements with or judgments against parties relating to their 99960
involvement in a classroom facilities project shall be deposited 99961
into the fund from which the capital appropriation for the project 99962
was made. In fiscal year 2020, the Executive Director of the Ohio 99963
Facilities Construction Commission may request the Director of 99964
Budget and Management to authorize expenditures from those funds 99965
and specified appropriation items in excess of the amounts 99966
appropriated in an amount equal to the amount of the funds 99967
deposited under this section. The additional amounts, if 99968
authorized, shall be used in accordance with the purposes of 99969
Chapter 3318. of the Revised Code for projects pursuant to 99970
sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the 99971
Revised Code. Upon approval of the Director of Budget and 99972
Management, the additional amounts are hereby appropriated. 99973

Section 289.10. GOV OFFICE OF THE GOVERNOR 99974

General Revenue Fund 99975
GRF 040321 Operating Expenses \$ 2,914,740 \$ 2,973,034 99976
TOTAL GRF General Revenue Fund \$ 2,914,740 \$ 2,973,034 99977
Internal Service Activity Fund Group 99978
5AK0 040607 Government Relations \$ 613,870 \$ 619,988 99979
TOTAL ISA Internal Service Activity 99980
Fund Group \$ 613,870 \$ 619,988 99981
TOTAL ALL BUDGET FUND GROUPS \$ 3,528,610 \$ 3,593,022 99982

GOVERNMENT RELATIONS 99983

The Office of the Governor may issue an intrastate transfer 99984
voucher to charge any state agency of the executive branch such 99985
amounts necessary to represent the interests of Ohio to federal, 99986
state, and local government units and to cover the costs or 99987
membership dues related to Ohio's participation in national and 99988

regional associations. Amounts collected shall be deposited in the 99989
Government Relations Fund (Fund 5AK0). 99990

Section 291.10. DOH DEPARTMENT OF HEALTH 99991

General Revenue Fund 99992

GRF 440416 Mothers and Children \$ 4,303,612 \$ 4,303,612 99993

Safety Net Services

GRF 440431 Free Clinic Safety Net \$ 1,500,000 \$ 1,500,000 99994

Services

GRF 440438 Breast and Cervical \$ 671,131 \$ 671,131 99995

Cancer Screening

GRF 440444 AIDS Prevention and \$ 3,493,468 \$ 3,493,468 99996

Treatment

GRF 440451 Public Health \$ 3,672,005 \$ 3,672,005 99997

Laboratory

GRF 440452 Child and Family \$ 589,482 \$ 589,482 99998

Health Services Match

GRF 440453 Health Care Quality \$ 5,083,225 \$ 5,084,936 99999

Assurance

GRF 440454 Environmental \$ 2,933,438 \$ 2,929,841 100000

Health/Radiation

Protection

GRF 440459 Help Me Grow \$ 40,289,149 \$ 49,292,281 100001

GRF 440465 FQHC Primary Care \$ 1,300,000 \$ 1,300,000 100002

Workforce Initiative

GRF 440472 Alcohol Testing \$ 1,232,732 \$ 1,210,805 100003

GRF 440474 Infant Vitality \$ 7,087,292 \$ 7,087,292 100004

GRF 440477 Emergency Preparedness \$ 1,431,677 \$ 1,431,954 100005

and Response

GRF 440481 Lupus Awareness \$ 93,120 \$ 93,120 100006

GRF 440482 Chronic Disease, \$ 7,670,089 \$ 7,898,480 100007

Injury Prevention and

	Drug Overdose				
GRF 440483	Infectious Disease	\$	4,522,054	\$	4,522,054
	Prevention and Control				100008
GRF 440484	Public Health	\$	543,369	\$	313,760
	Technology Innovation				100009
GRF 440505	Medically Handicapped	\$	11,262,451	\$	11,262,451
	Children				100010
GRF 440507	Targeted Health Care	\$	2,000,000	\$	2,000,000
	Services-Over 21				100011
GRF 654453	Medicaid - Health Care	\$	4,227,961	\$	4,246,250
	Quality Assurance				100012
TOTAL GRF	General Revenue Fund	\$	103,906,255	\$	112,902,922
					100013
	Highway Safety Fund Group				100014
4T40 440603	Child Highway Safety	\$	200,000	\$	200,000
					100015
TOTAL HSF	Highway Safety Fund Group	\$	200,000	\$	200,000
					100016
	Dedicated Purpose Fund Group				100017
4700 440647	Fee Supported	\$	29,178,120	\$	29,178,120
	Programs				100018
4710 440619	Certificate of Need	\$	878,433	\$	878,433
					100019
4730 440622	Lab Operating	\$	8,826,132	\$	8,900,000
	Expenses				100020
4770 440627	Medically Handicapped	\$	4,472,562	\$	4,500,000
	Children Audit				100021
4D60 440608	Genetics Services	\$	3,311,039	\$	3,311,039
					100022
4F90 440610	Sickle Cell Disease	\$	1,032,824	\$	1,032,824
	Control				100023
4G00 440636	Heirloom Birth	\$	15,000	\$	15,000
	Certificate				100024
4G00 440637	Birth Certificate	\$	15,000	\$	15,000
	Surcharge				100025
4L30 440609	HIV Care and	\$	26,935,756	\$	27,000,000
	Miscellaneous				100026

		Expenses					
4P40	440628	Ohio Physician Loan	\$	700,000	\$	700,000	100027
		Repayment					
4V60	440641	Save Our Sight	\$	3,482,615	\$	3,500,000	100028
5B50	440616	Quality, Monitoring, and Inspection	\$	736,194	\$	736,194	100029
5BX0	440656	Tobacco Use Prevention, Cessation, and Enforcement	\$	11,955,358	\$	12,000,000	100030
5CN0	440645	Choose Life	\$	80,000	\$	80,000	100031
5D60	440620	Second Chance Trust	\$	1,000,000	\$	1,000,000	100032
5ED0	440651	Smoke Free Indoor Air	\$	300,000	\$	300,000	100033
5G40	440639	Adoption Services	\$	150,000	\$	150,000	100034
5HB0	440470	Breast and Cervical Cancer Screening	\$	25,096	\$	0	100035
5PE0	440659	Breast and Cervical Cancer Services	\$	200,000	\$	200,000	100036
5QJ0	440662	Dental Hygienist Loan Repayments	\$	100,000	\$	100,000	100037
5SH0	440520	Children's Wish Grant Program	\$	275,000	\$	275,000	100038
5TZ0	440621	Toxicology Screenings	\$	1,000,000	\$	1,000,000	100039
5Z70	440624	Ohio Dentist Loan Repayment	\$	200,000	\$	200,000	100040
6100	440626	Radiation Emergency Response	\$	1,269,262	\$	1,300,000	100041
6660	440607	Medically Handicapped Children - County Assessments	\$	23,948,173	\$	24,000,000	100042
6980	440634	Nurse Aide Training	\$	150,000	\$	150,000	100043
L087	440669	Public Health Priorities	\$	2,000,000	\$	0	100044

TOTAL DPF Dedicated Purpose Fund Group	\$	122,236,564	\$	120,521,610	100045
Internal Service Activity Fund Group					100046
1420 440646 Agency Health Services	\$	4,984,080	\$	5,000,000	100047
2110 440613 Central Support Indirect Costs	\$	28,897,875	\$	29,500,000	100048
TOTAL ISA Internal Service Activity Fund Group	\$	33,881,955	\$	34,500,000	100049
Holding Account Fund Group					100050
R014 440631 Vital Statistics	\$	44,986	\$	44,986	100051
R048 440625 Refunds, Grants Reconciliation, and Audit Settlements	\$	20,000	\$	20,000	100052
TOTAL HLD Holding Account Fund Group	\$	64,986	\$	64,986	100053
Federal Fund Group					100054
3200 440601 Maternal Child Health Block Grant	\$	24,673,419	\$	25,000,000	100055
3870 440602 Preventive Health Block Grant	\$	9,681,749	\$	9,750,000	100056
3890 440604 Women, Infants, and Children	\$	219,839,807	\$	220,000,000	100057
3910 440606 Medicare Survey and Certification	\$	17,049,993	\$	17,500,000	100058
3920 440618 Federal Public Health Programs	\$	94,344,493	\$	95,000,000	100059
3GD0 654601 Medicaid Program Support	\$	28,161,187	\$	28,540,949	100060
3GN0 440660 Public Health Emergency Preparedness	\$	26,347,943	\$	26,500,000	100061

TOTAL FED Federal Fund Group	\$ 420,098,591	\$ 422,290,949	100062
TOTAL ALL BUDGET FUND GROUPS	\$ 680,388,351	\$ 690,480,467	100063

Section 291.20. MOTHERS AND CHILDREN SAFETY NET SERVICES 100065

Of the foregoing appropriation item 440416, Mothers and 100066
Children Safety Net Services, up to \$200,000 in each fiscal year 100067
may be used to assist families with hearing impaired children 100068
under twenty-one years of age in purchasing hearing aids and 100069
hearing assistive technology. The Director of Health shall adopt 100070
rules governing the distribution of these funds, including rules 100071
that do both of the following: (1) establish eligibility criteria 100072
to include families with incomes at or below four hundred per cent 100073
of the federal poverty guidelines as defined in section 5101.46 of 100074
the Revised Code, and (2) develop a sliding scale of disbursements 100075
under this section based on family income. The Director may adopt 100076
other rules as necessary to implement this section. Rules adopted 100077
under this section shall be adopted in accordance with Chapter 100078
119. of the Revised Code. 100079

FREE CLINIC SAFETY NET SERVICES 100080

The foregoing appropriation item 440431, Free Clinic Safety 100081
Net Services, shall be provided to the Ohio Association of Free 100082
Clinics. Funds may be used to reimburse free clinics for health 100083
care services provided, as well as for administrative services, 100084
information technology costs, infrastructure repair, or other 100085
clinic necessities. 100086

AIDS PREVENTION AND TREATMENT 100087

The foregoing appropriation item 440444, AIDS Prevention and 100088
Treatment, shall be used to administer educational and other 100089
prevention initiatives. 100090

ENVIRONMENTAL HEALTH/RADIATION PROTECTION 100091

Of the foregoing appropriation item 440454, Environmental 100092

Health/Radiation Protection, \$150,000 in each fiscal year shall be 100093
used for the Historic South Initiative in Toledo for lead 100094
abatement. 100095

FQHC PRIMARY CARE WORKFORCE INITIATIVE 100096

The foregoing appropriation item 440465, FQHC Primary Care 100097
Workforce Initiative, shall be provided to the Ohio Association of 100098
Community Health Centers to administer the FQHC Primary Care 100099
Workforce Initiative. The Initiative shall provide medical, 100100
dental, behavioral health, physician assistant, and advanced 100101
practice nursing students with clinical rotations through 100102
federally qualified health centers. 100103

INFANT VITALITY 100104

Of the foregoing appropriation item 440474, Infant Vitality, 100105
\$125,000 in each fiscal year shall be provided to Produce Perks 100106
Midwest, Inc., for the Prescription Produce Intervention for 100107
Maternal Health Program to improve maternal health, nutrition, and 100108
infant mortality rates in Ohio. 100109

The remainder of appropriation item 440474, Infant Vitality, 100110
shall be used to fund a multi-pronged population health approach 100111
to address infant mortality. This approach may include the 100112
following: increasing awareness; supporting data collection; 100113
analysis and interpretation to inform decision-making and ensure 100114
accountability; targeting resources where the need is greatest; 100115
and implementing quality improvement science and programming that 100116
is evidence-based or based on emerging practices. Measurable 100117
interventions may include activities related to safe sleep, 100118
community engagement, Centering Pregnancy, newborn screening, safe 100119
birth spacing, gestational diabetes, smoking cessation, 100120
breastfeeding, care coordination, and progesterone. 100121

EMERGENCY PREPAREDNESS AND RESPONSE 100122

The foregoing appropriation item 440477, Emergency 100123

Preparedness and Response, shall be used to support public health 100124
emergency preparedness and response efforts at the state level or 100125
at a regional sub-level within the state, and may also be used to 100126
support data infrastructure projects. 100127

LUPUS AWARENESS 100128

The foregoing appropriation item 440481, Lupus Awareness, 100129
shall be distributed to the Lupus Foundation of America, Greater 100130
Ohio Chapter, Inc., to operate a lupus education and awareness 100131
program. 100132

CHRONIC DISEASE, INJURY PREVENTION AND DRUG OVERDOSE 100133

Of the foregoing appropriation item 440482, Chronic Disease, 100134
Injury Prevention and Drug Overdose, \$250,000 in each fiscal year 100135
shall be provided to People Working Cooperatively for the Whole 100136
Home Innovation Center. The funds shall be used to administer 100137
programming, conduct research and training, and convene 100138
multi-disciplinary experts to assess and adopt strategies to help 100139
Ohioans remain in their homes. 100140

TARGETED HEALTH CARE SERVICES-OVER 21 100141

The foregoing appropriation item 440507, Targeted Health Care 100142
Services-Over 21, shall be used to administer the Cystic Fibrosis 100143
Program and to implement the Hemophilia Insurance Premium Payment 100144
Program. The Department of Health shall expend \$100,000 in each 100145
fiscal year to implement the Hemophilia Insurance Premium Payment 100146
Program. 100147

The foregoing appropriation item 440507, Targeted Health Care 100148
Services-Over 21, shall also be used to provide essential 100149
medications and to pay the copayments for drugs approved by the 100150
Department of Health and covered by Medicare Part D that are 100151
dispensed to Bureau for Children with Medical Handicaps (BCMh) 100152
participants for the Cystic Fibrosis Program. 100153

The Department shall expend all of these funds.	100154
PUBLIC HEALTH PRIORITIES	100155
The foregoing appropriation item 440669, Public Health	100156
Priorities, shall be used to conduct public health awareness and	100157
education campaigns, initiate innovative programming and	100158
prevention strategies, and other work related to advancing	100159
positive changes in population health in Ohio. The Department of	100160
Health may distribute grants, contracts, or subsidy for these	100161
purposes, including, but not limited to, supporting public-private	100162
partnerships to address pressing public health issues.	100163
FEE SUPPORTED PROGRAMS	100164
Of the foregoing appropriation item 440647, Fee Supported	100165
Programs, \$2,160,000 in each fiscal year shall be used to	100166
distribute subsidies to local health departments on a per capita	100167
basis.	100168
Of the foregoing appropriation item 440647, Fee Supported	100169
Programs, \$1,500,000 in each fiscal year shall be used to	100170
distribute subsidies to local health departments accredited	100171
through the Public Health Accreditation Board on a per capita	100172
basis.	100173
MEDICALLY HANDICAPPED CHILDREN AUDIT	100174
The Medically Handicapped Children Audit Fund (Fund 4770)	100175
shall receive revenue from audits of hospitals and recoveries from	100176
third-party payers. Moneys may be expended for payment of audit	100177
settlements and for costs directly related to obtaining recoveries	100178
from third-party payers and for encouraging Medically Handicapped	100179
Children's Program recipients to apply for third-party benefits.	100180
Moneys also may be expended for payments for diagnostic and	100181
treatment services on behalf of medically handicapped children, as	100182
defined in division (A) of section 3701.022 of the Revised Code,	100183
and Ohio residents who are twenty-one or more years of age and who	100184

are suffering from cystic fibrosis or hemophilia. Moneys may also 100185
be expended for administrative expenses incurred in operating the 100186
Medically Handicapped Children's Program. 100187

GENETICS SERVICES 100188

The foregoing appropriation item 440608, Genetics Services, 100189
shall be used by the Department of Health to administer programs 100190
authorized by sections 3701.501 and 3701.502 of the Revised Code. 100191
None of these funds shall be used to counsel or refer for 100192
abortion, except in the case of a medical emergency. 100193

TOBACCO USE PREVENTION, CESSATION, AND ENFORCEMENT 100194

Of the foregoing appropriation item 440656, Tobacco Use 100195
Prevention, Cessation, and Enforcement, \$750,000 in each fiscal 100196
year shall be used to award grants in accordance with the section 100197
of this act entitled "MOMS QUIT FOR TWO GRANT PROGRAM." 100198

Of the foregoing appropriation item 440656, Tobacco Use 100199
Prevention, Cessation, and Enforcement, \$250,000 in each fiscal 100200
year shall be distributed to boards of health for the Baby and Me 100201
Tobacco Free Program. The Director of Health shall determine how 100202
the funds are to be distributed, but shall prioritize awards to 100203
boards that serve women who reside in communities that have the 100204
highest infant mortality rates in this state, as identified under 100205
section 3701.142 of the Revised Code. 100206

The remainder of appropriation item 440656, Tobacco Use 100207
Prevention, Cessation, and Enforcement, shall be used to 100208
administer tobacco use prevention and cessation activities and 100209
programs, to administer compliance checks, retailer education, and 100210
programs related to legal age restrictions, and to enforce the 100211
Ohio Smoke-Free Workplace Act. 100212

TOXICOLOGY SCREENINGS 100213

The foregoing appropriation item 440621, Toxicology 100214

Screenings, shall be used to reimburse county coroners in counties 100215
in which the coroner has performed toxicology screenings on 100216
victims of a drug overdose. The Director of Health shall transfer 100217
the funds to the counties in proportion to the numbers of 100218
toxicology screenings performed per county. 100219

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS 100220

The foregoing appropriation item 440607, Medically 100221
Handicapped Children - County Assessments, shall be used to make 100222
payments under division (E) of section 3701.023 of the Revised 100223
Code. 100224

CASH TRANSFER TO EMERGENCY PREPAREDNESS AND RESPONSE FUND 100225

If the Director of Health determines that there are 100226
insufficient funds in appropriation item 440477, Emergency 100227
Preparedness and Response, for public health emergency 100228
preparedness and response activities, the Director may certify to 100229
the Director of Budget and Management an amount necessary to 100230
address these activities. Upon certification, the Director of 100231
Budget and Management shall transfer up to \$500,000 cash in each 100232
fiscal year from the Controlling Board Emergency 100233
Purposes/Contingencies Fund (Fund 5KM0) to the Emergency 100234
Preparedness and Response Fund (Fund 5UA0). The amount transferred 100235
is hereby appropriated. 100236

Section 291.30. MOMS QUIT FOR TWO GRANT PROGRAM 100237

(A) The Department of Health shall create the Moms Quit for 100238
Two Grant Program. Recognizing the significant health risks posed 100239
to women and their children by tobacco use during and after 100240
pregnancy, the Department shall award grants to private, nonprofit 100241
entities or government entities that demonstrate the ability to 100242
deliver evidence-based tobacco cessation interventions to women 100243
who reside in communities that have the highest incidence of 100244

infant mortality, as determined by the Director of Health, and who 100245
are pregnant or live with children. Funds awarded under this 100246
section shall not be used to provide tobacco cessation 100247
interventions to women who are eligible for Medicaid. The 100248
Department may adopt any rules it considers necessary to 100249
administer the Program. 100250

(B) The Department shall create a grant application and 100251
develop a process for receiving and evaluating completed grant 100252
applications on a competitive basis. The Department shall give 100253
first preference to the entities described in division (A) of this 100254
section that are able to target the interventions to pregnant 100255
women and second preference to such entities that are able to 100256
target the interventions to women living with children. The 100257
Department's decision regarding a submitted grant application is 100258
final. 100259

(C) The Department shall establish performance objectives to 100260
be met by grant recipients. The Department shall monitor the 100261
performance of each grant recipient in meeting the objectives. 100262

Section 291.40. WIC VENDOR CONTRACTS 100263

(A) As used in this section, "WIC" means the Special 100264
Supplemental Nutrition Program for Women, Infants, and Children 100265
established under the "Child Nutrition Act of 1966," 80 Stat. 885, 100266
42 U.S.C. 1786, as amended. 100267

(B) During fiscal year 2020 and fiscal year 2021, the 100268
Department of Health shall process and review a WIC vendor 100269
contract application pursuant to Chapter 3701-42 of the 100270
Administrative Code not later than forty-five days after receipt 100271
of the application if the applicant is a WIC-contracted vendor at 100272
the time of application and meets all of the following 100273
requirements: 100274

(1) Submits a complete WIC vendor application with all required documents and information;	100275
	100276
(2) Passes the required unannounced preauthorization visit within forty-five days of submitting a complete application;	100277
	100278
(3) Completes the required in-person training within forty-five days of submitting the complete application.	100279
	100280
(C) If an applicant fails to meet any of the requirements described in division (B) of this section, the Department shall deny the application for the contract. After an application has been denied, the applicant may reapply for a contract to act as a WIC vendor during the contracting cycle that is applicable to the applicant's WIC region.	100281
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Section 293.10. HEF HIGHER EDUCATIONAL FACILITY COMMISSION 100287

Dedicated Purpose Fund Group	100288
4610 372601 Operating Expenses \$ 12,500 \$ 12,500	100289
TOTAL DPF Dedicated Purpose Fund \$ 12,500 \$ 12,500	100290
Group	
TOTAL ALL BUDGET FUND GROUPS \$ 12,500 \$ 12,500	100291

Section 295.10. SPA COMMISSION ON HISPANIC/LATINO AFFAIRS 100293

General Revenue Fund	100294
GRF 148321 Operating Expenses \$ 464,888 \$ 464,047	100295
TOTAL GRF General Revenue Fund \$ 464,888 \$ 464,047	100296
Dedicated Purpose Fund Group	100297
6010 148602 Special Initiatives \$ 24,558 \$ 24,558	100298
TOTAL DPF Dedicated Purpose	100299
Fund Group \$ 24,558 \$ 24,558	100300
TOTAL ALL BUDGET FUND GROUPS \$ 489,446 \$ 488,605	100301

Section 297.10. OHS OHIO HISTORY CONNECTION 100303

General Revenue Fund						100304
GRF 360501	Education and	\$	5,180,712	\$	5,151,712	100305
	Collections					
GRF 360502	Site and Museum	\$	6,707,853	\$	6,772,853	100306
	Operations					
GRF 360504	Ohio Preservation	\$	281,300	\$	281,300	100307
	Office					
GRF 360505	National	\$	485,000	\$	485,000	100308
	Afro-American Museum					
GRF 360506	Hayes Presidential	\$	485,000	\$	485,000	100309
	Center					
GRF 360508	State Historical	\$	438,500	\$	438,500	100310
	Grants					
GRF 360509	Outreach and	\$	155,583	\$	155,583	100311
	Partnership					
TOTAL GRF General Revenue Fund		\$	13,733,948	\$	13,769,948	100312
Dedicated Purpose Fund Group						100313
5KL0 360602	Ohio History Tax	\$	150,000	\$	150,000	100314
	Check-off					
5PD0 360603	Ohio History License	\$	10,000	\$	10,000	100315
	Plate					
TOTAL DPF Dedicated Purpose Fund		\$	160,000	\$	160,000	100316
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	13,893,948	\$	13,929,948	100317
SUBSIDY APPROPRIATION						100318
Upon approval by the Director of Budget and Management, the						100319
foregoing appropriation items shall be released to the Ohio						100320
History Connection in quarterly amounts that in total do not						100321
exceed the annual appropriations. The funds and fiscal records of						100322
the Ohio History Connection for fiscal year 2020 and fiscal year						100323
2021 shall be examined by independent certified public accountants						100324
approved by the Auditor of State, and a copy of the audited						100325

financial statements shall be filed with the Office of Budget and Management. 100326
 100327

The foregoing appropriations shall be considered to be the contractual consideration provided by the state to support the state's offer to contract with the Ohio History Connection under section 149.30 of the Revised Code. 100328
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STATE HISTORICAL GRANTS 100332

Of the foregoing appropriation item 360508, State Historical Grants, \$125,000 in each fiscal year shall be used for the Western Reserve Historical Society and \$125,000 in each fiscal year shall be used for the Cincinnati Museum Center. 100333
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Of the foregoing appropriation item 360508, State Historical Grants, \$38,500 in each fiscal year shall be allocated to support the American Jewish Archives of the Hebrew Union College-Jewish Institute of Religion. 100337
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Of the foregoing appropriation item 360508, State Historical Grants, \$25,000 in each fiscal year shall be allocated to support the Cleveland Museum of Natural History. 100341
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Of the foregoing appropriation item 360508, State Historical Grants, \$25,000 in each fiscal year shall be allocated to support the Cleveland Institute of Art. 100344
 100345
 100346

Of the foregoing appropriation item 360508, State Historical Grants, \$100,000 in each fiscal year shall be allocated to support the Nancy and David Wolf Holocaust and Humanity Center. 100347
 100348
 100349

Section 299.10. REP OHIO HOUSE OF REPRESENTATIVES 100350

General Revenue Fund 100351

GRF 025321 Operating Expenses \$ 25,917,274 \$ 25,917,274 100352

TOTAL GRF General Revenue Fund \$ 25,917,274 \$ 25,917,274 100353

Internal Service Activity Fund Group 100354

1030	025601	House of Representatives Reimbursement	\$	1,433,664	\$	1,433,664	100355
4A40	025602	Miscellaneous Sales	\$	50,000	\$	50,000	100356
TOTAL ISA		Internal Service Activity					100357
Fund Group			\$	1,483,664	\$	1,483,664	100358
TOTAL ALL BUDGET FUND GROUPS			\$	27,400,938	\$	27,400,938	100359

OPERATING EXPENSES 100360

On July 1, 2019, or as soon as possible thereafter, the Chief 100361
Administrative Officer of the House of Representatives may certify 100362
to the Director of Budget and Management an amount up to the 100363
unexpended, unencumbered balance of the foregoing appropriation 100364
item 025321, Operating Expenses, at the end of fiscal year 2019 to 100365
be reappropriated to fiscal year 2020. The amount certified is 100366
hereby reappropriated to the same appropriation item for fiscal 100367
year 2020. 100368

On July 1, 2020, or as soon as possible thereafter, the Chief 100369
Administrative Officer of the House of Representatives may certify 100370
to the Director of Budget and Management an amount up to the 100371
unexpended, unencumbered balance of the foregoing appropriation 100372
item 025321, Operating Expenses, at the end of fiscal year 2020 to 100373
be reappropriated to fiscal year 2021. The amount certified is 100374
hereby reappropriated to the same appropriation item for fiscal 100375
year 2021. 100376

HOUSE REIMBURSEMENT 100377

If it is determined by the Chief Administrative Officer of 100378
the House of Representatives that additional appropriations are 100379
necessary for the foregoing appropriation item 025601, House 100380
Reimbursement, the amounts are hereby appropriated. 100381

Section 301.10. HFA OHIO HOUSING FINANCE AGENCY 100382

Dedicated Purpose Fund Group				100383
5AZ0 997601 Housing Finance Agency	\$	12,267,196	\$	12,819,657
Personal Services				100384
TOTAL DPF Dedicated Purpose Fund Group	\$	12,267,196	\$	12,819,657
TOTAL ALL BUDGET FUND GROUPS	\$	12,267,196	\$	12,819,657

Section 303.10. IGO OFFICE OF THE INSPECTOR GENERAL 100388

General Revenue Fund				100389
GRF 965321 Operating Expenses	\$	1,512,881	\$	1,509,581
TOTAL GRF General Revenue Fund	\$	1,512,881	\$	1,509,581
Internal Service Activity Fund Group				100392
5FA0 965603 Deputy Inspector	\$	400,000	\$	400,000
General for ODOT				100393
5FT0 965604 Deputy Inspector	\$	425,000	\$	425,000
General for BWC/OIC				100394
TOTAL ISA Internal Service Activity Fund Group	\$	825,000	\$	825,000
TOTAL ALL BUDGET FUND GROUPS	\$	2,337,881	\$	2,334,581

Section 305.10. INS DEPARTMENT OF INSURANCE 100399

Dedicated Purpose Fund Group				100400
5540 820601 Operating Expenses - OSIIIP	\$	180,000	\$	180,000
5540 820606 Operating Expenses	\$	29,580,629	\$	30,661,244
5550 820605 Examination	\$	8,938,161	\$	9,179,766
5PT0 820613 Captive Insurance	\$	650,000	\$	650,000
Regulation and Supervision				100404
TOTAL DPF Dedicated Purpose Fund Group	\$	39,348,790	\$	40,671,010
Federal Fund Group				100407

3U50 820602	OSHIIP Operating	\$	2,793,150	\$	2,793,150	100408
	Grant					
TOTAL FED	Federal Fund Group	\$	2,793,150	\$	2,793,150	100409
TOTAL ALL BUDGET FUND GROUPS		\$	42,141,940	\$	43,464,160	100410
	MARKET CONDUCT EXAMINATION					100411
	When conducting a market conduct examination of any insurer					100412
	doing business in this state, the Superintendent of Insurance may					100413
	assess the costs of the examination against the insurer. The					100414
	Superintendent may enter into consent agreements to impose					100415
	administrative assessments or fines for conduct discovered that					100416
	may be violations of statutes or rules administered by the					100417
	Superintendent. All costs, assessments, or fines collected shall					100418
	be deposited to the credit of the Department of Insurance					100419
	Operating Fund (Fund 5540).					100420
	EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES					100421
	The Director of Budget and Management, at the request of the					100422
	Superintendent of Insurance, may transfer cash from the Department					100423
	of Insurance Operating Fund (Fund 5540), established by section					100424
	3901.021 of the Revised Code, to the Superintendent's Examination					100425
	Fund (Fund 5550), established by section 3901.071 of the Revised					100426
	Code, only for expenses incurred in examining domestic fraternal					100427
	benefit societies as required by section 3921.28 of the Revised					100428
	Code.					100429
	TRANSFER OF FUNDS FOR CAPTIVE INSURANCE COMPANY REGULATION					100430
	AND SUPERVISION					100431
	When funds from captive insurance company application fees,					100432
	reimbursements from captive insurance companies for examinations,					100433
	and other sources have accrued to the Captive Insurance Regulation					100434
	and Supervision Fund (Fund 5PT0) in such amounts as are deemed					100435
	sufficient to sustain operations, the Director of Budget and					100436
	Management, in consultation with the Superintendent of Insurance,					100437

shall establish a schedule for repaying the amounts previously 100438
transferred during fiscal years 2016 and 2017 from Fund 5PT0 to 100439
Fund 5540. 100440

Section 307.10. JFS DEPARTMENT OF JOB AND FAMILY SERVICES 100441

General Revenue Fund 100442

GRF 600410 TANF State Maintenance \$ 144,267,326 \$ 144,267,326 100443
of Effort

GRF 600413 Child Care \$ 83,461,739 \$ 83,461,739 100444
State/Maintenance of
Effort

GRF 600450 Program Operations \$ 148,394,043 \$ 148,439,778 100445

GRF 600502 Child Support - Local \$ 23,456,891 \$ 23,456,891 100446

GRF 600521 Family Assistance - \$ 44,748,768 \$ 44,748,768 100447
Local

GRF 600523 Family and Children \$ 181,107,628 \$ 181,107,628 100448
Services

GRF 600528 Adoption Services \$ 28,922,517 \$ 28,922,517 100449

GRF 600533 Child, Family, and \$ 13,500,000 \$ 13,500,000 100450
Community Protection
Services

GRF 600534 Adult Protective \$ 4,230,000 \$ 4,230,000 100451
Services

GRF 600535 Early Care and \$ 141,285,241 \$ 141,285,241 100452
Education

GRF 600541 Kinship Permanency \$ 1,000,000 \$ 1,000,000 100453
Incentive Program

GRF 600546 Healthy Food Financing \$ 150,000 \$ 150,000 100454
Initiative

GRF 600551 Job and Family Services \$ 105,000 \$ 105,000 100455
Program Support

GRF 600552 Gracehaven Pilot \$ 259,685 \$ 259,685 100456

	Program				
GRF 655425	Medicaid Program	\$	13,971,461	\$	14,084,154 100457
	Support				
GRF 655522	Medicaid Program	\$	37,119,931	\$	37,119,931 100458
	Support - Local				
GRF 655523	Medicaid Program	\$	38,750,000	\$	38,750,000 100459
	Support - Local				
	Transportation				
TOTAL GRF	General Revenue Fund	\$	904,730,230	\$	904,888,658 100460
	Dedicated Purpose Fund Group				100461
1980 600647	Children's Trust Fund	\$	7,992,060	\$	6,000,000 100462
4A80 600658	Public Assistance	\$	32,000,000	\$	32,000,000 100463
	Activities				
4A90 600607	Unemployment	\$	13,900,000	\$	12,900,000 100464
	Compensation				
	Administration Fund				
4E70 600604	Family and Children	\$	650,000	\$	650,000 100465
	Services Collections				
4F10 600609	Family and Children	\$	708,000	\$	708,000 100466
	Activities				
5DM0 600633	Audit Settlements and	\$	1,000,000	\$	1,000,000 100467
	Contingency				
5ES0 600630	Food Bank Assistance	\$	500,000	\$	500,000 100468
5HC0 600695	Unemployment	\$	1,000,000	\$	1,000,000 100469
	Compensation Interest				
5KT0 600696	Early Childhood	\$	20,000,000	\$	20,000,000 100470
	Education				
5NG0 600660	Victims of Human	\$	100,000	\$	100,000 100471
	Trafficking				
5RX0 600699	Workforce Development	\$	300,000	\$	300,000 100472
	Projects				
5RY0 600698	Human Services	\$	14,887,449	\$	15,000,000 100473
	Project				

5TZ0	600674	Children's Crisis Care	\$	150,000	\$	150,000	100474
5U60	600663	Family and Children Support	\$	5,000,000	\$	5,000,000	100475
5VJ0	600600	Books from Birth	\$	5,000,000	\$	0	100476
TOTAL DPF		Dedicated Purpose Fund Group	\$	103,187,509	\$	95,308,000	100477
Internal Service Activity Fund Group							100478
5HL0	600602	State and County Shared Services	\$	1,500,000	\$	1,500,000	100479
TOTAL ISA		Internal Service Activity Fund Group	\$	1,500,000	\$	1,500,000	100480
Fiduciary Fund Group							100481
1920	600646	Child Support Intercept - Federal	\$	100,000,000	\$	100,000,000	100482
5830	600642	Child Support Intercept - State	\$	13,000,000	\$	13,000,000	100483
5B60	600601	Food Assistance Intercept	\$	4,000,000	\$	4,000,000	100484
TOTAL FID		Fiduciary Fund Group	\$	117,000,000	\$	117,000,000	100485
Holding Account Fund Group							100486
R012	600643	Refunds and Audit Settlements	\$	500,000	\$	500,000	100487
TOTAL HLD		Holding Account Fund Group	\$	500,000	\$	500,000	100488
Federal Fund Group							100489
3270	600606	Child Welfare	\$	28,950,337	\$	29,000,000	100490
3310	600615	Veterans Programs	\$	7,000,000	\$	7,000,000	100491
3310	600624	Employment Services	\$	26,000,000	\$	26,000,000	100492
3310	600686	Workforce Programs	\$	3,912,923	\$	4,000,000	100493
3840	600610	Food Assistance Programs	\$	165,544,356	\$	165,544,356	100494

3850	600614	Refugee Services	\$	12,000,000	\$	12,000,000	100495
3950	600616	Federal Discretionary Grants	\$	1,500,000	\$	1,500,000	100496
3960	600620	Social Services Block Grant	\$	42,000,000	\$	42,000,000	100497
3970	600626	Child Support - Federal	\$	197,479,829	\$	198,000,000	100498
3980	600627	Adoption Program - Federal	\$	175,000,000	\$	175,000,000	100499
3A20	600641	Emergency Food Distribution	\$	7,000,000	\$	7,000,000	100500
3D30	600648	Children's Trust Fund Federal	\$	2,000,000	\$	2,000,000	100501
3F01	655624	Medicaid Program Support - Federal	\$	179,231,495	\$	179,500,000	100502
3H70	600617	Child Care Federal	\$	331,249,291	\$	331,980,000	100503
3N00	600628	Foster Care Program - Federal	\$	280,732,702	\$	281,000,000	100504
3S50	600622	Child Support Projects	\$	534,050	\$	534,050	100505
3V00	600688	Workforce Innovation and Opportunity Act Programs	\$	142,092,211	\$	142,450,000	100506
3V40	600632	Trade Programs	\$	19,755,884	\$	20,000,000	100507
3V40	600678	Federal Unemployment Programs	\$	73,436,024	\$	73,436,024	100508
3V40	600679	Unemployment Compensation Review Commission - Federal	\$	4,800,000	\$	4,800,000	100509
3V60	600689	TANF Block Grant	\$	873,602,794	\$	935,000,000	100510
TOTAL FED	FEDERAL FUND GROUP		\$	2,573,821,896	\$	2,637,744,430	100511
TOTAL ALL BUDGET FUND GROUPS			\$	3,700,739,635	\$	3,756,941,088	100512

Section 307.16. MARRIAGE WORKS

100514

Of the foregoing appropriation item 600410, TANF State 100515
Maintenance of Effort, \$200,000 in each fiscal year shall be 100516
provided to Marriage Works! Ohio in Dayton. 100517

Section 307.17. STAR HOUSE DROP-IN CENTER 100518

Of the foregoing appropriation item 600410, TANF State 100519
Maintenance of Effort, \$750,000 in each fiscal year shall be used 100520
to support the Star House Drop-In Center to provide services for 100521
homeless youth. 100522

Section 307.18. YMCA OF GREATER CLEVELAND 100523

Of the foregoing appropriation item 600410, TANF State 100524
Maintenance of Effort, \$200,000 in each fiscal year shall be used 100525
to support the YMCA of Greater Cleveland's Early Learning Center 100526
Trauma informed pre-school for homeless, low income, and at-risk 100527
pre-school children. 100528

Section 307.19. UNIVERSITY SETTLEMENT 100529

Of the foregoing appropriation item 600410, TANF State 100530
Maintenance of Effort, \$100,000 in each fiscal year shall be used 100531
to support University Settlement family assistance programs in the 100532
Broadway-Slavic Village neighborhood of Cleveland. 100533

Section 307.20. COUNTY ADMINISTRATIVE FUNDS 100534

(A) The foregoing appropriation item 600521, Family 100535
Assistance - Local, may be provided to county departments of job 100536
and family services to administer food assistance and disability 100537
assistance programs. 100538

(B) The foregoing appropriation item 655522, Medicaid Program 100539
Support - Local, may be provided to county departments of job and 100540
family services to administer the Medicaid program and the State 100541
Children's Health Insurance program. 100542

(C) At the request of the Director of Job and Family Services, the Director of Budget and Management may transfer appropriations between the following appropriation items to ensure county administrative funds are expended from the proper appropriation item:

(1) Appropriation item 600521, Family Assistance - Local, and appropriation item 655522, Medicaid Program Support - Local; and

(2) Appropriation item 655523, Medicaid Program Support - Local Transportation, and appropriation item 655522, Medicaid Program Support - Local.

(D) If receipts credited to the Medicaid Program Support Fund (Fund 3F01) and the Supplemental Nutrition Assistance Program Fund (Fund 3840) exceed the amounts appropriated, the Director of Job and Family Services shall request the Director of Budget and Management to authorize expenditures from those funds in excess of the amounts appropriated. Upon approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

Section 307.30. NAME OF FOOD STAMP PROGRAM

The Director of Job and Family Services is not required to amend rules regarding the Food Stamp Program to change the name of the program to the Supplemental Nutrition Assistance Program. The Director may refer to the program as the Food Stamp Program, the Supplemental Nutrition Assistance Program, or the Food Assistance Program in rules and documents of the Department of Job and Family Services.

Section 307.40. OHIO ASSOCIATION OF FOOD BANKS

Of the foregoing appropriation items 600410, TANF State Maintenance of Effort, 600658, Public Assistance Activities, and 600689, TANF Block Grant, a total of \$17,050,000 in each fiscal year shall be used to provide funds to the Ohio Association of

Food Banks to purchase and distribute food products. 100573

Notwithstanding section 5101.46 of the Revised Code and any 100574
other provision in this bill, including funds designated for the 100575
Ohio Association of Food Banks in this section, in fiscal year 100576
2020 and fiscal year 2021, the Director of Job and Family Services 100577
shall provide assistance from eligible funds to the Ohio 100578
Association of Food Banks in an amount not less than \$19,550,000 100579
in each fiscal year. 100580

Eligible nonfederal expenditures made by member food banks of 100581
the Association shall be counted by the Department of Job and 100582
Family Services toward the TANF maintenance of effort requirements 100583
of 42 U.S.C. 609(a)(7). The Director of Job and Family Services 100584
shall enter into an agreement with the Ohio Association of Food 100585
Banks, in accordance with sections 5101.80 and 5101.801 of the 100586
Revised Code, to carry out the requirements under this section. 100587

Section 307.45. FOOD STAMPS TRANSFER 100588

On July 1, 2019, or as soon as possible thereafter, and upon 100589
request of the Director of Job and Family Services, the Director 100590
of Budget and Management may transfer up to \$1,000,000 cash from 100591
the Supplemental Nutrition Assistance Program Fund (Fund 3840), to 100592
the Food Assistance Fund (Fund 5ES0). 100593

Section 307.50. PUBLIC ASSISTANCE ACTIVITIES/TANF MOE 100594

The foregoing appropriation item 600658, Public Assistance 100595
Activities, shall be used by the Department of Job and Family 100596
Services to meet the TANF maintenance of effort requirements of 42 100597
U.S.C. 609(a)(7). When the state is assured that it will meet the 100598
maintenance of effort requirement, the Department of Job and 100599
Family Services may use funds from appropriation item 600658, 100600
Public Assistance Activities, to support public assistance 100601
activities. 100602

Section 307.70. GOVERNOR'S OFFICE OF FAITH-BASED AND 100603
COMMUNITY INITIATIVES 100604

Of the foregoing appropriation item 600689, TANF Block Grant, 100605
up to \$13,285,000 in each fiscal year shall be used, in accordance 100606
with sections 5101.80 and 5101.801 of the Revised Code, to provide 100607
support to programs or organizations that provide services that 100608
align with the mission and goals of the Governor's Office of 100609
Faith-Based and Community Initiatives, as outlined in section 100610
107.12 of the Revised Code, and that further at least one of the 100611
four purposes of the TANF program, as specified in 42 U.S.C. 601. 100612

Of the amount earmarked for the Governor's Office of 100613
Faith-Based and Community Initiatives, \$250,000 in each fiscal 100614
year shall be provided to Think Tank, Inc. to support a project 100615
that provides a sustainable, scalable system to support and keep 100616
families together. 100617

Section 307.80. INDEPENDENT LIVING INITIATIVE 100618

Of the foregoing appropriation item 600689, TANF Block Grant, 100619
up to \$2,000,000 in each fiscal year shall be used, in accordance 100620
with sections 5101.80 and 5101.801 of the Revised Code, to support 100621
the Independent Living Initiative, including life skills training 100622
and work supports for older children in foster care and those who 100623
have recently aged out of foster care. 100624

Section 307.90. OHIO COMMISSION ON FATHERHOOD 100625

Of the foregoing appropriation item 600689, TANF Block Grant, 100626
\$2,200,000 in each fiscal year shall be provided to the Ohio 100627
Commission on Fatherhood. 100628

Section 307.95. OHIO ALLIANCE OF BOYS AND GIRLS CLUBS 100629

Of the foregoing appropriation item 600689, TANF Block Grant, 100630

\$1,000,000 in each fiscal year shall be provided, in accordance 100631
with sections 5101.80 and 5101.801 of the Revised Code, to the 100632
Ohio Alliance of Boys and Girls Clubs to provide after-school and 100633
summer programs that protect at-risk children and enable youth to 100634
become responsible adults. Not less than \$75,000 in each fiscal 100635
year shall be provided to the Boys and Girls Club of Massillon. 100636

Section 307.98. WATERFORD INSTITUTE PILOT PROGRAM 100637

Of the foregoing appropriation item 600689, TANF Block Grant, 100638
\$2,000,000 in each fiscal year shall be provided, in accordance 100639
with sections 5101.80 and 5101.801 of the Revised Code, to the 100640
Waterford Institute to implement a pilot program for 100641
pre-kindergarten children. 100642

Section 307.105. BIG BROTHERS BIG SISTERS 100643

Of the foregoing appropriation item 600689, TANF Block Grant, 100644
\$500,000 in each fiscal year shall be provided, in accordance with 100645
sections 5101.80 and 5101.801 of the Revised Code, to Big Brothers 100646
Big Sisters of Central Ohio to provide mentoring services to 100647
children throughout the state who have experienced trauma in their 100648
lives, including parental incarceration. 100649

Section 307.107. OPEN DOORS ACADEMY 100650

Of the foregoing appropriation item 600689, TANF Block Grant, 100651
\$2,200,000 in each fiscal year shall be used, in accordance with 100652
sections 5101.80 and 5101.801 of the Revised Code, to support the 100653
Seven Year Promise Program, operated by the Open Doors Academy. 100654
Funding shall be used for a program in Northeast Ohio and four 100655
additional sites in the state. 100656

Section 307.109. CHILDREN'S HUNGER ALLIANCE 100657

Of the foregoing appropriation item 600689, TANF Block Grant, 100658

\$470,000 in each fiscal year shall be provided, in accordance with 100659
sections 5101.80 and 5101.801 of the Revised Code, to the 100660
Children's Hunger Alliance to assist with meal sponsorship, early 100661
child care programs, and summer nutrition programs. 100662

Of the foregoing appropriation item 600410, TANF State 100663
Maintenance of Effort, \$705,000 in each fiscal year shall be 100664
provided to the Children's Hunger Alliance to assist with child 100665
care, meal sponsorship, consultations and nutrition education, 100666
school district nutrition programs, afterschool nutrition 100667
programs, and summer nutrition programs. 100668

Section 307.110. FAMILY AND CHILDREN SERVICES 100669

Of the foregoing appropriation item 600523, Family and 100670
Children Services, up to \$3,200,000 shall be used to match 100671
eligible federal Title IV-B ESSA funds and federal Title IV-E 100672
Chafee funds allocated to public children services agencies. 100673

Of the foregoing appropriation item 600523, Family and 100674
Children Services, up to \$25,000,000 in each fiscal year shall be 100675
provided to assist with the expense of providing services to youth 100676
requiring support from multiple systems. These funds may be used 100677
for youth currently in the custody of a public children services 100678
agency or to prevent children from entering into the custody of a 100679
public children services agency by custody relinquishment or 100680
another mechanism. The Director of Job and Family Services shall 100681
adopt rules in accordance with section 111.15 of the Revised Code 100682
to administer the funding. 100683

Of the foregoing appropriation item, 600523, Family and 100684
Children Services, not less than \$125,040,010 in each fiscal year 100685
shall be provided to public children services agencies. Of that 100686
amount, \$17,600,000 in each fiscal year shall be used to provide 100687
an initial allocation of \$200,000 to each county; up to \$5,000,000 100688
in each fiscal year shall be provided using the formula in section 100689

5101.14 of the Revised Code for staffing for foster parent 100690
recruitment, engagement, and support; up to \$10,000,000 in each 100691
fiscal year shall be provided using the formula in section 5101.14 100692
of the Revised Code to strengthen best practices identified in 100693
partnership with the Department of Job and Family Services; and 100694
the remainder shall be provided using the formula in section 100695
5101.14 of the Revised Code. 100696

Section 307.120. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN 100697

In collaboration with the county family and children first 100698
council, a county department of job and family services or public 100699
children services agency that receives an allocation from the 100700
Department of Job and Family Services from the foregoing 100701
appropriation item 600523, Family and Children Services, or 100702
600533, Child, Family, and Community Protection Services, may 100703
transfer a portion of either or both allocations to a flexible 100704
funding pool as authorized by the section of this act titled 100705
"FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." 100706

Section 307.130. CHILD, FAMILY, AND COMMUNITY PROTECTION 100707
SERVICES 100708

(A) The foregoing appropriation item 600533, Child, Family, 100709
and Community Protection Services, shall be distributed to county 100710
departments of job and family services. County departments shall 100711
use the funds distributed to them under this section as follows, 100712
in accordance with the written plan of cooperation entered into 100713
under section 307.983 of the Revised Code: 100714

(1) To assist individuals in achieving or maintaining 100715
self-sufficiency, including by reducing or preventing dependency 100716
among individuals with family income not exceeding two hundred per 100717
cent of the federal poverty guidelines; 100718

(2) Subject to division (B) of this section, to respond to 100719

reports of abuse, neglect, or exploitation of children and adults, 100720
including through the differential response approach program; 100721

(3) To provide outreach and referral services regarding home 100722
and community-based services to individuals at risk of placement 100723
in a group home or institution, regardless of the individuals' 100724
family income and without need for a written application; 100725

(4) To provide outreach, referral, application assistance, 100726
and other services to assist individuals receive assistance, 100727
benefits, or services under Medicaid; Title IV-A programs, as 100728
defined in section 5101.80 of the Revised Code; the Supplemental 100729
Nutrition Assistance Program; and other public assistance 100730
programs. 100731

(B) Protective services may be provided to a child or adult 100732
as part of a response, under division (A)(2) of this section, to a 100733
report of abuse, neglect, or exploitation without regard to a 100734
child or adult's family income and without need for a written 100735
application. The protective services may be provided if the case 100736
record documents circumstances of actual or potential abuse, 100737
neglect, or exploitation. 100738

Section 307.133. ADULT PROTECTIVE SERVICES 100739

The foregoing appropriation item 600534, Adult Protective 100740
Services, shall be divided equally among the counties. 100741

Section 307.135. HEALTHY FOOD FINANCING INITIATIVE 100742

The foregoing appropriation item 600546, Healthy Food 100743
Financing Initiative, shall be used by the Director of Job and 100744
Family Services to support healthy food access in underserved 100745
communities in urban and rural Low and Moderate Income Areas, as 100746
defined by either the United States Department of Agriculture 100747
(USDA), as identified in the USDA's Food Access Research Atlas, or 100748
through a methodology that has been adopted for use by another 100749

governmental or philanthropic healthy food initiative, or an 100750
alternative methodology approved by the Director of Job and Family 100751
Services. 100752

The Director of Job and Family Services, in cooperation with 100753
the Director of Health, shall contract with the Finance Fund 100754
Capital Corporation to administer a Healthy Food Financing 100755
Initiative. The Finance Fund Capital Corporation shall demonstrate 100756
a capacity to administer grant and loan programs in accordance 100757
with state and federal rules and accounting principles, and shall 100758
partner with one or more entities with demonstrable experience in 100759
healthy food access-related policy matters. 100760

The Finance Fund Capital Corporation shall report to the Ohio 100761
Department of Job and Family Services the amount of funds granted 100762
or loaned, the number of new or retained jobs associated with 100763
related projects, the health impact of the initiative, and the 100764
number and location of healthy food access projects established or 100765
in development. 100766

Section 307.138. JOB AND FAMILY SERVICES PROGRAM SUPPORT 100767

Of the foregoing appropriation item 600551, Job and Family 100768
Services Program Support, \$75,000 in each fiscal year shall be 100769
provided to the Mayerson Jewish Community Center to support summer 100770
camps, senior citizen socialization for Alzheimer's patients, and 100771
security services. 100772

Of the foregoing appropriation item 600551, Job and Family 100773
Services Program Support, \$30,000 in each fiscal year shall be 100774
used to support Jewish Family Services, which shall use the funds 100775
to provide aging and caregiver services, post-adoption counseling, 100776
domestic abuse counseling, and assistance with food pantry 100777
expansion. 100778

Section 307.139. GRACEHAVEN PILOT PROGRAM 100779

The foregoing appropriation item 600552, Gracehaven Pilot Program, shall be used to finance the creation of Gracehaven centers to provide community-based services to women under eighteen years of age that have been victims of human trafficking.

Section 307.140. FAMILY AND CHILDREN ACTIVITIES 100784

The foregoing appropriation item 600609, Family and Children Activities, shall be used to expend miscellaneous foundation funds and grants to support family and children services activities.

Section 307.145. BOOKS FROM BIRTH 100788

The foregoing appropriation item 600600, Books from Birth, shall be used to support childhood literacy efforts in the state. The Director of Job and Family Services may work with nonprofit entities or foundations established to support childhood literacy efforts in this state.

On July 1, 2020, or as soon as possible thereafter, the Director of Job and Family Services may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 600600, Books from Birth, at the end of fiscal year 2020 to be reappropriated in fiscal year 2021. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2021.

Section 307.150. ODJFS AUDIT SETTLEMENTS AND CONTINGENCY FUND 100801

Notwithstanding section 5101.073 of the Revised Code, the ODJFS Audit Settlements and Contingency Fund (Fund 5DM0) may also consist of earned federal revenue the final disposition of which is unknown.

On July 1 of each fiscal year, or as soon as possible thereafter, and upon request of the Director of Job and Family Services, the Director of Budget and Management may transfer up to

\$16,000,000 cash from the ODJFS Audit Settlements and Contingency Fund (Fund 5DM0), to the Human Services Projects Fund (Fund 5RY0). 100809
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Section 307.160. ADOPTION ASSISTANCE LOAN 100811

The Department of Job and Family Services may use the State Adoption Assistance Loan Fund (Fund 5DP0) for the administration of adoption assistance loans pursuant to section 3107.018 of the Revised Code. The amounts of any adoption assistance loans are hereby appropriated. 100812
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Section 307.170. EARLY CHILDHOOD EDUCATION 100817

Of the foregoing appropriation item 600696, Early Childhood Education, up to \$20,000,000 in each fiscal year shall be used to achieve the goals described in division (C) of section 5104.29 of the Revised Code. The funds shall be used to support early learning and development programs operating in smaller communities, early learning and development programs that are rated in the Step Up to Quality program at the third highest tier or higher, or both. 100818
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Section 307.190. VICTIMS OF HUMAN TRAFFICKING 100826

The foregoing appropriation item 600660, Victims of Human Trafficking, shall be used to provide treatment, care, rehabilitation, education, housing, and assistance for victims of trafficking in persons as specified in section 5101.87 of the Revised Code. 100827
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If receipts credited to the Victims of Human Trafficking Fund (Fund 5NG0) exceed the amounts appropriated to the fund, the Director of Job and Family Services may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon the approval of the Director of Budget and Management, the additional amounts are 100832
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hereby appropriated. 100838

Section 307.195. CHILDREN'S CRISIS CARE 100839

The foregoing appropriation item 600674, Children's Crisis 100840
Care, shall be allocated by the Department of Job and Family 100841
Services in each fiscal year to children's crisis care facilities 100842
as defined in section 5103.13 of the Revised Code. A children's 100843
crisis care facility may decline to receive funds provided under 100844
this section. A children's crisis care facility that accepts funds 100845
provided under this section shall use the funds in accordance with 100846
section 5103.13 of the Revised Code and the rules as defined in 100847
rule 5101:2-9-36 of the Administrative Code. 100848

Section 307.200. FIDUCIARY AND HOLDING ACCOUNT FUND GROUPS 100849

The Fiduciary Fund Group and Holding Account Fund Group shall 100850
be used to hold revenues until the appropriate fund is determined 100851
or until the revenues are directed to the appropriate governmental 100852
agency other than the Department of Job and Family Services. Any 100853
Department of Job and Family Services refunds or reconciliations 100854
received or held by the Department of Medicaid shall be 100855
transferred or credited to the Refunds and Audit Settlement Fund 100856
(Fund R012). If receipts credited to the Support Intercept - 100857
Federal Fund (Fund 1920), the Support Intercept - State Fund (Fund 100858
5830), the Food Stamp Offset Fund (Fund 5B60), the Refunds and 100859
Audit Settlements Fund (Fund R012), or the Forgery Collections 100860
Fund (Fund R013) exceed the amounts appropriated from the fund, 100861
the Director of Job and Family Services may request the Director 100862
of Budget and Management to authorize expenditures from the fund 100863
in excess of the amounts appropriated. Upon the approval of the 100864
Director of Budget and Management, the additional amounts are 100865
hereby appropriated. 100866

Section 309.10. JCR JOINT COMMITTEE ON AGENCY RULE REVIEW 100867

General Revenue Fund				100868
GRF 029321 Operating Expenses	\$	570,000	\$ 570,000	100869
TOTAL GRF General Revenue Fund	\$	570,000	\$ 570,000	100870
TOTAL ALL BUDGET FUND GROUPS	\$	570,000	\$ 570,000	100871

OPERATING GUIDANCE 100872

The Legislative Service Commission shall act as fiscal agent 100873
for the Joint Committee on Agency Rule Review. Members of the 100874
Committee shall be paid in accordance with section 101.35 of the 100875
Revised Code. 100876

OPERATING EXPENSES 100877

On July 1, 2019, or as soon as possible thereafter, the 100878
Executive Director of the Joint Committee on Agency Rule Review 100879
may certify to the Director of Budget and Management an amount up 100880
to the unexpended, unencumbered balance of the foregoing 100881
appropriation item 029321, Operating Expenses, at the end of 100882
fiscal year 2019 to be reappropriated to fiscal year 2020. The 100883
amount certified is hereby reappropriated to the same 100884
appropriation item for fiscal year 2020. 100885

On July 1, 2020, or as soon as possible thereafter, the 100886
Executive Director of the Joint Committee on Agency Rule Review 100887
may certify to the Director of Budget and Management an amount up 100888
to the unexpended, unencumbered balance of the foregoing 100889
appropriation item 029321, Operating Expenses, at the end of 100890
fiscal year 2020 to be reappropriated to fiscal year 2021. The 100891
amount certified is hereby reappropriated to the same 100892
appropriation item for fiscal year 2021. 100893

Section 311.10. JEO JOINT EDUCATION OVERSIGHT COMMITTEE 100894

General Revenue Fund				100895
GRF 047321 Operating Expenses	\$	376,663	\$ 378,668	100896
TOTAL GRF General Revenue Fund	\$	376,663	\$ 378,668	100897

TOTAL ALL BUDGET FUND GROUPS	\$	376,663	\$	378,668	100898
OPERATING EXPENSES					100899
The foregoing appropriation item 047321, Operating Expenses,					100900
shall be used to support expenses related to the Joint Education					100901
Oversight Committee under section 103.45 to 103.50 of the Revised					100902
Code.					100903
On July 1, 2019, or as soon as possible thereafter, the Joint					100904
Education Oversight Committee may certify to the Director of					100905
Budget and Management an amount up to the unexpended, unencumbered					100906
balance of the foregoing appropriation item 047321, Operating					100907
Expenses, at the end of fiscal year 2019 to be reappropriated to					100908
fiscal year 2020. The amount certified is hereby reappropriated to					100909
the same appropriation item for fiscal year 2020.					100910
On July 1, 2020, or as soon as possible thereafter, the Joint					100911
Education Oversight Committee may certify to the Director of					100912
Budget and Management an amount up to the unexpended, unencumbered					100913
balance of the foregoing appropriation item 047321, Operating					100914
Expenses, at the end of fiscal year 2020 to be reappropriated to					100915
fiscal year 2021. The amount certified is hereby reappropriated to					100916
the same appropriation item for fiscal year 2021.					100917
Section 313.10. JMO JOINT MEDICAID OVERSIGHT COMMITTEE					100918
General Revenue Fund					100919
GRF 048321 Operating Expenses	\$	361,365	\$	528,681	100920
TOTAL GRF General Revenue Fund	\$	361,365	\$	528,681	100921
TOTAL ALL BUDGET FUND GROUPS	\$	361,365	\$	528,681	100922
OPERATING EXPENSES					100923
The foregoing appropriation item 048321, Operating Expenses,					100924
shall be used to support expenses related to the Joint Medicaid					100925
Oversight Committee created by section 103.41 of the Revised Code.					100926
On July 1, 2019, or as soon as possible thereafter, the					100927

Executive Director of the Joint Medicaid Oversight Committee may 100928
certify to the Director of Budget and Management an amount up to 100929
the unexpended, unencumbered balance of the foregoing 100930
appropriation item 048321, Operating Expenses, at the end of 100931
fiscal year 2019 to be reappropriated to fiscal year 2020. The 100932
amount certified is hereby reappropriated to the same 100933
appropriation item for fiscal year 2020. 100934

On July 1, 2020, or as soon as possible thereafter, the 100935
Executive Director of the Joint Medicaid Oversight Committee may 100936
certify to the Director of Budget and Management an amount up to 100937
the unexpended, unencumbered balance of the foregoing 100938
appropriation item 048321, Operating Expenses, at the end of 100939
fiscal year 2020 to be reappropriated to fiscal year 2021. The 100940
amount certified is hereby reappropriated to the same 100941
appropriation item for fiscal year 2021. 100942

The Legislative Service Commission shall act as fiscal agent 100943
for the Joint Medicaid Oversight Committee. 100944

Section 315.10. JCO JUDICIAL CONFERENCE OF OHIO 100945

General Revenue Fund 100946

GRF 018321	Operating Expenses	\$	963,500	\$	911,305	100947
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TOTAL GRF	General Revenue Fund	\$	963,500	\$	911,305	100948
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Dedicated Purpose Fund Group 100949

4030 018601	Ohio Jury	\$	480,850	\$	480,000	100950
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Instructions

TOTAL DPF	Dedicated Purpose Fund	\$	480,850	\$	480,000	100951
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Group

TOTAL ALL BUDGET FUND GROUPS		\$	1,444,350	\$	1,391,305	100952
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STATE COUNCIL OF UNIFORM STATE LAWS 100953

Notwithstanding section 105.26 of the Revised Code, of the 100954
foregoing appropriation item 018321, Operating Expenses, up to 100955

\$93,500 in fiscal year 2020 and up to \$96,305 in fiscal year 2021 100956
 shall be used to pay the expenses of the State Council of Uniform 100957
 State Laws, including membership dues to the National Conference 100958
 of Commissioners on Uniform State Laws. 100959

OHIO JURY INSTRUCTIONS FUND 100960

The Ohio Jury Instructions Fund (Fund 4030) shall consist of 100961
 grants, royalties, dues, conference fees, bequests, devises, and 100962
 other gifts received for the purpose of supporting costs incurred 100963
 by the Judicial Conference of Ohio in its activities as a part of 100964
 the judicial system of the state as determined by the Judicial 100965
 Conference Executive Committee. Fund 4030 shall be used by the 100966
 Judicial Conference of Ohio to pay expenses incurred in its 100967
 activities as a part of the judicial system of the state as 100968
 determined by the Judicial Conference Executive Committee. All 100969
 moneys accruing to Fund 4030 in excess of the amount appropriated 100970
 for the current fiscal year are hereby appropriated for the 100971
 purposes authorized. No money in Fund 4030 shall be transferred to 100972
 any other fund by the Director of Budget and Management or the 100973
 Controlling Board. 100974

Section 317.10. JSC THE JUDICIARY/SUPREME COURT 100975

General Revenue Fund 100976

GRF	005321	Operating Expenses -	\$	181,708,720	\$	185,018,785	100977
		Judiciary/Supreme					
		Court					

GRF	005401	State Criminal	\$	599,970	\$	614,970	100978
		Sentencing Council					

GRF	005406	Law-Related Education	\$	200,000	\$	200,000	100979
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GRF	005409	Ohio Courts	\$	5,391,025	\$	5,435,625	100980
		Technology Initiative					

TOTAL GRF	General Revenue Fund	\$	187,899,715	\$	191,269,380	100981
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Dedicated Purpose Fund Group 100982

4C80	005605	Attorney Services	\$	10,805,858	\$	10,553,340	100983
5HT0	005617	Court Interpreter Certification	\$	12,459	\$	14,327	100984
5SP0	005626	Civil Justice Grant Program	\$	350,000	\$	350,000	100985
5T80	005609	Grants and Awards	\$	8,224	\$	8,224	100986
6720	005601	Judiciary/Supreme Court Education	\$	151,000	\$	151,000	100987
TOTAL DPF		Dedicated Purpose Fund Group	\$	11,327,541	\$	11,076,891	100988
Fiduciary Fund Group							100989
5JY0	005620	County Law Library Resources Boards	\$	303,500	\$	313,500	100990
TOTAL FID		Fiduciary Fund Group	\$	303,500	\$	313,500	100991
Federal Fund Group							100992
3J00	005603	Federal Grants	\$	1,118,471	\$	1,073,190	100993
TOTAL FED		Federal Fund Group	\$	1,118,471	\$	1,073,190	100994
TOTAL ALL BUDGET FUND GROUPS			\$	200,649,227	\$	203,732,961	100995

Section 317.20. STATE CRIMINAL SENTENCING COUNCIL 100997

The foregoing appropriation item 005401, State Criminal Sentencing Council, shall be used for the operation of the State Criminal Sentencing Commission established by section 181.21 of the Revised Code. 100998
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LAW-RELATED EDUCATION 101002

The foregoing appropriation item 005406, Law-Related Education, shall be distributed directly to the Ohio Center for Law-Related Education for the purposes of providing continuing citizenship education activities to primary and secondary students, expanding delinquency prevention programs, increasing activities for at-risk youth, and accessing additional public and private money for new programs. 101003
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OHIO COURTS TECHNOLOGY INITIATIVE 101010

The foregoing appropriation item 005409, Ohio Courts 101011
Technology Initiative, shall be used to fund an initiative by the 101012
Supreme Court to facilitate the exchange of information and 101013
warehousing of data by and between Ohio courts and other justice 101014
system partners through the creation of an Ohio Courts Network, 101015
the delivery of technology services to courts throughout the 101016
state, including the provision of hardware, software, and the 101017
development and implementation of educational and training 101018
programs for judges and court personnel, and operation of the 101019
Commission on Technology and the Courts by the Supreme Court for 101020
the promulgation of statewide rules, policies, and uniform 101021
standards, and to aid in the orderly adoption and comprehensive 101022
use of technology in Ohio courts. 101023

ATTORNEY SERVICES 101024

The Attorney Registration Fund (Fund 4C80) shall consist of 101025
money received by the Supreme Court (The Judiciary) pursuant to 101026
the Rules for the Government of the Bar of Ohio. In addition to 101027
funding other activities considered appropriate by the Supreme 101028
Court, the foregoing appropriation item 005605, Attorney Services, 101029
may be used to compensate employees and to fund appropriate 101030
activities of the following offices established by the Supreme 101031
Court: the Office of Disciplinary Counsel, the Board of 101032
Commissioners on Grievances and Discipline, the Clients' Security 101033
Fund, and the Attorney Services Division which include the Office 101034
of Bar Admissions. If it is determined by the Administrative 101035
Director of the Supreme Court that changes to the appropriation 101036
are necessary, the amounts are hereby appropriated. 101037

No money in Fund 4C80 shall be transferred to any other fund 101038
by the Director of Budget and Management or the Controlling Board. 101039
Interest earned on money in Fund 4C80 shall be credited to the 101040
fund. 101041

COURT INTERPRETER CERTIFICATION 101042

The Court Interpreter Certification Fund (Fund 5HT0) shall 101043
consist of money received by the Supreme Court (The Judiciary) 101044
pursuant to Rules 80 through 87 of the Rules of Superintendence 101045
for the Courts of Ohio. The foregoing appropriation item 005617, 101046
Court Interpreter Certification, shall be used to provide 101047
training, to provide the written examination, and to pay language 101048
experts to rate, or grade, the oral examinations of those applying 101049
to become certified court interpreters. If it is determined by the 101050
Administrative Director of the Supreme Court that changes to the 101051
appropriation are necessary, the amounts are hereby appropriated. 101052

No money in Fund 5HT0 shall be transferred to any other fund 101053
by the Director of Budget and Management or the Controlling Board. 101054
Interest earned on money in Fund 5HT0 shall be credited to the 101055
fund. 101056

CIVIL JUSTICE GRANT PROGRAM 101057

The Civil Justice Program Fund (Fund 5SP0) shall consist of 101058
(1) \$50 voluntary donations made as part of the biennium attorney 101059
registration process and (2) \$150 increase in the *pro hac vice* 101060
fees for out-of-state attorneys pursuant to Government of the Bar 101061
Rule amendments. The foregoing appropriation item 005626, Civil 101062
Justice Grant Program, shall be used by the Supreme Court of Ohio 101063
for grants to not-for-profit organizations and agencies dedicated 101064
to providing civil legal aid to underserved populations, to fund 101065
innovative programs directed at this purpose, and to increase 101066
access to judicial service to that population. 101067

No money in Fund 5SP0 shall be transferred to any other fund 101068
by the Director of Budget and Management or the Controlling Board. 101069
Interest earned on money in Fund 5SP0 shall be credited to the 101070
fund. 101071

GRANTS AND AWARDS 101072

The Grants and Awards Fund (Fund 5T80) shall consist of grants and other money awarded to the Supreme Court (The Judiciary) by the State Justice Institute, the Division of Criminal Justice Services, or other entities. The foregoing appropriation item 005609, Grants and Awards, shall be used in a manner consistent with the purpose of the grant or award. If it is determined by the Administrative Director of the Supreme Court that changes to the appropriation are necessary, the amounts are hereby appropriated.

No money in Fund 5T80 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on money in Fund 5T80 shall be credited or transferred to the General Revenue Fund.

JUDICIARY/SUPREME COURT EDUCATION

The Judiciary/Supreme Court Education Fund (Fund 6720) shall consist of fees paid for attending judicial and public education on the law, reimbursement of costs for judicial and public education on the law, and other gifts and grants received for the purpose of judicial and public education on the law. The foregoing appropriation item 005601, Judiciary/Supreme Court Education, shall be used to pay expenses for judicial education courses for judges, court personnel, and those who serve the courts, and for public education on the law. If it is determined by the Administrative Director of the Supreme Court that changes to the appropriation are necessary, the amounts are hereby appropriated.

No money in Fund 6720 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on money in Fund 6720 shall be credited to the fund.

COUNTY LAW LIBRARY RESOURCES BOARDS

The Statewide Consortium of County Law Library Resources

Boards Fund (Fund 5JY0) shall consist of moneys deposited pursuant 101104
to section 307.515 of the Revised Code into a county's law library 101105
resources fund and forwarded by that county's treasurer for 101106
deposit in the state treasury pursuant to division (E)(1) of 101107
section 3375.481 of the Revised Code. The foregoing appropriation 101108
item 005620, County Law Library Resources Boards, shall be used 101109
for the operation of the Statewide Consortium of County Law 101110
Library Resources Boards. If it is determined by the 101111
Administrative Director of the Supreme Court that changes to the 101112
appropriation are necessary, the amounts are hereby appropriated. 101113

No money in Fund 5JY0 shall be transferred to any other fund 101114
by the Director of Budget and Management or the Controlling Board. 101115
Interest earned on money in Fund 5JY0 shall be credited to the 101116
fund. 101117

FEDERAL GRANTS 101118

The Federal Grants Fund (Fund 3J00) shall consist of grants 101119
and other moneys awarded to the Supreme Court (The Judiciary) by 101120
the United States Government or other entities that receive the 101121
moneys directly from the United States Government and distribute 101122
those moneys to the Supreme Court (The Judiciary). The foregoing 101123
appropriation item 005603, Federal Grants, shall be used in a 101124
manner consistent with the purpose of the grant or award. If it is 101125
determined by the Administrative Director of the Supreme Court 101126
that changes to the appropriation are necessary, the amounts are 101127
hereby appropriated. 101128

No money in Fund 3J00 shall be transferred to any other fund 101129
by the Director of Budget and Management or the Controlling Board. 101130
However, interest earned on money in Fund 3J00 shall be credited 101131
or transferred to the General Revenue Fund. 101132

Section 319.10. LEC LAKE ERIE COMMISSION 101133

Dedicated Purpose Fund Group				101134
4C00 780601 Lake Erie Protection	\$	694,000	\$ 699,000	101135
TOTAL DPF Dedicated Purpose				101136
Fund Group	\$	694,000	\$ 699,000	101137
Federal Fund Group				101138
3EP0 780603 LEC Federal Grants	\$	50,000	\$ 50,000	101139
TOTAL FED Federal Fund Group	\$	50,000	\$ 50,000	101140
TOTAL ALL BUDGET FUND GROUPS	\$	744,000	\$ 749,000	101141

CASH TRANSFERS TO THE LAKE ERIE PROTECTION FUND 101142

On July 1 of each fiscal year, or as soon as possible 101143
thereafter, the Director of Budget and Management, with the 101144
approval of the Controlling Board, may transfer cash from the 101145
funds specified below, up to the amounts specified below, to the 101146
Lake Erie Protection Fund (Fund 4C00). Fund 4C00 may accept 101147
contributions and transfers made to the fund. 101148

Fund	Fund Name	User	FY 2020	FY 2021	
5BC0	Environmental	Environmental	\$25,000	\$25,000	101149
	Protection	Protection Agency			101150
6690	Pesticide,	Department of	\$25,000	\$25,000	101151
	Fertilizer and Lime	Agriculture			
4700	General Operations	Department of	\$25,000	\$25,000	101152
		Health			
1570	Central Support	Department of	\$25,000	\$25,000	101153
	Indirect	Natural Resources			

On July 1, 2019, or as soon as possible thereafter, the 101154
Director of Budget and Management, with the approval of the 101155
Controlling Board, may transfer \$25,000 cash from a fund used by 101156
the Development Services Agency, as specified by the Director of 101157
Development Services, to Fund 4C00. 101158

On July 1, 2020, or as soon as possible thereafter, the 101159
Director of Budget and Management, with the approval of the 101160

Controlling Board, may transfer \$25,000 cash from a fund used by 101161
the Development Services Agency, as specified by the Director of 101162
Development Services, to Fund 4C00. 101163

Section 321.10. JLE JOINT LEGISLATIVE ETHICS COMMITTEE 101164

General Revenue Fund 101165

GRF 028321	Legislative Ethics	\$	550,000	\$	550,000	101166
	Committee					

TOTAL GRF	General Revenue Fund	\$	550,000	\$	550,000	101167
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Dedicated Purpose Fund Group 101168

4G70 028601	Joint Legislative	\$	150,000	\$	150,000	101169
	Ethics Committee					

5HN0 028602	Investigations and	\$	10,000	\$	10,000	101170
	Financial Disclosure					

TOTAL DPF	Dedicated Purpose Fund	\$	160,000	\$	160,000	101171
Group						

TOTAL ALL BUDGET FUND GROUPS		\$	710,000	\$	710,000	101172
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LEGISLATIVE ETHICS COMMITTEE 101173

On July 1, 2019, or as soon as possible thereafter, the 101174
Legislative Inspector General of the Joint Legislative Ethics 101175
Committee may certify to the Director of Budget and Management an 101176
amount up to the unexpended, unencumbered balance of the foregoing 101177
appropriation item 028321, Legislative Ethics Committee, at the 101178
end of fiscal year 2019 to be reappropriated to fiscal year 2020. 101179
The amount certified is hereby reappropriated to the same 101180
appropriation item for fiscal year 2020. 101181

On July 1, 2020, or as soon as possible thereafter, the 101182
Legislative Inspector General of the Joint Legislative Ethics 101183
Committee may certify to the Director of Budget and Management an 101184
amount up to the unexpended, unencumbered balance of the foregoing 101185
appropriation item 028321, Legislative Ethics Committee, at the 101186

end of fiscal year 2020 to be reappropriated to fiscal year 2021. 101187
 The amount certified is hereby reappropriated to the same 101188
 appropriation item for fiscal year 2021. 101189

Section 323.10. LSC LEGISLATIVE SERVICE COMMISSION 101190

General Revenue Fund 101191

GRF 035321 Operating Expenses \$ 18,600,000 \$ 19,158,000 101192

GRF 035402 Legislative Fellows \$ 1,080,000 \$ 1,080,000 101193

GRF 035405 Correctional \$ 447,020 \$ 447,020 101194

Institution Inspection
 Committee

GRF 035407 Legislative Task Force \$ 1,000,000 \$ 1,000,000 101195

on Redistricting

GRF 035409 National Associations \$ 600,000 \$ 600,000 101196

GRF 035410 Legislative \$ 9,000,000 \$ 9,270,000 101197

Information Systems

GRF 035501 Litigation \$ 1,500,000 \$ 1,500,000 101198

TOTAL GRF General Revenue Fund \$ 32,227,020 \$ 33,055,020 101199

Dedicated Purpose Fund Group 101200

4100 035601 Sale of Publications \$ 10,000 \$ 10,000 101201

TOTAL DPF Dedicated Purpose Fund \$ 10,000 \$ 10,000 101202

Group

TOTAL ALL BUDGET FUND GROUPS \$ 32,237,020 \$ 33,065,020 101203

Section 323.20. OPERATING EXPENSES 101205

On July 1, 2019, or as soon as possible thereafter, the 101206

Director of the Legislative Service Commission may certify to the 101207

Director of Budget and Management an amount up to the unexpended, 101208

unencumbered balance of the foregoing appropriation item 035321, 101209

Operating Expenses, at the end of fiscal year 2019 to be 101210

reappropriated to fiscal year 2020. The amount certified is hereby 101211

reappropriated to the same appropriation item for fiscal year 101212

2020. 101213

On July 1, 2020, or as soon as possible thereafter, the 101214
Director of the Legislative Service Commission may certify to the 101215
Director of Budget and Management an amount up to the unexpended, 101216
unencumbered balance of the foregoing appropriation item 035321, 101217
Operating Expenses, at the end of fiscal year 2020 to be 101218
reappropriated to fiscal year 2021. The amount certified is hereby 101219
reappropriated to the same appropriation item for fiscal year 101220
2021. 101221

LEGISLATIVE TASK FORCE ON REDISTRICTING 101222

An amount equal to the unexpended, unencumbered balance of 101223
the foregoing appropriation item 035407, Legislative Task Force on 101224
Redistricting, at the end of fiscal year 2019 is hereby 101225
reappropriated to the Legislative Service Commission for the same 101226
purpose for fiscal year 2020. 101227

An amount equal to the unexpended, unencumbered balance of 101228
the foregoing appropriation item 035407, Legislative Task Force on 101229
Redistricting, at the end of fiscal year 2020 is hereby 101230
reappropriated to the Legislative Service Commission for the same 101231
purpose for fiscal year 2021. 101232

LEGISLATIVE INFORMATION SYSTEMS 101233

On July 1, 2019, or as soon as possible thereafter, the 101234
Director of the Legislative Service Commission may certify to the 101235
Director of Budget and Management an amount up to the unexpended, 101236
unencumbered balance of the foregoing appropriation item 035410, 101237
Legislative Information Systems, at the end of fiscal year 2019 to 101238
be reappropriated to fiscal year 2020. The amount certified is 101239
hereby reappropriated to the same appropriation item for fiscal 101240
year 2020. 101241

On July 1, 2020, or as soon as possible thereafter, the 101242
Director of the Legislative Service Commission may certify to the 101243

Director of Budget and Management an amount up to the unexpended, 101244
unencumbered balance of the foregoing appropriation item 035410, 101245
Legislative Information Systems, at the end of fiscal year 2020 to 101246
be reappropriated to fiscal year 2021. The amount certified is 101247
hereby reappropriated to the same appropriation item for fiscal 101248
year 2021. 101249

LITIGATION 101250

The foregoing appropriation item 035501, Litigation, shall be 101251
used for any lawsuit in which the General Assembly is a party 101252
because a legal or constitutional challenge is made against the 101253
Ohio Constitution or an act of the General Assembly. The 101254
chairperson and vice-chairperson of the Legislative Service 101255
Commission shall both approve the use of the appropriated moneys. 101256

An amount equal to the unexpended, unencumbered balance of 101257
the appropriation item 035501, Litigation, at the end of fiscal 101258
year 2019 is hereby reappropriated to the Legislative Service 101259
Commission for the same purpose for fiscal year 2020. 101260

An amount equal to the unexpended, unencumbered balance of 101261
the appropriation item 035501, Litigation, at the end of fiscal 101262
year 2020 is hereby reappropriated to the Legislative Service 101263
Commission for the same purpose for fiscal year 2021. 101264

Section 325.10. LIB STATE LIBRARY BOARD 101265

General Revenue Fund 101266

GRF 350321 Operating Expenses \$ 4,543,122 \$ 4,543,122 101267

GRF 350401 Ohioana Library \$ 300,114 \$ 300,114 101268

Association

GRF 350502 Regional Library \$ 500,000 \$ 500,000 101269

Systems

TOTAL GRF General Revenue Fund \$ 5,343,236 \$ 5,343,236 101270

Dedicated Purpose Fund Group 101271

4590	350603	Services for Libraries	\$	4,202,887	\$	4,202,887	101272
4S40	350604	Ohio Public Library Information Network	\$	5,696,898	\$	5,696,898	101273
5GB0	350605	Library for the Blind	\$	1,274,194	\$	1,274,194	101274
TOTAL DPF Dedicated Purpose							101275
Fund Group			\$	11,173,979	\$	11,173,979	101276
Internal Service Activity Fund							101277
1390	350602	Services for State Agencies	\$	8,000	\$	8,000	101278
TOTAL ISA Internal Service Activity							101279
Fund Group			\$	8,000	\$	8,000	101280
Federal Fund Group							101281
3130	350601	LSTA Federal	\$	5,366,565	\$	5,366,565	101282
TOTAL FED Federal Fund Group			\$	5,366,565	\$	5,366,565	101283
TOTAL ALL BUDGET FUND GROUPS			\$	21,891,780	\$	21,891,780	101284

Section 325.20. OHIOANA LIBRARY ASSOCIATION 101286

The foregoing appropriation item 350401, Ohioana Library Association, shall be used to support the operating expenses of the Martha Kinney Cooper Ohioana Library Association under section 3375.61 of the Revised Code. 101287
101288
101289
101290

REGIONAL LIBRARY SYSTEMS 101291

The foregoing appropriation item 350502, Regional Library Systems, shall be used to support regional library systems eligible for funding under sections 3375.83 and 3375.90 of the Revised Code. 101292
101293
101294
101295

OHIO PUBLIC LIBRARY INFORMATION NETWORK 101296

(A) The foregoing appropriation item 350604, Ohio Public Library Information Network, shall be used for an information telecommunications network linking public libraries in the state 101297
101298
101299

and such others as may participate in the Ohio Public Library
Information Network (OPLIN). 101300
101301

The Ohio Public Library Information Network Board of Trustees 101302
created under section 3375.65 of the Revised Code may make 101303
decisions regarding use of the foregoing appropriation item 101304
350604, Ohio Public Library Information Network. 101305

(B) The OPLIN Board shall research and assist or advise local 101306
libraries with regard to emerging technologies and methods that 101307
may be effective means to control access to obscene and illegal 101308
materials. The OPLIN Director shall provide written reports upon 101309
request within ten days to the Governor, the Speaker and Minority 101310
Leader of the House of Representatives, and the President and 101311
Minority Leader of the Senate on any steps being taken by OPLIN 101312
and public libraries in the state to limit and control such 101313
improper usage as well as information on technological, legal, and 101314
law enforcement trends nationally and internationally affecting 101315
this area of public access and service. 101316

(C) The Ohio Public Library Information Network, INFOhio, and 101317
OhioLINK shall, to the extent feasible, coordinate and cooperate 101318
in their purchase or other acquisition of the use of electronic 101319
databases for their respective users and shall contribute funds in 101320
an equitable manner to such effort. 101321

LIBRARY FOR THE BLIND 101322

The foregoing appropriation item 350605, Library for the 101323
Blind, shall be used for the statewide Talking Book Program to 101324
assist the blind and disabled. 101325

TRANSFER TO OPLIN TECHNOLOGY FUND 101326

Notwithstanding sections 5747.03 and 5747.47 of the Revised 101327
Code and any other provision of law to the contrary, in accordance 101328
with a schedule established by the Director of Budget and 101329
Management, the Director of Budget and Management shall transfer 101330

\$3,689,788 cash in each fiscal year from the Public Library Fund				101331	
(Fund 7065) to the OPLIN Technology Fund (Fund 4S40).				101332	
TRANSFER TO LIBRARY FOR THE BLIND FUND				101333	
Notwithstanding sections 5747.03 and 5747.47 of the Revised				101334	
Code and any other provision of law to the contrary, in accordance				101335	
with a schedule established by the Director of Budget and				101336	
Management, the Director of Budget and Management shall transfer				101337	
\$1,274,194 cash in each fiscal year from the Public Library Fund				101338	
(Fund 7065) to the Library for the Blind Fund (Fund 5GB0).				101339	
Section 327.10. LCO LIQUOR CONTROL COMMISSION				101340	
Dedicated Purpose Fund Group				101341	
5LP0 970601 Commission Operating	\$	873,607	\$	905,916	101342
Expenses					
TOTAL DPF Dedicated Purpose Fund	\$	873,607	\$	905,916	101343
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	873,607	\$	905,916	101344
Section 329.10. LOT STATE LOTTERY COMMISSION				101346	
State Lottery Fund Group				101347	
7044 950321 Operating Expenses	\$	59,850,383	\$	60,544,470	101348
7044 950402 Advertising Contracts	\$	26,750,000	\$	26,750,000	101349
7044 950403 Gaming Contracts	\$	70,019,071	\$	71,239,582	101350
7044 950601 Direct Prize Payments	\$	154,333,000	\$	157,440,000	101351
7044 950605 Problem Gambling	\$	3,400,000	\$	3,400,000	101352
8710 950602 Annuity Prizes	\$	59,873,000	\$	60,279,000	101353
TOTAL SLF State Lottery Fund				101354	
Group	\$	374,225,454	\$	379,653,052	101355
TOTAL ALL BUDGET FUND GROUPS	\$	374,225,454	\$	379,653,052	101356
OPERATING EXPENSES				101357	
Notwithstanding sections 127.14 and 131.35 of the Revised				101358	

Code, the Controlling Board may, at the request of the State 101359
Lottery Commission, authorize expenditures from the State Lottery 101360
Fund in excess of the amounts appropriated, up to a maximum of 10 101361
per cent of anticipated total revenue accruing from the sale of 101362
lottery products. Upon the approval of the Controlling Board, the 101363
additional amounts are hereby appropriated. 101364

DIRECT PRIZE PAYMENTS 101365

Any amounts, in addition to the amounts appropriated in 101366
appropriation item 950601, Direct Prize Payments, that the 101367
Director of the State Lottery Commission determines to be 101368
necessary to fund prizes are hereby appropriated. 101369

ANNUITY PRIZES 101370

Upon request of the State Lottery Commission, the Director of 101371
Budget and Management may transfer cash from the State Lottery 101372
Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund 8710) in 101373
an amount sufficient to fund deferred prizes. The Treasurer of 101374
State, from time to time, shall credit the Deferred Prizes Trust 101375
Fund (Fund 8710) the pro rata share of interest earned by the 101376
Treasurer of State on invested balances. 101377

Any amounts, in addition to the amounts appropriated in 101378
appropriation item 950602, Annuity Prizes, that the Director of 101379
the State Lottery Commission determines to be necessary to fund 101380
deferred prizes and interest are hereby appropriated. 101381

TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND 101382

Estimated transfers from the State Lottery Fund (Fund 7044) 101383
to the Lottery Profits Education Fund (Fund 7017) are to be 101384
\$1,126,000,000 in fiscal year 2020 and \$1,177,000,000 in fiscal 101385
year 2021. Transfers by the Director of Budget and Management to 101386
the Lottery Profits Education Fund shall be administered as the 101387
statutes direct. 101388

	Section 333.10.	MCD DEPARTMENT OF MEDICAID				101389
	General Revenue Fund					101390
GRF	651425	Medicaid Program	\$ 184,688,131	\$ 190,406,760		101391
		Support - State				
GRF	651525	Medicaid Health Care				101392
		Services				
		State	\$ 4,099,481,989	\$ 4,634,834,471		101393
		Federal	\$ 9,745,411,345	\$ 10,506,642,648		101394
		Medicaid Health Care	\$ 13,844,893,334	\$ 15,141,477,119		101395
		Services Total				
GRF	651526	Medicare Part D	\$ 500,325,646	\$ 554,214,667		101396
GRF	651529	Brigid's Path Pilot	\$ 500,000	\$ 500,000		101397
GRF	651533	Food Farmacy Pilot	\$ 250,000	\$ 250,000		101398
		Project				
TOTAL GRF	General Revenue Fund					101399
		State	\$ 4,785,245,766	\$ 5,380,205,898		101400
		Federal	\$ 9,745,411,345	\$ 10,506,642,648		101401
		GRF Total	\$ 14,530,657,111	\$ 15,886,848,546		101402
	Dedicated Purpose Fund Group					101403
4E30	651605	Resident Protection	\$ 3,910,338	\$ 4,013,000		101404
		Fund				
5AN0	651686	Care Innovation and	\$ 53,435,797	\$ 53,406,291		101405
		Community Improvement				
		Program				
5DL0	651639	Medicaid Services -	\$ 741,454,299	\$ 724,170,233		101406
		Recoveries				
5DL0	651685	Medicaid Recoveries -	\$ 40,351,245	\$ 44,375,000		101407
		Program Support				
5DL0	651690	Multi-system Youth	\$ 10,000,000	\$ 10,000,000		101408
		Innovation and				
		Support				

5FX0	651638	Medicaid Services - Payment Withholding	\$	12,000,000	\$	12,000,000	101409
5GF0	651656	Medicaid Services - Hospital Upper Payment Limit	\$	822,016,219	\$	887,150,856	101410
5R20	651608	Medicaid Services - Long Term	\$	420,154,000	\$	420,286,000	101411
5SC0	651683	Medicaid Services - Physician UPL	\$	7,520,000	\$	7,645,000	101412
5TN0	651684	Medicaid Services - HIC Fee	\$	820,564,060	\$	791,187,400	101413
6510	651649	Medicaid Services - Hospital Care Assurance Program	\$	249,167,065	\$	168,310,123	101414
TOTAL DPF Dedicated Purpose Fund Group			\$	3,180,573,023	\$	3,122,543,903	101415
Holding Account Fund Group							101416
R055	651644	Refunds and Reconciliation	\$	1,000,000	\$	1,000,000	101417
TOTAL HLD Holding Account Fund Group			\$	1,000,000	\$	1,000,000	101418
Federal Fund Group							101419
3ER0	651603	Medicaid and Health Transformation Technology	\$	48,031,056	\$	48,340,000	101420
3F00	651623	Medicaid Services - Federal	\$	6,466,974,325	\$	6,274,675,986	101421
3F00	651624	Medicaid Program Support - Federal	\$	516,667,497	\$	527,369,363	101422
3FA0	651680	Health Care Grants - Federal	\$	11,988,670	\$	12,000,000	101423
3G50	651655	Medicaid Interagency	\$	225,701,597	\$	225,701,597	101424

Pass Through

TOTAL FED Federal Fund Group	\$ 7,269,363,145	\$ 7,088,220,460	101425
TOTAL ALL BUDGET FUND GROUPS	\$24,981,593,279	\$26,098,479,395	101426

Section 333.20. TEMPORARY AUTHORITY REGARDING EMPLOYEES 101428

(A) Until July 1, 2021, the Medicaid Director has the 101429
authority to establish, change, and abolish positions for the 101430
Department of Medicaid, and to assign, reassign, classify, 101431
reclassify, transfer, reduce, promote, or demote all employees of 101432
the Department of Medicaid who are not subject to Chapter 4117. of 101433
the Revised Code. 101434

(B) The authority granted under division (A) of this section 101435
includes assigning or reassigning an exempt employee, as defined 101436
in section 124.152 of the Revised Code, to a bargaining unit 101437
classification if the Medicaid Director determines that the 101438
bargaining unit classification is the proper classification for 101439
that employee. The actions of the Medicaid Director shall be 101440
consistent with the requirements of 5 C.F.R. 900.603 for those 101441
employees subject to such requirements. If an employee in the E-1 101442
pay range is to be assigned, reassigned, classified, reclassified, 101443
transferred, reduced, or demoted to a position in a lower 101444
classification under this section, the Medicaid Director, or in 101445
the case of a transfer outside the Department of Medicaid, the 101446
Director of Administrative Services, shall assign the employee to 101447
the appropriate classification and place the employee in Step X. 101448
The employee shall not receive any increase in compensation until 101449
the maximum rate of pay for that classification exceeds the 101450
employee's compensation. 101451

(C) Actions taken by the Medicaid Director and Director of 101452
Administrative Services pursuant to this section are not subject 101453
to appeal to the State Personnel Board of Review. 101454

(D) A portion of the foregoing appropriation items 651425, 101455

Medicaid Program Support - State, 651603, Medicaid and Health Transformation Technology, 651624, Medicaid Program Support - Federal, 651680, Health Care Grants - Federal, 651655, Medicaid Interagency Pass-Through, 651605, Resident Protection Fund, and 651682, Health Care Grants - State, may be used to pay for costs associated with the administration of the Medicaid program, including the assignment, reassignment, classification, reclassification, transfer, reduction, promotion, or demotion of employees authorized by this section.

Section 333.40. MEDICAID HEALTH CARE SERVICES 101465

The foregoing appropriation item 651525, Medicaid Health Care Services, shall not be limited by section 131.33 of the Revised Code.

Section 333.50. LEAD ABATEMENT AND RELATED ACTIVITIES 101469

Upon the request of the Medicaid Director, the Director of Budget and Management may transfer state share appropriations from General Revenue Fund appropriation item 651525, Medicaid Health Care Services, to appropriation items in other state agencies for the purpose of lead abatement and related activities. If such a transfer occurs, the Director of Budget and Management may adjust, using the federal reimbursement rate, the federal share of General Revenue Fund appropriation item 651525, Medicaid Health Care Services, accordingly. The Director of Medicaid may transfer federal funds as the state's single state agency for Medicaid reimbursements, as drawn for these transactions.

Section 333.55. PASSPORT ENHANCED COMMUNITY LIVING SERVICES 101481

Of the foregoing appropriation item 651525, Medicaid Health Care Services, \$27,027 in each fiscal year shall be used to increase the payment rates for enhanced community living services

covered by the PASSPORT Program.	101485
Section 333.60. PERFORMANCE PAYMENTS FOR MEDICAID MANAGED CARE	101486
	101487
(A) As used in this section:	101488
(1) "ICDS participant" has the same meaning as in section 5164.01 of the Revised Code.	101489
	101490
(2) "Integrated Care Delivery System" and "ICDS" have the same meaning as section 5164.01 of the Revised Code.	101491
	101492
(3) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code.	101493
	101494
(B) For fiscal year 2020 and fiscal year 2021, the Department of Medicaid shall provide performance payments as provided under this section to Medicaid managed care organizations providing care under the Integrated Care Delivery System.	101495
	101496
	101497
	101498
(C) If ICDS participants receive care through Medicaid managed care organizations under ICDS, the Department shall, in consultation with the United States Centers for Medicare and Medicaid Services, do both of the following:	101499
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	101501
	101502
(1) Develop quality measures designed specifically to determine the effectiveness of the health care and other services provided to ICDS participants by Medicaid managed care organizations;	101503
	101504
	101505
	101506
(2) Determine an amount to be withheld from the Medicaid premium payments paid to Medicaid managed care organizations for ICDS participants.	101507
	101508
	101509
(D)(1) For the purposes of division (C)(2) of this section, the Department shall establish an amount that is to be withheld each time a premium payment is made to a Medicaid managed care organization for an ICDS participant. The amount shall be	101510
	101511
	101512
	101513

established as a percentage of each premium payment. The 101514
percentage shall be the same for all Medicaid managed care 101515
organizations providing care to ICDS participants. 101516

(2) Each Medicaid managed care organization shall agree to 101517
the withholding as a condition of receiving or maintaining its 101518
Medicaid provider agreement with the Department. 101519

(3) When the amount is established and each time the amount 101520
is modified thereafter, the Department shall certify the amount to 101521
the Director of Budget and Management and begin withholding the 101522
amount from each premium the Department pays to a Medicaid managed 101523
care organization for an ICDS participant. 101524

(E) A Medicaid managed care organization subject to this 101525
section is not subject to section 5167.30 of the Revised Code for 101526
premium payments attributed to ICDS participants during fiscal 101527
year 2020 and fiscal year 2021. 101528

Section 333.65. FINANCIAL HEALTH OF MEDICAID MANAGED CARE 101529
ORGANIZATIONS 101530

Not later than January 1, 2020, the Department of Medicaid 101531
shall do all of the following: 101532

(A) Evaluate the financial health, including solvency, of 101533
Medicaid managed care organizations; 101534

(B) Benchmark the financial health, including solvency, of 101535
Medicaid managed care organizations against other managed care 101536
organizations providing services under the Medicaid programs of 101537
other states in the Midwest; 101538

(C) Publish the findings of the evaluation and benchmarking 101539
of Medicaid managed care organizations on the Department's 101540
internet web site; 101541

(D) Adopt rules under section 5167.02 of the Revised Code 101542
addressing the financial health of Medicaid managed care 101543

organizations, as evaluated under division (A) of this section. 101544

Section 333.70. HOSPITAL FRANCHISE FEE PROGRAM 101545

The Director of Budget and Management may authorize 101546
additional expenditures from appropriation item 651623, Medicaid 101547
Services - Federal, appropriation item 651525, Medicaid Health 101548
Care Services, and appropriation item 651656, Medicaid Services - 101549
Hospital Upper Payment Limit, in order to implement the programs 101550
authorized by sections 5168.20 through 5168.28 of the Revised 101551
Code. Any amounts authorized are hereby appropriated. 101552

Section 333.80. MEDICARE PART D 101553

The foregoing appropriation item 651526, Medicare Part D, may 101554
be used by the Department of Medicaid for the implementation and 101555
operation of the Medicare Part D requirements contained in the 101556
"Medicare Prescription Drug, Improvement, and Modernization Act of 101557
2003," Pub. L. No. 108-173, as amended. Upon the request of the 101558
Department of Medicaid, the Director of Budget and Management may 101559
transfer the state share of appropriations between appropriation 101560
item 651525, Medicaid Health Care Services, and appropriation item 101561
651526, Medicare Part D. If the state share of appropriation item 101562
651525, Medicaid Health Care Services, is adjusted, the Director 101563
of Budget and Management shall adjust the federal share 101564
accordingly. The Department of Medicaid shall provide notification 101565
to the Controlling Board of any transfers at the next scheduled 101566
Controlling Board meeting. 101567

Section 333.82. BRIGID'S PATH PROGRAM 101568

The foregoing appropriation item 651529, Brigid's Path 101569
Program, shall be distributed to the Brigid's Path Program in 101570
Montgomery County. 101571

Section 333.83. FOOD FARMACY PILOT PROJECT 101572

The foregoing appropriation item 651533, Food Farmacy Pilot 101573
Project, shall be distributed to a hospital system in a county 101574
with a charter form of government and with a total population 101575
between 500,000 persons and 1,000,000 persons to provide 101576
comprehensive medical, nutrition, and lifestyle support for 101577
food-insecure patients with type 2 diabetes and their families. 101578

Section 333.90. HEALTH CARE SERVICES SUPPORT AND RECOVERIES 101579
FUND 101580

Of the amount received by the Department of Medicaid during 101581
fiscal year 2020 and fiscal year 2021 from the first installment 101582
of assessments paid under section 5168.06 of the Revised Code and 101583
intergovernmental transfers made under section 5168.07 of the 101584
Revised Code, the Medicaid Director shall deposit \$350,000 in each 101585
fiscal year into the state treasury to the credit of the Health 101586
Care Services Support and Recoveries Fund (Fund 5DL0). 101587

Section 333.95. MULTI-SYSTEM YOUTH INNOVATION AND SUPPORT 101588

The foregoing appropriation item 651690, Multi-System Youth 101589
Innovation and Support, may be used by the Department of Medicaid 101590
for the purposes specified in divisions (B)(3) and (4) of section 101591
5162.52 of the Revised Code. 101592

Section 333.100. HOSPITAL CARE ASSURANCE MATCH 101593

If receipts credited to the Health Care Federal Fund (Fund 101594
3F00) exceed the amounts appropriated from the fund for making the 101595
hospital care assurance program distribution, the Medicaid 101596
Director may request the Director of Budget and Management to 101597
authorize expenditures from the fund in excess of the amounts 101598
appropriated. Upon the approval of the Director of Budget and 101599

Management, the additional amounts are hereby appropriated. 101600

The foregoing appropriation item 651649, Medicaid Services - 101601
Health Care Assurance Program, shall be used by the Department of 101602
Medicaid for distributing the state share of all hospital care 101603
assurance program funds to hospitals under section 5168.09 of the 101604
Revised Code. If receipts credited to the Hospital Care Assurance 101605
Program Fund (Fund 6510) exceed the amounts appropriated from the 101606
fund for making the hospital care assurance program distribution, 101607
the Medicaid Director may request the Director of Budget and 101608
Management to authorize expenditures from the fund in excess of 101609
the amounts appropriated. Upon the approval of the Director of 101610
Budget and Management, the additional amounts are hereby 101611
appropriated. 101612

Section 333.110. REFUNDS AND RECONCILIATION FUND 101613

If receipts credited to the Refunds and Reconciliation Fund 101614
exceed the amounts appropriated from the fund, the Medicaid 101615
Director may request the Director of Budget and Management to 101616
authorize expenditures from the fund in excess of the amounts 101617
appropriated. Upon approval of the Director of Budget and 101618
Management, the additional amounts are hereby appropriated. 101619

Section 333.120. MEDICAID INTERAGENCY PASS-THROUGH 101620

The Medicaid Director may request the Director of Budget and 101621
Management to increase appropriation item 651655, Medicaid 101622
Interagency Pass-Through. Upon the approval of the Director of 101623
Budget and Management, the additional amounts are hereby 101624
appropriated. 101625

Section 333.130. NON-EMERGENCY MEDICAL TRANSPORTATION 101626

In order to ensure access to a non-emergency medical 101627
transportation brokerage program established pursuant to section 101628

1902(a)(70) of the "Social Security Act," 42 U.S.C. 1396a(a)(70), 101629
upon the request of the Medicaid Director, the Director of Budget 101630
and Management may transfer the state share appropriations between 101631
General Revenue Fund appropriation item 651525, Medicaid Health 101632
Care Services, within the Department of Medicaid and 655523, 101633
Medicaid Program Support - Local Transportation, within the 101634
Department of Job and Family Services. If such a transfer occurs, 101635
the Director of Budget and Management shall adjust, using the 101636
federal reimbursement rate, the federal share appropriations of 101637
General Revenue Fund appropriation item 651525, Medicaid Health 101638
Care Services, within the Department of Medicaid, and the Medicaid 101639
Program Support Fund (Fund 3F01) appropriation item 655624, 101640
Medicaid Program Support - Federal, within the Department of Job 101641
and Family Services. The Director of Medicaid shall transmit to 101642
the Medicaid Program Support Fund (Fund 3F01) the federal funds 101643
which the Department of Medicaid, as the state's sole point of 101644
contact with the federal government for Medicaid reimbursements, 101645
has drawn for this transaction. 101646

Section 333.140. PUBLIC ASSISTANCE ELIGIBILITY DETERMINATION 101647
AND LOCAL PROGRAM SUPPORT 101648

Upon the request of the Medicaid Director, the Director of 101649
Budget and Management may transfer up to \$5,000,000 of state share 101650
appropriations in each fiscal year between General Revenue Fund 101651
appropriation item 651525, Medicaid Health Care Services, within 101652
the Department of Medicaid, and 655522, Medicaid Program Support - 101653
Local, within the Department of Job and Family Services. If such a 101654
transfer occurs, the Director of Budget and Management shall 101655
adjust, using the federal reimbursement rate, the federal share 101656
appropriations of General Revenue Fund appropriation item 651525, 101657
Medicaid Health Care Services, within the Department of Medicaid, 101658
and the Medicaid Program Support Fund (Fund 3F01) appropriation 101659
item 655624, Medicaid Program Support - Federal, within the 101660

Department of Job and Family Services. The Director of Medicaid 101661
shall transmit to the Medicaid Program Support Fund (Fund 3F01) 101662
the federal funds which the Department of Medicaid, as the state's 101663
sole point of contact with the federal government for Medicaid 101664
reimbursements, has drawn for this transaction. 101665

The Medicaid Director shall establish criteria for 101666
distributing these funds and for county departments of job and 101667
family services to submit allowable expenses. 101668

County departments of job and family services shall comply 101669
with new roles, processes, and responsibilities related to the new 101670
eligibility determination system. County departments of job and 101671
family services shall report to the Ohio Department of Job and 101672
Family Services and the Ohio Department of Medicaid, on a schedule 101673
determined by the Medicaid Director, how the funds were used. 101674

Section 333.160. ICDS AND OHIO HOME CARE WAIVERS PAYMENT 101675
RATES FOR HOME-DELIVERED MEALS 101676

(A) As used in this section: 101677

(1) "ICDS waiver" means the home and community-based services 101678
Medicaid waiver component for the Integrated Care Delivery System 101679
authorized by section 5166.16 of the Revised Code. 101680

(2) "Ohio Home Care waiver" means the home and 101681
community-based services Medicaid waiver component that is known 101682
as Ohio Home Care and was created pursuant to section 5166.11 of 101683
the Revised Code. 101684

(B) The payment rates for home-delivered meals provided under 101685
the ICDS waiver and the Ohio Home Care waiver during the period 101686
beginning July 1, 2019, and ending July 1, 2021, shall be the 101687
following: 101688

(1) For each meal delivered daily on a per-meal delivery 101689
basis by a volunteer or employee of the provider, \$7.19; 101690

(2) For each meal delivered in a chilled or frozen format on a weekly basis by a volunteer or employee of the provider, \$6.99;	101691 101692
(3) For each meal delivered in a chilled or frozen format on a weekly basis by a common carrier used by the provider, \$6.50.	101693 101694
Section 333.180. MEDICAID PAYMENT RATES FOR COMMUNITY BEHAVIORAL HEALTH SERVICES	101695 101696
(A) As used in this section:	101697
(1) "Community behavioral health services" has the same meaning as in section 5164.01 of the Revised Code.	101698 101699
(2) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.	101700 101701
(3) "Intermediate care facility for individuals with intellectual disabilities" has the same meaning as in section 5124.01 of the Revised Code.	101702 101703 101704
(4) "Nursing facility" has the same meaning as in section 5165.01 of the Revised Code.	101705 101706
(B) Subject to division (C) of this section, the Department of Medicaid may establish Medicaid payment rates for community behavioral health services provided during fiscal year 2020 and fiscal year 2021 that exceed the authorized rates paid for the services under the Medicare program.	101707 101708 101709 101710 101711
(C) This section does not apply to community behavioral health services provided by any of the following:	101712 101713
(1) Hospitals on an inpatient basis;	101714
(2) Nursing facilities;	101715
(3) Intermediate care facilities for individuals with intellectual disabilities.	101716 101717
Section 333.185. MEDICAID PAYMENT RATE FOR VAGUS NERVE	101718

STIMULATION	101719
(A) The Medicaid payment rate for the Vagus Nerve Stimulation service provided under the outpatient hospital services benefit during the period beginning July 1, 2019, and ending July 1, 2021, shall equal seventy-five per cent of the Medicare payment rate for the service in effect on the date the service is provided.	101720 101721 101722 101723 101724
(B) The Medicaid payment rates for other services provided during the period beginning July 1, 2019, and ending July 1, 2021, and selected by the Medicaid Director shall be less than the amount of the rates in effect on June 30, 2019, so that the cost of the rate set pursuant to division (A) of this section does not increase Medicaid expenditures. The Director may not select any Medicaid service for which the Medicaid payment rate is determined in accordance with state statutes.	101725 101726 101727 101728 101729 101730 101731 101732
Section 333.190. AREA AGENCIES ON AGING AND MEDICAID MANAGED CARE	101733 101734
(A) As used in this section:	101735
(1) "Care management system" means the system established under section 5167.03 of the Revised Code.	101736 101737
(2) "Dual eligible individuals" has the same meaning as in section 5160.01 of the Revised Code.	101738 101739
(3) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code.	101740 101741
(4) "Medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code.	101742 101743
(B) If the Department of Medicaid expands the inclusion of the aged, blind, and disabled Medicaid eligibility group or dual eligible individuals in the care management system during the 2020-2021 fiscal biennium, the Department shall do both of the	101744 101745 101746 101747

following for the remainder of the fiscal biennium: 101748

(1) Require area agencies on aging to be the coordinators of 101749
home and community-based services available under Medicaid waiver 101750
components that those individuals and that eligibility group 101751
receive and permit Medicaid managed care organizations to delegate 101752
to the agencies full-care coordination functions for those 101753
services and other health-care services those individuals and that 101754
eligibility group receive; 101755

(2) In selecting managed care organizations with which to 101756
contract under section 5167.10 of the Revised Code, give 101757
preference to those organizations that will enter into 101758
subcapitation arrangements with area agencies on aging under which 101759
the agencies are to perform, in addition to other functions, 101760
network management and payment functions for home and 101761
community-based services available under Medicaid waiver 101762
components that those individuals and that eligibility group 101763
receive. 101764

Section 333.195. SHARED SAVINGS BONUS AND QUALITY INCENTIVE 101765
PROGRAMS 101766

Each contract that the Department of Medicaid enters into 101767
with a managed care organization under section 5167.10 of the 101768
Revised Code during the periods that the Shared Savings Bonus 101769
Program and Quality Incentive Program are operated under sections 101770
5167.35 and 5167.36 of the Revised Code shall include terms about 101771
the programs that are consistent with those sections. 101772

Section 333.200. WORK REQUIREMENT - OHIOMEANSJOBS COSTS 101773

Upon the request of the Medicaid Director, the Director of 101774
Budget and Management may transfer up to \$500,000 of state share 101775
appropriations in each fiscal year between appropriation item 101776
651685, Medicaid Recoveries - Program Support, within the 101777

Department of Medicaid, and 655425, Medicaid Program Support, 101778
within the Department of Job and Family Services. If such a 101779
transfer occurs, the Director of Budget and Management shall 101780
adjust, using the federal reimbursement rate, the federal share 101781
appropriations of appropriation item 651624, Medicaid Program 101782
Support - Federal, within the Department of Medicaid, and 101783
appropriation item 655624, Medicaid Program Support - Federal, 101784
within the Department of Job and Family Services. Any transfer of 101785
funds shall be provided to the Department of Job and Family 101786
Services and shall only be used for costs related to transitioning 101787
to a new work requirement for the Medicaid program as prescribed 101788
by the Medicaid Director. 101789

Section 333.210. WORK REQUIREMENT - COUNTY COSTS 101790

Upon the request of the Medicaid Director, the Director of 101791
Budget and Management may transfer up to \$10,000,000 of state 101792
share appropriations in each fiscal year between appropriation 101793
item 651525, Medicaid Health Care Services, within the Department 101794
of Medicaid, and 655522, Medicaid Program Support - Local, within 101795
the Department of Job and Family Services. If such a transfer 101796
occurs, the Director of Budget and Management shall adjust, using 101797
the federal reimbursement rate, the federal share appropriations 101798
of appropriation item 651525, Medicaid Health Care Services, 101799
within the Department of Medicaid, and appropriation item 655624, 101800
Medicaid Program Support - Federal, within the Department of Job 101801
and Family Services. Any increase in funding shall be provided to 101802
county departments of job and family services and shall only be 101803
used for costs related to transitioning to a new work requirement 101804
under the Medicaid program as prescribed by the Medicaid Director. 101805
These funds shall not be used for existing and ongoing operating 101806
expenses. The Medicaid Director shall establish criteria for 101807
distributing these funds and for county departments of job and 101808
family services to submit allowable expenses. 101809

Section 333.220. CARE INNOVATION AND COMMUNITY IMPROVEMENT	101810
PROGRAM	101811
(A) As used in this section:	101812
(1) "Nonprofit hospital agency" means a nonprofit hospital	101813
agency, as defined in section 140.01 of the Revised Code, that is	101814
affiliated with a state university as defined in section 3345.011	101815
of the Revised Code.	101816
(2) "Participating agency" means a nonprofit hospital agency	101817
or public hospital agency participating in the Care Innovation and	101818
Community Improvement Program.	101819
(3) "Public hospital agency" has the same meaning as in	101820
section 140.01 of the Revised Code.	101821
(B) The Medicaid Director shall continue the Care Innovation	101822
and Community Improvement Program for the 2020-2021 fiscal	101823
biennium. Any nonprofit hospital agency or public hospital agency	101824
may volunteer to participate in the program if the agency operates	101825
a hospital that has a Medicaid provider agreement.	101826
(C) Participating agencies are responsible for the state	101827
share of the program's costs and shall make or request the	101828
appropriate government entity to make intergovernmental transfers	101829
to pay for those costs. The Medicaid Director shall establish a	101830
schedule for making the intergovernmental transfers.	101831
(D)(1) Each participating agency shall do at least one of the	101832
following tasks in accordance with strategies, and for the purpose	101833
of meeting goals, that the Medicaid Director shall establish for	101834
the Care Innovation and Community Improvement Program:	101835
(a) Sustain and expand community-based patient centered	101836
medical home models;	101837
(b) Expand access to community-based dental services;	101838

(c) Improve the quality of community care by creating and sharing best practice models for emergency department diversions, care coordination at discharge and during transitions of care, and other matters related to community care;

(d) Align community health improvement strategies and goals with the State Health Improvement Plan and local health improvement plans;

(e) Subject to division (D)(2) of this section, expand access to ambulatory drug detoxification and withdrawal management services;

(f) Train medical professionals on evidence-based protocols for opioid prescribing and drug addiction risk assessments;

(g) Subject to division (D)(2) of this section and in collaboration with all other participating agencies that are also doing this task, create and implement a plan to assist rural areas of the state do both of the following:

(i) Expand access to cost-effective detoxification, withdrawal management, and prevention services for opioid addiction;

(ii) Disseminate evidence-based protocols for opioid prescribing and drug addiction risk assessment.

(2) In expanding access to ambulatory drug detoxification and withdrawal management services under division (D)(1)(e) of this section and creating and implementing the plan specified in division (D)(1)(g) of this section, each participating agency shall give priority to the areas of the community served by the agency with the greatest concentration of opioid overdoses and deaths.

(3) Each participating agency shall submit annual reports to the Joint Medicaid Oversight Committee summarizing the agency's

work under division (D)(1) of this section and progress in meeting 101869
the goals of the Care Innovation and Community Improvement 101870
Program. 101871

(4) The goals that the Medicaid Director establishes for the 101872
Care Innovation and Community Improvement Program shall be 101873
designed to benefit Medicaid recipients. 101874

(E) Each participating agency shall receive supplemental 101875
payments under the Medicaid program for physician and other 101876
professional services that are covered by the Medicaid program and 101877
provided to Medicaid recipients. The amount of the supplemental 101878
payments shall equal the difference between the Medicaid payment 101879
rates for the services and the average commercial payment rates 101880
for the services. The Director may terminate, or adjust the amount 101881
of, the supplemental payments if the amount of the funds available 101882
for the Care Innovation and Community Improvement Program is 101883
inadequate. 101884

(F) Not later than January 1, 2020, the Medicaid Director 101885
shall establish a process to evaluate the work done by 101886
participating agencies under division (D)(1) of this section and 101887
the agencies' progress in meeting the goals of the Care Innovation 101888
and Community Improvement Program. The Director may terminate an 101889
agency's participation in the program if the Director determines 101890
that the agency is not doing at least one of the tasks specified 101891
in division (D)(1) of this section or making progress in meeting 101892
the program's goals. 101893

(G) All intergovernmental transfers made under division (C) 101894
of this section shall be deposited into the Care Innovation and 101895
Community Improvement Program Fund created by Section 333.320 of 101896
Am. Sub. H.B. 49 of the 132nd General Assembly. Money in the fund 101897
and the corresponding federal financial participation in the 101898
Health Care - Federal Fund created under section 5162.50 of the 101899
Revised Code shall be used to make supplemental payments under 101900

division (E) of this section. 101901

(H) If the amount of the foregoing appropriation item 651686, 101902
Care Innovation and Community Improvement Program, and the 101903
corresponding federal financial participation in appropriation 101904
item 651623, Medicaid Services - Federal, are inadequate to make 101905
the supplemental payments required by division (E) of this 101906
section, the Medicaid Director may request that the Director of 101907
Budget and Management authorize additional expenditures from the 101908
Care Innovation and Community Improvement Program Fund and the 101909
Health Care - Federal Fund as needed to make the supplemental 101910
payments. If the Director of Budget and Management authorizes the 101911
additional expenditures, the additional amounts are hereby 101912
appropriated. 101913

Section 333.230. RE-PROCUREMENT OF MEDICAID MCO CONTRACTS 101914

(A) As used in this section, "care management system" and 101915
"Medicaid managed care organization" have the same meanings as in 101916
section 5167.01 of the Revised Code. 101917

(B) Not later than July 1, 2020, the Medicaid Director shall 101918
complete a procurement process for Medicaid managed care 101919
organizations under the care management system. During the 101920
procurement process, the Director shall accept applications from 101921
entities seeking to contract as Medicaid managed care 101922
organizations and shall enter into new Medicaid managed care 101923
organization contracts with the selected entities. 101924

(C) As part of the procurement process, the Director shall 101925
establish eligibility criteria an entity must meet in order to 101926
become a Medicaid managed care organization. Any entity that meets 101927
the eligibility criteria may enter into a contract with the 101928
Department to become a Medicaid managed care organization. 101929

(D) There is no limit on the number of Medicaid managed care 101930

organizations the Department may contract with through the 101931
procurement process. 101932

Section 333.240. REVIEW OF PRESCRIBED DRUG REFORM SAVINGS 101933

Not later than January 1, 2021, the Department of Medicaid 101934
shall conduct a review of all of the savings to the state from 101935
prescribed drug reforms included in this act. The Department shall 101936
complete a report detailing its findings not later than sixty days 101937
after its review. The report shall be submitted to the Governor 101938
and to the General Assembly in accordance with section 101.68 of 101939
the Revised Code. The Department shall testify about its findings 101940
before the Joint Medicaid Oversight Committee. Upon request, the 101941
Department also shall testify about its findings before the 101942
General Assembly as requested by the Speaker of the House of 101943
Representatives, the President of the Senate, or both. 101944

Section 333.250. HEALTHY OHIO PROGRAM WAIVER REQUEST 101945

Not later than July 1, 2020, the Medicaid Director shall 101946
submit to the United States Secretary of Health and Human Services 101947
a request for a waiver necessary for the implementation of the 101948
Healthy Ohio Program under sections 5166.40 to 5166.4011 of the 101949
Revised Code. 101950

Section 333.260. 340B STUDY COMMITTEE 101951

(A) As used in this section: 101952

(1) "340B covered entity" means an entity described in 101953
section 340B(a)(4) of the "Public Health Service Act," 42 U.S.C. 101954
256(b)(a)(4). 101955

(2) "340B Drug Pricing Program" means the program enacted 101956
under section 602 of the "Veterans Health Care Act of 1992," 101957
Public Law 102 - 585, codified in section 340B of the "Public 101958
Health Service Act," 42 U.S.C. 256b. 101959

(3) "Medicaid provider" and "prescribed drug" have the same meanings as in section 5164.01 of the Revised Code. 101960
101961

(B) There is hereby created within the Department of Medicaid the 340B Study Committee. The Study Committee shall consist of members appointed by the Governor not later than ninety days after the effective date of this section. 101962
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101964
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(C) Members shall serve without compensation, except to the extent that serving on the Study Committee is considered part of the member's regular duties of employment, but shall be reimbursed for actual and necessary expenses incurred in the performance of official duties. 101966
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(D) The Study Committee shall collect the following data from 340B covered entities that are hospitals and Medicaid providers: 101971
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(1) The cost of the prescribed drug to the 340B covered entity; 101973
101974

(2) The amount the patient was billed by the 340B covered entity for the prescribed drug. 101975
101976

(E) The Study Committee shall study the data provided under division (D) of this section and prepare a report outlining its findings related to all of the following: 101977
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101979

(1) Whether the 340B Drug Pricing Program federal regulations and the Program's intent are being followed by the hospitals; 101980
101981

(2) Whether the hospitals are passing along to patients the drug discounts under the Program; 101982
101983

(3) Ways this state can control prescription drug costs under the Program and ensure that the discounts under the Program are used for their intended purpose. 101984
101985
101986

(F) Not later than January 1, 2021, the Study Committee shall submit the report detailing its findings to the General Assembly in accordance with section 101.68 of the Revised Code. On 101987
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101989

submission of the report, the Study Committee shall cease to exist. 101990
101991

Section 333.270. BUDGET REDUCTION ADJUSTMENT FACTOR 101992

As used in this section, "budget reduction adjustment factor" and "Medicare skilled nursing facility market basket index" have the same meanings as in section 5165.01 of the Revised Code. 101993
101994
101995

For the purpose of sections 5165.15, 5165.16, 5165.17, 5165.19, and 5165.21 of the Revised Code, the budget reduction adjustment factor shall be the following: 101996
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101998

(A) For the second half of state fiscal year 2020, two and four-tenths per cent; 101999
102000

(B) For all of state fiscal year 2021, an amount equal to the Medicare skilled nursing facility market basket index determined for all of federal fiscal year 2020. 102001
102002
102003

Section 335.10. MED STATE MEDICAL BOARD 102004

Dedicated Purpose Fund Group					102005
5C60 883609 Operating Expenses	\$	10,862,471	\$	11,302,171	102006
TOTAL DPF Dedicated Purpose Fund Group	\$	10,862,471	\$	11,302,171	102007
TOTAL ALL BUDGET FUND GROUPS	\$	10,862,471	\$	11,302,171	102008

Section 337.10. MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION 102010

SERVICES 102011

General Revenue Fund					102012
GRF 336321 Central Administration	\$	16,606,612	\$	16,932,239	102013
GRF 336402 Resident Trainees	\$	450,000	\$	450,000	102014
GRF 336405 Family and Children First	\$	1,386,000	\$	1,386,000	102015

GRF	336406	Prevention and Wellness	\$	2,620,996	\$	2,620,996	102016
GRF	336412	Hospital Services	\$	231,002,089	\$	240,172,285	102017
GRF	336415	Mental Health Facilities Lease Rental Bond Payments	\$	19,695,400	\$	20,369,000	102018
GRF	336421	Continuum of Care Services	\$	82,839,846	\$	82,839,846	102019
GRF	336422	Criminal Justice Services	\$	17,113,780	\$	17,117,915	102020
GRF	336423	Addiction Services Partnership with Corrections	\$	26,528,872	\$	28,989,946	102021
GRF	336424	Recovery Housing	\$	2,500,000	\$	2,500,000	102022
GRF	336425	Specialized Docket Support	\$	7,500,000	\$	10,000,000	102023
GRF	336504	Community Innovations	\$	13,950,000	\$	13,350,000	102024
GRF	336506	Court Costs	\$	1,000,000	\$	1,000,000	102025
GRF	336510	Residential State Supplement	\$	16,000,000	\$	16,000,000	102026
GRF	336511	Early Childhood Mental Health Counselors and Consultation	\$	2,500,000	\$	2,500,000	102027
GRF	652321	Medicaid Support	\$	1,213,792	\$	1,251,713	102028
TOTAL GRF		General Revenue Fund	\$	442,907,387	\$	457,479,940	102029
		Dedicated Purpose Fund Group					102030
2320	336621	Family and Children First	\$	600,000	\$	600,000	102031
4750	336623	Statewide Treatment and Prevention	\$	51,550,000	\$	20,550,000	102032
4850	336632	Mental Health Operating	\$	7,760,000	\$	8,000,000	102033

5AU0	336615	Behavioral Health Care	\$	7,850,000	\$	7,850,000	102034
5JL0	336629	Problem Gambling and Casino Addiction	\$	6,085,000	\$	6,085,000	102035
5T90	336641	Problem Gambling Services	\$	1,870,000	\$	1,820,000	102036
5TZ0	336600	Substance Abuse Stabilization Centers	\$	6,000,000	\$	6,000,000	102037
5TZ0	336643	ADAMHS Boards	\$	21,000,000	\$	11,000,000	102038
6320	336616	Community Capital Replacement	\$	350,000	\$	350,000	102039
6890	336640	Education and Conferences	\$	150,000	\$	150,000	102040
TOTAL DPF		Dedicated Purpose Fund Group	\$	103,215,000	\$	62,405,000	102041
		Internal Service Activity Fund Group					102042
1490	336609	Hospital Operating Expenses	\$	20,000,000	\$	20,000,000	102043
1490	336610	Operating Expenses	\$	5,500,000	\$	5,500,000	102044
1510	336601	Ohio Pharmacy Services	\$	80,170,822	\$	80,170,822	102045
4P90	336604	Community Mental Health Projects	\$	250,000	\$	250,000	102046
TOTAL ISA		Internal Service Activity Fund Group	\$	105,920,822	\$	105,920,822	102047
		Federal Fund Group					102048
3240	336605	Medicaid/Medicare	\$	20,000,000	\$	20,000,000	102049
3A60	336608	Federal Miscellaneous	\$	1,010,000	\$	1,010,000	102050
3A70	336612	Social Services Block Grant	\$	8,450,000	\$	8,450,000	102051
3A80	336613	Federal Grants	\$	5,500,000	\$	5,500,000	102052
3A90	336614	Mental Health Block	\$	22,020,790	\$	22,058,470	102053

		Grant				
3B10	652636	Community Medicaid	\$	10,878,084	\$	11,000,000 102054
		Legacy Support				
3G40	336618	Substance Abuse Block	\$	65,865,756	\$	65,865,756 102055
		Grant				
3H80	336606	Demonstration Grants	\$	15,000,000	\$	15,000,000 102056
3HB0	336503	Cures Opioid State	\$	33,084,837	\$	32,634,837 102057
		Targeted Response				
3HB1	336644	State Opioid Response	\$	59,400,213	\$	16,800,000 102058
3N80	336639	Administrative	\$	1,000,000	\$	1,000,000 102059
		Reimbursement				
TOTAL FED	Federal Fund Group		\$	242,209,680	\$	199,319,063 102060
TOTAL ALL BUDGET FUND GROUPS			\$	894,252,889	\$	825,124,825 102061

Section 337.30. PREVENTION AND WELLNESS 102063

The foregoing appropriation item 336406, Prevention and 102064
Wellness, shall be used as follows: 102065

(A) Up to \$1,250,000 in each fiscal year shall be distributed 102066
to boards of alcohol, drug addiction, and mental health services 102067
to purchase the provision of evidence-based prevention services 102068
from providers certified by the Department of Mental Health and 102069
Addiction Services. 102070

(B) Up to \$500,000 in each fiscal year shall be used to: 102071

(1) Conduct a study in coordination with the Department of 102072
Veterans Services on the rates of suicide in this state for the 102073
previous ten calendar years. The study shall examine suicide rates 102074
for the general population as a whole and suicide rates for 102075
veterans of the United States armed forces as a subgroup. Not 102076
later than one year after the effective date of this section, the 102077
Departments shall complete a report on the study. The report shall 102078
include the Departments' conclusions regarding the causes of 102079
suicides and recommendations for reducing the rates of suicide in 102080

this state. The Departments shall submit the report to the General Assembly in accordance with section 101.68 of the Revised Code and make it available to the public on their web sites.

(2) Support suicide prevention efforts.

(C) \$120,000 in each fiscal year shall be allocated to Northeast Ohio Medical University's statewide campus safety and mental health programs, including suicide prevention.

Section 337.40. MENTAL HEALTH FACILITIES LEASE RENTAL BOND PAYMENTS

The foregoing appropriation item 336415, Mental Health Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2019, through June 30, 2021, by the Department of Mental Health and Addiction Services pursuant to leases and agreements made under section 154.20 of the Revised Code. These appropriations are the source of funds pledged for bond service charges on obligations issued pursuant to Chapter 154. of the Revised Code.

Section 337.50. CONTINUUM OF CARE SERVICES

The foregoing appropriation item 336421, Continuum of Care Services, shall be used as follows:

(A) A portion of this appropriation shall be allocated to boards of alcohol, drug addiction, and mental health services in accordance with a distribution methodology determined by the Director of Mental Health and Addiction Services for the boards to purchase mental health and addiction services permitted under Chapter 340. of the Revised Code. Boards may use a portion of the funds allocated:

(1) To provide subsidized support for psychotropic medication needs of indigent citizens in the community to reduce unnecessary

hospitalization due to lack of medication; and 102110

(2) To provide subsidized support for medication-assisted 102111
treatment costs. 102112

(B) A portion of this appropriation may be distributed to 102113
boards of alcohol, drug addiction, and mental health services, 102114
community addiction and/or mental health services providers, 102115
courts, or other governmental entities to provide specific grants 102116
in support of initiatives concerning mental health and addiction 102117
services. 102118

(C) Of the foregoing appropriation item 336421, Continuum of 102119
Care Services, \$1,500,000 in each fiscal year shall be allocated 102120
by the Department of Mental Health and Addiction Services to 102121
boards of alcohol, drug addiction, and mental health services. The 102122
boards shall use their allocations to establish and administer, in 102123
collaboration with the other boards that serve the same state 102124
psychiatric hospital region, six mental health crisis 102125
stabilization centers. There shall be one center located in each 102126
state psychiatric hospital region. 102127

Boards of alcohol, drug addiction, and mental health services 102128
shall ensure that each mental health crisis stabilization center 102129
established and administered under division (C) of this section 102130
complies with all of the following: 102131

(1) It admits individuals before and after the individuals 102132
receive treatment and care at hospital emergency departments or 102133
freestanding emergency departments. 102134

(2) It admits individuals before and after the individuals 102135
are confined in state or local correctional facilities. 102136

(3) It has a Medicaid provider agreement. 102137

(4) It is located in a building constructed for another 102138
purpose before the effective date of this section. 102139

(5) It admits individuals who have been identified as needing the stabilization services provided by the center. 102140
102141

(6) It connects individuals when they are discharged from the center with community-based continuum of care services and supports as described in section 340.032 of the Revised Code. 102142
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(D) As used in division (C) of this section: 102145

(1) "State or local correctional facility" means any of the following: 102146
102147

(a) A "state correctional institution," as defined in section 2967.01 of the Revised Code; 102148
102149

(b) A "local correctional facility," as defined in section 2903.13 of the Revised Code; 102150
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(c) A correctional facility that is privately operated and managed pursuant to section 9.06 of the Revised Code. 102152
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(2) "State psychiatric hospital regions" means the six districts into which the Department of Mental Health and Addiction Services has divided the state pursuant to division (B)(2) of section 5119.14 of the Revised Code. 102154
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(E) Of the foregoing appropriation item 336421, Continuum of Care Services, \$375,000 in each fiscal year shall be allocated to the Bellefaire Jewish Children's Home to be used for start-up costs associated with the operations of its pediatric psychiatric hospital and affiliated medical and dental clinic. These start-up costs may include recruiting, onboarding, and training staff, as well as costs associated with the gradual ramp-up to full client capacity and the development of a reimbursement structure. 102158
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(F) Of the foregoing appropriation item 336421, Continuum of Care Services, \$125,000 in each fiscal year shall be allocated to the Chardon School District to be used for program-related activities. 102166
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(G) Of the foregoing appropriation item 336421, Continuum of Care Services, \$100,000 in each fiscal year shall be distributed to the Applewood Centers Inc. to be used for the continuation and expansion of existing programs to support the health clinic and community-based health care operations and to help meet the needs of youth served in addressing the opioid crisis.

Section 337.60. CRIMINAL JUSTICE SERVICES

Except as otherwise provided in this act, the foregoing appropriation item 336422, Criminal Justice Services, shall be used to provide forensic psychiatric evaluations to courts of common pleas and to conduct evaluations of patients of forensic status in facilities operated or designated by the Department of Mental Health and Addiction Services prior to conditional release to the community. A portion of this appropriation may be allocated through boards of alcohol, drug addiction, and mental health services to community addiction and/or mental health services providers in accordance with a distribution methodology as determined by the Director of Mental Health and Addiction Services.

The foregoing appropriation item 336422, Criminal Justice Services, may also be used to:

(A) Provide forensic monitoring and tracking of individuals on conditional release;

(B) Provide forensic training;

(C) Support projects that assist courts and law enforcement to identify and develop appropriate alternative services to incarceration for nonviolent mentally ill offenders;

(D) Provide specialized re-entry services to offenders leaving prisons and jails;

(E) Provide specific grants in support of addiction services

alternatives to incarceration;	102200
(F) Support therapeutic communities; and	102201
(G) Support specialty dockets and expand or create new certified court programs.	102202 102203
Section 337.70. SUBSTANCE USE DISORDER TREATMENT IN SPECIALIZED DOCKET PROGRAMS	102204 102205
(A) As used in this section:	102206
(1) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code.	102207 102208
(2) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	102209 102210
(3) "Medication-assisted treatment drug court program" and "MAT drug court program" mean a session of any of the following that holds initial or final certification from the Supreme Court of Ohio as a specialized docket program for drugs and that uses medication-assisted treatment as part of its specialized docket program: a common pleas court, municipal court, or county court, or a division of any of those courts.	102211 102212 102213 102214 102215 102216 102217
(4) "Prescriber" has the same meaning as in section 4729.01 of the Revised Code.	102218 102219
(5) "Recovery supports" has the same meaning as in section 5119.01 of the Revised Code.	102220 102221
(6) "Substance use disorder treatment" has the same meaning as "alcohol and drug addiction services" as defined in section 5119.01 of the Revised Code.	102222 102223 102224
(B)(1) The Department of Mental Health and Addiction Services shall conduct a program to provide substance use disorder treatment, which may include medication-assisted treatment and recovery supports, to persons who are eligible to participate in a	102225 102226 102227 102228

medication-assisted treatment drug court program and are selected 102229
under this section to be participants in a MAT drug court program 102230
because of a substance use disorder. 102231

(2) The Department shall conduct its program in collaboration 102232
with any counties in Ohio that are conducting MAT drug court 102233
programs. 102234

(3) In addition to conducting its program in accordance with 102235
division (B)(2) of this section, the Department may conduct its 102236
program in collaboration with any other court that is conducting a 102237
MAT drug court program. 102238

(C) In conducting its program, the Department shall 102239
collaborate with the Supreme Court, the Department of 102240
Rehabilitation and Correction, and any agency of the state that 102241
the Department of Mental Health and Addiction Services determines 102242
may be of assistance in accomplishing the objectives of the 102243
Department's program. The Department may collaborate with the 102244
boards of alcohol, drug addiction, and mental health services and 102245
with local law enforcement agencies that serve the counties in 102246
which a court participating in the Department's program is 102247
located. 102248

(D)(1) A MAT drug court program participating in the 102249
Department's program shall select the persons who are to be its 102250
participants for purposes of the Department's program. To be 102251
selected, a person must be a criminal offender, including an 102252
offender under a community control sanction, or be involved in a 102253
family drug or dependency court. A person shall not be selected to 102254
be a participant unless the person meets the legal and clinical 102255
eligibility criteria for the MAT drug court program and is an 102256
active participant in the MAT drug court program. 102257

(2) The total number of persons participating in the 102258
Department's program at any time shall not exceed one thousand 102259

five hundred, subject to available funding, except that the Department may authorize the maximum number to be exceeded in circumstances that the Department considers to be appropriate.

(3) After a MAT drug court program enrolls a person as a participant for purposes of the Department's program, the participant shall comply with all requirements of the MAT drug court program.

(E) The substance use disorder treatment and recovery supports provided under the Department's program in collaboration with a MAT drug court program shall be provided by a community addiction services provider. The provider shall do all of the following:

(1) Provide treatment based on an integrated service delivery model that consists of the coordination of care between a prescriber and the community addiction services provider;

(2) Conduct professional, comprehensive substance abuse and mental health diagnostic assessments of a person under consideration for selection as a program participant to determine whether the person would benefit from substance use disorder treatment and monitoring;

(3) Determine, based on the assessment described in division (E)(2) of this section, the treatment needs of the program participants served by the community addiction services provider;

(4) Develop, for program participants served by the community addiction services provider, individualized goals and objectives;

(5) Provide access to the long-acting antagonist therapies, partial agonist therapies, or full agonist therapies, that are included in the program's medication-assisted treatment;

(6) Provide other types of therapies, including psychosocial therapies, for both substance use disorder and any disorders that

are considered by the community addiction services provider to be 102290
co-occurring disorders; 102291

(7) Monitor program compliance through the use of regular 102292
drug testing, including urinalysis, of the program participants 102293
served by the community addiction services provider; 102294

(8) Provide access to time-limited recovery supports that 102295
help eliminate barriers to treatment and are specific to the 102296
participant's needs, including assistance with housing, 102297
transportation, child care, job training, obtaining a driver's 102298
license or state identification card, and any other matter 102299
considered relevant by the provider. 102300

(F) In the case of medication-assisted treatment provided 102301
under the Department's program, all of the following conditions 102302
apply: 102303

(1) A drug may be used only if the drug has been approved by 102304
the United States Food and Drug Administration for use in treating 102305
dependence on opioids, alcohol, or both, or for preventing relapse 102306
into the use of opioids, alcohol, or both. 102307

(2) One or more drugs may be used, but each drug that is used 102308
must constitute long-acting antagonist therapy, partial agonist 102309
therapy, or full agonist therapy. 102310

(3) If a drug constituting partial or full agonist therapy is 102311
used, the program shall provide safeguards to minimize abuse and 102312
diversion of the drug, including such safeguards as routine drug 102313
testing of program participants. 102314

(G) It is anticipated and expected that MAT drug court 102315
programs will expand their ability to serve more drug court 102316
participants as a result of increased access to commercial or 102317
publicly funded health insurance. In order to ensure that funds 102318
appropriated to support the Department's program are used in the 102319
most efficient manner with a goal of enrolling the maximum number 102320

of participants, the Medicaid Director, in collaboration with 102321
major Ohio health care plans, shall develop plans consistent with 102322
this division. There shall be no prior authorizations or step 102323
therapy for medication-assisted treatment for program 102324
participants. The plans developed under this division shall ensure 102325
all of the following: 102326

(1) The development of an efficient and timely process for 102327
review of eligibility for health benefits for all persons selected 102328
to participate in the program; 102329

(2) A rapid conversion to reimbursement for all health care 102330
services by the participant's health care plan following approval 102331
for coverage of health care benefits; 102332

(3) The development of a consistent benefit package that 102333
provides ready access to and reimbursement for essential health 102334
care services including, but not limited to, primary health care 102335
services, alcohol and opioid detoxification services, appropriate 102336
psychosocial services, and medication for long-acting injectable 102337
antagonist therapies, partial agonist therapies, and full agonist 102338
therapies; 102339

(4) The development of guidelines that require the provision 102340
of all treatment services, including medication, with minimal 102341
administrative barriers and within a time frame that meets the 102342
requirements of individual patient care plans. 102343

(H) Of the foregoing appropriation item 336422, Criminal 102344
Justice Services, up to \$6,000,000 in each fiscal year shall be 102345
used to support substance use disorder treatment, including 102346
medication-assisted treatment and recovery supports for drug court 102347
specialized docket programs and to support the administrative 102348
expenses of courts and community addiction services providers 102349
participating in the program. 102350

Section 337.75. MEDICATION-ASSISTED TREATMENT DRUG 102351
REIMBURSEMENT PROGRAM 102352

Of the foregoing appropriation item 336422, Criminal Justice 102353
Services, \$1,000,000 in each fiscal year shall be used to support 102354
the Medication-Assisted Treatment Drug Reimbursement Program 102355
established in section 5119.39 of the Revised Code. 102356

Section 337.80. ADDICTION SERVICES PARTNERSHIP WITH 102357
CORRECTIONS 102358

Any business commenced but not completed by July 1, 2015, by 102359
the Department of Rehabilitation and Correction regarding recovery 102360
services shall be completed by the Department of Mental Health and 102361
Addiction Services. No validation, cure, right, privilege, remedy, 102362
obligation, or liability is lost or impaired by reason of the 102363
transfer required by this section and shall be administered by the 102364
Department of Mental Health and Addiction Services. Any rules, 102365
orders, and determinations pertaining to the Bureau of Recovery 102366
Services continue in effect as rules, orders, and determinations 102367
of the Department of Mental Health and Addiction Services until 102368
modified or rescinded by the Department of Mental Health and 102369
Addiction Services. If necessary to ensure the integrity of the 102370
numbering of the Administrative Code, the Director of the 102371
Legislative Service Commission shall renumber the numbers to 102372
reflect their transfer to the Department of Mental Health and 102373
Addiction Services. 102374

Subject to the lay-off provisions of sections 124.321 to 102375
124.382 of the Revised Code, all employees of the Bureau of 102376
Recovery Services are hereby transferred to the Department of 102377
Mental Health and Addiction Services and retain their positions 102378
and all of their benefits. 102379

Wherever the Bureau of Recovery Services is referred to in 102380

any law, contract, or other document, the reference shall be 102381
deemed to refer to the Department of Mental Health and Addiction 102382
Services or its director, as appropriate. 102383

Any business commenced but not completed under appropriation 102384
item 505321, Institution Medical Services, pertaining to the 102385
Bureau of Recovery Services, shall be completed under 102386
appropriation item 336423, Addiction Services Partnership with 102387
Corrections, in the same manner, and with the same effect, as if 102388
completed with regard to appropriation item 505321, Institution 102389
Medical Services. 102390

Section 337.90. RECOVERY HOUSING 102391

The foregoing appropriation item 336424, Recovery Housing, 102392
shall be used to expand and support access to recovery housing as 102393
defined in section 340.01 of the Revised Code and in accordance 102394
with section 340.034 of the Revised Code. For expenditures that 102395
are capital in nature, the Department of Mental Health and 102396
Addiction Services shall develop procedures to administer these 102397
funds in a manner that is consistent with current community 102398
capital assistance guidelines. 102399

Section 337.100. SPECIALIZED DOCKET SUPPORT 102400

(A) The foregoing appropriation item 336425, Specialized 102401
Docket Support, shall be used to defray a portion of the annual 102402
payroll costs associated with the specialized docket of a common 102403
pleas court, municipal court, county court, juvenile court, or 102404
family court that meets all of the eligibility requirements in 102405
division (B) of this section, including a family dependency 102406
treatment docket. The foregoing appropriation item 336425, 102407
Specialized Docket Support, may also be used to defray costs 102408
associated with treatment services and recovery supports for 102409
participants. 102410

(B) To be eligible, the specialized docket must have received 102411
Supreme Court of Ohio final certification and include participants 102412
with behavioral health needs in its target population. 102413

(C) Of the foregoing appropriation item 336425, Specialized 102414
Docket Support, the Department of Mental Health and Addiction 102415
Services shall use up to one per cent of the funds appropriated in 102416
each fiscal year to pay the cost it incurs in administering the 102417
duties established in this section. 102418

(D) The Department, in consultation with the Supreme Court of 102419
Ohio, may adopt funding distribution methodology, guidelines, and 102420
procedures as necessary to carry out the purposes of this section. 102421

Section 337.110. COMMUNITY INNOVATIONS 102422

The foregoing appropriation item 336504, Community 102423
Innovations, may be used by the Department of Mental Health and 102424
Addiction Services to make targeted investments in programs, 102425
projects, or systems operated by or under the authority of other 102426
state agencies, governmental entities, or private not-for-profit 102427
agencies that impact, or are impacted by, the operations and 102428
functions of the Department, with the goal of achieving a net 102429
reduction in expenditure of state general revenue funds and/or 102430
improved outcomes for Ohio citizens without a net increase in 102431
state general revenue fund spending. 102432

The Director shall identify and evaluate programs, projects, 102433
or systems proposed or operated, in whole or in part, outside of 102434
the authority of the Department, where targeted investment of 102435
these funds in the program, project, or system is expected to 102436
decrease demand for the Department or other resources funded with 102437
state general revenue funds, and/or to measurably improve outcomes 102438
for Ohio citizens with mental illness or with alcohol, drug, or 102439
gambling addictions. The Director shall have discretion to 102440
transfer money from the appropriation item to other state 102441

agencies, governmental entities, or private not-for-profit 102442
agencies in amounts, and subject to conditions, that the Director 102443
determines most likely to achieve state savings and/or improved 102444
outcomes. Distribution of moneys from this appropriation item 102445
shall not be subject to sections 9.23 to 9.239 or Chapter 125. of 102446
the Revised Code. 102447

The Department shall enter into an agreement with each 102448
recipient of community innovation funds, identifying: allowable 102449
expenditure of the funds; other commitment of funds or other 102450
resources to the program, project, or system; expected state 102451
savings and/or improved outcomes and proposed mechanisms for 102452
measurement of such savings or outcomes; and required reporting 102453
regarding expenditure of funds and savings or outcomes achieved. 102454

Of the foregoing appropriation item 336504, Community 102455
Innovations, up to \$4,000,000 in each fiscal year shall be used to 102456
provide funding for community projects across the state that focus 102457
on support for families, assisting families in avoiding crisis, 102458
and crisis intervention. 102459

Of the foregoing appropriation item 336504, Community 102460
Innovations, up to \$750,000 in each fiscal year shall be used to 102461
enhance access to naloxone across the state for county health 102462
departments to then disperse through a grant program to local law 102463
enforcement, emergency personnel, and first responders. If local 102464
law enforcement, emergency personnel, and first responders are not 102465
making use of the naloxone grant funds, the county health 102466
department may use grant funding to provide naloxone through a 102467
Project DAWN program within the county. 102468

Of the foregoing appropriation item 336504, Community 102469
Innovations, up to \$600,000 in each fiscal year shall be allocated 102470
to the Heartland High School Demonstration Project to educate and 102471
graduate teens and youth recovering from substance use disorders. 102472

Of the foregoing appropriation item 336504, Community 102473
Innovations, \$2,500,000 in each fiscal year shall be allocated to 102474
the Psychotropic Drug Reimbursement Program established in section 102475
5119.19 of the Revised Code. On July 1, 2020, or as soon as 102476
possible thereafter, the Director of Mental Health and Addiction 102477
Services shall certify to the Director of Budget and Management 102478
the amount of the unexpended, unencumbered allocation for the 102479
program in fiscal year 2020. The amount certified is hereby 102480
reappropriated to appropriation item 336504, Community 102481
Innovations, in fiscal year 2021 for the same purpose. 102482

Section 337.120. RESIDENTIAL STATE SUPPLEMENT 102483

(A) The foregoing appropriation item 336510, Residential 102484
State Supplement, may be used by the Department of Mental Health 102485
and Addiction Services to provide training for residential 102486
facilities providing accommodations, supervision, and personal 102487
care services to three to sixteen unrelated adults with mental 102488
illness and to make payments to residential state supplement 102489
recipients. 102490

(B) The Department of Mental Health and Addiction Services 102491
shall adopt rules establishing eligibility criteria and payment 102492
amounts under section 5119.41 of the Revised Code. 102493

Section 337.130. EARLY CHILDHOOD MENTAL HEALTH COUNSELORS AND 102494
CONSULTATION 102495

The foregoing appropriation item 336511, Early Childhood 102496
Mental Health Counselors and Consultation, shall be used to 102497
promote identification and intervention for early childhood mental 102498
health and to enhance healthy social emotional development in 102499
order to reduce preschool to third grade classroom expulsions. 102500
Funds shall be used by the Department of Mental Health and 102501
Addiction Services to support early childhood mental health 102502

credentialed counselors and consultation services, as well as 102503
administration and workforce development for the program. 102504

Section 337.140. MEDICAID SUPPORT 102505

The foregoing appropriation item 652321, Medicaid Support, 102506
shall be used to fund specified Medicaid Services as delegated by 102507
the state's single agency responsible for the Medicaid Program. 102508

Section 337.150. SUBSTANCE ABUSE STABILIZATION CENTERS 102509

(A) The foregoing appropriation item 336600, Substance Abuse 102510
Stabilization Centers, shall be used to establish and administer, 102511
in collaboration with the other boards that serve the same state 102512
psychiatric hospital region, acute substance use disorder 102513
stabilization centers. There shall be one center located in each 102514
state psychiatric hospital region. 102515

(B) As used in this section, "state psychiatric hospital 102516
regions" means the six districts into which the Department of 102517
Mental Health and Addiction Services has divided the state 102518
pursuant to division (B)(2) of section 5119.14 of the Revised 102519
Code. 102520

Section 337.160. ADAMHS BOARDS 102521

(A) Of the foregoing appropriation item 336643, ADAMHS 102522
Boards, \$5,000,000 in each fiscal year shall be allocated as 102523
follows: 102524

(1) Each board shall receive \$50,000 in each fiscal year for 102525
each of the counties that are part of the board's district. 102526

(2) Each board shall receive a percentage of any remaining 102527
amount to be determined by a formula developed by the Director of 102528
Mental Health and Addiction Services using the population of the 102529
board's service district and the most recent drug overdose death 102530

information. 102531

(B) Of the foregoing appropriation item 336643, ADAMHS 102532
Boards, up to \$5,750,000 in each fiscal year shall be used to 102533
provide flexible resources to local communities to fund direct 102534
crisis stabilization and crisis prevention support. 102535

(C) Of the foregoing appropriation item 336643, ADAMHS 102536
Boards, up to \$9,250,000 in fiscal year 2020 shall be used to 102537
develop, evaluate, and expand crisis services infrastructure to 102538
provide support for adults, children, and families in a variety of 102539
settings. Any unexpended or unencumbered fund balance shall be 102540
used in fiscal year 2021 for the same purpose. 102541

(D) Of the foregoing appropriation item 336643, ADAMHS 102542
Boards, \$1,000,000 in fiscal year 2020 and \$250,000 in fiscal year 102543
2021 shall be dedicated to a public-private partnership for a 102544
crisis stabilization center in Lorain County. 102545

Section 337.170. PROBLEM GAMBLING AND CASINO ADDICTION 102546

A portion of appropriation item 336629, Problem Gambling and 102547
Casino Addiction, shall be allocated to boards of alcohol, drug 102548
addiction, and mental health services in accordance with a 102549
distribution methodology determined by the Director of Mental 102550
Health and Addiction Services. 102551

Section 337.180. FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING 102552
POOL 102553

A county family and children first council may establish and 102554
operate a flexible funding pool in order to assure access to 102555
needed services by families, children, and older adults in need of 102556
protective services. The operation of the flexible funding pools 102557
shall be subject to the following restrictions: 102558

(A) The county council shall establish and operate the 102559

flexible funding pool in accordance with formal guidance issued by 102560
the Family and Children First Cabinet Council; 102561

(B) The county council shall produce an annual report on its 102562
use of the pooled funds. The annual report shall conform to a 102563
format prescribed in the formal guidance issued by the Family and 102564
Children First Cabinet Council; 102565

(C) Unless otherwise restricted, funds transferred to the 102566
flexible funding pool may include state general revenues allocated 102567
to local entities to support the provision of services to families 102568
and children; 102569

(D) The amounts transferred to the flexible funding pool 102570
shall be limited to amounts that can be redirected without 102571
impairing the achievement of the objectives for which the initial 102572
allocation is designated; and 102573

(E) Each amount transferred to the flexible funding pool from 102574
a specific allocation shall be approved for transfer by the 102575
director of the local agency that was the original recipient of 102576
the allocation. 102577

Section 337.190. ACCESS SUCCESS II PROGRAM 102578

To the extent cash is available, the Director of Budget and 102579
Management may transfer cash from a fund designated by the 102580
Medicaid Director, to the Sale of Goods and Services Fund (Fund 102581
1490), used by the Department of Mental Health and Addiction 102582
Services. The transferred cash is hereby appropriated. 102583

The Department of Mental Health and Addiction Services shall 102584
use the transferred funds to administer the Access Success II 102585
Program to help non-Medicaid patients in any hospital established, 102586
controlled, or supervised by the Department under Chapter 5119. of 102587
the Revised Code to transition from inpatient status to a 102588
community setting. 102589

Section 337.200. CASH TRANSFER FROM THE INDIGENT DRIVERS 102590
ALCOHOL TREATMENT FUND TO THE STATEWIDE TREATMENT AND PREVENTION 102591
FUND 102592

On a schedule determined by the Director of Budget and 102593
Management, the Director of Mental Health and Addiction Services 102594
shall certify to the Director of Budget and Management the amount 102595
of excess license reinstatement fees that are available pursuant 102596
to division (F)(2)(c) of section 4511.191 of the Revised Code to 102597
be transferred from the Indigent Drivers Alcohol Treatment Fund 102598
(Fund 7049) to the Statewide Treatment and Prevention Fund (Fund 102599
4750). Upon certification, the Director of Budget and Management 102600
may transfer cash from the Indigent Drivers Alcohol Treatment Fund 102601
to the Statewide Treatment and Prevention Fund. 102602

Section 337.210. CURES OPIOID STATE TARGETED RESPONSE 102603

The foregoing appropriation item 336503, Cures Opioid State 102604
Targeted Response, shall be used pursuant to the goals and 102605
requirements of the State Targeted Response to the Opioid Crisis 102606
Grant provision in the federal "21st Century Cures Act," Public 102607
Law 114-255. 102608

Section 337.220. STATEWIDE TREATMENT AND PREVENTION 102609

The foregoing appropriation item 336623, Statewide Treatment 102610
and Prevention, shall be used as follows: up to \$18,000,000 in 102611
fiscal year 2020 to support K-12 prevention education initiatives; 102612
up to \$13,000,000 in fiscal year 2020 and up to \$5,000,000 in 102613
fiscal year 2021 to support and expand statewide multi-media 102614
prevention, treatment, and stigma reduction campaigns; up to 102615
\$5,000,000 in fiscal year 2020 to expand the number of individuals 102616
trained in mental health first aid and to expand the number of law 102617
enforcement trained in approved de-escalation techniques and 102618
approaches specific to people experiencing mental health crisis. 102619

The remaining portion of appropriation item 336623, Statewide Treatment and Prevention, may be used for agency administrative support. 102620
 102621
 102622

Section 339.10. MIH COMMISSION ON MINORITY HEALTH 102623

General Revenue Fund 102624

GRF 149321 Operating Expenses \$ 721,681 \$ 741,928 102625

GRF 149501 Demonstration Grants \$ 852,606 \$ 852,606 102626

GRF 149503 Infant Mortality \$ 3,000,000 \$ 3,000,000 102627

Health Grants

TOTAL GRF General Revenue Fund \$ 4,574,287 \$ 4,594,534 102628

Dedicated Purpose Fund Group 102629

4C20 149601 Minority Health \$ 50,000 \$ 50,000 102630

Conference

TOTAL DPF Dedicated Purpose Fund \$ 50,000 \$ 50,000 102631

Group

TOTAL ALL BUDGET FUND GROUPS \$ 4,624,287 \$ 4,644,534 102632

Section 339.20. INFANT MORTALITY HEALTH GRANTS 102634

Of the foregoing appropriation item 149503, Infant Mortality Health Grants, \$2,685,000 in each fiscal year shall be distributed to up to ten community-based agencies to support the continuation or establishment of a pathways community HUB model that has the primary purpose of reducing infant mortality in the urban and rural communities with a targeted focus on disparities. The grant recipients shall, at least quarterly, submit performance data, evaluation data, and fiscal reports as specified by the Commission on Minority Health. 102635
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Of the foregoing appropriation item 149503, Infant Mortality Health Grants, \$135,000 in each fiscal year shall be used to provide evaluation and review of the service delivery of grant recipients receiving funds from this appropriation item. The 102644
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Commission on Minority Health shall contract with entities to 102648
 provide statewide evaluation and technical assistance to analyze 102649
 the performance data submitted to the Commission. These entities 102650
 shall convene quarterly meetings with grant recipients, which may 102651
 be held by telephone, video conference, or other means of 102652
 electronic communication. The meetings shall include a discussion 102653
 on performance data, continuous quality improvement practices, 102654
 implementation lessons, participant feedback, barriers to pathways 102655
 closure, certification status, contract achievement, and any other 102656
 topics the evaluation entities and the Commission deem 102657
 appropriate. 102658

The remainder of appropriation item 149503, Infant Mortality 102659
 Health Grants, shall be used by the Commission on Minority Health 102660
 for administrative costs. 102661

Section 341.10. CRB MOTOR VEHICLE REPAIR BOARD 102662

Dedicated Purpose Fund Group				102663
4K90 865601	Operating Expenses	\$	623,948 \$	636,389 102664
TOTAL DPF	Dedicated Purpose Fund	\$	623,948 \$	636,389 102665
Group				
TOTAL ALL BUDGET FUND GROUPS		\$	623,948 \$	636,389 102666

Section 343.10. DNR DEPARTMENT OF NATURAL RESOURCES 102668

General Revenue Fund				102669
GRF 725401	Division of	\$	1,773,000 \$	1,773,000 102670
	Wildlife-Operating			
	Subsidy			
GRF 725413	Parks and Recreational	\$	50,771,500 \$	57,556,700 102671
	Facilities Lease			
	Rental Bond Payments			
GRF 725456	Canal Lands	\$	130,950 \$	130,950 102672
GRF 725505	Healthy Lake Erie	\$	1,000,000 \$	1,000,000 102673

		Program					
GRF	725507	Coal and Mine Safety	\$	2,796,340	\$	2,796,340	102674
		Programs					
GRF	725903	Natural Resources	\$	20,359,800	\$	20,420,700	102675
		General Obligation					
		Bond Debt Service					
GRF	727321	Division of Forestry	\$	4,869,458	\$	4,965,023	102676
GRF	729321	Office of Information	\$	181,478	\$	181,478	102677
		Technology					
GRF	730321	Parks and Recreation	\$	38,652,560	\$	37,105,509	102678
GRF	736321	Division of	\$	2,035,650	\$	2,035,650	102679
		Engineering					
GRF	737321	Division of Water	\$	1,689,455	\$	1,692,044	102680
		Resources					
GRF	738321	Office of Real Estate	\$	728,322	\$	728,322	102681
		and Land Management					
GRF	741321	Division of Natural	\$	2,744,428	\$	4,246,134	102682
		Areas and Preserves					
TOTAL GRF		General Revenue Fund	\$	127,732,941	\$	134,631,850	102683
		Dedicated Purpose Fund Group					102684
2270	725406	Parks Projects	\$	1,629,465	\$	1,725,151	102685
		Personnel					
4300	725671	Canal Lands	\$	927,128	\$	927,128	102686
4S90	725622	NatureWorks Personnel	\$	784,648	\$	800,000	102687
4U60	725668	Scenic Rivers	\$	100,000	\$	100,000	102688
		Protection					
5090	725602	State Forest	\$	10,114,999	\$	10,312,871	102689
5110	725646	Ohio Geological	\$	4,691,486	\$	4,799,989	102690
		Mapping					
5110	725679	Geographic Information	\$	516,979	\$	518,024	102691
		System Centralized					
		Services					
5120	725605	State Parks Operations	\$	60,073,839	\$	35,412,070	102692

5140	725606	Lake Erie Shoreline	\$	2,393,809	\$	2,446,910	102693
5160	725620	Water Management	\$	2,998,695	\$	3,006,996	102694
5180	725643	Oil and Gas Regulation and Safety	\$	25,079,252	\$	25,446,157	102695
5180	725677	Oil and Gas Well Plugging	\$	24,979,365	\$	28,177,215	102696
5210	725627	Off-Road Vehicle Trails	\$	847,929	\$	851,587	102697
5220	725656	Natural Areas and Preserves	\$	546,973	\$	313,649	102698
5290	725639	Mining Regulation and Safety	\$	4,499,705	\$	4,689,552	102699
5310	725648	Reclamation Forfeiture	\$	2,171,668	\$	2,232,761	102700
5EL0	725612	Wildlife Law Enforcement	\$	12,000	\$	12,000	102701
5EM0	725613	Natural Resources Law Enforcement	\$	34,000	\$	34,000	102702
5HK0	725625	Ohio Nature Preserves	\$	50,000	\$	50,000	102703
5MW0	725604	Natural Resources Special Purposes	\$	261,293	\$	261,293	102704
5P20	725634	Wildlife Boater Angler Administration	\$	6,990,425	\$	7,000,000	102705
5TD0	725514	Park Maintenance	\$	1,481,150	\$	1,481,150	102706
6150	725661	Dam Safety	\$	1,166,902	\$	1,166,602	102707
6970	725670	Submerged Lands	\$	717,155	\$	717,155	102708
6H20	725681	H2Ohio	\$	46,200,000	\$	0	102709
7015	740401	Division of Wildlife Conservation	\$	63,701,662	\$	65,482,330	102710
7086	725414	Waterways Improvement	\$	6,193,671	\$	6,193,671	102711
7086	739401	Watercraft Operations	\$	20,897,471	\$	21,400,204	102712
8150	725636	Cooperative Management Projects	\$	650,000	\$	650,000	102713
8160	725649	Wetlands Habitat	\$	966,885	\$	966,885	102714

8170	725655	Wildlife Conservation Checkoff	\$	2,000,000	\$	2,000,000	102715
8180	725629	Cooperative Fisheries Research	\$	1,500,000	\$	1,500,000	102716
8190	725685	Ohio River Management	\$	140,000	\$	140,000	102717
81B0	725688	Wildlife Habitats	\$	1,200,000	\$	1,200,000	102718
TOTAL DPF Dedicated Purpose Fund			\$	296,518,554	\$	232,015,350	102719
Group							
Internal Service Activity Fund Group							102720
1550	725601	Departmental Projects	\$	1,775,425	\$	1,198,248	102721
1550	725676	Hocking Hills State Park Lodge	\$	13,000,000	\$	3,000,000	102722
1570	725651	Central Support Indirect	\$	5,632,162	\$	5,632,162	102723
2040	725687	Information Services	\$	6,432,109	\$	5,970,264	102724
2050	725696	Human Resource Direct Services	\$	2,855,404	\$	2,976,201	102725
2230	725665	Law Enforcement Administration	\$	3,292,343	\$	3,381,193	102726
5100	725631	Maintenance - State-owned Residences	\$	249,611	\$	249,611	102727
6350	725664	Fountain Square Facilities Management	\$	4,094,099	\$	4,170,445	102728
TOTAL ISA Internal Service Activity							102729
Fund Group			\$	37,331,153	\$	26,578,124	102730
Capital Projects Fund Group							102731
7061	725405	Clean Ohio Trail Operating	\$	301,796	\$	301,796	102732
TOTAL CPF Capital Projects Fund			\$	301,796	\$	301,796	102733
Group							
Fiduciary Fund Group							102734

4M80	725675	FOP Contract	\$	18,799	\$	20,219	102735
TOTAL FID		Fiduciary Fund Group	\$	18,799	\$	20,219	102736
		Holding Account Fund Group					102737
R017	725659	Performance Cash Bond	\$	528,993	\$	528,993	102738
		Refunds					
R043	725624	Forestry	\$	2,400,000	\$	2,400,000	102739
TOTAL HLD		Holding Account					102740
		Fund Group	\$	2,928,993	\$	2,928,993	102741
		Federal Fund Group					102742
3320	725669	Federal Mine Safety	\$	335,000	\$	335,000	102743
		Grant					
3B30	725640	Federal Forest	\$	350,000	\$	350,000	102744
		Pass-Thru					
3B40	725641	Federal Flood	\$	350,000	\$	350,000	102745
		Pass-Thru					
3B50	725645	Federal Abandoned	\$	21,242,787	\$	8,046,252	102746
		Mine Lands					
3B60	725653	Federal Land and	\$	949,168	\$	952,256	102747
		Water Conservation					
		Grants					
3B70	725654	Reclamation -	\$	1,725,644	\$	1,769,696	102748
		Regulatory					
3P10	725632	Geological Survey -	\$	160,000	\$	160,000	102749
		Federal					
3P20	725642	Oil and Gas - Federal	\$	147,000	\$	147,000	102750
3P30	725650	Coastal Management -	\$	2,791,277	\$	2,820,185	102751
		Federal					
3P40	725660	Federal - Soil and	\$	231,732	\$	281,000	102752
		Water Resources					
3R50	725673	Acid Mine Drainage	\$	900,000	\$	900,000	102753
		Abatement/Treatment					
3Z50	725657	Federal Recreation	\$	1,846,840	\$	1,852,034	102754

and Trails

TOTAL FED Federal Fund Group	\$	31,029,448	\$	17,963,423	102755
TOTAL ALL BUDGET FUND GROUPS	\$	495,861,684	\$	414,439,755	102756

Section 343.20. CENTRAL SUPPORT INDIRECT FUND 102758

The Department of Natural Resources, with approval of the 102759
Director of Budget and Management, shall use a methodology for 102760
determining each division's payments into the Central Support 102761
Indirect Fund (Fund 1570). The methodology used shall contain the 102762
characteristics of administrative ease and uniform application in 102763
compliance with federal grant requirements. It may include direct 102764
cost charges for specific services provided. Payments to Fund 1570 102765
shall be made using an intrastate transfer voucher. 102766

The foregoing appropriation item 725401, Division of 102767
Wildlife-Operating Subsidy, shall be used to pay the direct and 102768
indirect costs of the Division of Wildlife. 102769

PARKS AND RECREATIONAL FACILITIES LEASE RENTAL BOND PAYMENTS 102770

The foregoing appropriation item 725413, Parks and 102771
Recreational Facilities Lease Rental Bond Payments, shall be used 102772
to meet all payments during the period from July 1, 2019, through 102773
June 30, 2021, by the Department of Natural Resources pursuant to 102774
leases and agreements made under section 154.22 of the Revised 102775
Code. These appropriations are the source of funds pledged for 102776
bond service charges on related obligations issued under Chapter 102777
154. of the Revised Code. 102778

HEALTHY LAKE ERIE PROGRAM 102779

The foregoing appropriation item 725505, Healthy Lake Erie 102780
Program, shall be used by the Director of Natural Resources, in 102781
support of the following: (1) conservation measures in the Western 102782
Lake Erie Basin as determined by the Director; (2) funding 102783
assistance for soil testing, winter cover crops, edge of field 102784

testing, tributary monitoring, animal waste abatement; and (3) any 102785
additional efforts to reduce nutrient runoff as the Director may 102786
decide. The Director shall give priority to recommendations that 102787
encourage farmers to adopt agricultural production guidelines 102788
commonly known as 4R nutrient stewardship practices. 102789

COAL AND MINE SAFETY PROGRAMS 102790

The foregoing appropriation item 725507, Coal and Mine Safety 102791
Programs, shall be used for the administration of the Mine Safety 102792
Program and the Coal Regulation Program. 102793

NATURAL RESOURCES GENERAL OBLIGATION BOND DEBT SERVICE 102794

The foregoing appropriation item 725903, Natural Resources 102795
General Obligation Bond Debt Service, shall be used to pay all 102796
debt service and related financing costs during the period July 1, 102797
2019, through June 30, 2021, on obligations issued under sections 102798
151.01 and 151.05 of the Revised Code. 102799

Section 343.30. OIL AND GAS WELL PLUGGING 102800

The foregoing appropriation item 725677, Oil and Gas Well 102801
Plugging, shall be used exclusively for the purposes of plugging 102802
wells and to properly restore the land surface of idle and orphan 102803
oil and gas wells pursuant to section 1509.071 of the Revised 102804
Code. 102805

WELL LOG FILING FEES 102806

The Chief of the Division of Water Resources shall deposit 102807
fees forwarded to the Division pursuant to section 1521.05 of the 102808
Revised Code into the Water Management Fund (Fund 5160) for the 102809
purposes described in that section. 102810

PARKS CAPITAL EXPENSES FUND 102811

The Director of Natural Resources shall submit to the 102812
Director of Budget and Management the estimated design, 102813

engineering, and planning costs of capital-related work to be done 102814
by Department of Natural Resources staff for parks projects within 102815
the Ohio Parks and Recreation Improvement Fund (Fund 7035). If the 102816
Director of Budget and Management approves the estimated costs, 102817
the Director may release appropriations from Fund 7035 102818
appropriation item C725E6, Project Planning, for those purposes. 102819
Upon release of the appropriations, the Department of Natural 102820
Resources shall pay for these expenses from the Parks Capital 102821
Expenses Fund (Fund 2270). Expenses paid from Fund 2270 shall be 102822
reimbursed by Fund 7035 using an intrastate transfer voucher. 102823

NATUREWORKS CAPITAL EXPENSES FUND 102824

The Department of Natural Resources shall submit to the 102825
Director of Budget and Management the estimated design, planning, 102826
and engineering costs of capital-related work to be done by 102827
Department of Natural Resources staff for each capital improvement 102828
project within the Ohio Parks and Natural Resources Fund (Fund 102829
7031). If the Director of Budget and Management approves the 102830
estimated costs, the Director may release appropriations from Fund 102831
7031 appropriation item C725E5, Project Planning, for those 102832
purposes. Upon release of the appropriations, the Department of 102833
Natural Resources shall pay for these expenses from the Capital 102834
Expenses Fund (Fund 4S90). Expenses paid from Fund 4S90 shall be 102835
reimbursed by Fund 7031 using an intrastate transfer voucher. 102836

RECLAMATION FORFEITURE FUND 102837

On July 1 of each fiscal year, or as soon as possible 102838
thereafter, the Director of Budget and Management shall transfer 102839
\$2,000,000 cash from the General Revenue Fund to the Reclamation 102840
Forfeiture Fund (Fund 5310), which shall be used to reclaim areas 102841
of land affected by coal mining in accordance with section 1513.18 102842
of the Revised Code. 102843

PARK MAINTENANCE 102844

The foregoing appropriation item 725514, Park Maintenance, 102845
shall be used by the Department of Natural Resources to pay the 102846
costs of projects supported by the State Park Maintenance Fund 102847
(Fund 5TD0) under section 1501.08 of the Revised Code. 102848

On July 1 of each fiscal year or as soon as possible 102849
thereafter, the Director of Natural Resources shall certify the 102850
amount of five percent of the average of the previous five years 102851
of deposits in the State Park Fund (Fund 5120) to the Director of 102852
Budget and Management. The Director of Budget and Management may 102853
transfer up to \$1,600,000 from Fund 5120 to the State Park 102854
Maintenance Fund (Fund 5TD0). 102855

H2OHIO FUND 102856

The foregoing appropriation item 725681, H2Ohio, shall be 102857
used by the Department of Natural Resources to support, maintain, 102858
and create wetlands throughout the state including but not limited 102859
to coastal and upland wetlands in the Western Basin of Lake Erie. 102860
In addition, the foregoing appropriation item, 725681, H2Ohio, may 102861
be used to support improvement and protection of all waterways and 102862
to address water quality priorities including water protection and 102863
management in accordance with section 126.60 of the Revised Code. 102864

On July 1, 2020, or as soon as possible thereafter, the 102865
Director of Natural Resources may certify to the Director of 102866
Budget and Management an amount up to the unexpended, unencumbered 102867
balance of the foregoing appropriation item, 725681, H2Ohio, at 102868
the end of fiscal year 2020 to be reappropriated in fiscal year 102869
2021. The amount certified is hereby reappropriated to the same 102870
appropriation item for fiscal year 2021. 102871

Section 343.40. CASH TRANSFER FOR HOCKING HILLS LODGE 102872
RECONSTRUCTION 102873

During fiscal years 2020 and 2021, the Director of Budget and 102874

Management may, in consultation with the Director of Natural Resources, transfer cash as necessary from the General Revenue Fund to the Departmental Services - Interstate Fund (Fund 1550) to pay costs for the reconstruction of the Hocking Hills Dining Lodge that will occur before final insurance settlement proceeds are deposited into Fund 1550. Once insurance proceeds have been deposited into Fund 1550, the Director of Budget and Management, in consultation with the Director of Natural Resources, shall establish a schedule for repaying the General Revenue Fund from Fund 1550. The Director of Budget and Management shall transfer cash from Fund 1550 to the General Revenue Fund according to the established schedule.

HUMAN RESOURCES DIRECT SERVICES

The foregoing appropriation item 725696, Human Resources Direct Services, shall be used to cover the cost of support, coordination, and oversight of the Department of Natural Resources' human resources functions. The Human Resources Chargeback Fund (Fund 2050) shall consist of cash transferred to it via intrastate transfer voucher from other funds as determined by the Director of Natural Resources and the Director of Budget and Management.

LAW ENFORCEMENT ADMINISTRATION

The foregoing appropriation item 725665, Law Enforcement Administration, shall be used to cover the cost of support, coordination, and oversight of the Department of Natural Resources' law enforcement functions. The Law Enforcement Administration Fund (Fund 2230) shall consist of cash transferred to it via intrastate transfer voucher from other funds as determined by the Director of Natural Resources and the Director of Budget and Management.

FOUNTAIN SQUARE AND ODNR GROUNDS AT THE OHIO EXPO CENTER

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The foregoing appropriation item 725664, Fountain Square Facilities Management, shall be used for payment of expenses related to the security of the Fountain Square complex and for the repairs, renovation, utilities, property management, and building maintenance expenses for the Fountain Square complex and the Department of Natural Resources grounds at the Ohio Expo Center. Cash transferred by intrastate transfer vouchers from various department funds and rental income received by the Department of Natural Resources shall be deposited into the Fountain Square Facilities Management Fund (Fund 6350).

Section 343.50. CLEAN OHIO TRAIL OPERATING EXPENSES 102916

The foregoing appropriation item 725405, Clean Ohio Trail Operating, shall be used by the Department of Natural Resources in administering Clean Ohio Trail Fund (Fund 7061) projects pursuant to section 1519.05 of the Revised Code.

Section 345.10. NUR STATE BOARD OF NURSING 102921

Dedicated Purpose Fund Group				102922
4K90	884609	Operating Expenses	\$ 9,842,225 \$ 10,285,032	102923
5AC0	884602	Nurse Education Grant Program	\$ 1,518,000 \$ 1,518,000	102924
5P80	884601	Nursing Special Issues	\$ 2,000 \$ 2,000	102925
TOTAL DPF Dedicated Purpose Fund Group				102926
			\$ 11,362,225 \$ 11,805,032	102927
TOTAL ALL BUDGET FUND GROUPS			\$ 11,362,225 \$ 11,805,032	102928

Section 347.10. PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY, AND ATHLETIC TRAINERS BOARD 102930
102931

Dedicated Purpose Fund Group				102932
4K90	890609	Operating Expenses	\$ 1,137,397 \$ 1,168,045	102933

TOTAL DPF Dedicated Purpose Fund Group	\$	1,137,397	\$	1,168,045	102934
TOTAL ALL BUDGET FUND GROUPS	\$	1,137,397	\$	1,168,045	102935
Section 353.10. OOD OPPORTUNITIES FOR OHIOANS WITH					102937
DISABILITIES AGENCY					102938
General Revenue Fund					102939
GRF 415402 Independent Living Council	\$	252,000	\$	252,000	102940
GRF 415406 Assistive Technology	\$	25,819	\$	25,819	102941
GRF 415431 Brain Injury	\$	126,567	\$	126,567	102942
GRF 415506 Services for Individuals with Disabilities	\$	16,999,344	\$	18,418,244	102943
GRF 415508 Services for the Deaf	\$	27,580	\$	27,580	102944
GRF 415511 Centers for Independent Living	\$	450,000	\$	450,000	102945
TOTAL GRF General Revenue Fund	\$	17,881,310	\$	19,300,210	102946
Dedicated Purpose Fund Group					102947
4670 415609 Business Enterprise Operating Expenses	\$	1,543,616	\$	1,555,368	102948
4680 415618 Third Party Services Funding	\$	8,500,000	\$	8,750,000	102949
4L10 415619 Services for Rehabilitation	\$	3,000,000	\$	3,000,000	102950
TOTAL DPF Dedicated Purpose Fund Group					102951
	\$	13,043,616	\$	13,305,368	102952
Internal Service Activity Fund Group					102953
4W50 415606 Program Management	\$	15,192,965	\$	15,906,145	102954
TOTAL ISA Internal Service Activity Fund Group					102955
	\$	15,192,965	\$	15,906,145	102956
Federal Fund Group					102957

3170	415620	Disability Determination	\$	81,399,100	\$	82,932,645	102958
3790	415616	Federal - Vocational Rehabilitation	\$	121,788,087	\$	130,495,615	102959
3GH0	415602	Personal Care Assistance	\$	3,130,220	\$	3,139,040	102960
3GH0	415604	Community Centers for the Deaf	\$	1,022,000	\$	1,022,000	102961
3GH0	415613	Independent Living	\$	662,411	\$	662,411	102962
3L10	415608	Social Security Vocational Rehabilitation	\$	10,500,000	\$	10,500,000	102963
3L40	415615	Federal - Supported Employment	\$	850,000	\$	850,000	102964
3L40	415617	Independent Living Older Blind	\$	2,584,136	\$	1,808,721	102965
TOTAL FED	Federal Fund Group		\$	221,935,954	\$	231,410,432	102966
TOTAL ALL BUDGET	FUND GROUPS		\$	268,053,845	\$	279,922,155	102967

Section 353.20. INDEPENDENT LIVING 102969

The foregoing appropriation item 415402, Independent Living 102970
 Council, shall be used to support the state independent living 102971
 programs and centers under Title VII of the Independent Living 102972
 Services and Centers for Independent Living of the Rehabilitation 102973
 Act Amendments of 1992, 106 Stat. 4344, 29 U.S.C. 796d. 102974

Of the foregoing appropriation item 415402, Independent 102975
 Living Council, \$67,662 in each fiscal year shall be used as state 102976
 matching funds for vocational rehabilitation innovation and 102977
 expansion activities. 102978

The foregoing appropriation item 415511, Centers for 102979
 Independent Living, shall be used to support the operations of the 102980
 Centers for Independent Living in accordance with the State Plan 102981

for Independent Living.	102982
ASSISTIVE TECHNOLOGY	102983
The foregoing appropriation item 415406, Assistive	102984
Technology, shall be provided to Assistive Technology of Ohio to	102985
provide grants and assistive technology services for people with	102986
disabilities in the State of Ohio.	102987
BRAIN INJURY	102988
The foregoing appropriation item 415431, Brain Injury, shall	102989
be provided to The Ohio State University College of Medicine to	102990
support the Brain Injury Program established under section 3335.60	102991
of the Revised Code.	102992
SERVICES FOR INDIVIDUALS WITH DISABILITIES	102993
Of the foregoing appropriation item 415506, Services for	102994
Individuals with Disabilities, \$654,975 in fiscal year 2020 and	102995
\$1,309,050 in fiscal year 2021 shall be used as state match for	102996
the federal vocational rehabilitation grant and used to create	102997
partnerships with certified drug courts to expand access to	102998
employment through vocational rehabilitation services and increase	102999
employment outcomes that promote recovery and rehabilitation.	103000
Of the foregoing appropriation item 415506, Services for	103001
Individuals with Disabilities, \$603,643 in fiscal year 2020 and	103002
\$1,207,285 in fiscal year 2021 shall be used as state match for	103003
the federal vocational rehabilitation grant and used to create	103004
partnerships with community colleges and state universities to	103005
ensure college students with disabilities can compete for	103006
in-demand jobs in tomorrow's labor market and increase the median	103007
earnings of individuals who obtain employment.	103008
Of the foregoing appropriation item 415506, Services for	103009
Individuals with Disabilities, \$85,733 in fiscal year 2020 and	103010
\$171,465 in fiscal year 2021 shall be used as state match for the	103011

federal vocational rehabilitation grant and used to create paid 103012
on-the-job work experiences for eligible candidates placed in 103013
state agencies to develop work skills needed to pursue permanent 103014
employment and increase the number of individuals with 103015
disabilities employed in state government. 103016

Of the foregoing appropriation item 415506, Services for 103017
Individuals with Disabilities, \$150,000 in each fiscal year shall 103018
be used as state match for the federal vocational rehabilitation 103019
grant and used to increase access to vocational rehabilitation 103020
services for eligible students enrolled at the Ohio State School 103021
for the Blind and the Ohio School for the Deaf that will prepare 103022
students who are blind or deaf for transition to college or 103023
employment. 103024

SERVICES FOR THE DEAF 103025

The foregoing appropriation item 415508, Services for the 103026
Deaf, shall be used to support community centers for the deaf. 103027

SIGHT CENTERS 103028

Of the foregoing appropriation item 415617, Independent 103029
Living Older Blind, \$30,000 in each fiscal year shall be used to 103030
contract in equal amounts with the Cleveland Sight Center, the 103031
Cincinnati Association for the Blind and Visually Impaired, and 103032
the Sight Center of Northwest Ohio to provide outreach and 103033
referral development to the community of individuals with 103034
blindness or low vision. 103035

Section 361.10. PEN PENSION SUBSIDIES 103036

General Revenue Fund 103037

GRF 090524 Police and Fire \$ 2,000 \$ 2,000 103038

Disability Pension

Fund

GRF 090534 Police and Fire Ad \$ 31,000 \$ 31,000 103039

		Hoc Cost of Living				
GRF	090554	Police and Fire	\$	270,000	\$	270,000 103040
		Survivor Benefits				
GRF	090575	Police and Fire Death	\$	34,400,000	\$	34,750,000 103041
		Benefits				
TOTAL GRF	General Revenue Fund		\$	34,703,000	\$	35,053,000 103042
TOTAL ALL BUDGET FUND GROUPS			\$	34,703,000	\$	35,053,000 103043

POLICE AND FIRE DEATH BENEFIT FUND 103044

The foregoing appropriation item 090575, Police and Fire 103045
 Death Benefits, shall be disbursed quarterly by the Treasurer of 103046
 State at the beginning of each quarter of each fiscal year to the 103047
 Board of Trustees of the Ohio Police and Fire Pension Fund, which 103048
 serves as trustees of the Ohio Public Safety Officers Death 103049
 Benefit Fund pursuant to section 742.62 of the Revised Code. The 103050
 Treasurer of State shall certify such amounts quarterly to the 103051
 Director of Budget and Management. By the twentieth day of June of 103052
 each fiscal year, the Board of Trustees shall certify to the 103053
 Treasurer of State the amount disbursed in the current fiscal year 103054
 to make the payments required by sections 124.824 and 742.63 of 103055
 the Revised Code and shall return to the Treasurer of State moneys 103056
 received from this appropriation item but not disbursed. 103057

Notwithstanding any provision of section 124.824 of the 103058
 Revised Code to the contrary, for each death benefit fund 103059
 recipient who participates in health, medical, hospital, dental, 103060
 surgical, or vision benefits under section 124.824 of the Revised 103061
 Code, the Board of Trustees of the Ohio Police and Fire Pension 103062
 Fund shall forward as a pass-through from the revenue received 103063
 from the foregoing appropriation item 090575, Police and Fire 103064
 Death Benefits, the percentage of the cost for the applicable 103065
 benefits that would be paid by a state employer for a state 103066
 employee who elects that coverage and any applicable 103067
 administrative costs, which shall not exceed two per cent of the 103068

total cost of the benefits. The Board of Trustees shall also 103069
withhold from the benefits paid to a death benefit fund recipient 103070
under section 742.63 of the Revised Code the percentage of the 103071
cost for such benefits that would be paid by a state employee, and 103072
forward the withheld amounts to the Department of Administrative 103073
Services from the revenue received from the foregoing 103074
appropriation item 090575, Police and Fire Death Benefits. 103075

In fiscal year 2020 or 2021, if it is determined by the 103076
Director of Administrative Services, in consultation with the 103077
Chairperson of the Board of Trustees of the Ohio Police and Fire 103078
Pension Fund, or designee, that additional amounts are necessary 103079
to pay the cost of providing benefits under section 124.824 or 103080
742.63 of the Revised Code, the Director of Administrative 103081
Services may certify the additional amount necessary to the 103082
Director of Budget and Management. The amount certified is hereby 103083
appropriated. 103084

Section 363.10. UST PETROLEUM UNDERGROUND STORAGE TANK 103085
RELEASE COMPENSATION BOARD 103086
Dedicated Purpose Fund Group 103087
6910 810632 Petroleum Underground \$ 1,410,740 \$ 1,469,195 103088
Storage Tank Release
Compensation Board -
Operating
TOTAL DPF Dedicated Purpose Fund \$ 1,410,740 \$ 1,469,195 103089
Group
TOTAL ALL BUDGET FUND GROUPS \$ 1,410,740 \$ 1,469,195 103090

Section 367.10. PRX STATE BOARD OF PHARMACY 103092
Dedicated Purpose Fund Group 103093
4A50 887605 Drug Law Enforcement \$ 150,000 \$ 150,000 103094
4K90 658605 OARRS Integration - \$ 253,264 \$ 255,000 103095

		STATE					
4K90	887609	Operating Expenses	\$	10,220,383	\$	10,646,387	103096
5SG0	887612	Drug Database	\$	664,369	\$	670,000	103097
5SY0	887613	Medical Marijuana	\$	3,084,072	\$	2,500,200	103098
		Control Program					
TOTAL DPF		Dedicated Purpose Fund	\$	14,372,088	\$	14,221,587	103099
		Group					
		Federal Fund Group					103100
3HD0	887614	Pharmacy Federal	\$	612,433	\$	531,000	103101
		Grants					
3HH0	658601	OARRS Integration -	\$	2,363,583	\$	2,384,000	103102
		FED					
TOTAL FED		Federal Fund Group	\$	2,976,016	\$	2,915,000	103103
TOTAL ALL BUDGET FUND GROUPS			\$	17,348,104	\$	17,136,587	103104
		Section 369.10. PSY STATE BOARD OF PSYCHOLOGY					103106
		Dedicated Purpose Fund Group					103107
4K90	882609	Operating Expenses	\$	665,390	\$	696,615	103108
TOTAL DPF		Dedicated Purpose					103109
		Fund Group	\$	665,390	\$	696,615	103110
TOTAL ALL BUDGET FUND GROUPS			\$	665,390	\$	696,615	103111
		Section 371.10. PUB OHIO PUBLIC DEFENDER COMMISSION					103113
		General Revenue Fund					103114
GRF	019401	State Legal Defense	\$	5,659,317	\$	6,534,523	103115
		Services					
GRF	019403	Multi-County: State	\$	3,607,498	\$	4,644,553	103116
		Share					
GRF	019404	Trumbull County -	\$	1,349,330	\$	2,036,064	103117
		State Share					
GRF	019405	Training Account	\$	50,000	\$	50,000	103118
GRF	019501	County Reimbursement	\$	89,020,000	\$	125,000,000	103119

TOTAL GRF General Revenue Fund	\$	99,686,145	\$	138,265,240	103120
Dedicated Purpose Fund Group					103121
1010 019607 Juvenile Legal Assistance	\$	204,756	\$	204,756	103122
4060 019603 Training and Publications	\$	25,000	\$	25,000	103123
4070 019604 County Representation	\$	280,407	\$	285,000	103124
4080 019605 Client Payments	\$	715,831	\$	737,389	103125
4C70 019601 Multi-County: County Share	\$	1,352,812	\$	0	103126
4N90 019613 Gifts and Grants	\$	19,440	\$	19,440	103127
4X70 019610 Trumbull County - County Share	\$	505,999	\$	0	103128
5740 019606 Civil Legal Aid	\$	25,000,000	\$	25,000,000	103129
5CX0 019617 Civil Case Filing Fee	\$	623,425	\$	642,904	103130
5DY0 019618 Indigent Defense Support - County Share	\$	31,872,000	\$	31,872,000	103131
5DY0 019619 Indigent Defense Support - State Office	\$	7,113,482	\$	7,216,852	103132
TOTAL DPF Dedicated Purpose Fund Group	\$	67,713,152	\$	66,003,341	103133
Federal Fund Group					103135
3S80 019608 Federal Representation	\$	38,315	\$	38,315	103136
TOTAL FED Federal Fund Group	\$	38,315	\$	38,315	103137
TOTAL ALL BUDGET FUND GROUPS	\$	167,437,612	\$	204,306,896	103138
INDIGENT DEFENSE TASK FORCE					103139
(A) There is hereby created a task force to study Ohio's indigent defense system and provide recommendations to the General Assembly regarding the delivery, structure, and funding of					103140 103141 103142

indigent defense.	103143
(B) The task force shall consist of the following voting members, appointed not later than October 15, 2019:	103144
(1) The State Public Defender;	103145
(2) The Chair of the Ohio Public Defender Commission;	103146
(3) The Governor or the Governor's designee;	103147
(4) The Chief Justice of the Ohio Supreme Court, or the Chief Justice's designee;	103148
(5) One judge appointed by the Ohio Judicial Conference;	103149
(6) One attorney appointed by the Ohio State Bar Association;	103150
(7) One public defender appointed by the Ohio Public Defender Commission;	103151
(8) One attorney who participates in the assigned counsel system, appointed by the Ohio Public Defender Commission;	103152
(9) One county commissioner appointed by the president of the County Commissioners' Association of Ohio;	103153
(10) The Attorney General or a designee of the Attorney General;	103154
(11) Six members of the General Assembly, including:	103155
(a) Three members of the Senate, including two from the majority party appointed by the Senate President, and one from the minority party appointed by the Senate Minority Leader;	103156
(b) Three members of the House of Representatives, including two from the majority party appointed by the Speaker of the House of Representatives, and one from the minority party appointed by the House Minority Leader.	103157
(C) The task force shall be co-chaired by one member of the Senate and one member of the House of Representatives, both from	103158
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the majority party and appointed by their respective leaders. 103171

(D) Not later than August 1, 2020, the task force shall 103172
report its recommendations to the General Assembly. The 103173
Legislative Service Commission shall assist the task force as 103174
needed. 103175

(E) The task force may reimburse the travel expenses of any 103176
experts invited to present to the task force. 103177

Of the foregoing appropriation item 109401, State Legal 103178
Defense Services, \$9,100 in fiscal year 2020 and \$900 in fiscal 103179
year 2021 shall be used for the reimbursement of travel expenses 103180
of experts invited to present to the task force. 103181

INDIGENT DEFENSE OFFICE 103182

The foregoing appropriation items 019404, Trumbull County - 103183
State Share, and 019610, Trumbull County - County Share, shall be 103184
used to support an indigent defense office for Trumbull County. 103185

MULTI-COUNTY OFFICE 103186

The foregoing appropriation items 019403, Multi-County: State 103187
Share, and 019601, Multi-County: County Share, shall be used to 103188
support the Office of the Ohio Public Defender's Multi-County 103189
Branch Office Program. 103190

TRAINING ACCOUNT 103191

The foregoing appropriation item 019405, Training Account, 103192
shall be used by the Ohio Public Defender to provide legal 103193
training programs at no cost for private appointed counsel who 103194
represents at least one indigent defendant at no cost, state and 103195
county public defenders, and attorneys who contract with the Ohio 103196
Public Defender to provide indigent defense services. 103197

CASH TRANSFER FROM THE GENERAL REVENUE FUND TO THE LEGAL AID 103198
FUND 103199

On July 1 of each fiscal year, or as soon as possible 103200

thereafter, the Director of Budget and Management shall transfer 103201
 \$250,000 cash from the General Revenue Fund to the Legal Aid Fund 103202
 (Fund 5740). The transferred cash shall be distributed by the Ohio 103203
 Access to Justice Foundation to Ohio's civil legal aid societies 103204
 for the sole purpose of providing legal services for economically 103205
 disadvantaged individuals and families seeking assistance with 103206
 legal issues arising as a result of substance abuse disorders. 103207
 None of the funds shall be used for administrative costs, 103208
 including, but not limited to, salaries, benefits, or travel 103209
 reimbursements. 103210

FEDERAL REPRESENTATION 103211

The foregoing appropriation item 019608, Federal 103212
 Representation, shall be used to support representation provided 103213
 by the Ohio Public Defender in federal court cases. 103214

Section 373.10. DPS DEPARTMENT OF PUBLIC SAFETY 103215

General Revenue Fund 103216

GRF	761403	Recovery Ohio Law	\$	9,750,000	\$	9,750,000	103217
		Enforcement					
GRF	763403	EMA Operating	\$	5,099,118	\$	5,320,000	103218
GRF	763512	Ohio Task Force One	\$	250,000	\$	250,000	103219
GRF	763513	Security Grants	\$	2,750,000	\$	2,750,000	103220
GRF	767420	Investigative Unit	\$	13,776,113	\$	14,175,500	103221
		Operating					
GRF	768425	Justice Program	\$	2,061,162	\$	2,084,200	103222
		Services					
GRF	769406	Homeland Security -	\$	3,140,706	\$	3,228,200	103223
		Operating					
GRF	769407	Youthful Driver	\$	500,000	\$	500,000	103224
		Safety					
GRF	769501	School Safety	\$	300,000	\$	300,000	103225
TOTAL GRF		General Revenue Fund	\$	37,627,099	\$	38,357,900	103226

		Dedicated Purpose Fund Group				103227
4P60	768601	Justice Program	\$	220,000	\$	226,500 103228
		Services				
4V30	763662	EMA Service and	\$	751,000	\$	751,000 103229
		Reimbursements				
5B90	766632	Private Investigator	\$	1,986,152	\$	2,035,000 103230
		and Security Guard				
		Provider				
5BK0	768687	Criminal Justice	\$	533,771	\$	550,000 103231
		Services - Operating				
5BK0	768689	Family Violence	\$	1,550,000	\$	1,550,000 103232
		Shelter Programs				
5ET0	768625	Drug Law Enforcement	\$	8,000,000	\$	8,000,000 103233
5LM0	768698	Criminal Justice	\$	850,946	\$	850,946 103234
		Services Law				
		Enforcement Support				
5ML0	769635	Infrastructure	\$	80,000	\$	80,000 103235
		Protection				
5RH0	767697	OIU Special Projects	\$	900,000	\$	900,000 103236
5RS0	768621	Community Police	\$	1,569,445	\$	1,150,000 103237
		Relations				
5TJ0	763603	Security Grants	\$	470,000	\$	0 103238
5Y10	767696	Ohio Investigative	\$	10,000	\$	10,000 103239
		Unit Continuing				
		Professional Training				
6220	767615	Investigative,	\$	1,000,000	\$	1,000,000 103240
		Contraband, and				
		Forfeiture				
6570	763652	Utility Radiological	\$	1,258,624	\$	1,258,624 103241
		Safety				
6810	763653	SARA Title III Hazmat	\$	273,629	\$	273,629 103242
		Planning				
TOTAL	DPF	Dedicated Purpose Fund	\$	19,453,567	\$	18,635,699 103243

Group

Federal Fund Group					103244
3370 763609	Federal Disaster Relief	\$ 69,779,199	\$ 69,948,672		103245
3FP0 767620	Ohio Investigative Unit Justice Contraband	\$ 30,000	\$ 30,000		103246
3GL0 768619	Justice Assistance Grants - FFY15	\$ 12,500,000	\$ 12,500,000		103247
3GT0 767691	Investigative Unit Federal Equity Share	\$ 100,000	\$ 100,000		103248
3GU0 769610	Investigations Grants - Food Stamps, Liquor and Tobacco Laws	\$ 1,400,000	\$ 1,400,000		103249
3GU0 769631	Homeland Security Disaster Grants	\$ 800,000	\$ 800,000		103250
3L50 768604	Justice Program	\$ 12,600,000	\$ 12,600,000		103251
TOTAL FED	Federal Fund Group	\$ 97,209,199	\$ 97,378,672		103252
TOTAL ALL BUDGET FUND GROUPS		\$ 154,289,865	\$ 154,372,271		103253

Section 373.20. RECOVERY OHIO LAW ENFORCEMENT 103255

Of the foregoing appropriation item 761403, Recovery Ohio Law Enforcement, up to \$3,400,000 in each fiscal year may be used by the Office of Criminal Justice Services to provide funding to local law enforcement agencies to create narcotics task forces that will focus on cartel trafficking interdiction. The interdiction task forces shall be designated Ohio Organized Crime Commission task forces subject to approval and supervision of the Commission. 103256
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Of the foregoing appropriation item 761403, Recovery Ohio Law Enforcement, up to \$3,250,000 in each fiscal year may be used to establish a highly specialized Narcotics Intelligence Center 103264
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consisting of personnel assigned to intelligence and computer forensic analysis that will assist Ohio narcotics task forces. 103267
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Of the foregoing appropriation item 761403, Recovery Ohio Law Enforcement, up to \$2,500,000 in each fiscal year may be used by the Office of Criminal Justice Services to provide funding to Ohio's narcotics task forces to build new and strengthen existing partnerships with local law enforcement. 103269
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Of the foregoing appropriation item 761403, Recovery Ohio Law Enforcement, up to \$600,000 in each fiscal year may be used to partner with the Office of Information Technology in the Department of Administrative Services to develop, enhance, and maintain a uniform records management and data intelligence system for narcotics task forces. 103274
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OHIO TASK FORCE ONE 103280

The foregoing appropriation item 763512, Ohio Task Force One, shall be distributed to the Ohio Task Force One - Urban Search and Rescue Unit for the purpose of paying for its operating expenses and developing new programs. 103281
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JUSTICE PROGRAM SERVICES 103285

Of the foregoing appropriation item 768425, Justice Program Services, up to \$1,000,000 in each fiscal year shall be used by the Department of Public Safety to distribute grants to state and/or local law enforcement to conduct investigations on sexual assault kit testing results and related expenses. 103286
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YOUTHFUL DRIVER SAFETY 103291

The foregoing appropriation item 769407, Youthful Driver Safety, shall be used to enhance driver training for a statewide youthful driver safety program. The program will use best practices and technology to focus on behind-the-wheel driver training for drivers aged sixteen to twenty-four in order to 103292
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reduce the number of at-fault youthful fatal car crashes. 103297

SCHOOL SAFETY 103298

The foregoing appropriation item 769501, School Safety, shall 103299
be used by the Department of Public Safety to pay for the costs of 103300
the Ohio Homeland Security Safer Schools Tipline, promotional 103301
materials to enhance awareness of the Tipline, and analytic tools 103302
to proactively alert local officials to school security threats. 103303

LOCAL DISASTER ASSISTANCE 103304

Appropriation item 763511, Local Disaster Assistance, shall 103305
be used to assist eligible local governments in meeting the match 103306
requirement necessary to utilize federal disaster assistance funds 103307
released as a result of the Major Disaster Declaration issued by 103308
the President of the United States on April 17, 2018. 103309

An amount equal to the unexpended, unencumbered balance of 103310
appropriation item 763511, Local Disaster Assistance, at the end 103311
of fiscal year 2019 is hereby reappropriated for the same purpose 103312
for fiscal year 2020. 103313

An amount equal to the unexpended, unencumbered balance of 103314
appropriation item 763511, Local Disaster Assistance, at the end 103315
of fiscal year 2020 is hereby reappropriated for the same purpose 103316
for fiscal year 2021. 103317

STATE DISASTER RELIEF 103318

The State Disaster Relief Fund (Fund 5330) may accept 103319
transfers of cash or appropriations from Controlling Board 103320
appropriation items for the Ohio Emergency Management Agency 103321
disaster response costs and disaster program management costs, and 103322
may also be used for the following purposes: 103323

(A) To accept transfers of cash or appropriations from 103324
Controlling Board appropriation items for Ohio Emergency 103325
Management Agency public assistance and mitigation program match 103326

costs to reimburse eligible local governments and private nonprofit organizations for costs related to disasters; 103327
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(B) To accept transfers of cash to reimburse the costs associated with Emergency Management Assistance Compact (EMAC) deployments; 103329
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(C) To accept disaster related reimbursement from federal, state, and local governments. The Director of Budget and Management may transfer cash from reimbursements received by this fund to other funds of the state from which transfers were originally approved by the Controlling Board. 103332
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(D) To accept transfers of cash or appropriations from Controlling Board appropriation items to fund the State Disaster Relief Program, for disasters that qualify for the program by written authorization of the Governor, and the State Individual Assistance Program for disasters that have been declared by the federal Small Business Administration and that qualify for the program by written authorization from the Governor. The Ohio Emergency Management Agency shall publish and make available application packets outlining procedures for the State Disaster Relief Program and the State Individual Assistance Program. 103337
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Section 373.30. TRANSFER FROM STATE FIRE MARSHAL FUND TO EMERGENCY MANAGEMENT AGENCY SERVICE AND REIMBURSEMENT FUND 103347
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On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$200,000 cash from the State Fire Marshall Fund (Fund 5460) to the Emergency Management Agency Service and Reimbursement Fund (Fund 4V30) to be distributed to the Ohio Task Force One - Urban Search and Rescue Unit, other similar urban search and rescue units around the state, and for maintenance of the statewide fire emergency response plan by an entity recognized by the Ohio Emergency Management Agency. 103349
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DRUG LAW ENFORCEMENT FUND	103358
Notwithstanding division (D) of section 5502.68 of the Revised Code, in each of fiscal years 2020 and 2021, the cumulative amount of funding provided to any single drug task force out of the Drug Law Enforcement Fund (Fund 5ET0) may not exceed \$500,000 in any calendar year.	103359 103360 103361 103362 103363
COMMUNITY POLICE RELATIONS	103364
The foregoing appropriation item 768621, Community Police Relations, shall be used to implement key recommendations of the Ohio Task Force on Community-Police Relations, including a public awareness campaign, and state-provided assistance with policy-making and manuals.	103365 103366 103367 103368 103369
SARA TITLE III HAZMAT PLANNING	103370
The SARA Title III Hazmat Planning Fund (Fund 6810) is entitled to receive grant funds from the Emergency Response Commission to implement the Emergency Management Agency's responsibilities under Chapter 3750. of the Revised Code.	103371 103372 103373 103374
SECURITY GRANTS	103375
(A) The foregoing appropriation items 763513, Security Grants, and 763603, Security Grants, shall be used to make competitive grants of up to \$100,000 to nonprofit organizations for eligible security improvements that assist the organization in preventing, preparing for, or responding to acts of terrorism.	103376 103377 103378 103379 103380
(B) The Emergency Management Agency shall administer and award the grants. The Agency shall establish procedures and forms by which applicants may apply for a grant, a competitive process for ranking applicants and awarding the grants, and procedures for distributing grants to recipients. The procedures shall require each applicant to do all of the following:	103381 103382 103383 103384 103385 103386
(1) Identify and substantiate prior threats or attacks by a	103387

terrorist organization, network, or cell against the nonprofit organization; 103388
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(2) Indicate the symbolic or strategic value of one or more sites that renders the site a possible target of terrorism; 103390
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(3) Discuss potential consequences to the organization if the site is damaged, destroyed, or disrupted by a terrorist; 103392
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(4) Describe how the grant will be used to integrate organizational preparedness with broader state and local preparedness efforts; 103394
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(5) Submit a vulnerability assessment conducted by experienced security, law enforcement, or military personnel and a description of how the grant will be used to address the vulnerabilities identified in the assessment. 103397
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The Agency shall consider all of the above factors in evaluating grant applications. 103401
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(C) Any grant submission described in division (I) of section 3313.536 of the Revised Code or section 149.433 of the Revised Code is not a public record under section 149.43 of the Revised Code and is not subject to mandatory release or disclosure under that section. 103403
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(D) The Emergency Management Agency may use up to two and one-half per cent of the total amount appropriated to administer the program, a portion of which may be used to pay costs incurred by the Department of Public Safety to provide security-related or specialized assistance in reviewing vulnerability assessments and prioritizing grant applications. 103408
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(E) As used in this section: 103414

(1) "Eligible security improvements" means any of the following: 103415
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(a) Physical security enhancement equipment or inspection and 103417

screening equipment included on the Authorized Equipment List 103418
published by the United States Department of Homeland Security; 103419

(b) Attendance fees and associated materials, supplies, and 103420
equipment costs for security-related training courses and programs 103421
regarding the protection of critical infrastructure and key 103422
resources, physical and cyber security, target hardening, or 103423
terrorism awareness or preparedness. Personnel and travel costs 103424
associated with training shall not be considered an eligible 103425
expense of the grant. 103426

(2) "Nonprofit organization" means a corporation, 103427
association, group, institution, society, or other organization 103428
that is exempt from federal income taxation under section 103429
501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 103430
26 U.S.C. 501(c)(3), as amended. 103431

(F) An amount equal to the unexpended, unencumbered balance 103432
of the foregoing appropriation item 763603, Security Grants, at 103433
the end of fiscal year 2020 is hereby reappropriated for the same 103434
purpose in fiscal year 2021. 103435

Section 375.10. PUC PUBLIC UTILITIES COMMISSION OF OHIO 103436

Dedicated Purpose Fund Group 103437

4A30 870614 Grade Crossing \$ 1,196,662 \$ 1,200,000 103438
Protection
Devices-State

4L80 870617 Pipeline Safety-State \$ 346,253 \$ 346,253 103439

5610 870606 Power Siting Board \$ 1,095,185 \$ 1,095,185 103440

5F60 870622 Utility and Railroad \$ 34,582,560 \$ 35,415,760 103441
Regulation

5F60 870624 NARUC/NRRI Subsidy \$ 85,000 \$ 85,000 103442

5LT0 870640 Intrastate \$ 195,000 \$ 195,000 103443
Registration

5LT0	870641	Unified Carrier Registration	\$	450,000	\$	450,000	103444
5LT0	870643	Non-hazardous Materials Civil Forfeiture	\$	299,942	\$	299,942	103445
5LT0	870644	Hazardous Materials Civil Forfeiture	\$	800,000	\$	800,000	103446
5LT0	870645	Motor Carrier Enforcement	\$	4,681,427	\$	4,719,696	103447
5Q50	870626	Telecommunications Relay Service	\$	3,000,000	\$	3,000,000	103448
5QR0	870646	Underground Facilities Protection	\$	50,000	\$	50,000	103449
5QS0	870647	Underground Facilities Administration	\$	316,000	\$	316,000	103450
TOTAL DPF		Dedicated Purpose Fund Group	\$	47,098,029	\$	47,972,836	103451
		Federal Fund Group					103452
3330	870601	Gas Pipeline Safety	\$	1,397,959	\$	1,397,959	103453
3500	870608	Motor Carrier Safety	\$	10,058,083	\$	10,058,083	103454
3500	870648	Motor Carrier Administration High Priority Activities Grants and Cooperative Agreements	\$	450,000	\$	450,000	103455
3V30	870604	Commercial Vehicle Information Systems/Networks	\$	100,000	\$	100,000	103456
TOTAL FED		Federal Fund Group	\$	12,006,042	\$	12,006,042	103457
TOTAL ALL BUDGET FUND GROUPS			\$	59,104,071	\$	59,978,878	103458

General Revenue Fund					103461
GRF 150904	Conservation General	\$ 44,218,800	\$ 44,394,800		103462
	Obligation Bond Debt				
	Service				
GRF 150907	Infrastructure	\$ 229,338,800	\$ 231,754,500		103463
	Improvement General				
	Obligation Bond Debt				
	Service				
TOTAL GRF General Revenue Fund		\$ 273,557,600	\$ 276,149,300		103464
Capital Projects Fund Group					103465
7038 150321	State Capital	\$ 1,085,834	\$ 895,864		103466
	Improvements Program				
	- Operating Expenses				
7056 150403	Clean Ohio	\$ 364,345	\$ 301,022		103467
	Conservation				
	Operating				
TOTAL CPF Capital Projects Fund		\$ 1,450,179	\$ 1,196,886		103468
Group					
TOTAL ALL BUDGET FUND GROUPS		\$ 275,007,779	\$ 277,346,186		103469

Section 377.20. CONSERVATION GENERAL OBLIGATION BOND DEBT 103471
SERVICE 103472

The foregoing appropriation item 150904, Conservation General 103473
Obligation Bond Debt Service, shall be used to pay all debt 103474
service and related financing costs during the period from July 1, 103475
2019, through June 30, 2021, on obligations issued under sections 103476
151.01 and 151.09 of the Revised Code. 103477

INFRASTRUCTURE IMPROVEMENT GENERAL OBLIGATION BOND DEBT 103478
SERVICE 103479

The foregoing appropriation item 150907, Infrastructure 103480
Improvement General Obligation Bond Debt Service, shall be used to 103481
pay all debt service and related financing costs during the period 103482

from July 1, 2019, through June 30, 2021, on obligations issued	103483
under sections 151.01 and 151.08 of the Revised Code.	103484
STATE CAPITAL IMPROVEMENTS PROGRAM - OPERATING EXPENSES	103485
The foregoing appropriation item 150321, State Capital	103486
Improvements Program - Operating Expenses, shall be used by the	103487
Ohio Public Works Commission to administer the State Capital	103488
Improvement Program under sections 164.01 to 164.16 of the Revised	103489
Code.	103490
CLEAN OHIO CONSERVATION OPERATING	103491
The foregoing appropriation item 150403, Clean Ohio	103492
Conservation Operating, shall be used by the Ohio Public Works	103493
Commission in administering Clean Ohio Conservation Fund (Fund	103494
7056) projects pursuant to sections 164.20 to 164.27 of the	103495
Revised Code.	103496
DISTRICT ADMINISTRATION COSTS	103497
The Director of the Public Works Commission is authorized to	103498
create a District Administration Costs Program from proceeds of	103499
the Capital Improvements Fund and Local Transportation Improvement	103500
Program Fund. The program shall be used to provide for the direct	103501
costs of district administration of the nineteen public works	103502
districts. Districts choosing to participate in the program shall	103503
only expend State Capital Improvements Fund moneys for State	103504
Capital Improvements Fund costs and Local Transportation	103505
Improvement Program Fund moneys for Local Transportation	103506
Improvement Program Fund costs. The District Administration Costs	103507
Program account shall not exceed \$1,235,000 per fiscal year. Each	103508
public works district may be eligible for up to \$65,000 per fiscal	103509
year from its district allocation as provided in sections 164.08	103510
and 164.14 of the Revised Code.	103511
The Director, by rule, shall define allowable and	103512
nonallowable costs for the purpose of the District Administration	103513

Costs Program. Nonallowable costs include indirect costs, elected 103514
official salaries and benefits, and project-specific costs. No 103515
district public works committee may participate in the District 103516
Administration Costs Program without the approval of those costs 103517
by the district public works committee under section 164.04 of the 103518
Revised Code. 103519

NATURAL RESOURCE ASSISTANCE COUNCIL ADMINISTRATION COSTS 103520

The Director of the Public Works Commission is authorized to 103521
create a District Administration Costs Program for districts 103522
represented by natural resource assistance councils. This program 103523
shall be funded from proceeds of the Clean Ohio Conservation Fund. 103524
The program shall be used by natural resource assistance councils 103525
in order to provide for administration costs of the nineteen 103526
natural resource assistance councils for the direct costs of 103527
council administration. Councils choosing to participate in this 103528
program may be eligible for up to \$15,000 per fiscal year from its 103529
district allocation as provided in section 164.27 of the Revised 103530
Code. 103531

The Director shall define allowable and nonallowable costs 103532
for the purpose of the District Administration Costs Program. 103533
Nonallowable costs include indirect costs, elected official 103534
salaries and benefits, and project-specific costs. 103535

Section 379.10. RAC STATE RACING COMMISSION 103536

Dedicated Purpose Fund Group 103537

5620	875601	Thoroughbred	\$	1,400,000	\$	1,400,000	103538
		Development					
5630	875602	Standardbred	\$	1,550,000	\$	1,550,000	103539
		Development					
5650	875604	Racing Commission	\$	4,034,320	\$	4,070,948	103540
		Operating					

5JK0 875610	Horse Racing	\$	8,512,095	\$	8,512,095	103541
	Development-Casino					
5NL0 875611	Revenue	\$	8,000,000	\$	8,000,000	103542
	Redistribution					
TOTAL DPF	Dedicated Purpose Fund	\$	23,496,415	\$	23,533,043	103543
	Group					
	Fiduciary Fund Group					103544
5C40 875607	Simulcast Horse	\$	7,000,000	\$	7,000,000	103545
	Racing Purse					
TOTAL FID	Fiduciary Fund Group	\$	7,000,000	\$	7,000,000	103546
	Holding Account Fund Group					103547
R021 875605	Bond Reimbursements	\$	100,000	\$	100,000	103548
TOTAL HLD	Holding Account Fund	\$	100,000	\$	100,000	103549
	Group					
TOTAL ALL BUDGET FUND GROUPS		\$	30,596,415	\$	30,633,043	103550
	Section 381.10. BOR DEPARTMENT OF HIGHER EDUCATION					103552
	General Revenue Fund					103553
GRF 235321	Operating Expenses	\$	5,825,252	\$	5,762,414	103554
GRF 235402	Sea Grants	\$	299,250	\$	299,250	103555
GRF 235406	Articulation and	\$	1,844,372	\$	1,851,773	103556
	Transfer					
GRF 235408	Midwest Higher	\$	115,000	\$	115,000	103557
	Education Compact					
GRF 235414	Grants and Scholarship	\$	837,799	\$	855,433	103558
	Administration					
GRF 235417	Technology Maintenance	\$	3,739,937	\$	3,758,802	103559
	and Operations					
GRF 235428	Appalachian New	\$	3,728,000	\$	3,728,000	103560
	Economy Workforce					
	Partnership					
GRF 235438	Choose Ohio First	\$	28,169,310	\$	40,177,613	103561

	Scholarship				
GRF 235443	Adult Basic and Literacy Education - State	\$	9,083,344	\$	9,083,344 103562
GRF 235444	Ohio Technical Centers	\$	19,669,559	\$	23,250,000 103563
GRF 235474	Area Health Education Centers Program Support	\$	873,000	\$	873,000 103564
GRF 235492	Campus Safety and Training	\$	750,000	\$	750,000 103565
GRF 235501	State Share of Instruction	\$	1,999,210,715	\$	2,019,202,822 103566
GRF 235504	War Orphans and Severely Disabled Veterans' Children Scholarships	\$	11,163,333	\$	12,502,933 103567
GRF 235507	OhioLINK	\$	6,024,682	\$	6,024,682 103568
GRF 235508	Air Force Institute of Technology	\$	1,566,723	\$	1,566,723 103569
GRF 235510	Ohio Supercomputer Center	\$	4,388,513	\$	4,388,513 103570
GRF 235511	Cooperative Extension Service	\$	24,110,186	\$	24,110,186 103571
GRF 235514	Central State Supplement	\$	11,685,516	\$	11,685,516 103572
GRF 235515	Case Western Reserve University School of Medicine	\$	2,038,940	\$	2,038,940 103573
GRF 235519	Family Practice	\$	3,007,876	\$	3,007,876 103574
GRF 235520	Shawnee State Supplement	\$	3,537,456	\$	3,537,456 103575
GRF 235525	Geriatric Medicine	\$	496,043	\$	496,043 103576
GRF 235526	Primary Care	\$	1,425,000	\$	1,425,000 103577

	Residencies				
GRF 235533	Program and Project Support	\$	953,000	\$	453,000 103578
GRF 235535	Ohio Agricultural Research and Development Center	\$	36,361,470	\$	36,361,470 103579
GRF 235536	The Ohio State University Clinical Teaching	\$	9,185,494	\$	9,185,494 103580
GRF 235537	University of Cincinnati Clinical Teaching	\$	7,554,944	\$	7,554,944 103581
GRF 235538	University of Toledo Clinical Teaching	\$	5,888,670	\$	5,888,670 103582
GRF 235539	Wright State University Clinical Teaching	\$	2,860,830	\$	2,860,830 103583
GRF 235540	Ohio University Clinical Teaching	\$	2,765,651	\$	2,765,651 103584
GRF 235541	Northeast Ohio Medical University Clinical Teaching	\$	2,844,469	\$	2,844,469 103585
GRF 235546	Central State Agricultural Research and Development	\$	3,492,485	\$	3,492,485 103586
GRF 235548	Central State Cooperative Extension Services	\$	3,004,367	\$	3,004,367 103587
GRF 235552	Capital Component	\$	1,584,491	\$	1,584,491 103588
GRF 235555	Library Depositories	\$	1,396,592	\$	1,396,592 103589
GRF 235556	Ohio Academic Resources Network	\$	3,077,343	\$	3,077,343 103590
GRF 235558	Long-term Care	\$	309,035	\$	309,035 103591

	Research				
GRF 235563	Ohio College Opportunity Grant	\$ 119,260,500	\$ 145,200,000	103592	
GRF 235572	The Ohio State University Clinic Support	\$ 728,206	\$ 728,206	103593	
GRF 235591	Co-Op Internship Program	\$ 1,287,500	\$ 1,487,500	103594	
GRF 235597	High School STEM Innovation and Ohio College Scholarship and Retention Program	\$ 1,000,000	\$ 1,000,000	103595	
GRF 235598	Rural University Program	\$ 500,000	\$ 500,000	103596	
GRF 235599	National Guard Scholarship Program	\$ 20,604,000	\$ 21,222,120	103597	
GRF 235909	Higher Education General Obligation Bond Debt Service	\$ 323,545,500	\$ 348,550,200	103598	
TOTAL GRF	General Revenue Fund	\$ 2,691,794,353	\$ 2,779,958,186	103599	
	Dedicated Purpose Fund Group			103600	
2200 235614	Program Approval and Reauthorization	\$ 800,485	\$ 744,562	103601	
4560 235603	Sales and Services	\$ 199,250	\$ 199,250	103602	
4E80 235602	Higher Educational Facility Commission Administration	\$ 53,239	\$ 60,000	103603	
5D40 235675	Conference/Special Purposes	\$ 1,000,000	\$ 1,000,000	103604	
5FR0 235650	State and Non-Federal Grants and Award	\$ 1,402,150	\$ 1,402,150	103605	
5JC0 235654	Federal Research Network	\$ 4,450,000	\$ 4,450,000	103606	

5NH0	235529	Jobs Challenge	\$	5,000,000	\$	5,000,000	103607
5NH0	235684	OhioMeansJobs Workforce Development Revolving Loan Program	\$	245,163	\$	250,000	103608
5P30	235663	Variable Savings Plan	\$	7,743,050	\$	7,915,343	103609
5VQ0	235671	Textbook and Instructional Materials Grants	\$	3,000,000	\$	3,000,000	103610
6450	235664	Guaranteed Savings Plan	\$	956,973	\$	1,001,626	103611
6820	235606	Nursing Loan Program	\$	889,611	\$	891,320	103612
TOTAL DPF Dedicated Purpose Fund Group			\$	25,739,921	\$	25,914,251	103613
Bond Research and Development Fund Group							103614
7011	235634	Research Incentive Third Frontier	\$	6,500,000	\$	6,500,000	103615
7014	235639	Research Incentive Third Frontier - Tax	\$	1,500,000	\$	1,500,000	103616
TOTAL BRD Bond Research and Development Fund Group			\$	8,000,000	\$	8,000,000	103617
Federal Fund Group							103618
3120	235611	Gear-up Grant	\$	1,995,808	\$	2,000,000	103619
3120	235612	Carl D. Perkins Grant/Plan Administration	\$	1,332,315	\$	1,350,000	103620
3120	235641	Adult Basic and Literacy Education - Federal	\$	17,579,996	\$	17,600,000	103621
3BG0	235651	Gear Up Grant Scholarships	\$	1,750,000	\$	1,750,000	103622
3H20	235608	Human Services	\$	375,000	\$	375,000	103623

	Project				
3N60	235658	John R. Justice	\$	70,000	\$ 70,000 103624
		Student Loan			
		Repayment Program			
TOTAL FED	Federal Fund Group		\$	23,103,119	\$ 23,145,000 103625
TOTAL ALL BUDGET FUND GROUPS			\$	2,748,637,393	\$ 2,837,017,437 103626

Section 381.20. SEA GRANTS 103628

The foregoing appropriation item 235402, Sea Grants, shall be 103629
used to match federal dollars and leverage additional support by 103630
The Ohio State University's Sea Grant program, including Stone 103631
Laboratory, for research, education, and outreach to enhance the 103632
economic value, public utilization, and responsible management of 103633
Lake Erie and Ohio's coastal resources. 103634

Section 381.30. ARTICULATION AND TRANSFER 103635

The foregoing appropriation item 235406, Articulation and 103636
Transfer, shall be used by the Chancellor of Higher Education to 103637
maintain and expand the work of the Articulation and Transfer 103638
Council to develop a system of transfer policies to ensure that 103639
students at state institutions of higher education can transfer 103640
and have coursework apply to their majors and degrees at any other 103641
state institution of higher education without unnecessary 103642
duplication or institutional barriers under sections 3333.16, 103643
3333.161, and 3333.162 of the Revised Code. 103644

Section 381.40. MIDWEST HIGHER EDUCATION COMPACT 103645

The foregoing appropriation item 235408, Midwest Higher 103646
Education Compact, shall be distributed by the Chancellor of 103647
Higher Education under section 3333.40 of the Revised Code. 103648

Section 381.50. GRANTS AND SCHOLARSHIP ADMINISTRATION 103649

The foregoing appropriation item 235414, Grants and Scholarship Administration, shall be used by the Chancellor of Higher Education to manage and administer student financial aid programs created by the General Assembly and grants for which the Department of Higher Education is responsible. The appropriation item also shall be used to support all state financial aid audits and student financial aid programs created by Congress, and to provide fiscal and administrative services for the Ohio National Guard Scholarship Program.

Section 381.60. TECHNOLOGY MAINTENANCE AND OPERATIONS

The foregoing appropriation item 235417, Technology Maintenance and Operations, shall be used by the Chancellor of Higher Education to support the development and implementation of information technology solutions designed to improve the performance and capacity of the Department of Higher Education. The information technology solutions may be provided by the Ohio Technology Consortium (OH-TECH).

Of the foregoing appropriation item 235417, Technology Maintenance and Operations, a portion in each fiscal year may be used by the Chancellor to support the continued implementation of eStudent Services, a consortium organized under division (T) of section 3333.04 of the Revised Code to expand access to dual enrollment opportunities for high school students, as well as adult and higher education opportunities through technology. The funds shall be used by eStudent Services to develop and promote learning and assessment through the use of technology, to provide advice on emerging learning-directed technologies, to facilitate cost-effectiveness through shared educational technology investments, and for any other priorities of the Chancellor of Higher Education.

Of the foregoing appropriation item 235417, Technology

Maintenance and Operations, a portion in each fiscal year shall be 103681
used by the Chancellor to implement a high priority data 103682
warehouse, advanced analytics, and visualization integration 103683
services associated with the Higher Education Information (HEI) 103684
system. The services may be facilitated by OH-TECH. 103685

Of the foregoing appropriation item 235417, Technology 103686
Maintenance and Operations, \$150,000 in each fiscal year shall be 103687
used to support Ohio Reach to provide mentoring and support 103688
services to former foster youth attending college. 103689

Section 381.70. APPALACHIAN NEW ECONOMY WORKFORCE PARTNERSHIP 103690

The foregoing appropriation item 235428, Appalachian New 103691
Economy Workforce Partnership, shall be distributed to Ohio 103692
University to continue a multi-campus and multi-agency coordinated 103693
effort to link Appalachia to the new economy. Ohio University 103694
shall use these funds to provide leadership in the development and 103695
implementation of initiatives in the areas of entrepreneurship, 103696
management, education, and technology. 103697

Section 381.80. CHOOSE OHIO FIRST SCHOLARSHIP 103698

The foregoing appropriation item 235438, Choose Ohio First 103699
Scholarship, shall be used to operate the program prescribed in 103700
sections 3333.60 to 3333.69 of the Revised Code. 103701

During each fiscal year, the Chancellor of Higher Education, 103702
as soon as possible after cancellation, may certify to the 103703
Director of Budget and Management the amount of canceled 103704
prior-year encumbrances in appropriation item 235438, Choose Ohio 103705
First Scholarship. Upon receipt of the certification, the Director 103706
of Budget and Management may transfer cash, up to the certified 103707
amount, from the General Revenue Fund to the Choose Ohio First 103708
Scholarship Reserve Fund (Fund 5PV0). 103709

Section 381.90. ADULT BASIC AND LITERACY EDUCATION 103710

The foregoing appropriation item 235443, Adult Basic and Literacy Education - State, shall be used to support the adult basic and literacy education instructional grant program and state leadership program. The supported programs shall satisfy the state match and maintenance of effort requirements for the state-administered grant program. 103711
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Section 381.100. OHIO TECHNICAL CENTERS FUNDING 103717

The foregoing appropriation item 235444, Ohio Technical Centers, shall be used by the Chancellor of Higher Education to support post-secondary adult career-technical education. The Chancellor shall provide coordination for Ohio Technical Centers through program approval processes, data collection of program and student outcomes, and subsidy disbursements from the foregoing appropriation item 235444, Ohio Technical Centers. 103718
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(A)(1) As soon as possible in each fiscal year, in accordance with instructions of the Chancellor, each Ohio Technical Center shall report its actual data, consistent with the definitions in the Higher Education Information (HEI) system's files, to the Chancellor. 103725
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(a) In defining the number of full-time equivalent students for state subsidy purposes, the Chancellor shall exclude all students who are not residents of Ohio. 103730
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(b) A full-time equivalent student shall be defined as a student who completes 450 hours. Those students that complete some portion of 450 hours shall be counted as a partial full-time equivalent for funding purposes, while students that complete more than 450 hours shall be counted as proportionally greater than one full-time equivalent. 103733
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(c) In calculating each Ohio Technical Center's full-time 103739

equivalent students, the Chancellor shall use a three-year average. 103740
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(d) After June 30, 2019, Ohio Technical Centers shall operate with, or be an active candidate for, accreditation by an accreditor authorized by the United States Department of Education to be eligible to receive subsidies from the foregoing appropriation item 235444, Ohio Technical Centers. 103742
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(2) In each fiscal year, twenty-five per cent of the allocation for Ohio Technical Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the total full-time equivalent students who complete a post-secondary technical workforce training program approved by the Chancellor with a grade of C or better or a grade of pass if the program is evaluated on a pass/fail basis. 103747
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(3) In each fiscal year, twenty per cent of the allocation for Ohio Technical Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the total full-time equivalent students who complete 50 per cent of a program of study as a measure of student retention. 103754
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(4) In each fiscal year, fifty per cent of the allocation for Ohio Technical Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the total full-time equivalent students who have found employment, entered military service, or enrolled in additional post-secondary education and training in accordance with the placement definitions of the Carl D. Perkins Career and Technical Education Act of 2006 (Perkins). The calculation for eligible full-time equivalent students shall be based on the per cent of Perkins placements for students who have completed at least 50 per cent of a program of study. 103759
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(5) In each fiscal year, five per cent of the allocation for 103770

Ohio Technical Centers shall be distributed based on the 103771
proportion of each Center's full-time equivalent students to the 103772
total full-time equivalent students who have earned a credential 103773
from an industry-recognized third party. 103774

(B) Of the foregoing appropriation item 235444, Ohio 103775
Technical Centers, up to 2.38 per cent in each fiscal year may be 103776
distributed by the Chancellor to the Ohio Central School System, 103777
up to \$48,000 in each fiscal year may be utilized for assistance 103778
for Ohio Technical Centers, and up to \$3,000,000 in each fiscal 103779
year may be distributed by the Chancellor to Ohio Technical 103780
Centers that provide business consultation with matching local 103781
dollars, with preference to industries on the in-demand jobs list 103782
created under section 6301.11 of the Revised Code or in regionally 103783
emerging fields. Each center meeting this requirement shall 103784
receive at least \$25,000 but not more than a maximum amount 103785
determined by the Chancellor. 103786

(C) The remainder of the foregoing appropriation item 235444, 103787
Ohio Technical Centers, in each fiscal year shall be distributed 103788
in accordance with division (A) of this section. 103789

(D) PHASE-IN OF PERFORMANCE FUNDING FOR OHIO TECHNICAL 103790
CENTERS 103791

(1) In fiscal year 2020, no Ohio Technical Center shall 103792
receive performance funding calculated under division (A) of this 103793
section, excluding funding for third party credentials calculated 103794
under division (A)(5) of this section, that is less than 75 per 103795
cent of the average allocation the Center received, excluding 103796
funding for third party credentials, in the three prior fiscal 103797
years. 103798

In fiscal year 2021, no Ohio Technical Center shall receive 103799
performance funding calculated under division (A) of this section, 103800
excluding funding for third party credentials calculated under 103801

division (A)(5) of this section, that is less than 65 per cent of 103802
the average allocation the Center received, excluding funding for 103803
third party credentials, in the three prior fiscal years. 103804

(2) In order to ensure that no Center receives less than the 103805
amounts identified for each fiscal year in accordance with 103806
division (D)(1) of this section, funds shall be made available to 103807
support the phase-in allocation by proportionally reducing formula 103808
earnings from each Center not receiving phase-in funding. 103809

Section 381.110. AREA HEALTH EDUCATION CENTERS PROGRAM 103810
SUPPORT 103811

The foregoing appropriation item 235474, Area Health 103812
Education Centers Program Support, shall be used by the Chancellor 103813
of Higher Education to support the medical school regional area 103814
health education centers' educational programs for the continued 103815
support of medical and other health professions education and for 103816
support of the Area Health Education Center Program. 103817

Section 381.120. CAMPUS SAFETY AND TRAINING 103818

The foregoing appropriation item 235492, Campus Safety and 103819
Training, shall be used by the Chancellor of Higher Education for 103820
the purpose of developing model best practices for preventing and 103821
responding to sexual violence on campus. The Chancellor, in 103822
consultation with state institutions of higher education as 103823
defined in section 3345.011 of the Revised Code and private 103824
nonprofit institutions of higher education holding certificates of 103825
authorization under Chapter 1713. of the Revised Code, shall 103826
continue to develop model best practices in line with emerging 103827
trends, research, and evidence-based training for preventing and 103828
responding to sexual violence and protecting students and staff 103829
who are victims of sexual violence on campus. The Chancellor shall 103830
convene state institutions of higher education and private 103831

nonprofit institutions of higher education in the training and 103832
implementation of best practices regarding campus sexual violence. 103833

Section 381.140. STATE SHARE OF INSTRUCTION FORMULAS 103834

The Chancellor of Higher Education shall establish procedures 103835
to allocate the foregoing appropriation item 235501, State Share 103836
of Instruction, based on the formulas detailed in this section 103837
that utilize the enrollment, course completion, degree attainment, 103838
and student achievement factors reported annually by each state 103839
institution of higher education participating in the Higher 103840
Education Information (HEI) system. 103841

(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS AND COURSE 103842
COMPLETIONS 103843

(1) As soon as possible during each fiscal year of the 103844
biennium ending June 30, 2021, in accordance with instructions of 103845
the Department of Higher Education, each state institution of 103846
higher education shall report its actual data, consistent with the 103847
definitions in the Higher Education Information (HEI) system's 103848
enrollment files, to the Chancellor of Higher Education. 103849

(2) In defining the number of full-time equivalent students 103850
for state subsidy instructional cost purposes, the Chancellor 103851
shall exclude all undergraduate students who are not residents of 103852
Ohio or who do not meet the definition of residency for state 103853
subsidy and tuition surcharge purposes, except those charged 103854
in-state fees in accordance with reciprocity agreements made under 103855
section 3333.17 of the Revised Code or employer contracts entered 103856
into under section 3333.32 of the Revised Code. 103857

(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT 103858

For purposes of calculating state share of instruction 103859
allocations, the total instructional costs per full-time 103860
equivalent student shall be: 103861

Model	Fiscal Year 2020	Fiscal Year 2021	
ARTS AND HUMANITIES 1	\$9,115	\$9,285	103862
ARTS AND HUMANITIES 2	\$12,986	\$13,227	103864
ARTS AND HUMANITIES 3	\$16,155	\$16,455	103865
ARTS AND HUMANITIES 4	\$24,740	\$25,200	103866
ARTS AND HUMANITIES 5	\$41,648	\$42,421	103867
ARTS AND HUMANITIES 6	\$41,449	\$42,219	103868
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	\$8,820	\$8,984	103869
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	\$9,681	\$9,861	103870
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	\$12,351	\$12,580	103871
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	\$14,388	\$14,655	103872
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	\$22,995	\$23,422	103873
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	\$24,140	\$24,588	103874
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	\$36,758	\$37,440	103875
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	\$8,441	\$8,598	103876
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	\$11,326	\$11,536	103877
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	\$13,054	\$13,296	103878
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	\$15,314	\$15,599	103879

SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	\$19,665	\$20,030	103880
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6	\$20,452	\$20,832	103881
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 7	\$24,577	\$25,033	103882
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 8	\$39,870	\$40,610	103883
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 9	\$56,741	\$57,795	103884

Doctoral I and Doctoral II models shall be allocated in accordance with division (D)(2) of this section. 103885
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Medical I and Medical II models shall be allocated in accordance with divisions (D)(3) and (D)(4) of this section. 103887
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(C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL, AND GRADUATE WEIGHTS 103889
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For the purpose of implementing the recommendations of the 2006 State Share of Instruction Consultation and the Higher Education Funding Study Council that priority be given to maintaining state support for science, technology, engineering, mathematics, medicine, and graduate programs, the costs in division (B) of this section shall be weighted by the amounts provided below: 103891
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Model	Fiscal Year 2020	Fiscal Year 2021	
ARTS AND HUMANITIES 1	1.0000	1.0000	103898
ARTS AND HUMANITIES 2	1.0000	1.0000	103899
ARTS AND HUMANITIES 3	1.0000	1.0000	103900
			103901

ARTS AND HUMANITIES 4	1.0000	1.0000	103902
ARTS AND HUMANITIES 5	1.0425	1.0425	103903
ARTS AND HUMANITIES 6	1.0425	1.0425	103904
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	1.0000	1.0000	103905
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	1.0000	1.0000	103906
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	1.0000	1.0000	103907
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	1.0000	1.0000	103908
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	1.0425	1.0425	103909
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	1.0425	1.0425	103910
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	1.0425	1.0425	103911
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	1.0000	1.0000	103912
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	1.0017	1.0017	103913
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	1.6150	1.6150	103914
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	1.6920	1.6920	103915
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	1.4222	1.4222	103916
SCIENCE, TECHNOLOGY,	1.8798	1.8798	103917

ENGINEERING, MATHEMATICS, MEDICINE 6			
SCIENCE, TECHNOLOGY,	1.4380	1.4380	103918
ENGINEERING, MATHEMATICS, MEDICINE 7			
SCIENCE, TECHNOLOGY,	1.5675	1.5675	103919
ENGINEERING, MATHEMATICS, MEDICINE 8			
SCIENCE, TECHNOLOGY,	1.1361	1.1361	103920
ENGINEERING, MATHEMATICS, MEDICINE 9			
(D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA			103921
ENTITLEMENTS AND ADJUSTMENTS FOR UNIVERSITIES			103922
(1) Of the foregoing appropriation item 235501, State Share			103923
of Instruction, 50 per cent of the appropriation for universities,			103924
as established in division (A)(2) of the section of this act			103925
entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2020 AND			103926
2021," in each fiscal year shall be reserved for support of			103927
associate, baccalaureate, master's, and professional level degree			103928
attainment.			103929
The degree attainment funding shall be allocated to			103930
universities in proportion to each campus's share of the total			103931
statewide degrees granted, weighted by the cost of the degree			103932
programs. The degree cost calculations shall include the model			103933
cost weights for the science, technology, engineering,			103934
mathematics, and medicine models as established in division (C) of			103935
this section.			103936
For degrees including credits earned at multiple			103937
institutions, degree attainment funding shall be allocated to			103938
universities in proportion to each campus's share of the			103939
student-specific cost of earned credits for the degree. Each			103940
institution shall receive its prorated share of degree funding for			103941

credits earned at that institution. Cost of credits not earned at 103942
a university main or regional campus shall be credited to the 103943
degree-granting institution for the first degree earned by a 103944
student at each degree level. The cost credited to the 103945
degree-granting institution shall not be eligible for at-risk 103946
weights and shall be limited to 12.5 per cent of the 103947
student-specific degree costs. However, the 12.5 per cent 103948
limitation shall not apply if the student transferred 12 or fewer 103949
credits into the degree granting institution. 103950

In calculating the subsidy entitlements for degree attainment 103951
for universities, the Chancellor shall use the following count of 103952
degrees and degree costs: 103953

(a) The subsidy eligible undergraduate degrees shall be 103954
defined as follows: 103955

(i) The subsidy eligible degrees conferred to students 103956
identified as residents of the state of Ohio in any term of their 103957
studies, as reported through the Higher Education Information 103958
(HEI) system student enrollment file, shall be weighted by a 103959
factor of 1. 103960

(ii) The subsidy eligible degrees conferred to students 103961
identified as out-of-state residents during all terms of their 103962
studies, as reported through the Higher Education Information 103963
(HEI) system student enrollment file, who remain in the state of 103964
Ohio at least one year after graduation, as calculated based on 103965
the three-year average in-state residency rate using the 103966
Unemployment Wage data for out-of-state graduates at each 103967
institution, shall be weighted by a factor of 50 per cent. 103968

(iii) Subsidy eligible associate degrees are defined as those 103969
earned by students attending any state-supported university main 103970
or regional campus. 103971

(b) In calculating each campus's count of degrees, the 103972

Chancellor shall use the three-year average associate, 103973
baccalaureate, master's, and professional degrees awarded for the 103974
three-year period ending in the prior year. 103975

(i) If a student is awarded an associate degree and, 103976
subsequently, is awarded a baccalaureate degree, the amount funded 103977
for the baccalaureate degree shall be limited to either the 103978
difference in cost between the cost of the baccalaureate degree 103979
and the cost of the associate degree paid previously, or if the 103980
associate degree has a higher cost than the baccalaureate degree, 103981
the cost of the credits earned by the student after the associate 103982
degree was awarded. 103983

(ii) If a student earns an associate degree then, 103984
subsequently, earns a baccalaureate degree, the associate degree 103985
granting institution shall only receive the prorated share of the 103986
baccalaureate degree funding for the credits earned at that 103987
institution after the associate degree is awarded. 103988

(iii) If a student earns more than one degree at the same 103989
institution at the same degree level in the same fiscal year, the 103990
funding for the highest cost degree shall be prorated among 103991
institutions based on where the credits were earned and additional 103992
degrees shall be funded at 25 per cent of the cost of the degrees. 103993

(c) Associate degrees and baccalaureate degrees earned by a 103994
student defined as at-risk based on academic underpreparation, 103995
age, minority status, financial status, or first generation 103996
post-secondary status based on neither parent completing any 103997
education beyond high school, shall be defined as degrees earned 103998
by an at-risk student and shall be weighted by the following: 103999

A student-specific degree completion weight, where the weight 104000
is calculated based on the at-risk factors of the individual 104001
student, determined by calculating the difference between the 104002
percentage of students with each risk factor who earned a degree 104003

and the percentage of non-at-risk students who earned a degree. 104004

(2) Of the foregoing appropriation item 235501, State Share 104005
of Instruction, up to 11.78 per cent of the appropriation for 104006
universities, as established in division (A)(2) of the section of 104007
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 104008
2020 and 2021," in each fiscal year shall be reserved for support 104009
of doctoral programs to implement the funding recommendations made 104010
by representatives of the universities. The amount so reserved 104011
shall be referred to as the doctoral set-aside. 104012

In each fiscal year, the doctoral set-aside funding 104013
allocation shall be allocated to universities as follows: 104014

(a) 25 per cent of the doctoral set-aside shall be allocated 104015
to universities in proportion to their share of the statewide 104016
total earnings of each state institution's three-year average 104017
course completions. The subsidy eligible enrollments by model 104018
shall equal only those FTE students who successfully complete the 104019
course as defined and reported through the Higher Education 104020
Information (HEI) system course enrollment file. Course completion 104021
earnings shall be determined by multiplying the amounts listed 104022
above in divisions (B) and (C) of this section by the 104023
subsidy-eligible FTEs for the three-year period ending in the 104024
prior year for all doctoral enrollments in graduate-level models. 104025

(b) 50 per cent of the doctoral set-aside shall be allocated 104026
to universities in proportion to each campus's share of the total 104027
statewide doctoral degrees, weighted by the cost of the doctoral 104028
discipline. In calculating each campus's doctoral degrees the 104029
Chancellor shall use the three-year average doctoral degrees 104030
awarded for the three-year period ending in the prior year. 104031

(c) 25 per cent of the doctoral set-aside shall be allocated 104032
to universities in proportion to their share of research grant 104033
activity. Funding for this component shall be allocated to 104034

eligible universities in proportion to their share of research 104035
grant activity published by the National Science Foundation. Grant 104036
awards from the Department of Health and Human Services shall be 104037
weighted at 50 per cent. 104038

(3) Of the foregoing appropriation item 235501, State Share 104039
of Instruction, 6.41 per cent of the appropriation for 104040
universities, as established in division (A)(2) of the section of 104041
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 104042
2020 AND 2021," in each fiscal year shall be reserved for support 104043
of Medical II FTEs. The amount so reserved shall be referred to as 104044
the medical II set-aside. 104045

The medical II set-aside shall be allocated to universities 104046
in proportion to their share of the statewide total of each state 104047
institution's three-year average Medical II FTEs as calculated in 104048
division (A) of this section. 104049

In calculating the core subsidy entitlements for Medical II 104050
models only, students repeating terms may be no more than five per 104051
cent of current year enrollment. 104052

(4) Of the foregoing appropriation item 235501, State Share 104053
of Instruction, 1.48 per cent of the appropriation for 104054
universities, as established in division (A)(2) of the section of 104055
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 104056
2020 AND 2021," in each fiscal year shall be reserved for support 104057
of Medical I FTEs. The amount so reserved shall be referred to as 104058
the medical I set-aside. 104059

The medical I set-aside shall be allocated to universities in 104060
proportion to their share of the statewide total of each state 104061
institution's three-year average Medical I FTEs as calculated in 104062
division (A) of this section. 104063

(5) In calculating the course completion funding for 104064
universities, the Chancellor shall use the following count of FTE 104065

students: 104066

(a) The subsidy eligible enrollments by model shall equal 104067
only those FTE students who successfully complete the course as 104068
defined and reported through the Higher Education Information 104069
(HEI) system course enrollment file; 104070

(b) Those undergraduate FTE students with successful course 104071
completions, identified in division (D)(5)(a) of this section, 104072
that are defined as at-risk based on academic under-preparation or 104073
financial status shall have their eligible completions weighted by 104074
the following: 104075

(i) Institution-specific course completion indexes, where the 104076
indexes are calculated based upon the number of at-risk students 104077
enrolled during the 2016-2018 academic years; and 104078

(ii) A statewide average at-risk course completion weight 104079
determined for each subsidy model. The statewide average at-risk 104080
course completion weight shall be determined by calculating the 104081
difference between the percentage of traditional students who 104082
complete a course and the percentage of at-risk students who 104083
complete the same course. 104084

(c) The course completion earnings shall be determined by 104085
multiplying the amounts listed above in divisions (B) and (C) of 104086
this section by the subsidy-eligible FTEs for the three-year 104087
period ending in the prior year for all models except Medical I, 104088
Medical II, Doctoral I, and Doctoral II. 104089

(d) For universities, the Chancellor shall compute the course 104090
completion earnings by dividing the appropriation for 104091
universities, established in division (A)(2) of the section of 104092
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 104093
2020 AND 2021," less the degree attainment funding as calculated 104094
in division (D)(1) of this section, less the doctoral set-aside, 104095
less the medical I set-aside, and less the medical II set-aside, 104096

by the sum of all campuses' instructional costs as calculated in 104097
division (D)(5) of this section. 104098

(E) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA 104099
ENTITLEMENTS AND ADJUSTMENTS FOR COMMUNITY COLLEGES 104100

(1) Of the foregoing appropriation item 235501, State Share 104101
of Instruction, 50 per cent of the appropriation for 104102
state-supported community colleges, state community colleges, and 104103
technical colleges as established in division (A)(1) of the 104104
section of the act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL 104105
YEARS 2020 AND 2021," in each fiscal year shall be reserved for 104106
course completion FTEs as aggregated by the subsidy models defined 104107
in division (B) of this section. 104108

The course completion funding shall be allocated to campuses 104109
in proportion to each campus's share of the total sector's course 104110
completions, weighted by the instructional cost of the subsidy 104111
models. 104112

To calculate the subsidy entitlements for course completions 104113
at community colleges, state community colleges, and technical 104114
colleges, the Chancellor shall use the following calculations: 104115

(a) In calculating each campus's count of FTE course 104116
completions, the Chancellor shall use a three-year average for 104117
course completions for the three year period ending in the prior 104118
year. 104119

(b) The subsidy eligible enrollments by model shall equal 104120
only those FTE students who successfully complete the course as 104121
defined and reported through the Higher Education Information 104122
(HEI) system course enrollment file. 104123

(c) Those students with successful course completions, that 104124
are defined as access students based on financial status, minority 104125
status, age, or academic under-preparation shall have their 104126
eligible course completions weighted by a statewide access weight. 104127

The weight given to any student that meets any access factor shall be 15 per cent for all course completions.

(d) The model costs as used in the calculation shall be augmented by the model weights for science, technology, engineering, mathematics, and medicine models as established in division (C) of this section.

(2) Of the foregoing appropriation item 235501, State Share of Instruction, 25 per cent of the appropriation for state-supported community colleges, state community colleges, and technical colleges as established in division (A)(1) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2020 AND 2021," in each fiscal year shall be reserved for colleges in proportion to their share of college student success factors.

Student success factors shall be awarded at the institutional level for each student that successfully:

(a) Completes a developmental math course and, within the next year, enrolls in a college-level math course.

(b) Completes a developmental English course and, within the next year, enrolls in a college-level English course.

(c) Completes 12 semester credit hours of college-level coursework.

(d) Completes 24 semester credit hours of college-level coursework.

(e) Completes 36 semester credit hours of college-level coursework.

(3) Of the foregoing appropriation item 235501, State Share of Instruction, 25 per cent of the appropriation for state-supported community colleges, state community colleges, and technical colleges as established in division (A)(1) of the

section of this act entitled "STATE SHARE OF INSTRUCTION FOR 104158
FISCAL YEARS 2020 AND 2021," in each fiscal year shall be reserved 104159
for completion milestones. 104160

Completion milestones shall include associate degrees, 104161
technical certificates over 30 credit hours as designated by the 104162
Department of Higher Education, and students transferring to any 104163
four-year institution with at least 12 credit hours of 104164
college-level coursework earned at that community college, state 104165
community college, or technical college. 104166

The completion milestone funding shall be allocated to 104167
colleges in proportion to each institution's share of the sector's 104168
total completion milestones, weighted by the instructional cost of 104169
the associate degree, certificate, or transfer models. Costs for 104170
technical certificates over 30 hours shall be weighted at one-half 104171
of the associate degree model costs and transfers with at least 12 104172
credit hours of college-level coursework shall be weighted at 104173
one-fourth of the average cost for all associate degree model 104174
costs. 104175

(4) To calculate the subsidy entitlements for completions at 104176
community colleges, state community colleges, and technical 104177
colleges, the Chancellor shall use the following calculations: 104178

(a) In calculating each campus's count of completions, the 104179
Chancellor shall use a three-year average for completion metrics. 104180

(b) The subsidy eligible completion milestones by model shall 104181
equal only those students who successfully complete an associate 104182
degree or technical certificate over 30 credit hours, or transfer 104183
to any four-year institution with at least 12 credit hours of 104184
college-level coursework as defined and reported in the Higher 104185
Education Information (HEI) system. Student completions reported 104186
in HEI shall have an accompanying course enrollment record in 104187
order to be subsidy eligible. 104188

(c) Those students with successful completions for associate 104189
degrees, technical certificates over 30 credit hours, or transfer 104190
to any four-year institution with at least 12 credit hours of 104191
college-level coursework, identified in division (E)(3) of this 104192
section, that are defined as access students based on financial 104193
status, minority status, age, or academic under-preparation shall 104194
have their eligible completions weighted by a statewide access 104195
weight. The weight shall be 25 per cent for students with one 104196
access factor, 66 per cent for students with two access factors, 104197
150 per cent for students with three access factors, and 200 per 104198
cent for students with four access factors. 104199

(d) For those students who complete more than one completion 104200
milestone, funding for each additional associate degree or 104201
technical certificate over 30 credit hours designated as such by 104202
the Department of Higher Education shall be funded at 50 per cent 104203
of the model costs as defined in division (3) of this section. 104204

(F) CAPITAL COMPONENT DEDUCTION 104205

After all other adjustments have been made, state share of 104206
instruction earnings shall be reduced for each campus by the 104207
amount, if any, by which debt service charged in Am. H.B. 748 of 104208
the 121st General Assembly, Am. Sub. H.B. 850 of the 122nd General 104209
Assembly, Am. Sub. H.B. 640 of the 123rd General Assembly, H.B. 104210
675 of the 124th General Assembly, Am. Sub. H.B. 16 of the 126th 104211
General Assembly, Am. Sub. H.B. 699 of the 126th General Assembly, 104212
Am. Sub. H.B. 496 of the 127th General Assembly, and Am. Sub. H.B. 104213
562 of the 127th General Assembly for that campus exceeds that 104214
campus's capital component earnings. The sum of the amounts 104215
deducted shall be transferred to appropriation item 235552, 104216
Capital Component, in each fiscal year. 104217

(G) EXCEPTIONAL CIRCUMSTANCES 104218

Adjustments may be made to the state share of instruction 104219

payments and other subsidies distributed by the Chancellor of 104220
Higher Education to state colleges and universities for 104221
exceptional circumstances. No adjustments for exceptional 104222
circumstances may be made without the recommendation of the 104223
Chancellor and the approval of the Controlling Board. 104224

(H) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF 104225
INSTRUCTION 104226

The standard provisions of the state share of instruction 104227
calculation as described in the preceding sections of temporary 104228
law shall apply to any reductions made to appropriation item 104229
235501, State Share of Instruction, before the Chancellor has 104230
formally approved the final allocation of the state share of 104231
instruction funds for any fiscal year. 104232

Any reductions made to appropriation item 235501, State Share 104233
of Instruction, after the Chancellor has formally approved the 104234
final allocation of the state share of instruction funds for any 104235
fiscal year, shall be uniformly applied to each campus in 104236
proportion to its share of the final allocation. 104237

(I) DISTRIBUTION OF STATE SHARE OF INSTRUCTION 104238

The state share of instruction payments to the institutions 104239
shall be in substantially equal monthly amounts during the fiscal 104240
year, unless otherwise determined by the Director of Budget and 104241
Management pursuant to section 126.09 of the Revised Code. 104242
Payments during the first six months of the fiscal year shall be 104243
based upon the state share of instruction appropriation estimates 104244
made for the various institutions of higher education and payments 104245
during the last six months of the fiscal year shall be based on 104246
the final data from the Chancellor. 104247

(J) STUDY ON THE USE OF EMPLOYMENT METRICS FOR THE STATE 104248
SHARE OF INSTRUCTION FORMULAS 104249

The Inter-University Council and Ohio Association of 104250

Community Colleges shall each recommend eight members representing 104251
their institutions to serve on the Employment Metrics 104252
Consultation, which shall assist the Chancellor of Higher 104253
Education to study the most appropriate formula weights for 104254
post-graduation employment measures that may be used in the 104255
distribution to universities and community colleges from the 104256
foregoing appropriation item 235501, State Share of Instruction, 104257
beginning in fiscal year 2022. The Chancellor, or the Chancellor's 104258
designee, shall lead the Consultation and call its first meeting. 104259
The Consultation shall research the most appropriate data sources 104260
available to measure employment outcomes and evaluate the public 104261
policy benefits of adding such measures to the current State Share 104262
of Instruction allocation formulas to reward institutional 104263
performance of job placement. The Consultation shall also identify 104264
and evaluate the most critical factors that should be considered 104265
as possible enhancements to the formula, such as the relevance of 104266
graduates' degrees to job placement, employment in Ohio versus out 104267
of state, placement in high demand fields, and other qualitative 104268
factors. Separate allocation factors may be considered within each 104269
sector's share of the foregoing appropriation item 235501, State 104270
Share of Instruction. The study shall be completed by June 30, 104271
2020. 104272

Section 381.150. STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 104273
2020 AND 2021 104274

(A) The foregoing appropriation item 235501, State Share of 104275
Instruction, shall be distributed according to the section of this 104276
act entitled "STATE SHARE OF INSTRUCTION FORMULAS." 104277

(1) Of the foregoing appropriation item 235501, State Share 104278
of Instruction, \$460,818,566 in fiscal year 2020 and \$465,426,752 104279
in fiscal year 2021 shall be distributed to state-supported 104280
community colleges, state community colleges, and technical 104281

colleges. 104282

(2) Of the foregoing appropriation item 235501, State Share 104283
of Instruction, \$1,538,392,149 in fiscal year 2020 and 104284
\$1,553,776,070 in fiscal year 2021 shall be distributed to 104285
state-supported university main and regional campuses. 104286

Any increases in the amount distributed to an institution 104287
from appropriation item 235501, State Share of Instruction, above 104288
the prior year shall be used by the institution to provide 104289
need-based aid and to provide counseling, support services, and 104290
workforce preparation services to students. 104291

Section 381.160. RESTRICTION ON FEE INCREASES 104292

(A) In fiscal years 2020 and 2021, the boards of trustees of 104293
state institutions of higher education shall restrain increases in 104294
in-state undergraduate instructional and general fees. 104295

(1) For the 2019-2020 and 2020-2021 academic years, all of 104296
the following shall apply: 104297

(a) Each state university or college, as defined in section 104298
3345.12 and university branch established under Chapter 3355. of 104299
the Revised Code shall not increase its in-state undergraduate 104300
instructional and general fees by more than two per cent over what 104301
the institution charged for the previous academic year. 104302

(b) Each community college established under Chapter 3354., 104303
state community college established under Chapter 3358., or 104304
technical college established under Chapter 3357. of the Revised 104305
Code may increase its in-state undergraduate instructional and 104306
general fees by not more than \$5 per credit hour over what the 104307
institution charged for the 2018-2019 academic year. 104308

(c) For state institutions of higher education, as defined in 104309
section 3345.011 of the Revised Code, increases for all other 104310
special fees, including the creation of new special fees, shall be 104311

subject to the approval of the Chancellor of Higher Education. 104312

(2) The limitations under division (A)(1) of this section do 104313
not apply to room and board, student health insurance, fees for 104314
auxiliary goods or services provided to students at the cost 104315
incurred to the institution, fees assessed to students as a 104316
pass-through for licensure and certification examinations, fees in 104317
elective courses associated with travel experiences, elective 104318
service charges, fines, voluntary sales transactions, fees, which 104319
may appear directly on a student's tuition bill as assessed by the 104320
institution's bursar, to offset the cost of providing textbooks to 104321
students, and, subject to approval of the chancellor, fees for 104322
student mental health and substance abuse services. 104323

(B) The limitations under this section shall not apply to 104324
increases required to comply with institutional covenants related 104325
to their obligations or to meet unfunded legal mandates or legally 104326
binding obligations incurred or commitments made prior to the 104327
effective date of this section with respect to which the 104328
institution had identified such fee increases as the source of 104329
funds. Any increase required by such covenants and any such 104330
mandates, obligations, or commitments shall be reported by the 104331
Chancellor of Higher Education to the Controlling Board. These 104332
limitations may also be modified by the Chancellor, with the 104333
approval of the Controlling Board, to respond to exceptional 104334
circumstances as identified by the Chancellor. 104335

(C) Institutions offering an undergraduate tuition guarantee 104336
pursuant to section 3345.48 of the Revised Code may increase 104337
instructional and general fees pursuant to that section. 104338

(D) The Chancellor may establish a differential tuition 104339
program for undergraduate students. If the Chancellor establishes 104340
such a program, eligible institutions may offer the program to 104341
eligible students. The Chancellor shall develop criteria for 104342
participation in the program that may include, but not be limited 104343

to, requirements that revenues generated by the program shall 104344
support student services and need-based financial aid. 104345

Section 381.165. STUDY REGARDING PAST-DUE FEES 104346

(A) As used in this section, "state institution of higher 104347
education" has the same meaning as in section 3345.011 of the 104348
Revised Code. 104349

(B) The Chancellor of Higher Education, in consultation with 104350
state institutions of higher education, shall conduct a study 104351
regarding general and special fees incurred by students that are 104352
past-due and the best practices to collect those fees before they 104353
are certified to the Attorney General for debt collection. In 104354
conducting the study, the Chancellor shall review the June 2017 104355
Report of the Attorney General's Student Debt Advisory Group. The 104356
Chancellor also shall investigate, among other things, all of the 104357
following: 104358

(1) State institutions' obtaining express prior consent from 104359
students to allow institutions, and third parties collecting debts 104360
on behalf of institutions, to contact students using the most 104361
effective forms of communication available; 104362

(2) The adoption of statewide uniform standards for fees and 104363
penalties and certification practices for student debts; 104364

(3) State institutions' notifying students that past-due 104365
debts will be transferred to the Attorney General for debt 104366
collection; 104367

(4) An amnesty program for past-due fees, including the 104368
feasibility of the program, the criteria under which a student may 104369
qualify, and any other program component determined appropriate by 104370
the Chancellor. 104371

(C) Not later than December 31, 2019, the Chancellor, in 104372
consultation with state institutions of higher education, shall 104373

submit a report based on the study to the General Assembly in 104374
accordance with section 101.68 of the Revised Code. The report 104375
shall include recommendations regarding the following: 104376

(1) The best practices to collect past-due general and 104377
special fees before the fees must be certified to the Attorney 104378
General; 104379

(2) Any changes to the Revised Code and the Administrative 104380
Code that may be needed for a uniform statewide policy regarding 104381
the collection of past-due general and special fees. 104382

Section 381.170. HIGHER EDUCATION - BOARD OF TRUSTEES 104383

(A) Funds appropriated for instructional subsidies at 104384
colleges and universities may be used to provide such branch or 104385
other off-campus undergraduate courses of study and such master's 104386
degree courses of study as may be approved by the Chancellor of 104387
Higher Education. 104388

(B) In providing instructional and other services to 104389
students, boards of trustees of state institutions of higher 104390
education shall supplement state subsidies with income from 104391
charges to students. Except as otherwise provided in this act, 104392
each board shall establish the fees to be charged to all students, 104393
including an instructional fee for educational and associated 104394
operational support of the institution and a general fee for 104395
noninstructional services, including locally financed student 104396
services facilities used for the benefit of enrolled students. The 104397
instructional fee and the general fee shall encompass all charges 104398
for services assessed uniformly to all enrolled students. Each 104399
board may also establish special purpose fees, service charges, 104400
and fines as required; such special purpose fees and service 104401
charges shall be for services or benefits furnished individual 104402
students or specific categories of students and shall not be 104403
applied uniformly to all enrolled students. A tuition surcharge 104404

shall be paid by all students who are not residents of Ohio. 104405

The board of trustees of a state institution of higher 104406
education shall not authorize a waiver or nonpayment of 104407
instructional fees or general fees for any particular student or 104408
any class of students other than waivers specifically authorized 104409
by law or approved by the Chancellor. This prohibition is not 104410
intended to limit the authority of boards of trustees to provide 104411
for payments to students for services rendered the institution, 104412
nor to prohibit the budgeting of income for staff benefits or for 104413
student assistance in the form of payment of such instructional 104414
and general fees. 104415

Each state institution of higher education in its statement 104416
of charges to students shall separately identify the instructional 104417
fee, the general fee, the tuition charge, and the tuition 104418
surcharge. Fee charges to students for instruction shall not be 104419
considered to be a price of service but shall be considered to be 104420
an integral part of the state government financing program in 104421
support of higher educational opportunity for students. 104422

(C) The boards of trustees of state institutions of higher 104423
education shall ensure that faculty members devote a proper and 104424
judicious part of their work week to the actual instruction of 104425
students. Total class credit hours of production per academic term 104426
per full-time faculty member is expected to meet the standards set 104427
forth in the budget data submitted by the Chancellor of Higher 104428
Education. 104429

(D) The authority of government vested by law in the boards 104430
of trustees of state institutions of higher education shall in 104431
fact be exercised by those boards. Boards of trustees may consult 104432
extensively with appropriate student and faculty groups. 104433
Administrative decisions about the utilization of available 104434
resources, about organizational structure, about disciplinary 104435
procedure, about the operation and staffing of all auxiliary 104436

facilities, and about administrative personnel shall be the 104437
exclusive prerogative of boards of trustees. Any delegation of 104438
authority by a board of trustees in other areas of responsibility 104439
shall be accompanied by appropriate standards of guidance 104440
concerning expected objectives in the exercise of such delegated 104441
authority and shall be accompanied by periodic review of the 104442
exercise of this delegated authority to the end that the public 104443
interest, in contrast to any institutional or special interest, 104444
shall be served. 104445

Section 381.180. WAR ORPHANS AND SEVERELY DISABLED VETERANS' 104446
CHILDREN SCHOLARSHIPS 104447

The foregoing appropriation item 235504, War Orphans and 104448
Severely Disabled Veterans' Children Scholarships, shall be used 104449
to reimburse state institutions of higher education for waivers of 104450
instructional fees and general fees provided by them, to provide 104451
grants to institutions that have received a certificate of 104452
authorization from the Chancellor of Higher Education under 104453
Chapter 1713. of the Revised Code, in accordance with the 104454
provisions of section 5910.04 of the Revised Code, and to fund 104455
additional scholarship benefits provided by section 5910.032 of 104456
the Revised Code. 104457

During each fiscal year, the Chancellor, as soon as possible 104458
after cancellation, may certify to the Director of Budget and 104459
Management the amount of canceled prior-year encumbrances in 104460
appropriation item 235504, War Orphans and Severely Disabled 104461
Veterans' Children Scholarships. Upon receipt of the 104462
certification, the Director of Budget and Management may transfer 104463
cash, up to the certified amount, from the General Revenue Fund to 104464
the War Orphans and Severely Disabled Veterans' Children 104465
Scholarship Reserve Fund (Fund 5PW0). 104466

Section 381.200. OHIOLINK 104467

The foregoing appropriation item 235507, OhioLINK, shall be 104468
used by the Chancellor of Higher Education to support OhioLINK, a 104469
consortium organized under division (T) of section 3333.04 of the 104470
Revised Code to serve as the state's electronic library 104471
information and retrieval system, which provides access statewide 104472
to an extensive set of electronic databases and resources, the 104473
library holdings of Ohio's public and participating private 104474
nonprofit colleges and universities, and the State Library of 104475
Ohio. 104476

Section 381.210. AIR FORCE INSTITUTE OF TECHNOLOGY 104477

The foregoing appropriation item 235508, Air Force Institute 104478
of Technology, shall be used to: (A) strengthen the research and 104479
educational linkages between the Wright Patterson Air Force Base 104480
and institutions of higher education in Ohio; and (B) support the 104481
Defense Associated Graduate Student Innovators, an engineering 104482
graduate consortium of Wright State University, the University of 104483
Dayton, and the Air Force Institute of Technology, with the 104484
participation of the University of Cincinnati and The Ohio State 104485
University. 104486

Section 381.220. OHIO SUPERCOMPUTER CENTER 104487

The foregoing appropriation item 235510, Ohio Supercomputer 104488
Center, shall be used by the Chancellor of Higher Education to 104489
support the operation of the Ohio Supercomputer Center, a 104490
consortium organized under division (T) of section 3333.04 of the 104491
Revised Code, located at The Ohio State University. The Ohio 104492
Supercomputer Center is a statewide resource available to Ohio 104493
research universities both public and private. It is also intended 104494
that the center be made accessible to private industry as 104495
appropriate. 104496

The Ohio Supercomputer Center's services shall support Ohio's colleges, universities, and businesses to make Ohio a leader in using computational science, modeling, and simulation to promote higher education, research, and economic competitiveness.

Section 381.230. COOPERATIVE EXTENSION SERVICE

The foregoing appropriation item 235511, Cooperative Extension Service, shall be disbursed through the Chancellor of Higher Education to The Ohio State University in monthly payments, unless otherwise determined by the Director of Budget and Management under section 126.09 of the Revised Code.

Section 381.240. CENTRAL STATE SUPPLEMENT

The foregoing appropriation item 235514, Central State Supplement, shall be disbursed by the Chancellor of Higher Education to Central State University in accordance with the plan developed by the Chancellor and submitted to the Governor and the General Assembly as directed by Am. Sub. H.B. 153 of the 129th General Assembly. Funds shall be used in a manner consistent with the goals of increasing enrollment, improving course completion, and increasing the number of degrees conferred.

Section 381.250. CASE WESTERN RESERVE UNIVERSITY SCHOOL OF MEDICINE

The foregoing appropriation item 235515, Case Western Reserve University School of Medicine, shall be disbursed to Case Western Reserve University through the Chancellor of Higher Education in accordance with agreements entered into under section 3333.10 of the Revised Code, provided that the state support per full-time medical student shall not exceed that provided to full-time medical students at state universities.

Section 381.260. FAMILY PRACTICE 104525

The foregoing appropriation item 235519, Family Practice, 104526
shall be distributed in each fiscal year, based on each medical 104527
school's share of residents placed in a family practice and 104528
graduates practicing in a family practice. 104529

Section 381.270. SHAWNEE STATE SUPPLEMENT 104530

The foregoing appropriation item 235520, Shawnee State 104531
Supplement, shall be disbursed by the Chancellor of Higher 104532
Education to Shawnee State University in accordance with the plan 104533
developed by the Chancellor and submitted to the Governor and the 104534
General Assembly as directed by Am. Sub. H.B. 153 of the 129th 104535
General Assembly. Funds shall be used in a manner consistent with 104536
the goals of improving course completion, increasing the number of 104537
degrees conferred, and furthering the university's mission of 104538
service to the Appalachian region. 104539

Section 381.280. GERIATRIC MEDICINE 104540

The Chancellor of Higher Education shall distribute 104541
appropriation item 235525, Geriatric Medicine, consistent with 104542
existing criteria and guidelines. 104543

Section 381.285. PRIMARY CARE RESIDENCIES 104544

The foregoing appropriation item 235526, Primary Care 104545
Residencies, shall be distributed in each fiscal year, based on 104546
each medical school's share of residents placed in a primary care 104547
field and graduates practicing in a primary care field. 104548

Section 381.288. PROGRAM AND PROJECT SUPPORT 104549

Of the foregoing appropriation item 235533, Program and 104550
Project Support, \$500,000 in fiscal year 2020 shall be allocated 104551

to the Levin College of Urban Affairs at Cleveland State University. 104552
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Of the foregoing appropriation item, 235533, Program and Project Support, \$125,000 in each fiscal year shall be used by the Chancellor of Higher Education to support the expansion of an unmanned aviation STEM pilot program for public and nonpublic schools in Clark County. 104554
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Of the foregoing appropriation item 235533, Program and Project Support, \$100,000 in each fiscal year shall be allocated to support the Kent State University Rising Scholars Program. 104559
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104561

Of the foregoing appropriation item 235533, Program and Project Support, \$28,000 in each fiscal year shall be allocated to support Cincinnati Hillel at the University of Cincinnati. 104562
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Of the foregoing appropriation item 235533, Program and Project Support, \$200,000 in each fiscal year shall be used by the Chancellor of Higher Education to support the development and implementation of an apprenticeship program administered through the Manufacturing Advocacy and Growth Network's (MAGNET) Early College Early Career Program. The apprenticeship program shall place high school students in a participating local private business that will employ the student and provide the training necessary for the student to earn a technical certification in Computer Integrated Manufacturing (CIM), machining, or welding. 104565
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Section 381.290. OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT CENTER 104575
104576

The foregoing appropriation item 235535, Ohio Agricultural Research and Development Center, shall be disbursed through the Chancellor of Higher Education to The Ohio State University in monthly payments, unless otherwise determined by the Director of Budget and Management under section 126.09 of the Revised Code. 104577
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The Ohio Agricultural Research and Development Center, an 104582
entity of the College of Food, Agricultural, and Environmental 104583
Sciences of The Ohio State University, shall further its mission 104584
of enhancing Ohio's economic development and job creation by 104585
continuing to internally allocate on a competitive basis 104586
appropriated funding of programs based on demonstrated 104587
performance. Academic units, faculty, and faculty-driven programs 104588
shall be evaluated and rewarded consistent with agreed-upon 104589
performance expectations as called for in the College's 104590
Expectations and Criteria for Performance Assessment. 104591

Section 381.300. STATE UNIVERSITY CLINICAL TEACHING 104592

The foregoing appropriation items 235536, The Ohio State 104593
University Clinical Teaching; 235537, University of Cincinnati 104594
Clinical Teaching; 235538, University of Toledo Clinical Teaching; 104595
235539, Wright State University Clinical Teaching; 235540, Ohio 104596
University Clinical Teaching; and 235541, Northeast Ohio Medical 104597
University Clinical Teaching, shall be distributed through the 104598
Chancellor of Higher Education. 104599

**Section 381.310. CENTRAL STATE AGRICULTURAL RESEARCH AND 104600
DEVELOPMENT** 104601

The foregoing appropriation item 235546, Central State 104602
Agricultural Research and Development, shall be used in 104603
conjunction with appropriation item 235548, Central State 104604
Cooperative Extension Services, by Central State University for 104605
its state match requirement as an 1890 land grant university. 104606

Section 381.320. CAPITAL COMPONENT 104607

The foregoing appropriation item 235552, Capital Component, 104608
shall be used by the Chancellor of Higher Education to provide 104609
funding for prior commitments made pursuant to the state's former 104610

capital funding policy for state colleges and universities that 104611
was originally established in Am. H.B. 748 of the 121st General 104612
Assembly. Appropriations from this item shall be distributed to 104613
all campuses for which the estimated campus debt service 104614
attributable to qualifying capital projects was less than the 104615
campus's formula-determined capital component allocation. Campus 104616
allocations shall be determined by subtracting the estimated 104617
campus debt service attributable to qualifying capital projects 104618
from the campus's formula-determined capital component allocation. 104619
Moneys distributed from this appropriation item shall be 104620
restricted to capital-related purposes. 104621

Any campus for which the estimated campus debt service 104622
attributable to qualifying capital projects is greater than the 104623
campus's formula-determined capital component allocation shall 104624
have the difference subtracted from its State Share of Instruction 104625
allocation in each fiscal year. Appropriation equal to the sum of 104626
all such amounts shall be transferred from appropriation item 104627
235501, State Share of Instruction, to appropriation item 235552, 104628
Capital Component. 104629

Section 381.330. LIBRARY DEPOSITORIES 104630

The foregoing appropriation item 235555, Library 104631
Depositories, shall be distributed to the state's five regional 104632
depository libraries for the cost-effective storage of and access 104633
to lesser-used materials in university library collections. The 104634
depositories shall be administrated by the Chancellor of Higher 104635
Education, or by OhioLINK at the discretion of the Chancellor. 104636

Section 381.340. OHIO ACADEMIC RESOURCES NETWORK (OARNET) 104637

The foregoing appropriation item 235556, Ohio Academic 104638
Resources Network, shall be used by the Chancellor of Higher 104639
Education to support the operations of the Ohio Academic Resources 104640

Network, a consortium organized under division (T) of section 104641
3333.04 of the Revised Code, which shall include support for 104642
Ohio's colleges and universities in maintaining and enhancing 104643
network connections, using new network technologies to improve 104644
research, education, and economic development programs, and 104645
sharing information technology services. To the extent network 104646
capacity is available, OARnet shall support allocating bandwidth 104647
to eligible programs directly supporting Ohio's economic 104648
development. 104649

Section 381.350. LONG-TERM CARE RESEARCH 104650

The foregoing appropriation item 235558, Long-term Care 104651
Research, shall be disbursed to Miami University for long-term 104652
care research. 104653

Section 381.360. OHIO COLLEGE OPPORTUNITY GRANT 104654

(A) Except as provided in division (C) of this section: 104655

Of the foregoing appropriation item 235563, Ohio College 104656
Opportunity Grant, at least \$113,700,000 in fiscal year 2020 and 104657
at least \$139,700,000 in fiscal year 2021 shall be used by the 104658
Chancellor of Higher Education to award need-based financial aid 104659
to students enrolled in eligible public and private nonprofit 104660
institutions of higher education, excluding early college high 104661
school and post-secondary enrollment option participants. 104662

The remainder of the foregoing appropriation item 235563, 104663
Ohio College Opportunity Grant, shall be used by the Chancellor to 104664
award needs-based financial aid to students enrolled in eligible 104665
private for-profit career colleges and schools. 104666

(B)(1) As used in this section: 104667

(a) "Eligible institution" means any institution described in 104668
divisions (B)(2)(a) to (c) of section 3333.122 of the Revised 104669

Code. 104670

(b) The three "sectors" of institutions of higher education 104671
consist of the following: 104672

(i) State colleges and universities, community colleges, 104673
state community colleges, university branches, and technical 104674
colleges; 104675

(ii) Eligible private nonprofit institutions of higher 104676
education; 104677

(iii) Eligible private for-profit career colleges and 104678
schools. 104679

(2) Awards for students attending eligible state colleges and 104680
universities shall be \$1,900 in fiscal year 2020 and \$2,400 in 104681
fiscal year 2021, and for students attending eligible private 104682
nonprofit institutions of higher education shall be \$3,400 in 104683
fiscal year 2020 and \$3,900 in fiscal year 2021. 104684

For students attending an eligible institution year-round, 104685
awards may be distributed on an annual basis, once Pell grants 104686
have been exhausted. 104687

(3) If the Chancellor determines that the amounts 104688
appropriated for support of the Ohio College Opportunity Grant 104689
program are inadequate to provide grants to all eligible students 104690
as calculated under division (D) of section 3333.122 of the 104691
Revised Code, the Chancellor may create a distribution formula for 104692
fiscal year 2020 and fiscal year 2021 based on the formula used in 104693
fiscal year 2019, or may follow methods established in division 104694
(C)(1)(a) or (b) of section 3333.122 of the Revised Code. The 104695
Chancellor shall notify the Controlling Board of the distribution 104696
method. Any formula calculated under this division shall be 104697
complete and established to coincide with the start of the 104698
2019-2020 academic year. 104699

(C) Prior to determining the amount of funds available to award under this section and section 3333.122 of the Revised Code, the Chancellor shall use the foregoing appropriation item 235563, Ohio College Opportunity Grant, to pay for waivers of tuition and student fees for eligible students under the Ohio Safety Officer's College Memorial Fund Program under sections 3333.26 of the Revised Code. In paying for waivers under this division, the Chancellor shall deduct funds from the allocations made under division (A) of this section. Deductions shall be proportionate to the amounts allocated to each sector from the total amounts appropriated for each sector under the foregoing appropriation item 235563, Ohio College Opportunity Grant.

In each fiscal year, with the exception of sections 3333.121 and 3333.124 of the Revised Code and the section of this act entitled "STATE FINANCIAL AID RECONCILIATION," the Chancellor shall not distribute or obligate or commit to be distributed an amount greater than what is appropriated under the foregoing appropriation item 235563, Ohio College Opportunity Grant.

(D) The Chancellor shall establish, and post on the Department of Higher Education's web site, award tables based on any formulas created under division (B) of this section. The Chancellor shall notify students and institutions of any reductions in awards under this section.

(E) Notwithstanding section 3333.122 of the Revised Code, no student shall be eligible to receive an Ohio College Opportunity Grant for more than ten semesters, fifteen quarters, or the equivalent of five academic years, less the number of semesters or quarters in which the student received an Ohio Instructional Grant.

(F) During each fiscal year, the Chancellor, as soon as possible after cancellation, may certify to the Director of Budget and Management the amount of canceled prior-year encumbrances in

appropriation item 235563, Ohio College Opportunity Grant. Upon 104732
receipt of the certification, the Director of Budget and 104733
Management may transfer cash, up to the certified amount, from the 104734
General Revenue Fund to the Ohio College Opportunity Grant Program 104735
Reserve Fund (Fund 5PU0). 104736

Section 381.370. THE OHIO STATE UNIVERSITY CLINIC SUPPORT 104737

The foregoing appropriation item 235572, The Ohio State 104738
University Clinic Support, shall be distributed through the 104739
Chancellor of Higher Education to The Ohio State University for 104740
support of dental and veterinary medicine clinics. 104741

Section 381.373. CO-OP INTERNSHIP PROGRAM 104742

Of the foregoing appropriation item 235591, Co-op Internship 104743
Program, \$612,500 in fiscal year 2020 and \$812,500 in fiscal year 104744
2021 shall be used to support the operations of Ohio University's 104745
Voinovich School. 104746

Of the foregoing appropriation item 235591, Co-op Internship 104747
Program, \$62,500 in each fiscal year shall be used to support the 104748
operations of The Ohio State University's John Glenn College of 104749
Public Affairs. 104750

Of the foregoing appropriation item 235591, Co-op Internship 104751
Program, \$62,500 in each fiscal year shall be used to support the 104752
Bliss Institute of Applied Politics at the University of Akron. 104753

Of the foregoing appropriation item 235591, Co-op Internship 104754
Program, \$25,000 in each fiscal year shall be used to support the 104755
Center for Public Management and Regional Affairs at Miami 104756
University. 104757

Of the foregoing appropriation item 235591, Co-op Internship 104758
Program, \$100,000 in each fiscal year shall be used to support 104759
students who attend institutions of higher education in Ohio and 104760

are participating in the Washington Center Internship Program. 104761

Of the foregoing appropriation item 235591, Co-op Internship 104762
Program, \$25,000 in each fiscal year shall be used to support the 104763
Ohio Center for the Advancement of Women in Public Service at the 104764
Maxine Goodman Levin College of Urban Affairs at Cleveland State 104765
University. 104766

Of the foregoing appropriation item 235591, Co-op Internship 104767
Program, \$25,000 in each fiscal year shall be used to support the 104768
University of Cincinnati Internship Program. 104769

Of the foregoing appropriation item 235591, Co-op Internship 104770
Program, \$25,000 in each fiscal year shall be used to support the 104771
operations of the Center for Regional Development at Bowling Green 104772
State University. 104773

Of the foregoing appropriation item 235591, Co-op Internship 104774
Program, \$25,000 in each fiscal year shall be used to support the 104775
operations of the Center for Liberal Arts Student Success at 104776
Wright State University. 104777

Of the foregoing appropriation item 235591, Co-op Internship 104778
Program, \$25,000 in each fiscal year shall be used to support the 104779
Kent State University Columbus Program. 104780

Of the foregoing appropriation item 235591, Co-op Internship 104781
Program, \$25,000 in each fiscal year shall be used to support the 104782
University of Toledo Urban Affairs Center. 104783

Of the foregoing appropriation item 235591, Co-op Internship 104784
Program, \$25,000 in each fiscal year shall be used to support the 104785
Center for Urban and Regional Studies at Youngstown State 104786
University. 104787

Of the foregoing appropriation item 235591, Co-Op Internship 104788
Program, \$50,000 in each fiscal year shall be used to support the 104789
operations of the Model United Nations Program at Wright State 104790

University. 104791

Of the foregoing appropriation item 235591, Co-Op Internship 104792
Program, \$200,000 in each fiscal year shall be allocated to 104793
support the Museum of Contemporary Art Cleveland Fellowship 104794
Program in collaboration with Cleveland State University. 104795

Section 381.375. HIGH SCHOOL STEM INNOVATION AND OHIO COLLEGE 104796
SCHOLARSHIP AND RETENTION PROGRAM 104797

(A) The foregoing appropriation item 235597, High School STEM 104798
Innovation and Ohio College Scholarship and Retention Program, 104799
shall be distributed by the Chancellor of Higher Education to the 104800
Ohio Academy of Science, in collaboration with Entrepreneurial 104801
Engagement Ohio, for the continuing development and implementation 104802
of recommendations of the Ohio Board of Regents that seek to 104803
create an innovation pathway between Ohio's K-12 education system 104804
and Ohio's colleges and universities and post-secondary career 104805
centers and vocational schools. The purpose of this program is to 104806
create a "Culture of Innovation" in Ohio high schools, promote 104807
Ohio as a great place for high school students to continue their 104808
educations and careers, and to provide college scholarships to 104809
encourage Ohio's most innovative and entrepreneurial high school 104810
students to remain in Ohio by focusing on the practical 104811
application of science, technology, engineering, and mathematics, 104812
including related medicine, health and arts fields, and the 104813
development of an entrepreneurial mindset and critical thinking 104814
skills that will be needed by today's students in Ohio's 104815
innovation economy. 104816

(B) The High School STEM Innovation and Ohio College 104817
Scholarship and Retention Program shall: 104818

(1) Conduct STEM Innovation and Entrepreneurship forums at 104819
Ohio's universities and colleges for high school students and 104820
educators; 104821

(2) Develop an in-school STEM Innovation and Entrepreneurship Program and STEM Commercialization Plan and STEM Business Plan competitions that include student incentive awards for competition winners and related curriculum, content and other program support to teachers and students;

(3) Conduct a statewide STEM Commercialization Plan and STEM Business Plan competition, open to the winners of related local high school competition award winners, that includes scholarships to attend any Ohio college, university, or post-secondary career center;

(4) Conduct a statewide Innovation and Entrepreneurship Scholarship program that awards at least one scholarship to attend any Ohio college in each Ohio Senate and House District. Ohio high school students who have distinguished themselves in a significant STEM, entrepreneurship, or innovation program competition or accomplishment shall be eligible to apply for this scholarship program.

(C) All aspects of the High School STEM Innovation and Ohio College Scholarship and Retention Program shall be open to any Ohio high school student, with an emphasis on minority, rural and economically disadvantaged students.

(D) The High School STEM Innovation and Ohio College Scholarship and Retention Program shall collaborate with Ohio's colleges and universities, and existing STEM, innovation, and entrepreneurship programs to implement these provisions and encourage enrollment at Ohio institutions of post-secondary and higher education.

Section 381.376. RURAL UNIVERSITY PROGRAM

The foregoing appropriation item 235598, Rural University Program, shall be used for the Rural University Program, a

collaboration of Bowling Green State University, Kent State University, Miami University, and Ohio University that provides rural communities with economic development, public administration, and public health services. Each of the four participating universities shall receive \$125,000 in each fiscal year to support their respective programs.

Section 381.380. NATIONAL GUARD SCHOLARSHIP PROGRAM 104858

The Chancellor of Higher Education shall disburse funds from appropriation item 235599, National Guard Scholarship Program. During each fiscal year, the Chancellor, as soon as possible after cancellation, may certify to the Director of Budget and Management the amount of canceled prior-year encumbrances in appropriation item 235599, National Guard Scholarship Program. Upon receipt of the certification, the Director of Budget and Management may transfer cash, up to the certified amount, from the General Revenue Fund to the National Guard Scholarship Reserve Fund (Fund 5BMO).

Section 381.390. PLEDGE OF FEES 104869

Any new pledge of fees, or new agreement for adjustment of fees, made in the biennium ending June 30, 2021, to secure bonds or notes of a state institution of higher education for a project for which bonds or notes were not outstanding on the effective date of this section or to secure a refund of prior debt that is anticipated to increase the total cost of retiring the original debt shall be effective only after approval by the Chancellor of Higher Education, unless approved in a previous biennium.

Section 381.400. HIGHER EDUCATION GENERAL OBLIGATION BOND DEBT SERVICE 104878
104879

The foregoing appropriation item 235909, Higher Education 104880

General Obligation Bond Debt Service, shall be used to pay all 104881
debt service and related financing costs during the period from 104882
July 1, 2019, through June 30, 2021, for obligations issued under 104883
sections 151.01 and 151.04 of the Revised Code. 104884

Section 381.410. SALES AND SERVICES 104885

The Chancellor of Higher Education is authorized to charge 104886
and accept payment for the provision of goods and services. Such 104887
charges shall be reasonably related to the cost of producing the 104888
goods and services. Except as otherwise provided by law, no 104889
charges may be levied for goods or services that are produced as 104890
part of the routine responsibilities or duties of the Chancellor. 104891
All revenues received by the Chancellor shall be deposited into 104892
Fund 4560, and may be used by the Chancellor to pay for the costs 104893
of producing the goods and services. 104894

Section 381.420. HIGHER EDUCATIONAL FACILITY COMMISSION 104895
ADMINISTRATION 104896

The foregoing appropriation item 235602, Higher Educational 104897
Facility Commission Administration, shall be used by the 104898
Chancellor of Higher Education for operating expenses related to 104899
the Chancellor's support of the activities of the Ohio Higher 104900
Educational Facility Commission. Upon the request of the 104901
Chancellor, the Director of Budget and Management may transfer up 104902
to \$50,000 cash in each fiscal year from the HEFC Operating 104903
Expenses Fund (Fund 4610) to the HEFC Administration Fund (Fund 104904
4E80). 104905

Section 381.440. FEDERAL RESEARCH NETWORK 104906

The foregoing appropriation item 235654, Federal Research 104907
Network, shall be allocated to The Ohio State University to 104908
collaborate with federal installations in Ohio, state institutions 104909

of higher education as defined in section 3345.011 of the Revised Code, private nonprofit institutions of higher education holding certificates of authorization under Chapter 1713. of the Revised Code, and the private sector to align the state's research assets with emerging missions and job growth opportunities emanating from federal installations, strengthen related workforce development and technology commercialization programs, and better position the state's university system to directly impact new job creation in Ohio. A portion of the foregoing appropriation item 235654, Federal Research Network, shall be used to support the growth of small business federal contractors in the state and to expand the participation of Ohio businesses in the federal Small Business Innovation Research Program and related federal programs.

Section 381.450. JOBS CHALLENGE

The foregoing appropriation item 235529, Jobs Challenge, shall be distributed by the Chancellor of Higher Education to community colleges, state community colleges, and technical colleges and Ohio Technical Centers, as recognized by the Chancellor, to support noncredit job related workforce training programs. The funds shall be used to provide assistance to eligible community, state community, and technical colleges and Ohio Technical Centers with initial expenses to develop the programs. The funds may also be used by community, state community, and technical colleges and Ohio Technical Centers to establish noncredit job training partnerships with businesses and industries to train employees in in-demand fields. The Chancellor, in consultation with the Governor's Office of Workforce Transformation, the Ohio Association of Community Colleges, and the Ohio Technical Centers, shall develop rules for distribution of funds provided under the program.

OHIOMEANSJOBS WORKFORCE DEVELOPMENT REVOLVING LOAN PROGRAM

The foregoing appropriation item 235684, OhioMeansJobs Workforce Development Revolving Loan Program, shall be used by the Chancellor of Higher Education to provide administrative support for the OhioMeansJobs Workforce Development Revolving Loan Program.

Section 381.460. OHIOCORPS PILOT PROGRAM

Of the appropriation item 235594, OhioCorps Pilot Program, up to \$50,000 in each fiscal year shall be used by the Chancellor of Higher Education to implement and administer the OhioCorps Pilot Program pursuant to sections 3333.80 to 3333.802 of the Revised Code.

The remainder of the appropriation item 235594, OhioCorps Pilot Program, shall be used by the Chancellor of Higher Education to assist eligible state institutions of higher education, as defined in division (A)(4) of section 3333.80 of the Revised Code, in establishing and administering OhioCorps mentorship programs under section 3333.80 of the Revised Code.

On July 1, 2019, or as soon as possible thereafter, the Chancellor of Higher Education may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the appropriation item, 235594, OhioCorps Pilot Program, at the end of fiscal year 2019 to be reappropriated to fiscal year 2020. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2020 for purposes of providing funds to support mentorship programs under the OhioCorps Pilot Program.

On July 1, 2020, or as soon as possible thereafter, the Chancellor of Higher Education may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the appropriation item, 235594, OhioCorps Pilot Program, at the end of fiscal year 2020 to be reappropriated to

fiscal year 2021. The amount certified is hereby reappropriated to 104972
the same appropriation item for fiscal year 2021 for purposes of 104973
providing funds to support mentorship programs under the OhioCorps 104974
Pilot Program. 104975

TEXTBOOK AND INSTRUCTIONAL MATERIALS GRANTS 104976

The foregoing appropriation item 235671, Textbook and 104977
Instructional Materials Grants, shall be used by the Chancellor of 104978
Higher Education to award grants to students enrolled in eligible 104979
community colleges, state community colleges, technical colleges, 104980
and university branches for the purchase of textbooks and 104981
instructional materials. Annual grants may be awarded to students 104982
meeting eligibility requirements determined by the Chancellor of 104983
Higher Education. 104984

Section 381.470. STATE FINANCIAL AID RECONCILIATION 104985

By the first day of September in each fiscal year, or as soon 104986
as possible thereafter, the Chancellor of Higher Education shall 104987
certify to the Director of Budget and Management the amount 104988
necessary to pay any outstanding prior year obligations to higher 104989
education institutions for the state's financial aid programs. The 104990
amounts certified are hereby appropriated to appropriation item 104991
235618, State Financial Aid Reconciliation, from revenues received 104992
in the State Financial Aid Reconciliation Fund (Fund 5Y50). 104993

Section 381.480. NURSING LOAN PROGRAM 104994

The foregoing appropriation item 235606, Nursing Loan 104995
Program, shall be used to administer the nurse education 104996
assistance program. 104997

Section 381.520. RESEARCH INCENTIVE THIRD FRONTIER 104998

The foregoing appropriation items 235634, Research Incentive 104999
Third Frontier, and 235639, Research Incentive Third Frontier-Tax, 105000

shall be used by the Chancellor of Higher Education to advance 105001
collaborative research at institutions of higher education. Of the 105002
foregoing appropriation items 235634, Research Incentive Third 105003
Frontier, and 235639, Research Incentive Third Frontier - Tax, up 105004
to \$2,000,000 in each fiscal year may be allocated toward research 105005
regarding the improvement of water quality, up to \$1,500,000 in 105006
each fiscal year may be allocated for spinal cord research, up to 105007
\$1,000,000 in each fiscal year may be allocated toward research 105008
regarding the reduction of infant mortality, up to \$1,000,000 in 105009
each fiscal year may be allocated toward research regarding opiate 105010
addiction issues in Ohio, up to \$750,000 in each fiscal year may 105011
be allocated toward research regarding cyber security initiatives, 105012
up to \$300,000 in each fiscal year may be allocated toward the 105013
I-Corps@Ohio program, and up to \$200,000 in each fiscal year may 105014
be allocated toward the Ohio Innovation Exchange program. 105015

Section 381.530. VETERANS PREFERENCES 105016

The Chancellor of Higher Education shall work with the 105017
Department of Veterans Services to develop specific veterans 105018
preference guidelines for higher education institutions. These 105019
guidelines shall ensure that the institutions' hiring practices 105020
are in accordance with the intent of Ohio's veterans preference 105021
laws. 105022

Section 381.540. (A) As used in this section: 105023

(1) "Board of trustees" includes the managing authority of a 105024
university branch district. 105025

(2) "State institution of higher education" has the same 105026
meaning as in section 3345.011 of the Revised Code. 105027

(B) The board of trustees of any state institution of higher 105028
education, notwithstanding any rule of the institution to the 105029
contrary, may adopt a policy providing for mandatory furloughs of 105030

employees, including faculty, to achieve spending reductions 105031
necessitated by institutional budget deficits. 105032

Section 381.550. EFFICIENCY REPORTS 105033

In each fiscal year, the board of trustees of each public 105034
institution of higher education shall approve the institution's 105035
efficiency report submitted to the Chancellor of Higher Education 105036
under section 3333.95 of the Revised Code. 105037

MEDICAL EDUCATION POST-GRADUATION RESIDENCY REPORTS 105038

For each fiscal year, each institution of higher education 105039
that receives funds from the foregoing appropriation items 235515, 105040
Case Western Reserve University School of Medicine, 235519, Family 105041
Practice, 235525, Geriatric Medicine, 235526, Primary Care 105042
Residencies, 235536, The Ohio State University Clinical Teaching, 105043
235537, University of Cincinnati Clinical Teaching, 235538, 105044
University of Toledo Clinical Teaching, 235539, Wright State 105045
University Clinical Teaching, 235540, Ohio University Clinical 105046
Teaching, 235541, Northeast Ohio Medical University Clinical 105047
Teaching, 235558, Long-term Care Research, and 235572, The Ohio 105048
State University Clinic Support, shall report to the Chancellor of 105049
Higher Education the residency status of graduates from the 105050
respective programs receiving support from those appropriation 105051
items one year and five years after graduating. 105052

Section 381.580. The Chancellor of Higher Education shall 105053
support the continued development of the Ohio Innovation Exchange 105054
for the purpose of showcasing the research expertise of Ohio's 105055
university and college faculty in a variety of fields, including, 105056
but not limited to, engineering, biomedicine, and information 105057
technology, and to identify institutional research equipment 105058
available in the state. 105059

Section 381.590. The Chancellor of Higher Education shall 105060
work with state institutions of higher education, as defined by 105061
section 3345.011 of the Revised Code, Ohio Technical Centers, as 105062
recognized by the Chancellor, and industry partners to develop 105063
program models that include project-based learning to increase 105064
continuing education and non-credit program offerings that lead to 105065
a credential in order to meet the state's in-demand job needs. 105066

Section 381.610. HEALTH CARE WORKFORCE PREPARATION 105067

The Chancellor of Higher Education shall establish the Ohio 105068
Physician and Allied Health Care Workforce Preparation Task Force 105069
to study, evaluate, and make recommendations with respect to 105070
health care workforce needs in Ohio. Topics considered by the task 105071
force may include, but not be limited to, physician, nursing, and 105072
allied health care education programs and health care workforce 105073
shortages in Ohio. The Chancellor shall appoint task force members 105074
with representation from the State Medical Board, medical school 105075
deans, hospital administrators, physician and nursing 105076
organizations, and other allied health personnel as the Chancellor 105077
may decide. The task force shall convene as soon as practicable 105078
and issue a report to the Governor, the Speaker and Minority 105079
Leader of the House of Representatives, and the President and 105080
Minority Leader of the Senate by March 1, 2020. 105081

Section 381.620. FUND NAME CHANGES 105082

On July 1, 2019, or as soon as possible thereafter, the 105083
Director of Budget and Management shall rename the SchoolNet Fees 105084
Fund (Fund 5D40) the Conference Administration Fund (Fund 5D40). 105085

Section 383.10. DRC DEPARTMENT OF REHABILITATION AND 105086
CORRECTION 105087

General Revenue Fund 105088

GRF	501321	Institutional Operations	\$ 1,126,589,266	\$ 1,167,132,362	105089
GRF	501405	Halfway House	\$ 69,440,618	\$ 74,922,786	105090
GRF	501406	Adult Correctional Facilities Lease Rental Bond Payments	\$ 64,797,700	\$ 72,940,500	105091
GRF	501407	Community Nonresidential Programs	\$ 59,410,711	\$ 61,966,863	105092
GRF	501408	Community Misdemeanor Programs	\$ 9,356,800	\$ 9,356,800	105093
GRF	501501	Community Residential Programs - Community Based Correctional Facilities	\$ 83,072,332	\$ 84,758,355	105094
GRF	503321	Parole and Community Operations	\$ 86,373,348	\$ 88,673,763	105095
GRF	504321	Administrative Operations	\$ 24,909,617	\$ 24,800,000	105096
GRF	505321	Institution Medical Services	\$ 283,935,623	\$ 295,579,451	105097
GRF	506321	Institution Education Services	\$ 34,795,550	\$ 35,092,283	105098
TOTAL GRF		General Revenue Fund	\$ 1,842,681,565	\$ 1,915,223,163	105099
		Dedicated Purpose Fund Group			105100
4B00	501601	Sewer Treatment Services	\$ 1,759,683	\$ 1,800,000	105101
4D40	501603	Prisoner Programs	\$ 400,000	\$ 400,000	105102
4L40	501604	Transitional Control	\$ 2,449,420	\$ 2,450,000	105103
4S50	501608	Education Services	\$ 4,546,081	\$ 4,660,000	105104
5AF0	501609	State and Non-Federal Awards	\$ 1,375,000	\$ 2,375,000	105105
5H80	501617	Offender Financial	\$ 2,610,000	\$ 1,860,000	105106

		Responsibility				
5TZ0	501610	Probation Improvement	\$	5,000,000	\$	5,000,000 105107
		and Incentive Grants				
TOTAL DPF	Dedicated Purpose Fund		\$	18,140,184	\$	18,545,000 105108
Group						
Internal Service Activity Fund Group						105109
1480	501602	Institutional	\$	2,925,000	\$	2,850,000 105110
		Services				
2000	501607	Ohio Penal Industries	\$	47,053,957	\$	46,515,000 105111
4830	501605	Leased Property	\$	2,000,000	\$	2,000,000 105112
		Maintenance and				
		Operating				
5710	501606	Corrections Training	\$	980,000	\$	980,000 105113
		Maintenance and				
		Operating				
5L60	501611	Information	\$	500,000	\$	500,000 105114
		Technology Services				
TOTAL ISA	Internal Activity					105115
Fund Group			\$	53,458,957	\$	52,845,000 105116
Federal Fund Group						105117
3230	501619	Federal Grants	\$	1,566,734	\$	1,540,000 105118
3CW0	501622	Federal Equitable	\$	450,000	\$	450,000 105119
		Sharing				
TOTAL FED	Federal					105120
Fund Group			\$	2,016,734	\$	1,990,000 105121
TOTAL ALL BUDGET FUND GROUPS			\$	1,916,297,440	\$	1,988,603,163 105122
OSU MEDICAL CHARGES						105123
Notwithstanding section 341.192 of the Revised Code, at the						105124
request of the Department of Rehabilitation and Correction, the						105125
Ohio State University Medical Center, including the Arthur G.						105126
James Cancer Hospital and Richard J. Solove Research Institute and						105127
the Richard M. Ross Heart Hospital, shall provide necessary care						105128

to persons who are confined in state adult correctional 105129
facilities. The provision of necessary inpatient care billed to 105130
the Department shall be reimbursed at a rate not to exceed the 105131
authorized reimbursement rate for the same service established by 105132
the Department of Medicaid under the Medicaid Program. 105133

ADULT CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS 105134

The foregoing appropriation item 501406, Adult Correctional 105135
Facilities Lease Rental Bond Payments, shall be used to meet all 105136
payments during the period from July 1, 2019, through June 30, 105137
2021, by the Department of Rehabilitation and Correction pursuant 105138
to leases and agreements for facilities made under Chapters 152. 105139
and 154. of the Revised Code. These appropriations are the source 105140
of funds pledged for bond service charges on related obligations 105141
issued under Chapters 152. and 154. of the Revised Code. 105142

COMMUNITY BASED CORRECTIONAL FACILITIES 105143

Of the foregoing appropriation item 501501, Community 105144
Residential Programs - Community Based Correctional Facilities, 105145
\$2,970,000 in fiscal year 2020 and \$3,053,977 in fiscal year 2021 105146
shall be used to support staff retention for community based 105147
correctional facilities. 105148

INSTITUTION EDUCATION SERVICES 105149

Of the foregoing appropriation item 506321, Institution 105150
Education Services, \$1,450,000 in each fiscal year shall be used 105151
to pay for the costs associated with providing postsecondary 105152
education programs to eligible students. 105153

Of the foregoing appropriation item 506321, Institution 105154
Education Services, \$329,293 in each fiscal year shall be used to 105155
pay for the costs to expand the current certificate offering for 105156
students eligible for postsecondary education programs to attain 105157
degree credentials in employment fields of study. 105158

Of the foregoing appropriation item 506321, Institution 105159
Education Services, up to \$620,500 in each fiscal year shall be 105160
used to pay for the costs to expand postsecondary education 105161
programing to security level 3 and 4 correctional institutions. 105162
Notwithstanding any provision of law to the contrary, the Director 105163
of Rehabilitation and Correction shall have sole discretion on the 105164
allocation these funds based upon needs of the security level 3 105165
and 4 correctional institutions and those individuals classified 105166
as such. Any unused balance in each fiscal year may be used to 105167
cover the costs of postsecondary education programs other than 105168
security level 3 and 4 correctional institutions or individuals 105169
classified as such. 105170

Of the foregoing appropriation item 506321, Institution 105171
Education Services, \$192,490 in each fiscal year shall be used to 105172
pay for the costs associated with increasing tuition for 105173
postsecondary education programming by 5 per cent. 105174

PROBATION IMPROVEMENT AND INCENTIVE GRANTS 105175

The foregoing appropriation item 501610, Probation 105176
Improvement and Incentive Grants, shall be allocated by the 105177
Department of Rehabilitation and Correction to municipalities as 105178
Probation Improvement and Incentive Grants with an emphasis on: 105179
(1) providing services to those addicted to opiates and other 105180
illegal substances, and (2) supplementing the programs and 105181
services funded by grants distributed from the foregoing 105182
appropriation item 501407, Community Nonresidential Programs. 105183

Section 387.10. RDF STATE REVENUE DISTRIBUTIONS 105184

General Revenue Fund Group 105185
GRF 110908 Property Tax \$ 645,785,000 \$ 652,242,850 105186
Reimbursement - Local
Government

GRF	200903	Property Tax	\$ 1,199,315,000	\$ 1,211,308,150	105187
		Reimbursement -			
		Education			
TOTAL GRF		General Revenue Fund	\$ 1,845,100,000	\$ 1,863,551,000	105188
Group					
Revenue Distribution Fund Group					105189
5JG0	110633	Gross Casino Revenue	\$ 144,150,000	\$ 147,030,000	105190
		Payments-County			
5JH0	110634	Gross Casino Revenue	\$ 95,880,000	\$ 97,800,000	105191
		Payments- School			
		Districts			
5JJ0	110636	Gross Casino Revenue	\$ 14,150,000	\$ 14,430,000	105192
		- Host City			
7047	200902	Property Tax	\$ 135,105,080	\$ 111,196,773	105193
		Replacement Phase			
		Out-Education			
7049	336900	Indigent Drivers	\$ 2,250,000	\$ 2,250,000	105194
		Alcohol Treatment			
7050	762900	International	\$ 23,000,000	\$ 23,000,000	105195
		Registration Plan			
		Distribution			
7051	762901	Auto Registration	\$ 328,000,000	\$ 328,000,000	105196
		Distribution			
7060	110960	Gasoline Excise Tax	\$ 576,000,000	\$ 576,000,000	105197
		Fund			
7065	110965	Public Library Fund	\$ 417,300,000	\$ 424,900,000	105198
7066	800966	Undivided Liquor	\$ 14,600,000	\$ 14,600,000	105199
		Permits			
7069	110969	Local Government Fund	\$ 412,300,000	\$ 419,900,000	105200
7081	110907	Property Tax	\$ 11,804,000	\$ 8,620,000	105201
		Replacement Phase			
		Out-Local Government			
7082	110982	Horse Racing Tax	\$ 60,000	\$ 60,000	105202

7083	700900	Ohio Fairs Fund	\$	1,000,000	\$	1,000,000	105203
TOTAL RDF Revenue Distribution							105204
Fund Group			\$	2,175,599,080	\$	2,168,786,773	105205
Fiduciary Fund Group							105206
4P80	001698	Cash Management	\$	3,100,000	\$	3,100,000	105207
Improvement Fund							
5VR0	110902	Municipal Net Profit	\$	30,000,000	\$	35,000,000	105208
Tax							
6080	001699	Investment Earnings	\$	140,000,000	\$	160,000,000	105209
7001	110996	Horse Racing Tax	\$	240,000	\$	240,000	105210
Local Government							
Payments							
7062	110962	Resort Area Excise	\$	1,200,000	\$	1,200,000	105211
Tax Distribution							
7063	110963	Permissive Sales Tax	\$	2,733,517,000	\$	2,815,522,510	105212
Distribution							
7067	110967	School District	\$	469,248,000	\$	488,017,920	105213
Income Tax							
Distribution							
7085	800985	Volunteer Firemen's	\$	300,000	\$	300,000	105214
Dependents Fund							
7093	110640	Next Generation 9-1-1	\$	1,000,000	\$	1,000,000	105215
7094	110641	Wireless 9-1-1	\$	25,700,000	\$	25,700,000	105216
Government Assistance							
7095	110995	Municipal Income Tax	\$	15,000,000	\$	15,000,000	105217
7099	762902	Permissive Tax	\$	213,100,000	\$	222,700,000	105218
Distribution - Auto							
Registration							
TOTAL FID Fiduciary Fund Group			\$	3,632,405,000	\$	3,767,780,430	105219
Holding Account Fund Group							105220
R045	110617	International Fuel	\$	56,100,000	\$	56,100,000	105221
Tax Distribution							

of Taxation, the Department of Education shall distribute these 105253
funds directly to the appropriate school districts of the state, 105254
notwithstanding sections 321.24 and 323.156 of the Revised Code, 105255
which provide for payment of the homestead exemption and property 105256
tax rollback by the Tax Commissioner to the appropriate county 105257
treasurer and the subsequent redistribution of these funds to the 105258
appropriate local taxing districts by the county auditor. 105259

Upon receipt of these amounts, each school district shall 105260
distribute the amount among the proper funds as if it had been 105261
paid as real or tangible personal property taxes. Payments for the 105262
costs of administration shall continue to be paid to the county 105263
treasurer and county auditor as provided for in sections 319.54, 105264
321.26, and 323.156 of the Revised Code. 105265

Any sums, in addition to the amount specifically appropriated 105266
in appropriation item 200903, Property Tax Reimbursement - 105267
Education, for the homestead exemption and the property tax 105268
rollback payments, and payments required under division (C) of 105269
section 5705.2110 of the Revised Code, which are determined to be 105270
necessary for these purposes, are hereby appropriated. 105271

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK 105272

The foregoing appropriation item 110908, Property Tax 105273
Reimbursement-Local Government, is hereby appropriated to pay for 105274
the state's costs incurred due to the Homestead Exemption, the 105275
Manufactured Home Property Tax Rollback, and the Property Tax 105276
Rollback. The Tax Commissioner shall distribute these funds 105277
directly to the appropriate local taxing districts, except for 105278
school districts, notwithstanding the provisions in sections 105279
321.24 and 323.156 of the Revised Code, which provide for payment 105280
of the Homestead Exemption, the Manufactured Home Property Tax 105281
Rollback, and Property Tax Rollback by the Tax Commissioner to the 105282
appropriate county treasurer and the subsequent redistribution of 105283
these funds to the appropriate local taxing districts by the 105284

county auditor.	105285
Upon receipt of these amounts, each local taxing district	105286
shall distribute the amount among the proper funds as if it had	105287
been paid as real property taxes. Payments for the costs of	105288
administration shall continue to be paid to the county treasurer	105289
and county auditor as provided for in sections 319.54, 321.26, and	105290
323.156 of the Revised Code.	105291
Any sums, in addition to the amounts specifically	105292
appropriated in appropriation item 110908, Property Tax Allocation	105293
- Local Government, for the Homestead Exemption, the Manufactured	105294
Home Property Tax Rollback, and the Property Tax Rollback	105295
payments, which are determined to be necessary for these purposes,	105296
are hereby appropriated.	105297
 PUBLIC LIBRARY FUND	105298
Notwithstanding the requirement in division (B) of section	105299
131.51 of the Revised Code that the Director of Budget and	105300
Management shall credit to the Public Library Fund one and	105301
sixty-six one-hundredths per cent of the total tax revenue	105302
credited to the General Revenue Fund during the preceding month,	105303
the Director shall instead calculate these amounts during fiscal	105304
year 2020 and fiscal year 2021 using one and sixty-eight	105305
one-hundredths as the percentage.	105306
 TANGIBLE PERSONAL PROPERTY TAX REIMBURSEMENTS	105307
Notwithstanding any provision of law to the contrary, in	105308
fiscal years 2020 and 2021, any city, local, or exempted village	105309
school district that has a nuclear power plant located within its	105310
territory shall receive the same payment amount under section	105311
5709.92 of the Revised Code as in fiscal year 2017.	105312
 MUNICIPAL INCOME TAX	105313
The foregoing appropriation item 110995, Municipal Income	105314

Tax, shall be used to make payments to municipal corporations 105315
under section 5745.05 of the Revised Code. If it is determined 105316
that additional appropriations are necessary to make such 105317
payments, such amounts are hereby appropriated. 105318

MUNICIPAL NET PROFIT TAX 105319

The foregoing appropriation item 110902, Municipal Net Profit 105320
Tax, shall be used to make payments to municipal corporations 105321
under section 718.83 of the Revised Code. If it is determined that 105322
additional amounts are necessary to make such payments, such 105323
amounts are hereby appropriated. 105324

During fiscal year 2020 and fiscal year 2021, if the Tax 105325
Commissioner determines that there is insufficient cash in the 105326
Municipal Net Profit Tax Fund (Fund 5VR0) to meet monthly 105327
distribution obligations under section 718.83 of the Revised Code, 105328
the Tax Commissioner shall certify to the Director of Budget and 105329
Management the amount of additional cash necessary to satisfy 105330
those obligations. In addition, the Commissioner shall submit a 105331
plan to the Director requesting the necessary cash be transferred 105332
from one or a combination of the following funds: the Municipal 105333
Income Tax Administrative Fund, the Local Sales Tax Administrative 105334
Fund, the General School District Income Tax Administrative Fund, 105335
the Motor Fuel Tax Administrative Fund, the Property Tax 105336
Administrative Fund, or the General Revenue Fund. This plan shall 105337
include a proposed repayment schedule to reimburse those funds for 105338
any cash transferred in accordance with this section. After 105339
receiving the certification and funding plan from the Tax 105340
Commissioner and if the Director determines that sufficient cash 105341
is available, the Director may transfer the cash to the Municipal 105342
Net Profit Tax Fund in accordance with the plan submitted by the 105343
Tax Commissioner or as otherwise determined by the Director of 105344
Budget and Management. The Director of Budget and Management may 105345
transfer cash from the Municipal Net Profit Tax Fund to reimburse 105346

the funds from which cash was transferred for the purpose outlined 105347
in this section. 105348

Section 391.10. OSB OHIO STATE SCHOOL FOR THE BLIND				105349
General Revenue Fund				105350
GRF 226321	Operations	\$ 12,440,519	\$ 12,576,088	105351
TOTAL GRF General Revenue Fund				105352
Dedicated Purpose Fund Group				105353
4H80 226602	Education Reform	\$ 200,000	\$ 200,000	105354
Grants				
4M50 226601	Work Study and	\$ 299,645	\$ 300,000	105355
Technology Investment				
5NJ0 226622	Food Service Program	\$ 10,162	\$ 10,500	105356
TOTAL DPF Dedicated Purpose				105357
Fund Group				105358
Federal Fund Group				105359
3100 226626	Federal Grants	\$ 773,386	\$ 778,500	105360
3DT0 226621	Ohio Transition	\$ 260,369	\$ 265,000	105361
Collaborative				
3P50 226643	Medicaid Professional	\$ 100,000	\$ 100,000	105362
Services				
Reimbursement				
TOTAL FED Federal Fund Group				105363
TOTAL ALL BUDGET FUND GROUPS				105364

Section 393.10. OSD OHIO SCHOOL FOR THE DEAF				105366
General Revenue Fund				105367
GRF 221321	Operations	\$ 13,082,919	\$ 13,594,347	105368
TOTAL GRF General Revenue Fund				105369
Dedicated Purpose Fund Group				105370
4M00 221601	Educational Program	\$ 99,025	\$ 101,000	105371

		Expenses					
4M10	221602	Education Reform	\$	200,000	\$	200,000	105372
		Grants					
5H60	221609	Even Start Fees and	\$	60,941	\$	63,000	105373
		Gifts					
5NK0	221610	Food Service Program	\$	10,244	\$	10,500	105374
TOTAL DPF Dedicated Purpose							105375
Fund Group			\$	370,210	\$	374,500	105376
Federal Fund Group							105377
3110	221625	Federal Grants	\$	279,550	\$	281,000	105378
3R00	221684	Medicaid Professional	\$	206,000	\$	206,000	105379
		Services					
		Reimbursement					
TOTAL FED Federal Fund Group			\$	485,550	\$	487,000	105380
TOTAL ALL BUDGET FUND GROUPS			\$	13,938,679	\$	14,455,847	105381
		Section 395.10. SOS SECRETARY OF STATE					105383
		General Revenue Fund					105384
GRF	050321	Operating Expenses	\$	1,750,000	\$	1,750,000	105385
GRF	050407	Poll Workers Training	\$	234,196	\$	234,196	105386
GRF	050509	County Voting Systems	\$	10,116,000	\$	12,279,200	105387
		Lease Rental Payments					
TOTAL GRF General Revenue Fund			\$	12,100,196	\$	14,263,396	105388
		Dedicated Purpose Fund Group					105389
4120	050609	Notary Commission	\$	475,000	\$	475,000	105390
4S80	050610	Board of Voting	\$	7,200	\$	7,200	105391
		Machine Examiners					
5990	050603	Business Services	\$	13,961,351	\$	14,310,430	105392
		Operating Expenses					
5990	050629	Statewide Voter	\$	700,000	\$	700,000	105393
		Registration Database					
5990	050630	Elections Support	\$	2,209,204	\$	2,288,196	105394

		Supplement				
5FG0	050620	BOE Reimbursement and	\$	200,000	\$	200,000 105395
		Education				
5SN0	050626	Address	\$	100,000	\$	100,000 105396
		Confidentiality				
TOTAL DPF		Dedicated Purpose Fund	\$	17,652,755	\$	18,080,826 105397
Group						
Group						105398
R002	050606	Corporate/Business	\$	85,000	\$	85,000 105399
		Filing Refunds				
TOTAL HLD		Holding Account Fund	\$	85,000	\$	85,000 105400
Group						
Group						105401
3AS0	050616	Help America Vote Act	\$	2,740,000	\$	1,750,000 105402
		(HAVA)				
TOTAL FED		Federal Fund Group	\$	2,740,000	\$	1,750,000 105403
TOTAL ALL		BUDGET FUND GROUPS	\$	32,577,951	\$	34,179,222 105404

Section 395.20. POLL WORKERS TRAINING 105406

The foregoing appropriation item 050407, Poll Workers 105407
 Training, shall be used to reimburse county boards of elections 105408
 for precinct election official (PEO) training pursuant to section 105409
 3501.27 of the Revised Code. An amount equal to the unexpended, 105410
 unencumbered portion of the foregoing appropriation item 050407, 105411
 Poll Workers Training at the end of fiscal year 2020 is hereby 105412
 reappropriated to fiscal year 2021 for the same purpose. 105413

STATEWIDE VOTING AND TABULATION EQUIPMENT 105414

An amount equal to the unexpended, unencumbered portion of 105415
 appropriation item 050508, Statewide Voting and Tabulation 105416
 Equipment, at the end of fiscal year 2019 is hereby reappropriated 105417
 to the same appropriation item for fiscal year 2020. The 105418
 reappropriated amounts shall be used to reimburse counties in an 105419

amount up to but not exceeding the county's allocated funding 105420
amount for expenditures related to the acquisition or lease of 105421
voting systems that were made on or after January 1, 2014, and 105422
prior to July 30, 2018. 105423

COUNTY VOTING SYSTEMS LEASE RENTAL PAYMENTS 105424

The foregoing appropriation item 050509, County Voting 105425
Systems Lease Rental Payments, shall be used to make payments 105426
during the period from July 1, 2019, through June 30, 2021, 105427
pursuant to leases and agreements entered into under Section 4 of 105428
S.B. 135 of the 132nd General Assembly with respect to financing 105429
the costs associated with the acquisition, development, 105430
installation, and implementation of county voting systems. 105431

BOARD OF VOTING MACHINE EXAMINERS 105432

The foregoing appropriation item 050610, Board of Voting 105433
Machine Examiners, shall be used to pay for the services and 105434
expenses of the members of the Board of Voting Machine Examiners, 105435
and for other expenses that are authorized to be paid from the 105436
Board of Voting Machine Examiners Fund (Fund 4S80) created in 105437
section 3506.05 of the Revised Code. Moneys not used shall be 105438
returned to the person or entity submitting equipment for 105439
examination. If it is determined by the Secretary of State that 105440
additional appropriation amounts are necessary, the Secretary of 105441
State may request that the Director of Budget and Management 105442
approve such amounts. Upon approval of the Director of Budget and 105443
Management, such amounts are hereby appropriated. 105444

BALLOT ADVERTISING COSTS 105445

Notwithstanding division (G) of section 3501.17 of the 105446
Revised Code, upon requests submitted by the Secretary of State, 105447
the Controlling Board may approve transfers from the Controlling 105448
Board Emergency Purposes/Contingencies Fund (Fund 5KM0) to the 105449
Statewide Ballot Advertising Fund (Fund 5FH0) in order to pay for 105450

the cost of public notices associated with statewide ballot initiatives.	105451 105452
ABSENT VOTER'S BALLOT APPLICATION MAILING	105453
Notwithstanding division (B) of section 111.31 of the Revised Code, upon the request of the Secretary of State, the Controlling Board shall approve cash and appropriation transfers from the Controlling Board Emergency Purposes/Contingencies Fund (Fund 5KM0) to the Absent Voter's Ballot Application Mailing Fund (Fund 5RG0) to be used by the Secretary of State to pay the costs of printing and mailing unsolicited applications for absent voters' ballots for the general election to be held in November 2020.	105454 105455 105456 105457 105458 105459 105460 105461
ADDRESS CONFIDENTIALITY PROGRAM	105462
Upon the request of the Secretary of State, the Director of Budget and Management may transfer up to \$50,000 per fiscal year in cash from the Business Services Operating Expenses Fund (Fund 5990) to the Address Confidentiality Program Fund (Fund 5SN0).	105463 105464 105465 105466
CORPORATE/BUSINESS FILING REFUNDS	105467
The foregoing appropriation item 050606, Corporate/Business Filing Refunds, shall be used to hold revenues until they are directed to the appropriate accounts or until they are refunded. If it is determined by the Secretary of State that additional appropriation amounts are necessary, the Secretary of State may request that the Director of Budget and Management approve such amounts. Upon approval of the Director of Budget and Management, such amounts are hereby appropriated.	105468 105469 105470 105471 105472 105473 105474 105475
HAVA FUNDS	105476
An amount equal to the unexpended, unencumbered portion of appropriation item 050616, Help America Vote Act (HAVA), at the end of fiscal year 2019 is hereby reappropriated for the same purpose in fiscal year 2020.	105477 105478 105479 105480

An amount equal to the unexpended, unencumbered portion of 105481
appropriation item 050616, Help America Vote Act (HAVA), at the 105482
end of fiscal year 2020 is hereby reappropriated for the same 105483
purpose in fiscal year 2021. 105484

Section 397.10. SEN THE OHIO SENATE 105485

General Revenue Fund 105486

GRF 020321 Operating Expenses \$ 15,902,029 \$ 15,902,029 105487

TOTAL GRF General Revenue Fund \$ 15,902,029 \$ 15,902,029 105488

Internal Service Activity Fund Group 105489

1020 020602 Senate Reimbursement \$ 425,800 \$ 425,800 105490

4090 020601 Miscellaneous Sales \$ 34,497 \$ 34,497 105491

TOTAL ISA Internal Service Activity 105492

Fund Group \$ 460,297 \$ 460,297 105493

TOTAL ALL BUDGET FUND GROUPS \$ 16,362,326 \$ 16,362,326 105494

OPERATING EXPENSES 105495

On July 1, 2019, or as soon as possible thereafter, the Clerk 105496
of the Senate may certify to the Director of Budget and Management 105497
an amount up to the unexpended, unencumbered balance of the 105498
foregoing appropriation item 020321, Operating Expenses, at the 105499
end of fiscal year 2019 to be reappropriated to fiscal year 2020. 105500
The amount certified is hereby reappropriated to the same 105501
appropriation item for fiscal year 2020. 105502

On July 1, 2020, or as soon as possible thereafter, the Clerk 105503
of the Senate may certify to the Director of Budget and Management 105504
an amount up to the unexpended, unencumbered balance of the 105505
foregoing appropriation item 020321, Operating Expenses, at the 105506
end of fiscal year 2020 to be reappropriated to fiscal year 2021. 105507
The amount certified is hereby reappropriated to the same 105508
appropriation item for fiscal year 2021. 105509

Section 399.10. CSV COMMISSION ON SERVICE AND VOLUNTEERISM 105510

General Revenue Fund				105511
GRF 866321 CSV Operations	\$	557,176	\$ 555,971	105512
TOTAL GRF General Revenue Fund	\$	557,176	\$ 555,971	105513
Dedicated Purpose Fund Group				105514
5GN0 866605 Serve Ohio Support	\$	30,000	\$ 30,000	105515
TOTAL DPF Dedicated Purpose Fund Group	\$	30,000	\$ 30,000	105516
Federal Fund Group				105517
3R70 866617 AmeriCorps Programs	\$	9,649,635	\$ 9,671,749	105518
TOTAL FED Federal Fund Group	\$	9,649,635	\$ 9,671,749	105519
TOTAL ALL BUDGET FUND GROUPS	\$	10,236,811	\$ 10,257,720	105520
Section 401.10. CSF COMMISSIONERS OF THE SINKING FUND				105522
Debt Service Fund Group				105523
7070 155905 Third Frontier	\$	84,181,400	\$ 87,403,000	105524
Research and				
Development Bond				
Retirement Fund				
7072 155902 Highway Capital	\$	152,796,000	\$ 164,693,700	105525
Improvement Bond				
Retirement Fund				
7073 155903 Natural Resources Bond	\$	20,359,800	\$ 20,420,700	105526
Retirement Fund				
7074 155904 Conservation Projects	\$	44,218,800	\$ 44,394,800	105527
Bond Retirement Fund				
7076 155906 Coal Research and	\$	8,123,100	\$ 7,682,600	105528
Development Bond				
Retirement Fund				
7077 155907 State Capital	\$	229,338,800	\$ 231,754,500	105529
Improvement Bond				
Retirement Fund				
7078 155908 Common Schools Bond	\$	410,259,800	\$ 424,825,900	105530

	Retirement Fund				
7079	155909 Higher Education Bond	\$ 323,545,500	\$ 348,550,200	105531	
	Retirement Fund				
7080	155901 Persian Gulf, Afghanistan, and Iraq Conflict Bond	\$ 5,092,400	\$ 5,586,600	105532	
	Retirement Fund				
7090	155912 Job Ready Site Development Bond	\$ 15,516,000	\$ 9,879,900	105533	
	Retirement Fund				
TOTAL DSF Debt Service Fund Group		\$ 1,293,431,600	\$ 1,345,191,900	105534	
TOTAL ALL BUDGET FUND GROUPS		\$ 1,293,431,600	\$ 1,345,191,900	105535	
	ADDITIONAL APPROPRIATIONS			105536	
	Appropriation items in this section are for the purpose of paying debt service and financing costs during the period from July 1, 2019, through June 30, 2021, on bonds or notes of the state issued under the Ohio Constitution, Revised Code, and acts of the General Assembly. If it is determined that additional amounts are necessary for this purpose, such amounts are hereby appropriated.			105537 105538 105539 105540 105541 105542 105543	
	Section 403.10. SOA SOUTHERN OHIO AGRICULTURAL AND COMMUNITY DEVELOPMENT FOUNDATION			105544 105545	
	Dedicated Purpose Fund Group			105546	
5M90	945601 Operating Expenses	\$ 294,906	\$ 300,910	105547	
TOTAL DPF Dedicated Purpose Fund Group		\$ 294,906	\$ 300,910	105548	
TOTAL ALL BUDGET FUND GROUPS		\$ 294,906	\$ 300,910	105549	
	Section 404.10. SHP STATE SPEECH AND HEARING PROFESSIONALS BOARD			105551 105552	
	Dedicated Purpose Fund Group			105553	

4K90 123609	Operating Expenses	\$	620,000	\$	636,709	105554
TOTAL DPF	Dedicated Purpose Fund	\$	620,000	\$	636,709	105555
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	620,000	\$	636,709	105556

Section 407.10. BTA BOARD OF TAX APPEALS 105558

General Revenue Fund						105559
GRF 116321	Operating Expenses	\$	1,845,494	\$	1,857,751	105560
TOTAL GRF	General Revenue Fund	\$	1,845,494	\$	1,857,751	105561
TOTAL ALL BUDGET FUND GROUPS		\$	1,845,494	\$	1,857,751	105562

Section 409.10. TAX DEPARTMENT OF TAXATION 105564

General Revenue Fund						105565
GRF 110321	Operating Expenses	\$	61,292,238	\$	62,378,576	105566
GRF 110404	Tobacco Settlement	\$	145,479	\$	150,810	105567
Enforcement						
TOTAL GRF	General Revenue Fund	\$	61,437,717	\$	62,529,386	105568
Dedicated Purpose Fund Group						105569
2280 110628	CAT Administration	\$	13,872,268	\$	14,254,131	105570
4350 110607	Local Tax	\$	30,409,575	\$	31,020,628	105571
Administration						
4360 110608	Motor Vehicle Audit	\$	1,982,731	\$	2,000,000	105572
Administration						
4380 110609	School District	\$	9,027,264	\$	9,200,001	105573
Income Tax						
Administration						
4C60 110616	International	\$	683,494	\$	705,869	105574
Registration Plan						
Administration						
4R60 110610	Tire Tax	\$	177,706	\$	180,000	105575
Administration						
5BP0 110639	Wireless 9-1-1	\$	296,210	\$	298,794	105576

		Administration					
5JM0	110637	Casino Tax	\$	125,000	\$	125,000	105577
		Administration					
5N50	110605	Municipal Income Tax	\$	400,000	\$	400,000	105578
		Administration					
5N60	110618	Kilowatt Hour Tax	\$	96,954	\$	100,000	105579
		Administration					
5NY0	110643	Petroleum Activity	\$	992,581	\$	1,000,000	105580
		Tax Administration					
5V70	110622	Motor Fuel Tax	\$	5,899,525	\$	6,000,000	105581
		Administration					
5V80	110623	Property Tax	\$	5,872,025	\$	6,000,000	105582
		Administration					
6390	110614	Cigarette Tax	\$	1,548,152	\$	1,599,999	105583
		Enforcement					
6880	110615	Local Excise Tax	\$	588,213	\$	600,000	105584
		Administration					
TOTAL DPF		Dedicated Purpose Fund	\$	71,971,698	\$	73,484,422	105585
		Group					
		Fiduciary Fund Group					105586
4250	110635	Tax Refunds	\$	2,205,303,300	\$	2,179,769,300	105587
5CZ0	110631	Vendor's License	\$	380,000	\$	380,000	105588
		Application					
6420	110613	Ohio Political Party	\$	180,000	\$	180,000	105589
		Distributions					
TOTAL FID		Fiduciary Fund Group	\$	2,205,863,300	\$	2,180,329,300	105590
		Holding Account Fund Group					105591
R010	110611	Tax Distributions	\$	25,000	\$	25,000	105592
R011	110612	Miscellaneous Income	\$	500	\$	500	105593
		Tax Receipts					
TOTAL HLD		Holding Account Fund	\$	25,500	\$	25,500	105594
		Group					

TOTAL ALL BUDGET FUND GROUPS \$ 2,339,298,215 \$ 2,316,368,608 105595

Section 409.20. TAX REFUNDS 105597

The foregoing appropriation item 110635, Tax Refunds, shall 105598
be used to pay refunds under section 5703.052 of the Revised Code. 105599
If it is determined that additional appropriations are necessary 105600
for this purpose, such amounts are hereby appropriated. 105601

VENDOR'S LICENSE PAYMENTS 105602

The foregoing appropriation item 110631, Vendor's License 105603
Application, shall be used to make payments to county auditors 105604
under section 5739.17 of the Revised Code. If it is determined 105605
that additional appropriations are necessary to make such 105606
payments, such amounts are hereby appropriated. 105607

INTERNATIONAL REGISTRATION PLAN ADMINISTRATION 105608

The foregoing appropriation item 110616, International 105609
Registration Plan Administration, shall be used under section 105610
5703.12 of the Revised Code for audits of persons with vehicles 105611
registered under the International Registration Plan. 105612

TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT 105613

Of the foregoing appropriation item 110607, Local Tax 105614
Administration, the Tax Commissioner may disburse funds, if 105615
available, for the purposes of paying travel expenses incurred by 105616
members of Ohio's delegation to the Streamlined Sales Tax Project, 105617
as appointed under section 5740.02 of the Revised Code. Any travel 105618
expense reimbursement paid for by the Department of Taxation shall 105619
be done in accordance with applicable state laws and guidelines. 105620

TOBACCO SETTLEMENT ENFORCEMENT 105621

The foregoing appropriation item 110404, Tobacco Settlement 105622
Enforcement, shall be used by the Tax Commissioner to pay costs 105623
incurred in the enforcement of divisions (F) and (G) of section 105624
5743.03 of the Revised Code. 105625

PROPERTY TAX ADMINISTRATION					105626
Notwithstanding section 5703.80 or division (F) of section					105627
321.24 of the Revised Code, in fiscal years 2020 and 2021, the Tax					105628
Commissioner shall not compute or certify the amounts calculated					105629
under divisions (A) and (B) of that section as amended by this					105630
act. The Director of Budget and Management shall not transfer any					105631
amounts from the General Revenue Fund to the Property Tax					105632
Administration Fund in fiscal year 2020 or fiscal year 2021. In					105633
fiscal years 2020 and 2021, the Tax Commissioner shall not					105634
subtract any amounts computed under section 5703.80 of the Revised					105635
Code, as amended by this act, from the payments made from the					105636
General Revenue Fund to county treasurers under division (F) of					105637
section 321.24 of the Revised Code.					105638
Section 411.10. DOT DEPARTMENT OF TRANSPORTATION					105639
General Revenue Fund					105640
GRF 775451 Public Transportation	\$	6,505,199	\$	6,505,199	105641
- State					
GRF 776465 Rail Development	\$	2,000,000	\$	2,000,000	105642
GRF 777471 Airport Improvements	\$	5,919,687	\$	5,919,687	105643
- State					
TOTAL GRF General Revenue Fund	\$	14,424,886	\$	14,424,886	105644
Dedicated Purpose Fund Group					105645
5QT0 776670 Ohio Maritime	\$	10,000,000	\$	10,000,000	105646
Assistance Program					
TOTAL DPF Dedicated Purpose Fund	\$	10,000,000	\$	10,000,000	105647
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	24,424,886	\$	24,424,886	105648
Section 411.20. OHIO MARITIME ASSISTANCE PROGRAM					105650
The foregoing appropriation item 776670, Ohio Maritime					105651
Assistance Program, shall be used for the Ohio Maritime Assistance					105652

Program established in section 5501.91 of the Revised Code. 105653

Notwithstanding anything to the contrary in Chapter 166. of 105654
the Revised Code, the Director of Budget and Management shall 105655
transfer \$10,000,000 cash in each fiscal year from the Facilities 105656
Establishment Fund (Fund 7037) to the Ohio Maritime Assistance 105657
Fund (Fund 5QT0), which is hereby created. 105658

Section 413.10. TOS TREASURER OF STATE 105659

General Revenue Fund 105660

GRF 090321 Operating Expenses \$ 8,037,839 \$ 8,037,839 105661

GRF 090401 Office of the Sinking \$ 476,836 \$ 476,836 105662
Fund

GRF 090402 Continuing Education \$ 175,000 \$ 175,000 105663

GRF 090406 Treasury Management \$ 1,113,400 \$ 1,115,000 105664
System Lease Rental
Payments

GRF 090613 STABLE Account \$ 1,660,000 \$ 1,660,000 105665
Administration

TOTAL GRF General Revenue Fund \$ 11,463,075 \$ 11,464,675 105666

Dedicated Purpose Fund Group 105667

4E90 090603 Securities Lending \$ 7,480,675 \$ 7,843,565 105668
Income

4X90 090614 Political Subdivision \$ 45,000 \$ 45,000 105669
Obligation

5770 090605 Investment Pool \$ 1,050,000 \$ 1,050,000 105670
Reimbursement

5C50 090602 County Treasurer \$ 240,057 \$ 240,057 105671
Education

5NH0 090610 OhioMeansJobs \$ 3,107,584 \$ 0 105672
Workforce Development

6050 090609 Treasurer of State \$ 700,000 \$ 700,000 105673
Administrative Fund

TOTAL DPF Dedicated Purpose				105674
Fund Group	\$	12,623,316	\$ 9,878,622	105675
Fiduciary Fund Group				105676
4250 090635 Tax Refunds	\$	12,000,000	\$ 12,000,000	105677
TOTAL FID Fiduciary Fund Group	\$	12,000,000	\$ 12,000,000	105678
TOTAL ALL BUDGET FUND GROUPS	\$	36,086,391	\$ 33,343,297	105679

Section 413.20. OFFICE OF THE SINKING FUND 105681

The foregoing appropriation item 090401, Office of the 105682
Sinking Fund, shall be used for costs incurred by or on behalf of 105683
the Commissioners of the Sinking Fund and the Ohio Public 105684
Facilities Commission with respect to State of Ohio general 105685
obligation bonds or notes, and the Treasurer of State with respect 105686
to State of Ohio general obligation and special obligation bonds 105687
or notes, including, but not limited to, printing, advertising, 105688
delivery, rating fees and the procurement of ratings, professional 105689
publications, membership in professional organizations, and other 105690
services referred to in division (D) of section 151.01 of the 105691
Revised Code. The General Revenue Fund shall be reimbursed for 105692
such costs relating to the issuance and administration of Highway 105693
Capital Improvement bonds or notes authorized under Ohio 105694
Constitution, Article VIII, Section 2m and Chapter 151. of the 105695
Revised Code. That reimbursement shall be made from appropriation 105696
item 155902, Highway Capital Improvement Bond Retirement Fund, by 105697
intrastate transfer voucher pursuant to a certification by the 105698
Office of the Sinking Fund of the actual amounts used. The amounts 105699
necessary to make such a reimbursement are hereby appropriated 105700
from the Highway Capital Improvement Bond Retirement Fund created 105701
in section 151.06 of the Revised Code. 105702

STABLE ACCOUNT ADMINISTRATION 105703

The foregoing appropriation item 090613, STABLE Account 105704
Administration, shall be used for administration of an Achieve a 105705

Better Living Experience (ABLE) account program.	105706
TAX REFUNDS	105707
The foregoing appropriation item 090635, Tax Refunds, shall	105708
be used to pay refunds under section 5703.052 of the Revised Code.	105709
If the Director of Budget and Management determines that	105710
additional amounts are necessary for this purpose, such amounts	105711
are hereby appropriated.	105712
Section 413.30. TREASURY MANAGEMENT SYSTEM LEASE RENTAL	105713
PAYMENTS	105714
The foregoing appropriation item 090406, Treasury Management	105715
System Lease Rental Payments, shall be used to make payments	105716
during the period from July 1, 2019, through June 30, 2021,	105717
pursuant to leases and agreements entered into under Section	105718
701.20 of Am. Sub. H.B. 497 of the 130th General Assembly and	105719
other prior acts of the General Assembly with respect to financing	105720
the costs associated with the acquisition, development,	105721
implementation, and integration of the Treasury Management System.	105722
Section 413.40. OHIOMEANSJOBS WORKFORCE DEVELOPMENT REVOLVING	105723
LOAN PROGRAM	105724
The foregoing appropriation item 090610, OhioMeansJobs	105725
Workforce Development, shall be used for the OhioMeansJobs	105726
Workforce Development Revolving Loan Program to provide loans to	105727
individuals for workforce training.	105728
Of the foregoing appropriation item 090610, OhioMeansJobs	105729
Workforce Development, up to \$250,000 in fiscal year 2020 may be	105730
used by the Treasurer of State to administer the program.	105731
Any unexpended and unencumbered portion of the foregoing	105732
appropriation item 090610, OhioMeansJobs Workforce Development, at	105733
the end of fiscal year 2020 is hereby reappropriated for the same	105734

purpose in fiscal year 2021. To the extent that reappropriated 105735
funds are available, of the foregoing appropriation item 090610, 105736
OhioMeansJobs Workforce Development, up to \$250,000 in fiscal year 105737
2021 may be used by the Treasurer of State to administer the 105738
program. 105739

Section 414.10. VTO VETERANS' ORGANIZATIONS 105740

General Revenue Fund 105741

VAP AMERICAN EX-PRISONERS OF WAR 105742

GRF 743501 State Support \$ 30,066 \$ 31,269 105743

VAN ARMY AND NAVY UNION, USA, INC. 105744

GRF 746501 State Support \$ 66,081 \$ 68,724 105745

VKW KOREAN WAR VETERANS 105746

GRF 747501 State Support \$ 59,403 \$ 61,779 105747

VJW JEWISH WAR VETERANS 105748

GRF 748501 State Support \$ 35,694 \$ 37,122 105749

VCW CATHOLIC WAR VETERANS 105750

GRF 749501 State Support \$ 69,657 \$ 72,443 105751

VPH MILITARY ORDER OF THE PURPLE HEART 105752

GRF 750501 State Support \$ 67,721 \$ 70,429 105753

VVV VIETNAM VETERANS OF AMERICA 105754

GRF 751501 State Support \$ 223,367 \$ 232,302 105755

VAL AMERICAN LEGION OF OHIO 105756

GRF 752501 State Support \$ 363,157 \$ 377,683 105757

VII AMVETS 105758

GRF 753501 State Support \$ 345,849 \$ 359,683 105759

VAV DISABLED AMERICAN VETERANS 105760

GRF 754501 State Support \$ 259,829 \$ 270,223 105761

VMC MARINE CORPS LEAGUE 105762

GRF 756501 State Support \$ 139,305 \$ 144,877 105763

V37 37TH DIVISION VETERANS' ASSOCIATION 105764

GRF 757501 State Support \$ 7,143 \$ 7,428 105765

		VFW VETERANS OF FOREIGN WARS				105766	
GRF	758501	State Support	\$	296,235	\$	308,084	105767
TOTAL GRF		General Revenue Fund	\$	1,963,507	\$	2,042,046	105768
TOTAL ALL BUDGET FUND GROUPS			\$	1,963,507	\$	2,042,046	105769
		Section 415.10. DVS DEPARTMENT OF VETERANS SERVICES				105771	
		General Revenue Fund				105772	
GRF	900321	Veterans' Homes	\$	41,442,419	\$	45,402,392	105773
GRF	900402	Hall of Fame	\$	124,400	\$	135,638	105774
GRF	900408	Department of Veterans Services	\$	4,348,745	\$	4,505,661	105775
GRF	900901	Veterans Compensation General Obligation Bond Debt Service	\$	5,092,400	\$	5,586,600	105776
TOTAL GRF		General Revenue Fund	\$	51,007,964	\$	55,630,291	105777
		Dedicated Purpose Fund Group				105778	
4840	900603	Veterans' Homes Services	\$	995,000	\$	995,000	105779
4E20	900602	Veterans' Homes Operating	\$	11,672,589	\$	11,672,589	105780
5DB0	900643	Military Injury Relief Program	\$	1,000,000	\$	1,000,000	105781
5PH0	900642	Veterans Initiatives	\$	70,000	\$	70,000	105782
6040	900604	Veterans' Homes Improvement	\$	500,000	\$	500,000	105783
TOTAL DPF		Dedicated Purpose Fund Group	\$	14,237,589	\$	14,237,589	105784
		Debt Service Fund Group				105785	
7041	900615	Veteran Bonus Program - Administration	\$	311,497	\$	260,856	105786
7041	900641	Persian Gulf, Afghanistan, and Iraq	\$	722,832	\$	552,706	105787

Compensation				
TOTAL DSF Debt Service				105788
Fund Group	\$	1,034,329	\$ 813,562	105789
Federal Fund Group				105790
3680 900614 Veterans Training	\$	864,932	\$ 930,262	105791
3BX0 900609 Medicare Services	\$	3,578,278	\$ 3,578,278	105792
3L20 900601 Veterans' Homes	\$	33,838,615	\$ 34,986,679	105793
Operations - Federal				
TOTAL FED Federal Fund Group	\$	38,281,825	\$ 39,495,219	105794
TOTAL ALL BUDGET FUND GROUPS	\$	104,561,707	\$ 110,176,661	105795
VETERANS ORGANIZATIONS' RENT				105796
The foregoing appropriation item 900408, Department of				105797
Veterans Services, shall be used to pay veterans organizations'				105798
rent in buildings managed by the Department of Administrative				105799
Services.				105800
VETERANS COMPENSATION GENERAL OBLIGATION BOND DEBT SERVICE				105801
The foregoing appropriation item 900901, Veterans				105802
Compensation General Obligation Bond Debt Service, shall be used				105803
to pay all debt service and related financing costs during the				105804
period from July 1, 2019, through June 30, 2021, on obligations				105805
issued under Section 2r of Article VIII, Ohio Constitution.				105806
Section 417.10. DVM STATE VETERINARY MEDICAL LICENSING BOARD				105807
Dedicated Purpose Fund Group				105808
4K90 888609 Operating Expenses	\$	433,150	\$ 435,046	105809
TOTAL DPF Dedicated Purpose				105810
Fund Group	\$	433,150	\$ 435,046	105811
Internal Service Activity Fund Group				105812
5BU0 888602 Veterinary Student	\$	30,000	\$ 30,000	105813
Loan Program				
TOTAL ISA Internal Service Activity				105814

Fund Group	\$	30,000	\$	30,000	105815
TOTAL ALL BUDGET FUND GROUPS	\$	463,150	\$	465,046	105816
Section 419.10. VPB STATE VISION PROFESSIONALS BOARD					105818
Dedicated Purpose Fund Group					105819
4K90 129609 Operating Expenses	\$	640,756	\$	654,140	105820
TOTAL DPF Dedicated Purpose Fund Group	\$	640,756	\$	654,140	105821
TOTAL ALL BUDGET FUND GROUPS	\$	640,756	\$	654,140	105822
Section 421.10. DYS DEPARTMENT OF YOUTH SERVICES					105824
General Revenue Fund					105825
GRF 470401 RECLAIM Ohio	\$	171,784,391	\$	177,765,001	105826
GRF 470412 Juvenile Correctional Facilities Lease	\$	14,990,500	\$	17,441,300	105827
GRF 470510 Youth Services	\$	16,702,727	\$	16,702,728	105828
GRF 472321 Parole Operations	\$	10,481,781	\$	10,661,690	105829
GRF 477321 Administrative Operations	\$	12,505,577	\$	12,936,832	105830
TOTAL GRF General Revenue Fund	\$	226,464,976	\$	235,507,551	105831
Dedicated Purpose Fund Group					105832
1470 470612 Vocational Education	\$	1,463,162	\$	1,463,162	105833
1750 470613 Education Services	\$	3,204,678	\$	3,292,983	105834
4790 470609 Employee Food Service	\$	40,000	\$	40,000	105835
4A20 470602 Child Support	\$	153,968	\$	153,968	105836
4G60 470605 Juvenile Special Revenue - Non-Federal	\$	115,000	\$	115,000	105837
5BN0 470629 E-Rate Program	\$	59,000	\$	59,000	105838
TOTAL DPF Dedicated Purpose Fund Group	\$	5,035,808	\$	5,124,113	105839
Federal Fund Group					105841

3210	470601	Education	\$	1,003,161	\$	1,019,832	105842
3210	470603	Juvenile Justice Prevention	\$	2,486,393	\$	2,499,486	105843
3210	470606	Nutrition	\$	930,000	\$	930,000	105844
3210	470614	Title IV-E Reimbursements	\$	800,000	\$	700,000	105845
3V50	470604	Juvenile Justice/Delinquency Prevention	\$	1,720,000	\$	1,720,000	105846
TOTAL FED Federal							105847
Fund Group			\$	6,939,554	\$	6,869,318	105848
TOTAL ALL BUDGET FUND GROUPS			\$	238,440,338	\$	247,500,982	105849

COMMUNITY PROGRAMS 105850

For purposes of implementing juvenile sentencing reforms, and 105851
notwithstanding any provision of law to the contrary, the 105852
Department of Youth Services may use up to \$1,375,000 of the 105853
unexpended, unencumbered balance of the portion of appropriation 105854
item 470401, RECLAIM Ohio, that is allocated to juvenile 105855
correctional facilities in each fiscal year to expand Targeted 105856
RECLAIM, the Behavioral Health Juvenile Justice Initiative, and 105857
other evidence-based community programs. 105858

JUVENILE CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS 105859

The foregoing appropriation item 470412, Juvenile 105860
Correctional Facilities Lease Rental Bond Payments, shall be used 105861
to meet all payments during the period from July 1, 2019, through 105862
June 30, 2021, by the Department of Youth Services under the 105863
leases and agreements for facilities made under Chapters 152. and 105864
154. of the Revised Code. These appropriations are the source of 105865
funds pledged for bond service charges on related obligations 105866
issued under Chapters 152. and 154. of the Revised Code. 105867

EDUCATION SERVICES 105868

The foregoing appropriation item 470613, Education Services, 105869
shall be used to fund the operating expenses of providing 105870
educational services to youth supervised by the Department of 105871
Youth Services. Operating expenses include, but are not limited 105872
to, teachers' salaries, maintenance costs, and educational 105873
equipment. 105874

FLEXIBLE FUNDING FOR CHILDREN AND FAMILIES 105875

In collaboration with the county family and children first 105876
council, the juvenile court of that county that receives 105877
allocations from one or both of the foregoing appropriation items 105878
470401, RECLAIM Ohio, and 470510, Youth Services, may transfer 105879
portions of those allocations to a flexible funding pool as 105880
authorized by the section of this act titled "FAMILY AND CHILDREN 105881
FIRST FLEXIBLE FUNDING POOL." 105882

Section 501.10. All appropriation items in this section are 105883
hereby appropriated as designated out of any moneys in the state 105884
treasury to the credit of the designated fund. The appropriations 105885
made in this section are in addition to any other appropriations 105886
made for the fiscal year 2019-2020 capital biennium. 105887

DPS DEPARTMENT OF PUBLIC SAFETY 105888

Administrative Building Fund (Fund 7026) 105889

C76067 Radiological Calibration Laboratory \$ 2,250,000 105890

Relocation

TOTAL Administrative Building Fund \$ 2,250,000 105891

TOTAL ALL FUNDS \$ 2,250,000 105892

Section 501.11. The appropriations made in Section 501.10 of 105894
this act are subject to all provisions of H.B. 529 of the 132nd 105895
General Assembly that are generally applicable to such 105896
appropriations. Expenditures from appropriations contained in 105897
Section 501.10 of this act shall be accounted for as though made 105898

in H.B. 529 of the 132nd General Assembly. 105899

Section 501.12. The Treasurer of State is hereby authorized 105900
to issue and sell, in accordance with Section 2i of Article VIII, 105901
Ohio Constitution, Chapter 154. of the Revised Code, and other 105902
applicable sections of the Revised Code, original obligations in 105903
an aggregate principal amount not to exceed \$3,000,000 in addition 105904
to the original issuance of obligations heretofore authorized by 105905
prior acts of the General Assembly. These authorized obligations 105906
shall be issued, subject to applicable constitutional and 105907
statutory limitations, as needed to provide sufficient moneys to 105908
the credit of the Administrative Building Fund (Fund 7026) to pay 105909
costs associated with previously authorized capital facilities for 105910
the housing of branches and agencies of state government or their 105911
functions. 105912

Section 503.10. PERSONAL SERVICE EXPENSES 105913

Unless otherwise prohibited by law, any appropriation from 105914
which personal service expenses are paid shall bear the employer's 105915
share of public employees' retirement, workers' compensation, 105916
disabled workers' relief, and insurance programs; the costs of 105917
centralized financial services, centralized payroll processing, 105918
and related reports and services; centralized human resources 105919
services, including affirmative action and equal employment 105920
opportunity programs; the Office of Collective Bargaining; 105921
centralized information technology management services; 105922
administering the enterprise resource planning system; and 105923
administering the state employee merit system as required by 105924
section 124.07 of the Revised Code. These costs shall be 105925
determined in conformity with the appropriate sections of law and 105926
paid in accordance with procedures specified by the Office of 105927
Budget and Management. Expenditures from appropriation item 105928

070601, Public Audit Expense - Intra-State, may be exempted from 105929
the requirements of this section. 105930

Section 503.20. SATISFACTION OF JUDGMENTS AND SETTLEMENTS 105931
AGAINST THE STATE 105932

Except as otherwise provided in this section, an 105933
appropriation in this act or any other act may be used for the 105934
purpose of satisfying judgments, settlements, or administrative 105935
awards ordered or approved by the Court of Claims or by any other 105936
court of competent jurisdiction in connection with civil actions 105937
against the state. This authorization does not apply to 105938
appropriations to be applied to or used for payment of guarantees 105939
by or on behalf of the state, or for payments under lease 105940
agreements relating to, or debt service on, bonds, notes, or other 105941
obligations of the state. Notwithstanding any other statute to the 105942
contrary, this authorization includes appropriations from funds 105943
into which proceeds of direct obligations of the state are 105944
deposited only to the extent that the judgment, settlement, or 105945
administrative award is for, or represents, capital costs for 105946
which the appropriation may otherwise be used and is consistent 105947
with the purpose for which any related obligations were issued or 105948
entered into. Nothing contained in this section is intended to 105949
subject the state to suit in any forum in which it is not 105950
otherwise subject to suit, and is not intended to waive or 105951
compromise any defense or right available to the state in any suit 105952
against it. 105953

Section 503.30. CAPITAL PROJECT SETTLEMENTS 105954

This section specifies an additional and supplemental 105955
procedure to provide for payments of judgments and settlements if 105956
the Director of Budget and Management determines, pursuant to 105957
division (C)(4) of section 2743.19 of the Revised Code, that 105958

sufficient unencumbered moneys do not exist in the fund to support 105959
a particular appropriation to pay the amount of a final judgment 105960
rendered against the state or a state agency, including the 105961
settlement of a claim approved by a court, in an action upon and 105962
arising out of a contractual obligation for the construction or 105963
improvement of a capital facility if the costs under the contract 105964
were payable in whole or in part from a state capital projects 105965
appropriation. In such a case, the Director may either proceed 105966
pursuant to division (C)(4) of section 2743.19 of the Revised Code 105967
or apply to the Controlling Board to increase an appropriation or 105968
create an appropriation out of any unencumbered moneys in the 105969
state treasury to the credit of the capital projects fund from 105970
which the initial state appropriation was made. The amount of an 105971
increase in appropriation or new appropriation approved by the 105972
Controlling Board is hereby appropriated from the applicable 105973
capital projects fund and made available for the payment of the 105974
judgment or settlement. 105975

If the Director does not make the application authorized by 105976
this section or the Controlling Board disapproves the application, 105977
and the Director does not make application under division (C)(4) 105978
of section 2743.19 of the Revised Code, the Director shall for the 105979
purpose of making that payment make a request to the General 105980
Assembly as provided for in division (C)(5) of that section. 105981

Section 503.40. RE-ISSUANCE OF VOIDED WARRANTS 105982

In order to provide funds for the reissuance of voided 105983
warrants under section 126.37 of the Revised Code, there is hereby 105984
appropriated, out of moneys in the state treasury from the fund 105985
credited as provided in section 126.37 of the Revised Code, that 105986
amount sufficient to pay such warrants when approved by the Office 105987
of Budget and Management. 105988

Section 503.50. REAPPROPRIATION OF UNEXPENDED ENCUMBERED	105989
BALANCES OF OPERATING APPROPRIATIONS	105990
(A) Notwithstanding the original year of appropriation or	105991
encumbrance, the unexpended balance of an operating appropriation	105992
or reappropriation that a state agency lawfully encumbered prior	105993
to the close of fiscal year 2019 or fiscal year 2020 is hereby	105994
reappropriated on the first day of July of the following fiscal	105995
year from the fund from which it was originally appropriated or	105996
reappropriated for the period of time listed in this section and	105997
shall remain available only for the purpose of discharging the	105998
encumbrance:	105999
(1) For an encumbrance for personal services, maintenance,	106000
equipment, or items for resale not otherwise identified in this	106001
section, for a period of not more than five months from the end of	106002
the fiscal year;	106003
(2) For an encumbrance for an item of special order	106004
manufacture not available on state contract or in the open market,	106005
for a period of not more than five months from the end of the	106006
fiscal year or, with the written approval of the Director of	106007
Budget and Management, for a period of not more than twelve months	106008
from the end of the fiscal year;	106009
(3) For an encumbrance for reclamation of land or oil and gas	106010
wells, for a period ending when the encumbered appropriation is	106011
expended provided such period does not extend beyond the FY 2020 -	106012
FY 2021 biennium;	106013
(4) For an encumbrance for any other type of expense not	106014
otherwise identified in division (A)(1), (2), or (3) of this	106015
section, for such period as the Director approves, provided such	106016
period does not extend beyond the FY 2020 - FY 2021 biennium.	106017
(B) Any operating appropriations for which unexpended	106018

balances are reappropriated in fiscal year 2020 or fiscal year 106019
2021 pursuant to division (A)(2) of this section shall be reported 106020
to the Controlling Board by the Director of Budget and Management 106021
by the thirty-first day of December of each year. The report shall 106022
include the item, the cost of the item, and the name of the 106023
vendor. The report shall be updated on a quarterly basis for 106024
encumbrances remaining open. 106025

(C) Upon the expiration of the reappropriation period set out 106026
in division (A) of this section, a reappropriation made by this 106027
section lapses and the Director of Budget and Management shall 106028
cancel the encumbrance of the unexpended reappropriation not later 106029
than the end of the weekend following the expiration of the 106030
reappropriation period. 106031

(D) If the Controlling Board approved a purchase, that 106032
approval remains in effect so long as the appropriation used to 106033
make that purchase remains encumbered. 106034

Section 503.60. CORRECTION OF ACCOUNTING ERRORS 106035

(A) The Director of Budget and Management may correct 106036
accounting errors committed by the staff of the Office of Budget 106037
and Management, such as reestablishing encumbrances or 106038
appropriations canceled in error, during the cancellation of 106039
operating encumbrances in November and of non-operating 106040
encumbrances in December. 106041

(B) The Director of Budget and Management may at any time 106042
correct accounting errors committed by staff or a state agency or 106043
state institution of higher education, as defined in section 106044
3345.011 of the Revised Code, such as reestablishing prior year 106045
non-operating encumbrances canceled or modified in error. The 106046
reestablished encumbrance amounts are hereby appropriated. 106047

Section 503.70. TEMPORARY REVENUE HOLDING 106048

The Director of Budget and Management may create funds in the state treasury solely for the purpose of temporarily holding revenue required to be credited to a fund in the state treasury, whose disposition is not immediately known at the time of receipt. Once identified, the Director shall credit the revenue to the appropriate fund in the state treasury.

Section 503.80. APPROPRIATIONS RELATED TO CASH TRANSFERS AND RE-ESTABLISHMENT OF ENCUMBRANCES

Any cash transferred by the Director of Budget and Management under section 126.15 of the Revised Code is hereby appropriated. Any amounts necessary to re-establish appropriations or encumbrances under section 126.15 of the Revised Code are hereby appropriated.

Section 503.90. TRANSFERS OF THIRD FRONTIER APPROPRIATIONS

The Director of Budget and Management may transfer appropriations between the Third Frontier Research and Development Fund (Fund 7011) and the Third Frontier Research and Development Taxable Bond Fund (Fund 7014) as necessary to maintain the exclusion from the calculation of gross income for federal income taxation purposes under the Internal Revenue Code with respect to obligations issued to fund projects appropriated from the Third Frontier Research and Development Fund (Fund 7011).

The Director may also create new appropriation items within the Third Frontier Research and Development Taxable Bond Fund (Fund 7014) and make transfers of appropriations to them for projects originally funded from appropriations made from the Third Frontier Research and Development Fund (Fund 7011).

Section 503.100. INCOME TAX DISTRIBUTION TO COUNTIES

There are hereby appropriated out of any moneys in the state

treasury to the credit of the General Revenue Fund, which are not 106078
otherwise appropriated, funds sufficient to make any payment 106079
required by division (B)(2) of section 5747.03 of the Revised 106080
Code. 106081

Section 503.110. EXPENDITURES AND APPROPRIATION INCREASES 106082
APPROVED BY THE CONTROLLING BOARD 106083

Any money that the Controlling Board approves for expenditure 106084
or any increase in appropriation that the Controlling Board 106085
approves under sections 127.14, 131.35, and 131.39 of the Revised 106086
Code or any other provision of law is hereby appropriated for the 106087
period ending June 30, 2021. 106088

Section 503.120. FUNDS RECEIVED FOR USE OF GOVERNOR'S 106089
RESIDENCE 106090

If the Governor's Residence Fund (Fund 4H20) receives payment 106091
for use of the residence pursuant to section 107.40 of the Revised 106092
Code, the amounts so received are hereby appropriated to 106093
appropriation item 100604, Governor's Residence Gift. 106094

Section 504.10. GENERAL OBLIGATION DEBT SERVICE PAYMENTS 106095

Certain appropriations are in this act for the purpose of 106096
paying debt service and financing costs on general obligation 106097
bonds or notes of the state issued pursuant to the Ohio 106098
Constitution, Revised Code, and acts of the General Assembly. If 106099
it is determined that additional appropriations are necessary for 106100
this purpose, such amounts are hereby appropriated. 106101

Section 504.20. LEASE RENTAL PAYMENTS FOR DEBT SERVICE 106102

Certain appropriations are in this act for the purpose of 106103
making lease rental payments pursuant to leases and agreements 106104
relating to bonds, notes, or other obligations issued by or on 106105

behalf of the state pursuant to the Ohio Constitution, Revised 106106
Code, and acts of the General Assembly. If it is determined that 106107
additional appropriations are necessary for this purpose, such 106108
amounts are hereby appropriated. 106109

Section 504.30. AUTHORIZATION FOR TREASURER OF STATE AND OBM 106110
TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS 106111

The Office of Budget and Management shall process payments 106112
from general obligation and lease rental payment appropriation 106113
items during the period from July 1, 2019, through June 30, 2021, 106114
relating to bonds, notes, or other obligations issued by or on 106115
behalf of the state pursuant to the Ohio Constitution, Revised 106116
Code, and acts of the General Assembly. Payments shall be made 106117
upon certification by the Treasurer of State of the dates and the 106118
amounts due on those dates. 106119

Section 505.10. ARBITRAGE REBATE AUTHORIZATION 106120

If it is determined that a payment is necessary in the amount 106121
computed at the time to represent the portion of investment income 106122
to be rebated or amounts in lieu of or in addition to any rebate 106123
amount to be paid to the federal government in order to maintain 106124
the exclusion from gross income for federal income tax purposes of 106125
interest on those state obligations under section 148(f) of the 106126
Internal Revenue Code, such an amount is hereby appropriated from 106127
those funds designated by or pursuant to the applicable 106128
proceedings authorizing the issuance of state obligations. 106129

Payments for this purpose shall be approved and vouchered by 106130
the Office of Budget and Management. 106131

Section 505.20. STATEWIDE INDIRECT COST RECOVERY 106132

Whenever the Director of Budget and Management determines 106133
that an appropriation made to a state agency from a fund of the 106134

state is insufficient to provide for the recovery of statewide 106135
indirect costs under section 126.12 of the Revised Code, the 106136
amount required for such purpose is hereby appropriated from the 106137
available receipts of such fund. 106138

Section 505.30. TRANSFERS ON BEHALF OF THE STATEWIDE INDIRECT 106139
COST ALLOCATION PLAN 106140

The total transfers made from the General Revenue Fund by the 106141
Director of Budget and Management under this section shall not 106142
exceed the amounts transferred into the General Revenue Fund under 106143
section 126.12 of the Revised Code. 106144

The director of an agency may certify to the Director of 106145
Budget and Management the amount of expenses not allowed to be 106146
included in the Statewide Indirect Cost Allocation Plan under 106147
federal regulations, from any fund included in the Statewide 106148
Indirect Cost Allocation Plan, prepared as required by section 106149
126.12 of the Revised Code. 106150

Upon determining that no alternative source of funding is 106151
available to pay for such expenses, the Director of Budget and 106152
Management may transfer cash from the General Revenue Fund into 106153
the fund for which the certification is made, up to the amount of 106154
the certification. The director of the agency receiving such funds 106155
shall include, as part of the next budget submission prepared 106156
under section 126.02 of the Revised Code, a request for funding 106157
for such activities from an alternative source such that further 106158
federal disallowances would not be required. 106159

The director of an agency may certify to the Director of 106160
Budget and Management the amount of expenses paid in error from a 106161
fund included in the Statewide Indirect Cost Allocation Plan. The 106162
Director of Budget and Management may transfer cash from the fund 106163
from which the expenditure should have been made into the fund 106164
from which the expenses were erroneously paid, up to the amount of 106165

the certification.	106166
The director of an agency may certify to the Director of	106167
Budget and Management the amount of expenses or revenues not	106168
allowed to be included in the Statewide Indirect Cost Allocation	106169
Plan under federal regulations, for any fund included in the	106170
Statewide Indirect Cost Allocation Plan, for which the federal	106171
government requires payment. If the Director of Budget and	106172
Management determines that an appropriation made to a state agency	106173
from a fund of the state is insufficient to pay the amount	106174
required by the federal government, the amount required for such	106175
purpose is hereby appropriated from the available receipts of such	106176
fund, up to the amount of the certification.	106177
Section 505.40. FEDERAL GOVERNMENT INTEREST REQUIREMENTS	106178
Notwithstanding any provision of law to the contrary, on or	106179
before the first day of September of each fiscal year, the	106180
Director of Budget and Management, in order to reduce the payment	106181
of adjustments to the federal government, as determined by the	106182
plan prepared under division (A) of section 126.12 of the Revised	106183
Code, may designate such funds as the Director considers necessary	106184
to retain their own interest earnings.	106185
Section 505.50. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT	106186
Pursuant to the plan for compliance with the Federal Cash	106187
Management Improvement Act required by section 131.36 of the	106188
Revised Code, the Director of Budget and Management may cancel and	106189
re-establish all or part of encumbrances in like amounts within	106190
the funds identified by the plan. The amounts necessary to	106191
re-establish all or part of encumbrances are hereby appropriated.	106192
Section 509.10. TRANSFERS TO THE GENERAL REVENUE FUND OF	106193
INTEREST EARNED	106194

Notwithstanding any provision of law to the contrary, the 106195
Director of Budget and Management, through June 30, 2021, may 106196
transfer interest earned by any state fund to the General Revenue 106197
Fund. This section does not apply to funds whose source of revenue 106198
is restricted or protected by the Ohio Constitution, federal tax 106199
law, or the "Cash Management Improvement Act of 1990," 104 Stat. 106200
1058 (1990), 31 U.S.C. 6501 et seq., as amended. 106201

Section 509.20. CASH TRANSFERS TO THE GENERAL REVENUE FUND 106202
FROM NON-GRF FUNDS 106203

Notwithstanding any provision of law to the contrary, the 106204
Director of Budget and Management may transfer up to \$100,000,000 106205
cash, during the biennium ending June 30, 2021, from non-General 106206
Revenue Funds that are not constitutionally restricted to the 106207
General Revenue Fund. 106208

Section 509.50. MEDICAL MARIJUANA CONTROL PROGRAM REPAYMENTS 106209

On October 1, 2019, or as soon as possible thereafter, the 106210
Director of Commerce and the Executive Director of the Board of 106211
Pharmacy shall consult with the Director of Budget and Management 106212
to determine a repayment schedule for the biennium ending June 30, 106213
2021, to fully repay transfers on behalf of each agency from the 106214
Emergency Purposes/Contingency Fund (Fund 5KM0) to the Medical 106215
Marijuana Control Program Fund (Fund 5YS0). Payments made by the 106216
Department of Commerce and the Board of Pharmacy in accordance 106217
with this repayment schedule shall be credited to the General 106218
Revenue Fund. 106219

Section 512.10. GENERAL REVENUE FUND TRANSFER TO TOURISM OHIO 106220
FUND 106221

Notwithstanding any provision of law to the contrary, in each 106222
fiscal year of the biennium ending June 30, 2021, the Director of 106223

Budget and Management may transfer up to \$10,400,000 cash from the 106224
General Revenue Fund to the Tourism Ohio Fund (Fund 5MJ0). 106225

Section 512.20. GENERAL REVENUE FUND TRANSFER TO STATEWIDE 106226
TREATMENT AND PREVENTION FUND 106227

Notwithstanding any provision of law to the contrary, in each 106228
fiscal year of the biennium ending June 30, 2021, the Director of 106229
Budget and Management may transfer up to \$5,000,000 cash from the 106230
General Revenue Fund to the Statewide Treatment and Prevention 106231
Fund (Fund 4750). 106232

Section 512.30. GENERAL REVENUE FUND TRANSFER TO STATEWIDE 106233
COMMUNITY POLICE RELATIONS FUND 106234

Notwithstanding any provision of law to the contrary, in 106235
fiscal year 2020, the Director of Budget and Management may 106236
transfer up to \$2,200,000 cash from the General Revenue Fund to 106237
the Statewide Community Police Relations Fund (Fund 5RS0). 106238

Section 512.40. GENERAL REVENUE FUND TRANSFER TO TARGETED 106239
ADDICTION PROGRAM FUND 106240

Notwithstanding any provision of law to the contrary, in each 106241
fiscal year of the biennium ending June 30, 2021, the Director of 106242
Budget and Management may transfer up to \$23,150,000 cash from the 106243
General Revenue Fund to the Targeted Addiction Program Fund (Fund 106244
5TZ0). 106245

Section 512.50. GENERAL REVENUE FUND TRANSFER TO PERSIAN 106246
GULF, AFGHANISTAN, IRAQ COMPENSATION FUND 106247

During fiscal year 2021, upon request of the Director of 106248
Veterans Services, the Director of Budget and Management may 106249
transfer up to \$500,000 cash from the General Revenue Fund to the 106250
Persian Gulf, Afghanistan, Iraq Compensation Fund (Fund 7041). 106251

Section 512.65. GENERAL REVENUE FUND TRANSFER TO TEXTBOOK AND 106252
INSTRUCTIONAL MATERIALS GRANTS FUND 106253

Notwithstanding any provision of law to the contrary, in each 106254
fiscal year of the biennium ending June 30, 2021, the Director of 106255
Budget and Management may transfer up to \$3,000,000 cash from the 106256
General Revenue Fund to the Textbook and Instructional Materials 106257
Grants Fund (Fund 5VQ0), which is hereby created in the state 106258
treasury. 106259

Section 512.70. GENERAL REVENUE FUND TRANSFER TO STUDENT 106260
WELLNESS AND SUCCESS FUND 106261

Notwithstanding any provision of law to the contrary, the 106262
Director of Budget and Management may transfer up to \$250,000,000 106263
cash in fiscal year 2020 and up to \$300,000,000 cash in fiscal 106264
year 2021 from the General Revenue Fund to the Student Wellness 106265
and Success Fund (Fund 5VS0), which is hereby created in the state 106266
treasury. 106267

Section 513.10. FISCAL YEAR 2019 GENERAL REVENUE FUND ENDING 106268
BALANCE 106269

Notwithstanding section 131.44 of the Revised Code, the 106270
Director of Budget and Management shall determine the surplus 106271
General Revenue Fund revenue that existed on June 30, 2019. 106272
Notwithstanding any provision of law to the contrary, \$470,000,000 106273
of the surplus shall remain in the General Revenue Fund through 106274
the end of the biennium ending June 30, 2021. The Director shall 106275
transfer cash, not to exceed the amount of the remaining surplus 106276
revenue from the General Revenue Fund in the following order: 106277

(A) Up to \$10,000,000 cash to the Targeted Addiction Program 106278
Fund (Fund 5TZ0); 106279

(B) Up to \$31,000,000 cash to the Statewide Treatment and 106280

Prevention Fund (Fund 4750);	106281
(C) Up to \$86,000,000 cash to the H2Ohio Fund (Fund 6H20);	106282
(D) Up to \$20,000,000 cash to the School Bus Purchase Fund (Fund 5VU0), which is hereby created in the state treasury;	106283 106284
(E) Up to \$5,000,000 cash to the Books From Birth Fund (Fund 5VJ0), which is hereby created in the state treasury;	106285 106286
(F) Up to \$25,000,000 cash, subject to Controlling Board approval, to the State Park Fund (Fund 5120);	106287 106288
(G) Up to \$25,000,000 cash to the Emergency Purposes Fund (Fund 5KM0);	106289 106290
(H) Up to \$25,000,000 cash to the Disaster Services Fund (Fund 5E20);	106291 106292
(I) Up to \$2,000,000 cash to the Ohio Public Health Priorities Fund (Fund L087);	106293 106294
(J) Up to \$19,000,000 cash to the Tobacco Use Prevention Fund (Fund 5BX0);	106295 106296
(K) Up to \$8,900,000 cash to the Economic Development Programs Fund (Fund 5JC0);	106297 106298
(L) An amount of cash to the Budget Stabilization Fund (Fund 7013) sufficient for the balance in Fund 7013 to equal 8.5% of the General Revenue Fund revenues of fiscal year 2019;	106299 106300 106301
(M) Any remaining cash surplus to the H2Ohio Fund (Fund 6H20).	106302 106303
Section 513.20. FISCAL YEAR 2020 GENERAL REVENUE FUND ENDING BALANCE	106304 106305
Notwithstanding section 131.44 of the Revised Code, the cash balance of the General Revenue Fund on June 30, 2020, shall remain in the General Revenue Fund.	106306 106307 106308

Section 514.10. UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS 106309

Unless the agency and nuclear electric utility mutually agree 106310
to a higher amount by contract, the maximum amounts that may be 106311
assessed against nuclear electric utilities under division (B)(2) 106312
of section 4937.05 of the Revised Code and deposited into the 106313
specified funds are as follows: 106314

<u>Fund</u>	<u>User</u>	<u>FY 2020</u>	<u>FY 2021</u>	
Utility	Department of	\$ 97,610	\$ 101,130	106315
Radiological	Agriculture			106316
Safety Fund				
(Fund 4E40)				
Radiation	Department of	\$ 1,300,000	\$ 1,300,000	106317
Emergency	Health			
Response Fund				
(Fund 6100)				
ER Radiological	Environmental	\$ 276,500	\$ 278,500	106318
Safety Fund	Protection Agency			
(Fund 6440)				
Emergency	Department of	\$ 1,258,624	\$ 1,258,624	106319
Response Plan	Public Safety			
Fund (Fund 6570)				

Section 516.10. CASH TRANSFERS AND ABOLISHMENT OF FUNDS 106320

(A) On July 1, 2019, or as soon as possible thereafter, the 106321
Director of Budget and Management shall transfer the cash balance 106322
from each of the funds as indicated in the table below to the fund 106323
also indicated in the table below. Upon completion of each 106324
transfer and on the effective date of its repeal by this act, 106325
where applicable, the fund from which the cash balance was 106326
transferred is hereby abolished. 106327

User Transfer from: Transfer to: 106328

Agency	Fund	Fund Name	Fund	Fund Name	
					106329
AGR	5HP0	Livestock Care	4C90	Commercial Feed	106330
		Standards Board		Inspection/Lab	
AIR	7004	Advanced Energy	5M50	Advanced Energy Fund	106331
		Research and			
		Development Taxable			
		Fund			
AIR	7005	Advanced Energy	5M50	Advanced Energy Fund	106332
		Research and			
		Development			
BWC	8290	Long Term Care Loan	8260	Safety and Hygiene	106333
		Fund		Fund	
COM	5PA0	BUSTR Revolving Loan	6530	Underground Storage	106334
		Fund		Tank Administration	
DAS	4P30	DAS Information	1330	Information	106335
		Services		Technology	
DAS	5D70	Workforce	5EB0	OAKS Support	106336
		Development		Organization	
DEV	3DB0	Federal Stimulus	GRF	General Revenue Fund	106337
		Energy Efficiency			
		and Conservation			
DEV	5AD0	Job Development	5430	Unclaimed Funds	106338
		Initiatives		Trust	
DEV	5CG0	Alternative Fuel	5M50	Advanced Energy Fund	106339
		Transportation			
DEV	5MB0	Economic Development	5LN0	Liquor Operating	106340
		Support		Services Fund	
DEV	5NS0	Career Exploration	5JC0	Economic Development	106341
		Internship		Projects	
DNR	5CU0	Mine Safety	5290	Mining Regulation	106342
				and Safety	
DNR	5MF0	Ohio Geology License	5110	Geological Mapping	106343
		Plate			

DOH	6830	Employee Assistance Program	1250	Human Resources Services Fund	106344
DOT	5CF0	Rail Transload Facilities	4N40	Rail Development	106345
DPS	8500	Public Safety Investigative Unit Salvage and Exchange	5RH0	Ohio Investigative Unit Fund	106346
DRC	5UB0	Institution Addiction Treatment Services	GRF	General Revenue Fund	106347
DYS	3BH0	Federal Juvenile Justice Program FFY06	3V50	Juvenile Justice/Delinquency Prevention Fund	106348
DYS	3BT0	Federal Juvenile Justice Program FFY07	3V50	Juvenile Justice/Delinquency Prevention Fund	106349
DYS	3BY0	Federal Juvenile Justice Program SFY07	3V50	Juvenile Justice/Delinquency Prevention Fund	106350
DYS	3BZ0	Federal Juvenile Justice Program SFY08	3V50	Juvenile Justice/Delinquency Prevention Fund	106351
DYS	3CR0	Federal Juvenile Justice Program FFY10	3V50	Juvenile Justice/Delinquency Prevention Fund	106352
DYS	3FB0	Federal Juvenile Justice Program FFY11	3V50	Juvenile Justice/Delinquency Prevention Fund	106353
DYS	3FC0	Federal Juvenile Justice Program FFY12	3V50	Juvenile Justice/Delinquency Prevention Fund	106354
DYS	3GB0	Federal Juvenile Justice Program	3V50	Juvenile Justice/Delinquency	106355

		FFY13		Prevention Fund	
DYS	3V90	Federal Juvenile Justice Program	3V50	Juvenile Justice/Delinquency	106356
		FFY01		Prevention Fund	
DYS	3W00	Federal Juvenile Justice Program	3V50	Juvenile Justice/Delinquency	106357
		FFY02		Prevention Fund	
DYS	3Z80	Federal Juvenile Justice Program	3V50	Juvenile Justice/Delinquency	106358
		FFY04		Prevention Fund	
DYS	3Z90	Federal Juvenile Justice Program	3V50	Juvenile Justice/Delinquency	106359
		FFY05		Prevention Fund	
EDU	3DL0	Idea Preschool - Federal Stimulus	GRF	General Revenue Fund	106360
EDU	4D10	Ohio Prevention/Education Resource Center	6200	Education Grants	106361
EDU	5B10	Child Nutrition Services	GRF	General Revenue Fund	106362
EDU	5KY0	Community Schools Temporary Sponsorship	5KX0	Ohio School Sponsorship Program	106363
EDU	5RB0	Straight A Fund	6200	Educational Grants	106364
EDU	5T30	Gates Foundation Grants	6200	Educational Grants	106365
EDU	5UC0	Accountability/Report Cards	4L20	Teacher Certification	106366
EDU	5W20	Head Start Plus/Head Start	GRF	General Revenue Funds	106367
EDU	5X90	NGA Stem	6200	Educational Grants	106368
EDU	6210	Pre-School Foreign Language	6200	Educational Grants	106369

EPA	3560	Indirect Costs	GRF	General Revenue Fund	106370
EPA	3580	205-J Federal Planning	3BU0	Water Quality Protection	106371
EPA	3M50	HazMat Transportation Uniform Safety	GRF	General Revenue Fund	106372
INS	3EV0	Health Insurance Premium Rev	5540	Department of Insurance Operating	106373
INS	3EW0	Health Exchange Planning	5540	Department of Insurance Operating	106374
INS	3EX0	Consumer Assistance Grant	5540	Department of Insurance Operating	106375
INS	5AG0	Medical Liability	GRF	General Revenue Fund	106376
INS	5FZ0	Claims Processing Education	5540	Department of Insurance Operating	106377
JFS	5GC0	GOFBI/Family Stability	5RY0	Human Services Projects	106378
JFS	5HA0	Health Care Services Other	5RY0	Human Services Projects	106379
JFS	5S30	JFS Administration and Oversight	GRF	General Revenue Fund	106380
JSC	6A80	Supreme Court Admissions	4C80	Attorney Registration	106381
MCD	5AJ0	Money Follows the Person	5DL0	Medicaid Support and Recoveries	106382
MCD	5HA0	Health Care Services - Other	GRF	General Revenue Fund	106383
MCD	5KC0	Health Care Special Activities	5DL0	Medicaid Support and Recoveries	106384
OBM	3CM0	Medicaid Agency Transition	3B10	Community Medicaid Expansion	106385
OBM	7087	Settlement Agreement Fund	GRF	General Revenue Fund	106386

PUB	3FF0	Capital Case	4070	County	106387
		Litigation		Representation	
PUB	3FX0	Wrongful Conviction	4070	County	106388
		Program		Representation	
PUB	3GJ0	Byrne Memorial Grant	4070	County	106389
				Representation	
TAX	7054	Loc Govt Prop Tax	GRF	General Revenue Fund	106390
		Replacement			
TAX	4K00	Beverage Tax	GRF	General Revenue Fund	106391
		Administrative			
TAX	5BQ0	Revenue Enhancement	2280	Revenue Enhancement	106392
TAX	5BW0	Tax Amnesty	GRF	General Revenue Fund	106393
		Promotion and			
		Administration			
TAX	QD20	OBG-Assessment	GRF	General Revenue Fund	106394
		Payments			
TOS	4N00	Treasury Education	6050	Treasurer of State's	106395
				Administration	
TOS	R044	Tax Holding	6050	Treasurer of State's	106396
				Administration	

(B) On July 1, 2019, or as soon as possible thereafter, the 106397
Director of Budget and Management shall cancel existing 106398
encumbrances against each appropriation item indicated in the 106399
table below and reestablish them against the appropriation item 106400
also indicated in the table below. The Director may cancel and 106401
reestablish other encumbrances as needed to properly close out the 106402
funds identified in division (A) of this section. The encumbrances 106403
reestablished under this section are hereby appropriated. 106404
Cancel existing encumbrances Reestablish encumbrances against: 106405
against:

Fund	Appropriation Item	Fund	Appropriation Item	106406
5CU0	725647 - Mine Safety	5290	725639 - Mining Regulation	106407
			and Safety	

5MF0	725635 - Ohio Geology License Plate	5110	725646 - Ohio Geological Mapping	106408
5CF0	776667 - Rail Transload Facilities	4N40	776664 - Rail Transportation - Other	106409
3EVO	820610 - Health Insurance Premium Review	5540	820606 - Operating Expenses	106410
3EW0	820611 - Health Exchange Planning	5540	820606 - Operating Expenses	106411
3EX0	820612 - Consumer Assistance Grant	5540	820606 - Operating Expenses	106412
5AG0	820603 - Health Information Technology and Health Care Coverage and Quality Council	5540	820606 - Operating Expenses	106413
3FF0	019620 - Capital Case Litigation	4070	019604 - County Representation	106414
3FX0	019621 - Wrongful Conviction Program	4070	019604 - County Representation	106415
3GJ0	019622 - Byrne Memorial Grant	4070	019604 - County Representation	106416
6A80	005606 - Supreme Court Admissions	4C80	005605 - Attorney Services	106417
5AJ0	651631 - Money Follows the Person	5DL0	651639 - Medicaid Services - Recoveries	106418

(C) The following funds are hereby abolished on the effective date of their repeal by this act:

User	Fund	Fund Name	106421
DNR	5260	Coal Mining Administration and Reclamation Reserve	106422
DOH	5QH0	Dental Hygiene Resource Shortage Area	106423
DVS	A041	Veterans Compensation Series 2011	106424
DVS	B041	Veterans Compensation Series 2013	106425
EDU	3090	Neglected & Delinquent Education	106426

EDU	3660	Adult Basic Education	106427
EDU	3690	Vocational Education	106428
EDU	3720	Federal Drivers' Education Projects	106429
EDU	3730	Pupil Transportation Safety Program	106430
EDU	3760	Job Training Partnership Act	106431
EDU	3780	Math/Science Tech Investments	106432
EDU	5960	Ohio Career Information System	106433
EDU	7006	Education Improvement	106434
EDU	3E20	AIDS Education Project	106435
EDU	3AK0	State Homeland Security	106436
EDU	3AX0	Improving Health and Education Outcomes of Young People	106437
EDU	3BK0	Longitudinal Data Systems	106438
EDU	3BV0	Character Education	106439
EDU	3CF0	Foreign Language Assistance	106440
EDU	3CG0	Teacher Incentive	106441
EDU	3DC0	Federal Stimulus School Cafeteria Equipment	106442
EDU	3DJ0	Idea Part B - Federal Stimulus	106443
EDU	3DK0	Title I A - Federal Stimulus	106444
EDU	3EC0	Teacher Incentive - Federal Stimulus	106445
EDU	3EF0	National School Lunch Program Equipment	106446
EDU	3EK0	Advanced Placement	106447
EDU	3EL0	Even Start	106448
EDU	3EM0	Byrd Scholarship	106449
EDU	3EN0	State Data System - Federal Stimulus	106450
EDU	3ES0	Special Education Research	106451
EDU	3ET0	Ed Jobs	106452
EDU	3FD0	Race to the Top	106453
EDU	3FN0	Race to the Top - Early Learning Challenge Grant	106454
EDU	3GP0	School Climate Transformation	106455
EDU	3GQ0	Project Aware	106456
EDU	3GZ0	JAVITS Gifted and Talented Students Education	106457
EDU	3M10	ESEA Chapter Two	106458

EDU	3N70	School-to-Work	106459
EDU	3P90	SRRC/FRC Evaluation Project	106460
EDU	3R30	Goals 2000	106461
EDU	3S20	Tech Literacy Transfer	106462
EDU	3S70	Child Care School Age	106463
EDU	3T50	Coordinated School Health	106464
EDU	3T60	Class Size Reduction	106465
EDU	3U60	Provision 2&3 Grant	106466
EDU	3W60	TANF Education	106467
EDU	3X50	School Renovation Idea & Tech Program	106468
EDU	3Y40	Reading First	106469
EDU	3Z70	General Supervision Enhancement	106470
EDU	4M40	Emergency Svc Telecommunicator Training	106471
EDU	4Y50	Supplemental School Assistance	106472
EDU	4Z40	School District 1987 Reimburse	106473
EDU	5BB0	State Action for Education Leadership	106474
EDU	5F80	Instructional Materials Education	106475
EDU	5JA0	ARRA Compliance	106476
EDU	5X80	Jobs for Ohio Graduates	106477
EPA	3520	Wastewater Pollution	106478
EPA	3630	Construction Grant	106479
EPA	4910	Moving Expenses	106480
EPA	4990	Emergency Village Capital Improvements	106481
EPA	6020	Motor Vehicle Inspection/Maintenance	106482
EPA	6600	Infectious Waste Management	106483
EPA	6800	Emergency Plan & Community Right-to-Know Reserve	106484
EPA	3F40	Water Quality Management	106485
EPA	3J10	Urban Stormwater	106486
EPA	3J50	Maumee AOC Assessment	106487
EPA	3K20	Clean Water Act 106	106488
EPA	3K30	DOE Agreement in Principle	106489
EPA	3K40	DOD Base Realign/Closure Grant	106490
EPA	3K60	Remedial Action Plans	106491

EPA	3N10	Pollution Prevention Grants	106492
EPA	3S40	Performance Partnership Grants	106493
EPA	3T10	Rural Hardship Grant	106494
EPA	4C30	State Special Revenue Indirect	106495
EPA	4U70	Construction/Demolition Debris	106496
EPA	5DW0	Automotive Mercury Switch Program	106497
EPA	5N20	Dredge and Fill	106498
EPA	6A90	Construction/Demolition Debris Facility Oversight	106499
JFS	3W30	Adult Special Needs	106500
JFS	4J50	Home/Community Based Services/Aged	106501
JFS	4Z10	Health Care Compliance	106502
JFS	5BG0	Managed Care Assessment	106503
JFS	5KU0	Unemployment Insurance Support - Other Sources	106504
JFS	5Q90	Supplemental Inpatient Hospital	106505
JFS	R013	Forgery Collections	106506
MED	5LE0	Education and Patient Safety	106507
OOD	5L90	TANF/PCA Maintenance of Effort	106508
OOD	5QL0	Disability Determination Reimbursement	106509
PRX	3CT0	2008 Developing/Enhancing PMP	106510
PRX	3EB0	NASPER	106511
PRX	3EY0	Administration of the PMIX Hub	106512
PRX	3EZ0	NASPER 10	106513
SOS	3AH0	Election Reform/Health and Human Services	106514

Section 601.03. That Section 261.168 of Am. Sub. H.B. 49 of 106515
the 132nd General Assembly, as amended by Sub. H.B. 24 of the 106516
132nd General Assembly, be amended to read as follows: 106517

Sec. 261.168. MODIFICATIONS AND CAP FOR FISCAL YEARS ~~2019~~, 106518
~~2020~~ AND 2021 ICF/IID MEDICAID RATES UNDER THE FORMULA BEING 106519
PHASED OUT 106520

(A) As used in this section: 106521

(1) "Change of operator," "cost report year," "entering operator," "exiting operator," "ICF/IID," "ICF/IID services," "Medicaid days," "peer group 1-B," "peer group 2-B," "peer group 3-B," "provider," and "provider agreement" have the same meanings as in section 5124.01 of the Revised Code.

(2) "Formula being phased out" means the formula specified in division (C) of section 5124.15 of the Revised Code.

(3) "Franchise permit fee" means the fee imposed by sections 5168.60 to 5168.71 of the Revised Code.

(B)(1) This section applies to each ICF/IID that is in peer group 1-B or peer group 2-B and to which either of the following, as applicable to a fiscal year, applies:

~~(a) In the context of determining an ICF/IID's total Medicaid payment rate for fiscal year 2019 under the formula being phased out, either of the following is the case:~~

~~(i) The provider of the ICF/IID has a valid Medicaid provider agreement for the ICF/IID on June 30, 2018, and a valid Medicaid provider agreement for the ICF/IID during fiscal year 2019;~~

~~(ii) The ICF/IID undergoes a change of operator that takes effect during fiscal year 2019, the exiting operator has a valid Medicaid provider agreement for the ICF/IID on the day immediately preceding the effective date of the change of operator, and the entering operator has a valid Medicaid provider agreement for the ICF/IID during fiscal year 2019.~~

~~(b) In the context of determining an ICF/IID's total Medicaid payment rate for fiscal year 2020, either of the following is the case:~~

~~(i) The provider of the ICF/IID has a valid Medicaid provider agreement for the ICF/IID on June 30, 2019, and a valid Medicaid provider agreement for the ICF/IID during fiscal year 2020;~~

(ii) The ICF/IID undergoes a change of operator that takes effect during fiscal year 2020, the exiting operator has a valid Medicaid provider agreement for the ICF/IID on the day immediately preceding the effective date of the change of operator, and the entering operator has a valid Medicaid provider agreement for the ICF/IID during fiscal year 2020.

~~(e)~~(b) In the context of determining an ICF/IID's total Medicaid payment rate for fiscal year 2021, either of the following is the case:

(i) The provider of the ICF/IID has a valid Medicaid provider agreement for the ICF/IID on June 30, 2020, and a valid Medicaid provider agreement for the ICF/IID during fiscal year 2021;

(ii) The ICF/IID undergoes a change of operator that takes effect during fiscal year 2021, the exiting operator has a valid Medicaid provider agreement for the ICF/IID on the day immediately preceding the effective date of the change of operator, and the entering operator has a valid Medicaid provider agreement for the ICF/IID during fiscal year 2021.

(2) This section does not apply to either of the following:

(a) An ICF/IID in peer group 3-B;

(b) An ICF/IID for which the provider obtains an initial provider agreement during a fiscal year for which modifications to the formula being phased out are made under this section.

(C) Notwithstanding Chapter 5124. of the Revised Code, the following modifications shall be made when determining under the formula being phased out the fiscal years ~~2019~~, 2020, and 2021 total per Medicaid day payment rates for an ICF/IID to which this section applies:

(1) The ICF/IID's efficiency incentive for capital costs, as determined under division (F) of section 5124.171 of the Revised

Code, shall be reduced by 50%. 106582

(2) In place of the maximum cost per case-mix unit 106583
established for the ICF/IID's peer group under division (C) of 106584
section 5124.195 of the Revised Code, the ICF/IID's maximum costs 106585
per case-mix unit shall be the amount the Department determined 106586
for the ICF/IID's peer group for fiscal year 2016 in accordance 106587
with division (E) of Section 259.160 of Am. Sub. H.B. 64 of the 106588
131st General Assembly. 106589

(3) In place of the inflation adjustment otherwise calculated 106590
under division (D) of section 5124.195 of the Revised Code for the 106591
purpose of division (A)(1)(b) of that section, an inflation 106592
adjustment of 1.014 shall be used. 106593

(4) In place of the efficiency incentive otherwise calculated 106594
under division (B)(2) of section 5124.211 of the Revised Code, the 106595
ICF/IID's efficiency incentive for indirect care costs shall be 106596
the following: 106597

(a) In the case of an ICF/IID in peer group 1-B, not more 106598
than \$3.69; 106599

(b) In the case of an ICF/IID in peer group 2-B, not more 106600
than \$3.19. 106601

(5) In place of the maximum rate for indirect care costs 106602
established for the ICF/IID's peer group under division (C) of 106603
section 5124.211 of the Revised Code, the maximum rate for 106604
indirect care costs for the ICF/IID's peer group shall be an 106605
amount the Department shall determine in accordance with division 106606
(D) of this section. 106607

(6) In place of the inflation adjustment otherwise calculated 106608
under division ~~(D)~~(E)(1) of section 5124.211 of the Revised Code 106609
for the purpose of division (B)(1) of that section only, an 106610
inflation adjustment of 1.014 shall be used. 106611

(7) In place of the inflation adjustment otherwise made under 106612
section 5124.231 of the Revised Code, the ICF/IID's desk-reviewed, 106613
actual, allowable, per Medicaid day other protected costs, 106614
excluding the franchise permit fee, from the applicable cost 106615
report year shall be multiplied by 1.014. 106616

(D) In determining the amount of the maximum rate for 106617
indirect costs for the purpose of division (C)(5) of this section, 106618
the Department shall strive to the greatest extent possible to do 106619
both of the following: 106620

(1) Avoid rate reductions under division (E)~~(1)~~ of this 106621
section; 106622

(2) Have the amount so determined result in payment of all 106623
desk-reviewed, actual, allowable indirect care costs for the same 106624
percentage of Medicaid days for ICFs/IID in peer group 1-B as for 106625
ICFs/IID in peer group 2-B as of the first day of the fiscal year 106626
for which the determination is made, based on May Medicaid days 106627
from the calendar year in which the fiscal year begins. 106628

(E)~~(1)~~ If the mean total per Medicaid day rate for all 106629
ICFs/IID to which this section applies, as determined under 106630
division (C) of this section as of the first day of a fiscal year 106631
for which a rate is determined under this section and weighted by 106632
May Medicaid days from the calendar year in which the fiscal year 106633
begins, is ~~either greater~~ greater than the amount determined under division 106634
~~(E)(2) of this section~~ \$290.10, the Department shall adjust, for 106635
the fiscal year for which the rate is determined, the total per 106636
Medicaid day rate for each ICF/IID to which this section applies 106637
by a percentage that is equal to the percentage by which the mean 106638
total per Medicaid day rate is greater ~~or less~~ than the amount 106639
~~determined under division (E)(2) of this section~~ \$290.10. 106640

~~(2) The amount to be used for the purpose of division (E)(1)~~ 106641
~~of this section shall be not less than \$290.10. The Department, in~~ 106642

~~its sole discretion, may use a larger amount for the purpose of~~ 106643
~~that division. In determining whether to use a larger amount, the~~ 106644
~~Department may consider any of the following:~~ 106645

~~(a) The reduction in the total Medicaid certified capacity of~~ 106646
~~all ICFs/IID that occurs in the fiscal year immediately preceding~~ 106647
~~the fiscal year for which the determination is made, and the~~ 106648
~~reduction that is projected to occur in the fiscal year for which~~ 106649
~~the determination is made, as a result of either of the following:~~ 106650

~~(i) A downsizing pursuant to a plan approved by the~~ 106651
~~Department under section 5123.042 of the Revised Code;~~ 106652

~~(ii) A conversion of beds to providing home and~~ 106653
~~community based services under the Individual Options waiver~~ 106654
~~pursuant to section 5124.60 or 5124.61 of the Revised Code.~~ 106655

~~(b) The increase in Medicaid payments made for ICF/IID~~ 106656
~~services provided during the fiscal year immediately preceding the~~ 106657
~~fiscal year for which the determination is made, and the increase~~ 106658
~~that is projected to occur in the fiscal year for which the~~ 106659
~~determination is made, as a result of the modifications to the~~ 106660
~~payment rates made under section 5124.101 of the Revised Code;~~ 106661

~~(c) The total reduction in the number of ICF/IID beds that~~ 106662
~~occurs pursuant to section 5124.67 of the Revised Code;~~ 106663

~~(d) Other factors the Department determines to be relevant.~~ 106664

(F) If the United States Centers for Medicare and Medicaid 106665
Services requires that the franchise permit fee be reduced or 106666
eliminated, the Department shall reduce the rate determined under 106667
this section as necessary to reflect the loss to the state of the 106668
revenue and federal financial participation generated from the 106669
franchise permit fee. 106670

Section 601.04. That existing Section 261.168 of Am. Sub. 106671
H.B. 49 of the 132nd General Assembly, as amended by Sub. H.B. 24 106672

of the 132nd General Assembly, is hereby repealed. 106673

Section 601.05. Sections 601.03 and 601.04 of this act are 106674
exempt from the referendum under section 1d of Article II, Ohio 106675
Constitution, and take effect July 1, 2019. 106676

Section 601.10. That Sections 207.10, 217.10, 225.10, and 106677
701.10 of H.B. 529 of the 132nd General Assembly be amended to 106678
read as follows: 106679

Sec. 207.10. DEPARTMENT OF HIGHER EDUCATION AND STATE 106680
INSTITUTIONS OF HIGHER EDUCATION 106681
BOR DEPARTMENT OF HIGHER EDUCATION 106682

Higher Education Improvement Fund (Fund 7034) 106683

C23501	Ohio Supercomputer Center	\$	6,105,076	106684
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C23516	Ohio Library and Information Network	\$	13,844,808	106685
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C23524	Supplemental Renovations - Library	\$	447,000	106686
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Depositories

C23529	Workforce Based Training and Equipment	\$	8,000,000	106687
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16,000,000

C23530	Technology Initiatives	\$	2,500,000	106688
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C23532	OARnet	\$	10,203,116	106689
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C23551	Ohio Innovation Exchange	\$	400,000	106690
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C23560	HEI Critical Maintenance and Upgrades	\$	2,500,000	106691
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C23563	Ohio Cyber Range	\$	1,000,000	106692
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C23564	Ohio Aerospace Institute Improvements	\$	150,000	106693
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TOTAL Higher Education Improvement Fund		\$	45,150,000	106694
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53,150,000

TOTAL ALL FUNDS		\$	45,150,000	106695
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53,150,000

RESEARCH FACILITY ACTION AND INVESTMENT FUNDS 106696

Capital appropriations or reappropriations in this act made 106697

from appropriation item C23502, Research Facility Action and 106698
Investment Funds, shall be used for a program of grants to be 106699
administered by the Department of Higher Education to provide 106700
timely availability of capital facilities for research programs 106701
and research-oriented instructional programs at or involving 106702
state-supported and state-assisted institutions of higher 106703
education. 106704

WORKFORCE BASED TRAINING AND EQUIPMENT 106705

(A) Capital appropriations or reappropriations in this act 106706
made from appropriation item C23529, Workforce Based Training and 106707
Equipment, shall be used to support the Regionally Aligned 106708
Priorities in Developing Skills (RAPIDS) program in the Department 106709
of Higher Education. The purpose of the RAPIDS program is to 106710
support collaborative projects among higher education institutions 106711
to strengthen education and training opportunities that maximize 106712
workforce development efforts in defined areas of the state. 106713

(B) Capital funds appropriated or reappropriated for this 106714
purpose by the General Assembly shall be distributed by the 106715
Chancellor of Higher Education to Ohio regions or subsets of 106716
regions. Regions or subsets of regions may be defined by the 106717
state's economic development strategy. 106718

(C) The Chancellor shall award capital funds within the 106719
program using an application and review process, as developed by 106720
the Chancellor. In reviewing applications and making awards, 106721
priority shall be given to proposals that demonstrate: 106722

(1) Collaboration among and between state institutions of 106723
higher education, as defined in section 3345.011 of the Revised 106724
Code, Ohio Technical Centers, and other entities as determined to 106725
be appropriate by the Chancellor; 106726

(2) Evidence of meaningful business support and engagement; 106727

(3) Identification of targeted occupations and industries 106728

supported by data, which sources may include the Governor's Office 106729
of Workforce Transformation, OhioMeansJobs, labor market 106730
information from the Department of Job and Family Services, and 106731
lists of in-demand occupations; 106732

(4) Sustainability beyond the grant period with the 106733
opportunity to provide continued value and impact to the region. 106734

(D) In submitting proposals for consideration under the 106735
program, a state institution of higher education, as defined in 106736
section 3345.011 of the Revised Code, shall be the lead applicant 106737
and preference shall be given to proposals in which equipment and 106738
technology acquired by capital funds awarded under the program are 106739
owned by a state institution of higher education. If equipment, 106740
technology, or facilities acquired by capital funds awarded under 106741
the program will be owned by a separate governmental or nonprofit 106742
entity, the state institution of higher education shall enter into 106743
a joint use agreement with the entity, which shall be approved by 106744
the Chancellor. 106745

Sec. 217.10. COM DEPARTMENT OF COMMERCE 106746

State Fire Marshal Fund (Fund 5460) 106747

C80023 SFM Renovations and Improvements \$ 1,497,500 106748

C80034 Fire Training Apparatus \$ 1,675,000 106749

C80040 Green Township Department - Lucas CPR \$ 15,000 106750

Device

TOTAL State Fire Marshal Fund \$ ~~3,172,500~~ 106751

3,187,500

Administrative Building Fund (Fund 7026) 106752

C80038 Mahoning County Live Fire Training Facility \$ 375,000 106753

C80039 Weathersfield Township Multi-jurisdictional Center \$ 150,000 106754

TOTAL Administrative Building Fund	\$	525,000	106755
TOTAL ALL FUNDS	\$	3,697,500	106756
		<u>3,712,500</u>	

Sec. 225.10. DOT DEPARTMENT OF TRANSPORTATION 106758

Administrative Building Fund (Fund 7026)			106759
C77706 Allen County Building Demolition	\$	200,000	106760
			<u>Maintenance, or Construction</u>
TOTAL Administrative Building Fund	\$	200,000	106761
Transportation Building Fund (Fund 7029)			106762
C77705 Statewide Land and Buildings	\$	60,000,000	106763
TOTAL Transportation Building Fund	\$	60,000,000	106764
TOTAL ALL FUNDS	\$	60,200,000	106765

Sec. 701.10. OHIO ENTERPRISE DATA AND INFORMATION SYSTEM 106767

PROJECTS 106768

The enterprise data center solutions (EDCS) project is an 106769
information technology initiative that will expand and improve the 106770
state's cloud computing environment and support expansion of and 106771
upgrades to enterprise shared solutions. The Ohio Administrative 106772
Knowledge System (OAKS) is an enterprise resource planning system 106773
that replaced the state's central services infrastructure systems. 106774
The Department of Administrative Services may continue to acquire 106775
and implement EDCS, OAKS, and related information system projects, 106776
including, but not limited to, acquisition of the application 106777
hardware and software and the installation, implementation, and 106778
integration thereof. The Department of Administrative Services may 106779
enter into a lease-purchase agreement pursuant to Chapter 125. of 106780
the Revised Code as necessary to finance or refinance the 106781
projects. At the request of the Director of Administrative 106782
Services, the Office of Budget and Management shall make 106783
arrangements for the issuance of obligations, including 106784

fractionalized interests in public obligations as defined in 106785
division (N) of section 133.01 of the Revised Code, to finance the 106786
enterprise data and information system and OAKS projects, provided 106787
that not more than ~~\$29,594,850~~ \$51,094,850 shall be raised for 106788
this purpose. 106789

Section 601.11. That existing Sections 207.10, 217.10, 106790
225.10, and 701.10 of H.B. 529 of the 132nd General Assembly are 106791
hereby repealed. 106792

Section 601.12. That Section 207.440 of H.B. 529 of the 132nd 106793
General Assembly, as amended by Am. Sub. S.B. 299 of the 132nd 106794
General Assembly, be amended to read as follows: 106795

Sec. 207.440. The Ohio Public Facilities Commission is hereby 106796
authorized to issue and sell, in accordance with Section 2n of 106797
Article VIII, Ohio Constitution, and Chapter 151. and particularly 106798
sections 151.01 and 151.04 of the Revised Code, original 106799
obligations in an aggregate principal amount not to exceed 106800
~~\$431,000,000~~ 439,000,000, in addition to the original issuance of 106801
obligations heretofore authorized by prior acts of the General 106802
Assembly. These authorized obligations shall be issued, subject to 106803
applicable constitutional and statutory limitations, as needed to 106804
provide sufficient moneys to the credit of the Higher Education 106805
Improvement Fund (Fund 7034) and the Higher Education Improvement 106806
Taxable Fund (Fund 7024) to pay costs of capital facilities for 106807
state-supported and state-assisted institutions of higher 106808
education. 106809

Section 601.13. That existing Section 207.440 of H.B. 529 of 106810
the 132nd General Assembly, as amended by Am. Sub. S.B. 299 of the 106811
132nd General Assembly, is hereby repealed. 106812

Section 601.20. That Sections 223.10 and 223.50 of H.B. 529 106813
of the 132nd General Assembly, as most recently amended by Am. 106814
Sub. H.B. 62 of the 133rd General Assembly, be amended to read as 106815
follows: 106816

Sec. 223.10. DNR DEPARTMENT OF NATURAL RESOURCES			106817
Oil and Gas Well Fund (Fund 5180)			106818
C725U6	Oil and Gas Facilities	\$ 1,150,000	106819
TOTAL Oil and Gas Well Fund		\$ 1,150,000	106820
Wildlife Fund (Fund 7015)			106821
C725B0	Access Development	\$ 15,000,000	106822
		<u>18,000,000</u>	
C725B6	Upgrade Underground Fuel Tanks	\$ 460,000	106823
C725K9	Wildlife Area Building	\$ 9,950,000	106824
	Development/Renovation		
C725L9	Dam Rehabilitation	\$ 6,200,000	106825
TOTAL Wildlife Fund		\$ 31,610,000	106826
		<u>34,610,000</u>	
Administrative Building Fund (Fund 7026)			106827
C725D5	Fountain Square Building and Telephone	\$ 2,000,000	106828
	Improvement		
C725N7	District Office Renovations	\$ 2,455,343	106829
TOTAL Administrative Building Fund		\$ 4,455,343	106830
Ohio Parks and Natural Resources Fund (Fund 7031)			106831
C72549	Facilities Development	\$ 1,500,000	106832
C725E1	Local Parks Projects Statewide	\$ 6,668,925	106833
C725E5	Project Planning	\$ 1,147,700	106834
C725K0	State Park Renovations/Upgrading	\$ 1,100,000	106835
C725M0	Dam Rehabilitation	\$ 11,928,000	106836
C725N8	Operations Facilities Development	\$ 1,000,000	106837
C725T3	Healthy Lake Erie Initiative	\$ 20,000,000	106838

TOTAL Ohio Parks and Natural Resources Fund	\$	43,344,625	106839
Parks and Recreation Improvement Fund (Fund 7035)			106840
<u>C72513</u> <u>Land Acquisition</u>	\$	<u>47,000,000</u>	106841
C725A0 State Parks, Campgrounds, Lodges, Cabins	\$	57,554,343	106842
C725C4 Muskingum River Lock and Dam	\$	6,800,000	106843
C725E2 Local Parks, Recreation, and Conservation Projects	\$	31,351,000	106844
C725E6 Project Planning	\$	4,082,793	106845
C725N6 Wastewater/Water Systems Upgrades	\$	8,955,000	106846
C725R3 State Parks Renovations/Upgrades	\$	8,640,000	106847
C725R4 Dam Rehabilitation - Parks	\$	33,125,000	106848
C725U5 The Banks	\$	2,000,000	106849
C725U7 Eagle Creek Watershed Flood Mitigation	\$	15,000,000	106850
TOTAL Parks and Recreation Improvement Fund	\$	167,508,136 <u>214,008,136</u>	106851
Clean Ohio Trail Fund (Fund 7061)			106852
C72514 Clean Ohio Trail Fund	\$	12,500,000	106853
TOTAL Clean Ohio Trail Fund	\$	12,500,000	106854
TOTAL ALL FUNDS	\$	260,568,104 <u>310,068,104</u>	106855
FEDERAL REIMBURSEMENT			106856
All reimbursements received from the federal government for			106857
any expenditures made pursuant to this section shall be deposited			106858
in the state treasury to the credit of the fund from which the			106859
expenditure originated.			106860
HEALTHY LAKE ERIE INITIATIVE			106861
Of the foregoing appropriation item C725T3, Healthy Lake Erie			106862
Initiative, \$10,000,000 shall be used to support projects that			106863
enhance efforts to reduce open lake disposal of dredged materials			106864
into Lake Erie by 2020.			106865
STATE PARKS RENOVATIONS/UPGRADES			106866

Of the foregoing appropriation item C725R3, State Parks 106867
Renovations/Upgrades, up to \$500,000 shall be used to make repairs 106868
to the Kenny Road dock on North Bass Island in Ottawa County. 106869

EAGLE CREEK WATERSHED FLOOD MITIGATION 106870

The foregoing appropriation item C725U7, Eagle Creek 106871
Watershed Flood Mitigation, shall be used to support the Eagle 106872
Creek Watershed Flood Mitigation Project in Hancock County, 106873
provided that there are local matching funds committed to the 106874
project of not less than twenty per cent of the total project 106875
cost. 106876

Sec. 223.50. The Treasurer of State is hereby authorized to 106877
issue and sell, in accordance with Section 2i of Article VIII, 106878
Ohio Constitution, and Chapter 154. of the Revised Code, 106879
particularly section 154.22, and other applicable sections of the 106880
Revised Code, original obligations in an aggregate principal 106881
amount not to exceed ~~\$134,500,000~~ \$181,000,000, in addition to the 106882
original issuance of obligations heretofore authorized by prior 106883
acts of the General Assembly. These authorized obligations shall 106884
be issued, subject to applicable constitutional and statutory 106885
limitations, as needed to provide sufficient moneys to the credit 106886
of the Parks and Recreation Improvement Fund (Fund 7035) to pay 106887
the costs of capital facilities for parks and recreation purposes. 106888

Section 601.21. That existing Sections 223.10 and 223.50 of 106889
H.B. 529 of the 132nd General Assembly, as most recently amended 106890
by Am. Sub. H.B. 62 of the 133rd General Assembly, are hereby 106891
repealed. 106892

Section 601.22. That Sections 125.10 and 125.11 of Am. Sub. 106893
H.B. 59 of the 130th General Assembly, as most recently amended by 106894
Am. Sub. H.B. 49 of the 132nd General Assembly, be amended to read 106895
as follows: 106896

Sec. 125.10. Sections 5168.01, 5168.02, 5168.03, 5168.04, 106897
5168.05, 5168.06, 5168.07, 5168.08, 5168.09, 5168.10, 5168.11, 106898
5168.13, 5168.99, and 5168.991 of the Revised Code are hereby 106899
repealed, effective October 16, ~~2019~~ 2021. 106900

Sec. 125.11. Sections 5168.20, 5168.21, 5168.22, 5168.23, 106901
5168.24, 5168.25, 5168.26, 5168.27, and 5168.28 of the Revised 106902
Code are hereby repealed, effective October 1, ~~2019~~ 2021. 106903

Section 601.23. That existing Sections 125.10 and 125.11 of 106904
Am. Sub. H.B. 59 of the 130th General Assembly, as most recently 106905
amended by Am. Sub. H.B. 49 of the 132nd General Assembly, are 106906
hereby repealed. 106907

Section 601.30. That Section 207.71 of Am. Sub. H.B. 49 of 106908
the 132nd General Assembly be amended to read as follows: 106909

Sec. 207.71. PAY FOR SUCCESS CONTRACTING PROGRAM 106910

(A) As used in this section, "social service intermediary" 106911
has the same meaning as in section 125.66 of the Revised Code, as 106912
enacted by Am. Sub. H.B. 49 of the 132nd General Assembly. 106913

(B) Not later than six months after ~~the effective date of~~ 106914
~~this section~~ June 29, 2017, the Director of Administrative 106915
Services shall, in consultation with the Department of Health and 106916
as part of the Pay for Success Contracting Program established 106917
under section 125.66 of the Revised Code, as enacted by Am. Sub. 106918
H.B. 49 of the 132nd General Assembly, contract with one or more 106919
social service intermediaries to administer one or two pilot 106920
projects intended to do both of the following: 106921

(1) Reduce the incidence of infant mortality, low-birthweight 106922
births, premature births, and stillbirths in the urban and rural 106923
communities of this state that are specified by the Director of 106924

Health under section 3701.142 of the Revised Code; 106925

(2) Promote equity in birth outcomes among infants of 106926
different races in this state. 106927

(C) The Director of Administrative Services may request that 106928
the Director of Health pay the costs of the Pay for Success 106929
Contracting Program under appropriations to the Department of 106930
Health. Upon approval of the Director of Health, these costs shall 106931
be paid from General Revenue Fund appropriation item 440474, 106932
Infant Vitality. 106933

(D) Notwithstanding any contrary provision of sections 113.60 106934
to 113.62 of the Revised Code, the Director of Administrative 106935
Services and the Department of Health may continue to contract 106936
with social service intermediaries to administer the pilot 106937
projects described in division (B) of this section in accordance 106938
with this section and sections 125.66 and 125.661 of the Revised 106939
Code, as enacted by Am. Sub. H.B. 49 of the 132nd General 106940
Assembly, on and after the effective date of this amendment. 106941

Section 601.31. That existing Section 207.71 of Am. Sub. H.B. 106942
49 of the 132nd General Assembly is hereby repealed. 106943

Section 603.10. That Section 205.10 of Am. Sub. H.B. 62 of 106944
the 133rd General Assembly be amended to read as follows: 106945

Sec. 205.10. DPS DEPARTMENT OF PUBLIC SAFETY 106946

General Revenue Fund 106947

GRF 761408 Highway Patrol	\$	0	\$	35,000,000	106948
Operating Expenses					
TOTAL GRF General Revenue Fund	\$	0	\$	35,000,000	106949

Highway Safety Fund Group 106950

5TM0 761401 Public Safety	\$	1,595,800	\$	1,598,300	106951
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		Facilities Lease				
		Rental Bond Payments				
5TM0	762321	Operating Expense -	\$	108,178,738	\$	111,822,673 106952
		BMV				
5TM0	762636	Financial	\$	5,463,977	\$	5,540,059 106953
		Responsibility				
		Compliance				
5TM0	762637	Local Immobilization	\$	200,000	\$	200,000 106954
		Reimbursement				
5TM0	764321	Operating Expense -	\$	345,534,531	\$	349,339,662 106955
		Highway Patrol				<u>314,339,662</u>
5TM0	764605	Motor Carrier	\$	4,283,940	\$	4,308,088 106956
		Enforcement Expenses				
5TM0	769636	Administrative	\$	48,326,950	\$	49,020,261 106957
		Expenses - Highway				
		Purposes				
8370	764602	Turnpike Policing	\$	12,720,330	\$	12,840,263 106958
83C0	764630	Contraband,	\$	1,210,917	\$	1,213,407 106959
		Forfeiture, and Other				
83F0	764657	Law Enforcement	\$	6,903,824	\$	6,441,735 106960
		Automated Data System				
83G0	764633	OMVI	\$	593,518	\$	596,799 106961
		Enforcement/Education				
83M0	765624	Operating - EMS	\$	5,281,688	\$	5,521,843 106962
				<u>4,850,688</u>		<u>5,020,843</u>
83M0	765640	EMS - Grants	\$	2,900,000	\$	2,900,000 106963
8400	764607	State Fair Security	\$	1,533,397	\$	1,549,094 106964
8400	764617	Security and	\$	15,333,469	\$	15,469,782 106965
		Investigations				
8400	764626	State Fairgrounds	\$	1,263,762	\$	1,276,143 106966
		Police Force				
8460	761625	Motorcycle Safety	\$	3,823,000	\$	3,823,000 106967
		Education				

8490	762627	Automated Title Processing Board	\$	16,446,027	\$	16,446,027	106968
8490	762630	Electronic Liens and Titles	\$	2,900,000	\$	2,900,000	106969
TOTAL HSF Highway Safety Fund Group			\$	584,493,868	\$	592,807,136	106970
				<u>584,062,868</u>		<u>557,306,136</u>	
Dedicated Purpose Fund Group							106971
5390	762614	Motor Vehicle Dealers Board	\$	140,000	\$	140,000	106972
5FF0	762621	Indigent Interlock and Alcohol Monitoring	\$	2,000,000	\$	2,000,000	106973
5Y10	764695	State Highway Patrol Continuing Professional Training	\$	134,000	\$	134,000	106974
TOTAL DPF Dedicated Purpose Fund Group			\$	2,274,000	\$	2,274,000	106975
Fiduciary Fund Group							106976
5J90	761678	Federal Salvage/GSA	\$	750,000	\$	750,000	106977
5V10	762682	License Plate Contributions	\$	2,700,000	\$	2,700,000	106978
TOTAL FID Fiduciary Fund Group			\$	3,450,000	\$	3,450,000	106979
Holding Account Fund Group							106980
R024	762619	Unidentified Motor Vehicle Receipts	\$	1,885,000	\$	1,885,000	106981
R052	762623	Security Deposits	\$	50,000	\$	50,000	106982
TOTAL HLD Holding Account Fund Group			\$	1,935,000	\$	1,935,000	106983
Federal Fund Group							106984
3DU0	762628	BMV Grants	\$	1,150,000	\$	1,150,000	106985
3GR0	764693	Highway Patrol Justice Contraband	\$	1,230,549	\$	1,234,258	106986

3GS0	764694	Highway Patrol	\$	21,000	\$	21,000	106987
		Treasury Contraband					
3GU0	761610	Information and	\$	300,000	\$	300,000	106988
		Education Grant					
3GU0	764608	Fatality Analysis	\$	175,000	\$	175,000	106989
		Report System Grant					
3GU0	764610	Highway Safety	\$	4,036,721	\$	4,071,387	106990
		Programs Grant					
3GU0	764659	Motor Carrier Safety	\$	5,755,900	\$	5,816,116	106991
		Assistance Program					
		Grant					
3GU0	765610	EMS Grants	\$	225,000	\$	225,000	106992
3GV0	761612	Traffic Safety Action	\$	30,200,000	\$	30,200,000	106993
		Plan Grants					
TOTAL FED	Federal Fund Group		\$	43,094,170	\$	43,192,761	106994
TOTAL ALL BUDGET FUND GROUPS			\$	635,247,038	\$	678,658,897	106995
				<u>634,816,038</u>		<u>643,157,897</u>	

Section 603.11. That existing Section 205.10 of Am. Sub. H.B. 106997
62 of the 133rd General Assembly is hereby repealed. 106998

Section 610.10. That Sections 4, 5, and 6 of Am. Sub. H.B. 70 106999
of the 131st General Assembly are hereby repealed. 107000

Section 701.10. Notwithstanding any provision of the Revised 107001
Code to the contrary, designees of the Office of Budget and 107002
Management and the Department of Administrative Services jointly 107003
shall review agency functions and programs and determine if any 107004
overlap or duplicative functions exist and shall collaborate with 107005
affected agencies in the course of their review. The designees 107006
shall determine the cost-effectiveness of the programming in terms 107007
of administrative and operational costs, including facilities, 107008
personnel, technology, supplies, contracts, and services. 107009

Following review and not later than January 1, 2020, the Directors 107010
of Budget and Management and Administrative Services jointly shall 107011
determine, in consultation with the affected agencies, the 107012
functions that may be consolidated within and across state 107013
departments, with particular emphasis on facilities utilization, 107014
laboratory testing facility consolidation, and field or regional 107015
office operation consolidation. The determination also may include 107016
other functions, programs, and services that would reduce costs 107017
and improve services and would be suitable for operation within 107018
the Office of Budget and Management's Shared Services Center. 107019

Should the consolidation of functions result in consolidation 107020
within the Shared Services Center or otherwise impact any employee 107021
not subject to Chapter 4117. of the Revised Code, the Director of 107022
Administrative Services may assign, reassign, classify, 107023
reclassify, transfer, reduce, promote, or demote any employee so 107024
transferred. Any employment records and actions, including 107025
personnel actions, disciplinary actions, performance improvement 107026
plans, and performance evaluations transfer with the employee. 107027
These employees are subject to the policies, procedures, and work 107028
rules of the agency to which they are transferred. The Director of 107029
Administrative Services also may transfer all equipment and assets 107030
relating to the program or function that is being consolidated to 107031
the department that is to be responsible for the functions after 107032
consolidation occurs. 107033

On or after the effective date of the respective 107034
consolidation of functions and notwithstanding any provision of 107035
law to the contrary, the Director of Budget and Management may 107036
make budget changes made necessary by this section, including 107037
cancelling encumbrances and reestablishing them as encumbrances of 107038
the department that is to be responsible for the functions after 107039
consolidation occurs. Any reestablished encumbrances are hereby 107040
appropriated. 107041

Section 701.20. On the effective date of this act, or as soon as possible thereafter, the Director of Budget and Management shall transfer the cash balance from all money collected under sections 718.80 to 718.95 of the Revised Code, if any, in the municipal income tax fund to the municipal net profit tax fund.

Section 701.30. COORDINATION OF BENEFITS

The Development Services Agency and the Department of Job and Family Services may collaborate to coordinate benefits available to eligible Ohioans. By evaluating current procedures and working toward a goal of developing a single application for eligible customers, the agencies shall work to produce new efficiencies and prevent duplication of efforts.

Section 701.40. RECOVERY HOUSING PILOT PROGRAM

The Department of Mental Health and Addiction Services shall work with the Development Services Agency to develop a pilot program in partnership with rural Ohio counties hard hit by the opioid epidemic to enhance funding availability for recovery housing. This partnership may include local OhioMeansJobs and Job and Family Services entities to develop workforce job training and employer participation for those individuals participating in recovery housing programs.

Section 701.50. DEPARTMENT OF EDUCATION PERFORMANCE AUDIT

The Auditor of State, in consultation with the Joint Education Oversight Committee, shall conduct a performance audit of selected offices or programs within the Department of Education. The audit shall be completed by October 1, 2020.

Section 715.10. Except for an applicant for a nonresident youth hunting license who shall pay nine dollars for an annual

license as specified in section 1533.10 of the Revised Code, an 107070
applicant for a hunting or fishing license who is not a resident 107071
of a reciprocal state, and a nonresident applicant for a deer 107072
permit shall pay the annual fee for each license or permit through 107073
December 31, 2019, in accordance with the fee schedule established 107074
in Section 715.11 of H.B. 49 of the 132nd General Assembly. 107075

Section 717.10. In enacting section 1707.50 of the Revised 107076
Code in Section 101.01 of this act, the General Assembly finds all 107077
of the following: 107078

(A) Whereas adequate financing of essential investor 107079
protection enforcement is necessary to achieve maximum compliance 107080
with state law, to ensure, for businesses that raise money via 107081
crowdfunding, an effective disincentive to engage in unlawful, 107082
fraudulent, and anticompetitive business practices, and to provide 107083
appropriate regulation of an emerging and quickly evolving 107084
industry. 107085

(B) Although self-policing efforts by industry watchdog 107086
groups may have some success in educating some fundraisers about 107087
their obligations under state consumer and investor laws, in other 107088
cases the only meaningful deterrent to unlawful conduct is the 107089
vigorous assessment and collection of civil penalties. 107090

(C) It is in the public interest to provide that civil 107091
penalties for violations of law may also be assessed and collected 107092
by aggrieved crowdfunding investors acting as private attorneys 107093
general enforcement. 107094

Section 733.10. If a city, local, or exempted village school 107095
district experienced an increase in the taxable value of all 107096
utility tangible personal property subject to taxation by the 107097
district between tax years 2017 and 2018 and, as a result, the 107098
Department of Education deducted funds from the district under 107099

division (B) of section 3317.028 of the Revised Code, as it 107100
existed prior to the effective date of this section, the 107101
Department, during the fiscal year that begins after that 107102
effective date, shall credit the deducted amount to the district. 107103

Section 733.20. FAFSA COMPLETION PROGRAM 107104

(A) As used in this section, "eligible district" means any 107105
educational service center or city, exempted village, local, or 107106
joint vocational school district. 107107

(B) The Department of Education shall establish a program to 107108
award grants to eligible districts for the purposes of organizing 107109
activities to encourage and assist students in grade twelve with 107110
completing the Free Application for Federal Student Aid. The 107111
program shall operate in fiscal years 2020 and 2021. 107112

(C) In each fiscal year in which the program operates, the 107113
Department shall solicit, review, and approve proposals from 107114
eligible districts. The Department shall award a grant to each 107115
eligible district with an approved proposal, except that, if the 107116
funds appropriated by the General Assembly for the program are 107117
insufficient, the Department shall prioritize awarding grants to 107118
lower wealth eligible districts. Each award shall be up to five 107119
thousand dollars and each eligible district with an approved 107120
proposal shall receive one award per fiscal year. 107121

(D) The Department shall adopt guidelines and procedures for 107122
the program, including all of the following: 107123

(1) A process in which the Department shall solicit, review, 107124
and approve proposals submitted by eligible districts, as well as 107125
a timeline for that process; 107126

(2) Criteria for approving a proposal submitted by an 107127
eligible district, including both of the following: 107128

(a) A requirement that the eligible district work with a 107129

public or private community partner; 107130

(b) A requirement that the proposal include at least one 107131
activity such as a training session, a fair, or another event that 107132
actively engages students. 107133

(3) A metric to gauge the wealth of eligible districts. 107134

Section 737.10. On or after July 1, 2019, the Department of 107135
Health may establish a Substance Use Disorder Professional Loan 107136
Repayment Program. Under the Program, the Department may agree to 107137
repay all or part of the principal or interest of government or 107138
other educational loans taken by professionals providing treatment 107139
and other related services to individuals with substance use 107140
disorders. A professional participating in the Program must commit 107141
to serving in an area of the state with limited access to 107142
addiction treatment and related services. 107143

Section 737.11. On or after July 1, 2019, the Department of 107144
Health may establish a program under which a physician providing 107145
medication-assisted treatment to individuals with substance use 107146
disorders in a health resource shortage area may be eligible for 107147
financial assistance from the Department. Eligible physicians are 107148
those participating in the Physician Loan Repayment Program as 107149
described in section 3702.75 of the Revised Code. 107150

Section 737.20. As used in this section, "certificate of 107151
need" has the same meaning as in section 3702.51 of the Revised 107152
Code. 107153

If the Director of Health denied an application for a 107154
certificate of need only because of division (B)(1)(b) of section 107155
3702.59 of the Revised Code, as that section existed on the day 107156
immediately preceding the effective date of the amendment by this 107157
act to that section, and the applicant appealed the denial under 107158

section 3702.60 of the Revised Code, the Director shall reverse 107159
the denial and grant the application not later than ten days after 107160
the effective date of this section regardless of the status of the 107161
appeal if division (B)(1)(b) of section 3702.59 of the Revised 107162
Code would not have been grounds for denying the application had 107163
the amendment by this act to that section been in effect at the 107164
time the application was submitted to the Director. 107165

Section 737.30. The Director of Environmental Protection 107166
shall enter into a memorandum of understanding with the Everglades 107167
Foundation prior to dispensing to the Foundation any money 107168
appropriated to the Environmental Protection Agency for the George 107169
Barley Water Prize. The Director, a representative from any entity 107170
that the Agency contracts with for purposes of the George Barley 107171
Water Prize, and a representative from the Everglades Foundation 107172
shall sign the memorandum. The memorandum shall specify all of the 107173
following: 107174

(A) That the money will be used to support the final stage of 107175
the award process for the Everglades Foundation's George Barley 107176
Water Prize; 107177

(B) That the State of Ohio or the Agency will be listed as a 107178
sponsor of the George Barley Water Prize; 107179

(C) That the Agency, and any other entity that the Agency 107180
contracts with for purposes of the George Barley Water Prize, may 107181
assist in the development of testing parameters for data 107182
collection in the Grand Challenge testing stage of the 107183
competition; 107184

(D) That the Agency, and any other entity that the Agency 107185
contracts with for purposes of the George Barley Water Prize, will 107186
have access to all data collected during the George Barley Water 107187
Prize's campaign as well as access to the data and technologies 107188
developed during the George Barley Water Prize process; and 107189

(E) That the Agency, and any other entity that the Agency
contracts with for purposes of the George Barley Water Prize, will
enter into a nondisclosure agreement with the Everglades
Foundation for data collected in the Grand Challenge testing stage
of the competition.

Section 739.10. Sections 3902.50 and 3902.51 of the Revised
Code shall apply to health benefit plans, as defined in section
3922.01 of the Revised Code, delivered, issued for delivery,
modified, or renewed on or after the effective date of those
sections.

Section 739.20. Section 3959.20 of the Revised Code as
enacted by this act applies to contracts for pharmacy services and
to health benefit plans, as defined in section 3922.01 of the
Revised Code, entered into or amended on or after the effective
date of this act.

Section 747.20. A license or certificate of registration
issued under Chapter 4757. of the Revised Code that is in effect
on the effective date of this section shall continue in effect
until the first biennial renewal date established by the
Counselor, Social Worker, and Marriage and Family Therapist Board
pursuant to sections 4757.10 and 4757.32 of the Revised Code, as
amended by this act. No license or certificate of registration in
effect on the effective date of this section is valid for more
than three years after the effective date of this section.

Section 747.30. As used in this section, "authorizing
statute" means a Revised Code section or provision of a Revised
Code section that is cited in the Ohio Administrative Code as the
statute that authorizes the adoption of a rule.

The Board of Executives of Long-Term Services and Supports is

not required to amend any rule for the sole purpose of updating 107219
the citation in the Ohio Administrative Code to the rule's 107220
authorizing statute to reflect that this act renumbers the 107221
authorizing statute or relocates it to another Revised Code 107222
section. Such citations shall be updated as the Board amends the 107223
rules for other purposes. 107224

Section 747.40. CONVERSION AND RENAMING OF CERTIFICATES 107225
ISSUED BY THE STATE MEDICAL BOARD 107226

(A) The repeal by this act of section 4731.296 of the Revised 107227
Code does not invalidate a telemedicine certificate that was 107228
issued under that section if the certificate is valid on the 107229
effective date of this section. As soon as practicable, the State 107230
Medical Board shall convert all such telemedicine certificates to 107231
licenses, as if they were issued under section 4731.14 of the 107232
Revised Code. Once a telemedicine certificate is converted, the 107233
holder is subject to all requirements and privileges attendant to 107234
a license issued under section 4731.14 of the Revised Code, 107235
including continuing medical education requirements. 107236

(B) The Board may take any action it considers necessary to 107237
rename the certificates issued under Chapters 4731., 4760., 4762., 107238
and 4774. of the Revised Code as licenses, as provided by the 107239
amendments made by this act to those chapters. 107240

Section 751.10. REDUCTION IN MEMBERSHIP OF CITIZEN'S ADVISORY 107241
COUNCILS 107242

The amendment made by this act to section 5123.092 of the 107243
Revised Code providing for a reduction in citizen's advisory 107244
council membership does not affect the members holding office on 107245
the effective date of this section. The reduction shall be 107246
implemented by not filling vacancies that correspond with the 107247
changes made by this act to council membership. 107248

Section 751.20. (A) There is established the Health and Human Services Efficiencies and Alignment Study Committee. The Committee shall examine the alignment and administrative efficiencies within the state's health and human services agencies.

(B) The Committee shall include the following members:

- (1) The chairperson of the Finance Subcommittee on Health and Human Services of the House of Representatives;
- (2) The chairperson of the Aging and Long Term Care Committee of the House of Representatives;
- (3) The chairperson of the Finance Subcommittee on Health and Medicaid Subcommittee of the Senate;
- (4) The chairperson of the Health, Human Services and Medicaid Committee of the Senate;
- (5) The Director of Medicaid or the Director's designee;
- (6) The Director of Health or the Director's designee;
- (7) The Director of Job and Family Services or the Director's designee;
- (8) The Director of Developmental Disabilities or the Director's designee;
- (9) The Director of Mental Health and Addiction Services or the Director's designee;
- (10) The Director of Aging or the Director's designee;
- (11) The Director of Recovery Ohio or the Director's designee;
- (12) The Director of the Governor's Office of Children Initiatives or the Director's designee;
- (13) The Director of Innovate Ohio or the Director's designee.

(C) The Speaker of the House of Representatives shall appoint one of the members described in divisions (B)(1) and (2) of this section as the Committee's co-chairperson and the President of the Senate shall appoint one of the members described in divisions (B)(3) and (4) of this section as the other co-chairperson. The Speaker and President shall appoint members to the Committee not later than thirty days after the effective date of this section.

(D) Members of the Committee shall serve without compensation or reimbursement, except to the extent that serving on the Committee is part of their usual job duties.

(E) In conducting the examination required by division (A) of this section, the Committee shall do all of the following:

(1) Identify areas of administrative duplication among services and programs provided by the state's health and human services agencies;

(2) Recommend administrative efficiencies and alignment opportunities among services and programs;

(3) Assess how data could be aligned among the services and programs, such as eligibility requirements across programs, application processes, and assessments, and how the data can be accessed by partners working within and across programs;

(4) Invite stakeholder participation in the Committee's work.

(F) The Committee shall complete a report not later than December 31, 2020. The report shall include the Committee's recommendations regarding costs, benefits, and policies. The Committee shall submit the report to the Governor and General Assembly. The report also shall be made available to the public.

(G) After submitting its report, the Committee shall cease to exist.

Section 751.30. CHALLENGES TO HEALTH CARE COST ESTIMATE

STATUTE	107307
Any member of the General Assembly may intervene in	107308
litigation that challenges section 5162.80 of the Revised Code.	107309
Section 755.10. DIESEL EMISSIONS REDUCTION GRANT PROGRAM	107310
There is hereby established in the Highway Operating Fund	107311
(Fund 7002), used by the Department of Transportation, a Diesel	107312
Emissions Reduction Grant Program. The Director of Environmental	107313
Protection shall administer the program and shall solicit,	107314
evaluate, score, and select projects submitted by public and	107315
private entities that are eligible for the federal Congestion	107316
Mitigation and Air Quality (CMAQ) Program. The Director of	107317
Transportation shall process Federal Highway	107318
Administration-approved projects as recommended by the Director of	107319
Environmental Protection.	107320
In addition to the allowable expenditures set forth in	107321
section 122.861 of the Revised Code, Diesel Emissions Reduction	107322
Grant Program funds also may be used to fund projects involving	107323
the purchase or use of hybrid and alternative fuel vehicles that	107324
are allowed under guidance developed by the Federal Highway	107325
Administration for the CMAQ Program.	107326
Public entities eligible to receive funds under section	107327
122.861 of the Revised Code and CMAQ shall be reimbursed from	107328
moneys in Fund 7002 designated for the Department of	107329
Transportation's Diesel Emissions Reduction Grant Program.	107330
Private entities eligible to receive funds under section	107331
122.861 of the Revised Code and CMAQ shall be reimbursed, at the	107332
direction of the local public agency sponsor and upon approval of	107333
the Department of Transportation, through direct payments. These	107334
reimbursements shall be made from moneys in Fund 7002 designated	107335
for the Department of Transportation's Diesel Emissions Reduction	107336

Grant Program. Total expenditures from Fund 7002 for the Diesel Emissions Reduction Grant Program shall not exceed \$10,000,000 in both fiscal year 2020 and fiscal year 2021.

Any allocations under this section represent CMAQ program moneys within the Department of Transportation for use by the Diesel Emissions Reduction Grant Program by the Environmental Protection Agency. These allocations shall not reduce the amount of such moneys designated for metropolitan planning organizations.

The Director of Environmental Protection, in consultation with the Director of Transportation, shall develop guidance for the distribution of funds and for the administration of the Diesel Emissions Reduction Grant Program. The guidance shall include a method of prioritization for projects, acceptable technologies, and procedures for awarding grants.

Section 755.20. (A) There is hereby created the Ohio Maritime Commission Study Committee, composed of the following members:

(1) One consultant appointed by the Director of Transportation who is experienced in maritime matters to act as chairperson of the Study Committee;

(2) Ten members representing the Ohio River region, all appointed by the Speaker of the House of Representatives, five of whom represent the private sector and five of whom represent the public sector for that region;

(3) Ten members representing the Lake Erie region, all appointed by the President of the Senate, five of whom represent the private sector and five of whom represent the public sector for that region.

(B) The Study Committee shall examine whether Ohio would benefit from the creation of a maritime commission. In examining the potential benefits of having such a commission, the Study

Committee shall examine and gather information on all of the following: 107367
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(1) Other states that have created a maritime commission and the roles and responsibilities of such commissions; 107369
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(2) The benefits and structure of other similar commissions currently in Ohio; 107371
107372

(3) The current need in the Ohio River and Lake Erie regions for a commission that would oversee maritime activities in those regions; 107373
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(4) Input from private and public sector businesses in the Ohio River and Lake Erie regions that would be impacted by the creation of a maritime commission in Ohio. 107376
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(C) The Study Committee shall prepare a report that summarizes the information gathered by the Study Committee and shall make recommendations regarding whether a maritime commission would benefit Ohio. Not later than six months after the effective date of this section, the Study Committee shall submit the report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the majority and minority leadership of the General Assembly. 107379
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(D) Upon submission of the report, the Study Committee shall cease to exist. 107387
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Section 757.10. The amendment or enactment by this act of sections 3742.50, 5747.08, and 5747.26 of the Revised Code applies to taxable years beginning on or after January 1, 2020. 107389
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Section 757.20. The amendment or enactment by this act of sections 5709.40, 5709.41, 5709.51, 5709.73, and 5709.78 of the Revised Code concerning the extension of certain tax increment financing property tax exemptions applies to resolutions or 107392
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ordinances adopted under any of those sections for an exemption 107396
that is in effect for the tax year that includes or begins after 107397
the effective date of those amendments and enactments. 107398

Section 757.30. BUSINESS INCENTIVE TAX CREDITS 107399

In order to facilitate an understanding of business incentive 107400
tax credits, as defined in section 107.036 of the Revised Code, 107401
the following table provides an estimate of the amount of credits 107402
that may be authorized in each fiscal year of the 2020-2021 107403
biennium, an estimate of the credits expected to be claimed in 107404
each fiscal year of that biennium, and an estimate of the amount 107405
of credits authorized that will remain outstanding at the end of 107406
that biennium. In totality, this table provides an estimate of the 107407
state revenue forgone due to business incentive tax credits in the 107408
2020-2021 biennium and future biennia. 107409

Biennial Business Incentive Tax Credit Estimates 107410

	Estimate of total value	Estimate of tax	Expected	107412
	of tax credits	credits issued/claimed	Outstanding	
	authorized		credits	

(All figures in 107413
thousands of dollars)

Tax	FY 2020	FY 2021	FY 2020	FY 2021	End of	107415
Credit					Biennium	

Job	\$105,000	\$105,000	\$109,000	\$105,000	\$700,000	107417
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Creation
Tax
Credit*

Job	\$ 0	\$ 0	\$44,818	\$42,985	\$153,161	107419
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Retention						
Tax						
Credit						107420
Historic	\$60,000	\$60,000	\$65,000	\$70,000	\$175,000	107421
Preservation						
Tax						
Credit						107422
Motion	\$40,000	\$40,000	\$50,000	\$45,000	\$95,000	107423
Picture						
Tax						
Credit						107424
New	\$10,000	\$10,000	\$9,282	\$9,667	\$48,038	107425
Markets						
Tax						
Credit						107426
R&D Loan	\$1,500	\$1,500	\$2,606	\$2,100	\$12,525	107427
Tax						
Credit						107428
InvestOhio	\$4,000	\$3,500	\$2,500	\$2,000	\$4,500	107429
Tax						
Credit						107430
Ohio	\$0	\$0	\$0	\$0	\$45,000	107431
Rural						
Business						107432
Estimate	\$220,500	\$220,000	\$283,206	\$276,751	\$1,233,224	107433
Total						

*The Job Creation Tax Credit (JCTC) estimate of credits 107434
outstanding is not just for tax credit certificates already 107435
issued, but also for the estimated potential value of certificates 107436
to be issued under the program through 2035 when looking at the 107437
existing portfolio of approved and active incentives. The estimate 107438
assumes that the companies receiving credits will continue to meet 107439
the performance objectives required to continue receiving the 107440
credit. 107441

Section 757.40. (A) As used in this section: 107442

(1) "Certificate owner" and "qualified rehabilitation 107443
expenditures" have the same meanings as in section 149.311 of the 107444
Revised Code. 107445

(2) "Taxpayer," "tax period," "excluded person," "combined 107446
taxpayer," and "consolidated elected taxpayer," have the same 107447
meanings as in section 5751.01 of the Revised Code. 107448

(3) "Pass-through entity" has the same meaning as in section 107449
5733.04 of the Revised Code. 107450

(B) A taxpayer that is the certificate owner of a 107451
rehabilitation tax credit certificate issued under section 149.311 107452
of the Revised Code may claim a credit against the tax levied by 107453
section 5751.02 of the Revised Code for tax periods ending on or 107454
before June 30, 2021, provided that the taxpayer is unable to 107455
claim the credit under section 5725.151, 5725.34, 5726.52, 107456
5729.17, or 5747.76 of the Revised Code. 107457

The credit shall equal the lesser of twenty-five per cent of 107458
the dollar amount of the qualified rehabilitation expenditures 107459
indicated on the certificate or five million dollars. The credit 107460
shall be claimed for the calendar year specified in the 107461
certificate and after the credits authorized in divisions (A)(1) 107462
to (4) of section 5751.98 of the Revised Code, but before the 107463

credits authorized in divisions (A)(5) to (7) of that section. 107464

If the credit allowed for any calendar year exceeds the tax 107465
otherwise due under section 5751.02 of the Revised Code, after 107466
allowing for any other credits preceding the credit in the order 107467
prescribed by this section, the excess shall be refunded to the 107468
taxpayer. However, if any amount of the credit is refunded, the 107469
sum of the amount refunded and the amount applied to reduce the 107470
tax otherwise due for that year shall not exceed three million 107471
dollars. The taxpayer may carry forward any balance of the credit 107472
in excess of the amount claimed for that year for not more than 107473
five calendar years after the calendar year specified in the 107474
certificate, and shall deduct any amount claimed in any such year 107475
from the amount claimed in an ensuing year. 107476

A person that is an excluded person may file a return under 107477
section 5751.051 of the Revised Code for the purpose of claiming 107478
the credit authorized in this section. 107479

If the certificate owner is a pass-through entity, the credit 107480
may not be allocated among the entity's owners in proportions or 107481
amounts as the owners mutually agree unless either the owners are 107482
part of the same combined or consolidated elected taxpayer as the 107483
pass-through entity or the director of development services issued 107484
the certificate in the name of the pass-through entity's owners in 107485
the agreed-upon proportions or amounts. If the credit is allocated 107486
among those owners, an owner may claim the credit authorized in 107487
this section only if that owner is a corporation or an association 107488
taxed as a corporation for federal income tax purposes and is not 107489
a corporation that has made an election under Subchapter S of 107490
Chapter 1 of Subtitle A of the Internal Revenue Code. 107491

The credit authorized in this section may be claimed only on 107492
the basis of a rehabilitation tax credit certificate with an 107493
effective date after December 31, 2013, but before June 30, 2021. 107494

A person claiming a credit under this section shall retain 107495
the rehabilitation tax credit certificate for four years following 107496
the end of the latest calendar year in which the credit was 107497
applied, and shall make the certificate available for inspection 107498
by the tax commissioner upon request. 107499

Section 757.50. The amendment by this act of sections 107500
5733.40, 5733.41, and 5747.41 of the Revised Code applies to 107501
qualifying taxable years, as defined by section 5733.40 of the 107502
Revised Code, beginning on or after January 1, 2019. 107503

Section 757.70. The amendment by this act of section 5747.10 107504
of the Revised Code applies to federal adjustments with a final 107505
determination date of October 1, 2019, or thereafter. 107506

Section 757.80. The amendment or enactment by this act of 107507
sections 5741.01, 5741.04, 5741.05, 5741.11, 5741.13, and 5741.17 107508
of the Revised Code applies on and after July 1, 2019. 107509

Section 757.90. The amendment by this act of section 5709.17 107510
of the Revised Code applies to tax year 2019 and every tax year 107511
thereafter. 107512

Section 757.100. The amendment or enactment by this act of 107513
sections 319.302, 323.155, and 323.16 of the Revised Code applies 107514
to tax year 2019 and thereafter. 107515

Section 757.110. The amendment by this act of section 5726.04 107516
of the Revised Code applies to tax years beginning on or after 107517
January 1, 2020. 107518

Section 757.120. The enactment by this act of section 5747.73 107519
of the Revised Code applies to taxable years ending on or after 107520
the effective date of that enactment. 107521

Section 757.140. The amendment by this act of sections 107522
122.175, 5739.01, 5739.011, 5739.02, 5739.025, 5739.03, and 107523
5739.05 of the Revised Code applies on and after October 1, 2019. 107524

Section 757.150. (A) The amendment by this act of section 107525
323.151 of the Revised Code applies to section 323.152 of the 107526
Revised Code for tax year 2019 and every tax year thereafter and 107527
to section 4503.065 of the Revised Code for tax year 2020 and 107528
every tax year thereafter. 107529

(B) The amendment or repeal by this act of sections 5747.01, 107530
5747.02, 5747.022, 5747.025, 5747.031, 5747.05, 5747.054, 107531
5747.055, 5747.29, 5747.65, and 5748.01 of the Revised Code 107532
applies to taxable years beginning on or after January 1, 2019. 107533

Section 757.160. The Tax Commissioner shall not make 107534
adjustments in 2019 to the income amounts in divisions (A)(2) and 107535
(3) of section 5747.02 of the Revised Code, as otherwise required 107536
by division (A)(4) of that section. 107537

Section 757.170. As used in this section, "qualified 107538
property" means any property that satisfies the qualifications for 107539
tax exemption under the terms of section 5709.08 of the Revised 107540
Code and that is owned by a municipal corporation that, within the 107541
preceding twenty-five years, (A) was part of an area subject to a 107542
federal disaster declaration on the basis of severe storms or 107543
flooding and (B) following that declaration, obtained the title to 107544
one or more parcels pursuant to the terms of a hazard mitigation 107545
grant from the Federal Emergency Management Agency. 107546

Notwithstanding section 5713.081 of the Revised Code, when 107547
qualified property has not received tax exemption due to a failure 107548
to comply with Chapter 5713. or section 5715.27 of the Revised 107549
Code, the municipal corporation that owns the property, at any 107550
time on or before twelve months after the effective date of this 107551

act, may file with the Tax Commissioner an application requesting 107552
that the property be placed on the tax-exempt list and that all 107553
unpaid taxes, penalties, and interest on the property be abated. 107554

The application shall be made on the form prescribed by the 107555
Commissioner under section 5715.27 of the Revised Code and shall 107556
list the name of the county in which the property is located; the 107557
property's parcel number or legal description; its assessed value; 107558
the amount in dollars of the unpaid taxes, penalties, and 107559
interest; and any other information required by the Commissioner. 107560
The county auditor shall supply the required information upon 107561
request of the applicant. 107562

After receiving and considering the application, the 107563
Commissioner shall determine if the applicant meets the 107564
qualifications set forth in this section. If so, the Commissioner 107565
shall issue an order directing that the property be placed on the 107566
tax-exempt list of the county and that all unpaid taxes, 107567
penalties, and interest be abated. If the Commissioner finds that 107568
the property is not now being used for an exempt purpose or is 107569
otherwise ineligible for abatement of taxes, penalties, and 107570
interest under this section, the Commissioner shall issue an order 107571
denying the application. 107572

If the Commissioner finds that the property is not entitled 107573
to tax exemption and to the abatement of unpaid taxes, penalties, 107574
and interest, the Commissioner shall order the county treasurer of 107575
the county in which the property is located to collect all taxes, 107576
penalties, and interest due on the property for those years in 107577
accordance with law. 107578

The Commissioner may apply this section to any qualified 107579
property that is the subject of an application for exemption 107580
pending before the Commissioner on the effective date of this 107581
section without requiring the property owner to file an additional 107582
application. 107583

Section 757.180. The amendment or enactment by this act of 107584
division (O) of section 5739.09, and sections 351.021, 353.06, and 107585
5739.082 of the Revised Code applies on and after the first day of 107586
the first month that begins after the effective date of this 107587
section. 107588

Section 757.190. The amendment by this act of section 5715.19 107589
of the Revised Code applies to any complaint or counterclaim to a 107590
complaint filed for tax year 2019 or any tax year thereafter. 107591

Section 806.10. SEVERABILITY 107592

The items of law contained in this act, and their 107593
applications, are severable. If any item of law contained in this 107594
act, or if any application of any item of law contained in this 107595
act, is held invalid, the invalidity does not affect other items 107596
of law contained in this act and their applications that can be 107597
given effect without the invalid item of law or application. 107598

Section 809.10. NO EFFECT AFTER END OF BIENNIUM 107599

An item of law, other than an amending, enacting, or 107600
repealing clause, that composes the whole or part of an uncodified 107601
section contained in this act has no effect after June 30, 2021, 107602
unless its context clearly indicates otherwise. 107603

Section 812.10. SUBJECT TO REFERENDUM 107604

Except as otherwise provided in this act, the amendment, 107605
enactment, or repeal by this act of a section is subject to the 107606
referendum under Ohio Constitution, Article II, section 1c and 107607
therefore takes effect on the ninety-first day after this act is 107608
filed with the Secretary of State or, if a later effective date is 107609
specified below, on that date. 107610

Section 812.20. The amendment by this act of sections 122.85, 107611
321.24, 718.83, 718.85, 718.90, 4301.43, 5741.01, 5741.04, 107612
5741.05, 5741.11, 5741.13, 5741.17, 5745.05, and 5751.02 of the 107613
Revised Code is exempt from the referendum under section 1d of 107614
Article II, Ohio Constitution, and therefore takes effect 107615
immediately when this act becomes law. 107616

Section 812.23. Sections of this act prefixed with numbers in 107617
the 200s, 300s, 400s, and 500s (except the 501s) are exempt from 107618
the referendum under Ohio Constitution, Article II, Section 1d, 107619
and therefore take immediate effect when this act becomes law. 107620

Section 815.10. The General Assembly, applying the principle 107621
stated in division (B) of section 1.52 of the Revised Code that 107622
amendments are to be harmonized if reasonably capable of 107623
simultaneous operation, finds that the following sections, 107624
presented in this act as composites of the sections as amended by 107625
the acts indicated, are the resulting versions of the sections in 107626
effect prior to the effective date of the sections as presented in 107627
this act: 107628

Section 109.572 of the Revised Code as amended by Am. Sub. 107629
H.B. 49, Sub. H.B. 199, Sub. H.B. 213, Am. Sub. S.B. 51, Sub. S.B. 107630
229, Am. Sub. S.B. 255, and Sub. S.B. 263, all of the 132nd 107631
General Assembly. 107632

Section 133.18 of the Revised Code as amended by both Am. 107633
Sub. H.B. 48 of the 128th General Assembly and Am. Sub. H.B. 153 107634
of the 129th General Assembly. 107635

Section 149.43 of the Revised Code as amended by Am. Sub. 107636
H.B. 8, Sub. H.B. 34, Sub. H.B. 139, Sub. H.B. 312, Sub. H.B. 341, 107637
Sub. H.B. 425, Am. Sub. S.B. 201, Am. S.B. 214, and Sub. S.B. 229, 107638
all of the 132nd General Assembly. 107639

Section 321.24 of the Revised Code as amended by both Sub. S.B. 353 of the 127th General Assembly and Am. Sub. H.B. 1 of the 128th General Assembly.	107640 107641 107642
Section 1739.05 of the Revised Code as amended by Sub. H.B. 156, Sub. S.B. 259, and Sub. S.B. 265, all of the 132nd General Assembly.	107643 107644 107645
Section 2925.01 of the Revised Code as amended by Am. Sub. H.B. 49, Am. Sub. S.B. 1, Am. Sub. S.B. 201, Sub. S.B. 229, Am. Sub. S.B. 255, and Sub. S.B. 259, all of the 132nd General Assembly.	107646 107647 107648 107649
Section 2929.13 of the Revised Code as amended by Sub. H.B. 63, Am. Sub. S.B. 1, Sub. S.B. 20, Am. Sub. S.B. 66, and Am. Sub. S.B. 201, all of the 132nd General Assembly.	107650 107651 107652
Section 2929.15 of the Revised Code as amended by both Am. Sub. S.B. 66 and Am. Sub. S.B. 201 of the 132nd General Assembly.	107653 107654
Section 3119.30 of the Revised Code as amended by both Sub. S.B. 70 and Sub. H.B. 366 of the 132nd General Assembly.	107655 107656
Section 3301.0711 of the Revised Code as amended by both Sub. H.B. 21 and Am. Sub. S.B. 216 of the 132nd General Assembly.	107657 107658
Section 3302.03 of the Revised Code as amended by Sub. H.B. 318 and Am. Sub. S.B. 216 of the 132nd General Assembly.	107659 107660
Section 3302.036 of the Revised Code as amended by both Am. Sub. H.B. 64 and Am. Sub. H.B. 70 of the 131st General Assembly.	107661 107662
Section 3314.08 of the Revised Code as amended by Sub. H.B. 87 and Am. Sub. S.B. 216 of the 132nd General Assembly.	107663 107664
Section 3317.03 of the Revised Code as amended by Sub. H.B. 113 and Sub. H.B. 158 of the 131st General Assembly.	107665 107666
Section 3328.24 of the Revised Code as amended by both Am. Sub. H.B. 410 and Sub. S.B. 3 of the 131st General Assembly.	107667 107668

Section 4730.14 of the Revised Code as amended by both Sub. S.B. 110 and Am. Sub. H.B. 64 of the 131st General Assembly.	107669 107670
Section 4730.25 of the Revised Code as amended by Am. Sub. H.B. 64 and Sub. S.B. 110 of the 131st General Assembly and Am. Sub. H.B. 394 and Am. Sub. S.B. 276 of the 130th General Assembly.	107671 107672 107673
Section 4735.09 of the Revised Code as amended by both Sub. H.B. 113 and Am. H.B. 532 of the 131st General Assembly.	107674 107675
Section 5162.01 of the Revised Code as amended by both Sub. H.B. 89 and Sub. S.B. 332 of the 131st General Assembly.	107676 107677
Section 5705.218 of the Revised Code as amended by both Am. Sub. H.B. 59 and Sub. H.B. 167 of the 130th General Assembly.	107678 107679
Section 5705.222 of the Revised Code as amended by both Sub. H.B. 158 and Am. Sub. H.B. 483 of the 131st General Assembly.	107680 107681
Section 5709.40 of the Revised Code as amended by both Am. Sub. S.B. 257 of the 131st General Assembly and Sub. H.B. 69 of the 132nd General Assembly.	107682 107683 107684
Section 5709.41 of the Revised Code as amended by both Am. Sub. H.B. 508 and Am. Sub. H.B. 509 of the 129th General Assembly.	107685 107686
Section 815.30. (A) Section 149.45 of the Revised Code is presented below without amendment to confirm harmonization of the section, under division (B) of section 1.52 of the Revised Code, as amended by H.B. 341, S.B. 214, and S.B. 229 of the 132nd General Assembly:	107687 107688 107689 107690 107691
Sec. 149.45. (A) As used in this section:	107692
(1) "Personal information" means any of the following:	107693
(a) An individual's social security number;	107694
(b) An individual's state or federal tax identification number;	107695 107696

(c) An individual's driver's license number or state identification number; 107697
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(d) An individual's checking account number, savings account number, credit card number, or debit card number; 107699
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(e) An individual's demand deposit account number, money market account number, mutual fund account number, or any other financial or medical account number. 107701
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(2) "Public record," "designated public service worker," and "designated public service worker residential and familial information" have the meanings defined in section 149.43 of the Revised Code. 107704
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(3) "Truncate" means to redact all but the last four digits of an individual's social security number. 107708
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(B)(1) No public office or person responsible for a public office's public records shall make available to the general public on the internet any document that contains an individual's social security number without otherwise redacting, encrypting, or truncating the social security number. 107710
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(2) A public office or person responsible for a public office's public records that, prior to October 17, 2011, made available to the general public on the internet any document that contains an individual's social security number shall redact, encrypt, or truncate the social security number from that document. 107715
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(3) Divisions (B)(1) and (2) of this section do not apply to documents that are only accessible through the internet with a password. 107721
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(C)(1) An individual may request that a public office or a person responsible for a public office's public records redact personal information of that individual from any record made 107724
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available to the general public on the internet. An individual who 107727
makes a request for redaction pursuant to this division shall make 107728
the request in writing on a form developed by the attorney general 107729
and shall specify the personal information to be redacted and 107730
provide any information that identifies the location of that 107731
personal information within a document that contains that personal 107732
information. 107733

(2) Upon receiving a request for a redaction pursuant to 107734
division (C)(1) of this section, a public office or a person 107735
responsible for a public office's public records shall act within 107736
five business days in accordance with the request to redact the 107737
personal information of the individual from any record made 107738
available to the general public on the internet, if practicable. 107739
If a redaction is not practicable, the public office or person 107740
responsible for the public office's public records shall verbally 107741
or in writing within five business days after receiving the 107742
written request explain to the individual why the redaction is 107743
impracticable. 107744

(3) The attorney general shall develop a form to be used by 107745
an individual to request a redaction pursuant to division (C)(1) 107746
of this section. The form shall include a place to provide any 107747
information that identifies the location of the personal 107748
information to be redacted. 107749

(D)(1) A designated public service worker may request that a 107750
public office, other than a county auditor, or a person 107751
responsible for the public records of a public office, other than 107752
a county auditor, redact the designated public service worker's 107753
address from any record made available to the general public on 107754
the internet that includes designated public service worker 107755
residential and familial information of the designated public 107756
service worker making the request. A designated public service 107757
worker who makes a request for a redaction pursuant to this 107758

division shall make the request in writing and on a form developed 107759
by the attorney general. 107760

(2) Upon receiving a written request for a redaction pursuant 107761
to division (D)(1) of this section, a public office, other than a 107762
county auditor, or a person responsible for the public records of 107763
a public office, other than a county auditor, shall act within 107764
five business days in accordance with the request to redact the 107765
address of the designated public service worker making the request 107766
from any record made available to the general public on the 107767
internet that includes designated public service worker 107768
residential and familial information of the designated public 107769
service worker making the request, if practicable. If a redaction 107770
is not practicable, the public office or person responsible for 107771
the public office's public records shall verbally or in writing 107772
within five business days after receiving the written request 107773
explain to the designated public service worker why the redaction 107774
is impracticable. 107775

(3) Except as provided in this section and section 319.28 of 107776
the Revised Code, a public office, other than an employer of a 107777
designated public service worker, or a person responsible for the 107778
public records of the employer, is not required to redact 107779
designated public service worker residential and familial 107780
information of the designated public service worker from other 107781
records maintained by the public office. 107782

(4) The attorney general shall develop a form to be used by a 107783
designated public service worker to request a redaction pursuant 107784
to division (D)(1) of this section. The form shall include a place 107785
to provide any information that identifies the location of the 107786
address of the designated public service worker to be redacted. 107787

(E)(1) If a public office or a person responsible for a 107788
public office's public records becomes aware that an electronic 107789
record of that public office that is made available to the general 107790

public on the internet contains an individual's social security 107791
number that was mistakenly not redacted, encrypted, or truncated 107792
as required by division (B)(1) or (2) of this section, the public 107793
office or person responsible for the public office's public 107794
records shall redact, encrypt, or truncate the individual's social 107795
security number within a reasonable period of time. 107796

(2) A public office or a person responsible for a public 107797
office's public records is not liable in damages in a civil action 107798
for any harm an individual allegedly sustains as a result of the 107799
inclusion of that individual's personal information on any record 107800
made available to the general public on the internet or any harm a 107801
designated public service worker sustains as a result of the 107802
inclusion of the designated public service worker's address on any 107803
record made available to the general public on the internet in 107804
violation of this section, unless the public office or person 107805
responsible for the public office's public records acted with 107806
malicious purpose, in bad faith, or in a wanton or reckless manner 107807
or unless division (A)(6)(a) or (c) of section 2744.03 of the 107808
Revised Code applies. 107809

The foregoing presentation supersedes section 149.45 of the 107810
Revised Code as it results, respectively, from H.B. 341, S.B. 214, 107811
and S.B. 229 of the 132nd General Assembly. 107812

(B) Section 149.45 of the Revised Code was amended together 107813
with, and in relation to, section 149.43 of the Revised Code by 107814
H.B. 341 of the 132nd General Assembly. Section 149.43 of the 107815
Revised Code is presented elsewhere in this act. 107816